Activity, Department of the Navy, Department of Defense, transmitting, pursuant to law, the annual reports for calendar years 1995 and 1996 of the Retirement Plan for Civilian Employees; to the Committee on Governmental Affairs.

EC–2397. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Washington Convention Center Authority Accounts and Operation for Fiscal Years 1995 and 1996''; to the Committee on Governmental Affairs.

EC–2398. A communication from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule entitled ''Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers'', received on July 7, 1997; to the Committee on Labor and Human Resources.

EC–2399. A communication from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule entitled ''Postmarketing Expedited Adverse Experience Reporting for Human Drug and Licensed Biological Products; Increased Frequency Reports'', received on July 7, 1997; to the Committee on Labor and Human Resources.

EC–2400. A communication from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule entitled ''Indirect Food Additives: Polymers; Technical Amendment'', received on July 7, 1997; to the Committee on Labor and Human Resources.

EC–2401. A communication from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule relative to expanded safe use of triisopropanolamine, received on July 7, 1997; to the Committee on Labor and Human Resources.

EC–2402. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to violations of the Antideficiency Act; to the Committee on Appropriations.

EC–2403. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report of expenditures during the period October 1, 1996 through March 30, 1997; to the Committee on Appropriations.

EC–2404. A communication from Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report relative to Revenue Ruling 97–29; to the Committee on Finance.

EC–2405. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to guidance for income tax benefits (RIN 1545–AV33), received on June 30, 1997; to the Committee on Finance.

EC–2406. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report relative to Announcement 97–70; to the Committee on Finance.

EC–2407. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report of a notice relative to Home Health Agency costs; to the Committee on Finance.

EC–2408. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to staff-assisted home dialysis under the Omnibus Budget Reconciliation Act; to the Committee on Finance.

EC–2409. A communication from the Congressional Affairs Officer of the Federal Election Commission, transmitting, pursuant to law, a report relative to the National Voter Registration Act for the calendar years 1995 and 1996; to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI (by request):

S. 991. A bill to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 992. A bill to amend chapter 44 of title 18, United States Code, to increase the maximum term of imprisonment for offenses involving stolen firearms; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself and Mr. DODD) (by request):

S. 993. A bill to assist States and secondary and postsecondary schools to develop, implement, and improve career preparation education so that every student has an opportunity to acquire academic and technical knowledge and skills needed for postsecondary education, further learning, and a wide range of opportunities in high-skill, high-wage careers, and for other purposes; to the Committee on Labor and Human Resources.

S. 994. A bill to provide assistance to States and local communities to improve adult education and literacy, to help achieve the National Educational Goals for all citizens, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LAUTENBERG (for himself, Mr. GRAHAM, Mr. KENNEDY, Mrs. BOXER, Mr. MOYNIHAN, Mr. TORRICELLI, and Mrs. MURRAY):

S. 995. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself and Mr. SPECTER):

S. 996. A bill to provide for the authorization of appropriations in each fiscal year for arbitration in United States district courts; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 997. A bill to amend chapter 44 of title 28, United States Code, to authorize the use of certain arbitration procedures in all district courts, to modify the damage limitation applicable to cases referred to arbitration, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BREAUX:

S. Con. Res. 36. A concurrent resolution commemorating the bicentennial of Tunisian-American relations; to the Committee on Foreign Relations.

By Mr. COVERDELL:

S. Con. Res. 37. A concurrent resolution expressing the sense of the Congress that Little League Baseball Incorporated was established to support and develop Little League baseball worldwide and should be entitled to all of the benefits and privileges available to nongovernmental international organizations; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (by request):

S. 991. A bill to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996, and for other purposes; to the Committee on Energy and Natural Resources.

THE OMNIBUS PARKS AND PUBLIC LANDS MANAGEMENT ACT OF 1996

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation, at the request of the administration, to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996.

Mr. President, I would like to submit a copy of the administration's letter of transmittal along with a copy of the bill and section-by-section analysis, and I ask unanimous consent that they be printed in the RECORD.

At the end of the 104th Congress, legislation was enacted making a number of changes to various laws affecting the national parks and other public lands. This new law, Public Law 104–333, the Omnibus Parks and Public Lands Management Act of 1996, included over 100 titles. With over 119 individual bills being included in this package, a number of cross-references need changing, along with some spelling and grammatical errors.

Mr. President, this bill, when enacted will make the necessary technical corrections.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

The table of contents in section 1 of division I of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4094; 16 U.S.C. 1 note; hereinafter referred to as the ''Omnibus Parks Act'') is amended by striking—

''Sec. 504. Amendment to Boston National Historic Park Act.
''Sec. 505. Women's Rights National Historic Park.''

and inserting—

''Sec. 504. Amendment to Boston National Historical Park Act.
''Sec. 505. Women's Rights National Historical Park.''.

SEC. 2. THE PRESIDIO OF SAN FRANCISCO.

(a) Section 101(2) of Division I of the Omnibus Parks Act of 1996 (110 Stat. 4097; 16 U.S.C. 460bb note) is amended by striking ''the Presidio is'' and inserting ''the Presidio was''.

(b) Section 103(b)(1) of Division I of the Omnibus Parks Act (110 Stat. 4099; 16 U.S.C. 460bb note) is amended in the last sentence by striking ''other lands administrated by the Secretary.'' and inserting ''other lands administered by the Secretary.''.

(c) Section 105(a)(2) of Division I of the Omnibus Parks Act (110 Stat. 4104; 16 U.S.C.

460bb note) is amended by striking ''in accordance with section 104(h) of this title.'' and inserting ''in accordance with section 104(i) of this title.''.

SEC. 3. COLONIAL NATIONAL HISTORICAL PARK.

Section 211(d) of Division I of the Omnibus Parks Act (110 Stat. 4109; 16 U.S.C. 81p) is amended by striking ''depicted on the map dated August 1993, numbered 333/80031A,'' and inserting ''depicted on the map dated August 1996, numbered 333/80031B,''.

SEC. 4. BIG THICKET NATIONAL PRESERVE.

(a) Section 306(d) of Division I of the Omnibus Parks Act (110 Stat. 4132; 16 U.S.C. 689 note) is amended by striking ''until the earlier of the consummation of the exchange of July 1, 1998,'' and inserting ''until the earlier of the consummation of the exchange or July 1, 1998,''.

(b) Section 306(f)(2) of Division I of the Omnibus Parks Act (110 Stat. 4132; 16 U.S.C. 689 note) is amended by striking ''located in Menard Creek Corridor'' and inserting ''located in the Menard Creek Corridor''.

SEC. 5. LAMPREY WILD AND SCENIC RIVER.

The second sentence of the unnumbered paragraph relating to the Lamprey River, New Hampshire in Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by striking ''through cooperation agreements'' and inserting ''through cooperative agreements''.

SEC. 6. VANCOUVER NATIONAL HISTORIC RESERVE.

Section 502(a) of Division I of the Omnibus Parks Act (110 Stat. 4154; 16 U.S.C. 461 note) is amended by striking ''published by the Vancouver Historical Assessment' published by the Vancouver Historical Study Commission'' and inserting ''published by the Vancouver Historical Study Commission''.

SEC. 7. AMENDMENT TO BOSTON NATIONAL HISTORICAL PARK ACT.

Section 504 of Division I of the Omnibus Parks Act (110 Stat. 4155, 16 U.S.C. 1 note) is amended by striking **''SEC. 504. AMENDMENT TO BOSTON NATIONAL HISTORIC PARK ACT.''** and inserting **''SEC. 504. AMENDMENT TO BOSTON NATIONAL HISTORICAL PARK ACT.''.**

SEC. 8. MEMORIAL TO MARTIN LUTHER KING, JR.

Section 508(d) of Division I of the Omnibus Parks Act (110 Stat. 4157, 40 U.S.C. 1003 note) is amended by striking ''section 8(b) of the Act referred to in section 4401(b)),'' and inserting ''section 8(b) of the Act referred to in section 508(b),''.

SEC. 9. ADVISORY COUNCIL ON HISTORIC PRESERVATION REAUTHORIZATION.

The first sentence of Sec. 205(g) of Title II of the National Historic Preservation Act (16 U.S.C. 470 et seq.) is amended by striking ''and are otherwise available for the purpose.'' and inserting ''and are otherwise available for that purpose.''.

SEC. 10. GREAT FALLS HISTORIC DISTRICT, NEW JERSEY.

Section 510(a)(1) of Division I of the Omnibus Parks Act (110 Stat. 4158; 16 U.S.C. 461 note) is amended by striking ''the contribution of our national heritage'' and inserting ''the contribution to our national heritage''.

SEC. 11. NEW BEDFORD NATIONAL HISTORIC LANDMARK DISTRICT.

(a) Section 511(c) of Division I of the Omnibus Parks Act (110 Stat. 4160; 16 U.S.C. 410ddd) is amended as follows:

(1) in paragraph (1) by striking ''certain districts structures, and relics'' and inserting ''certain districts, structures, and relics.''

(2) in clause (2)(A)(i) by striking ''The area included with the New Bedford National Historic Landmark District, known as the'' and inserting ''The area included within the New Bedford Historic District, a National Landmark District, also known as the''.

(b) Section 511 of Division I of the Omnibus Parks Act (110 Stat. 4159; 16 U.S.C. 410ddd) is amended—

(1) by striking ''(e) GENERAL MANAGEMENT PLAN.'' and inserting ''(f) GENERAL MANAGEMENT PLAN.''; and

(2) by striking ''(f) AUTHORIZATION OF APPROPRIATIONS.'' and inserting ''(g) AUTHORIZATION OF APPROPRIATIONS.''.

(c) Section 511(g) of Division I of the Omnibus Parks Act (110 Stat. 4159; 16 U.S.C. 410ddd) is further amended—

(1) by striking ''to carry out the activities under section 3(D).'' and inserting ''to carry out the activities under subsection (d).''; and

(2) by striking ''pursuant to cooperative grants under subsection (d)(2).'' and inserting ''pursuant to cooperative grants under subsection (e)(2).''.

SEC. 12. NICODEMUS NATIONAL HISTORIC SITE.

Section 512(a)(1)(B) of Division I of the Omnibus Parks Act (110 Stat. 4163; 16 U.S.C. 461 note) is amended by striking ''Afican-Americans'' and inserting ''African-Americans''.

SEC. 13. UNALASKA.

Section 513(c) of Division I of the Omnibus Parks Act (110 Stat. 4165; 16 U.S.C. 461 note) is amended by striking ''whall be comprised'' and inserting ''shall be comprised''.

SEC. 14. REVOLUTIONARY WAR AND WAR OF 1812 HISTORIC PRESERVATION STUDY.

Section 603(d)(2) of Division I of the Omnibus Parks Act (110 Stat. 4172; 16 U.S.C. 1a–5 note) is amended by striking ''The study under subsection (b) shall—'' and inserting ''The study shall—''.

SEC. 15. SHENANDOAH VALLEY BATTLEFIELDS.

(a) Section 606(d) of Division I of the Omnibus Parks Act (110 Stat. 4175; 16 U.S.C. 461 note) is amended as follows:

(1) in paragraph (1) by striking ''established by section 5.'' and inserting ''established by subsection (e).'';

(2) in paragraph (2) by striking ''established by section 9.'' and inserting ''established by subsection (h).''; and

(3) in paragraph (e) by striking ''under section 6.'' and inserting ''under subsection (f).''.

(b) Section 606(g)(5) of Division I of the Omnibus Parks Act (110 Stat. 4177; 16 U.S.C. 461 note) is amended by striking ''to carry out the Commission's duties under section 9.'' and inserting ''to carry out the Commission's duties under subsection (i).''.

SEC. 16. WASHITA BATTLEFIELD.

Section 607(d)(2) of Division I of the Omnibus Parks Act (110 Stat. 4181; 16 U.S.C. 461 note) is amended by striking ''will work with local land owners'' and inserting ''will work with local landowners''.

SEC. 17. SKI AREA PERMIT RENTAL CHARGE.

Section 701 of Division I of the Omnibus Parks Act (110 Stat. 4182; 16 U.S.C. 497c) is amended as follows:

(1) in subsection (d)(1) and in subsection (d) last paragraph, after ''1994–1995 base year,'' insert ''AGR'';

(2) in subsection (f) by striking ''sublessees'' and inserting ''subpermittees''; and

(3) in subsection (f) by striking ''(except for bartered goods and complimentary lift tickets)'' and inserting ''except for bartered goods and complimentary lift tickets offered for commercial or other promotion purposes)''.

SEC. 18. ROBERT J. LAGOMARSINO VISITOR CENTER.

Section 809(b) of Division I of the Omnibus Parks Act (110 Stat. 4189; 16 U.S.C. 410ff note) is amended by striking ''referred to in section 301'' and inserting ''referred to in subsection (a)''.

SEC. 19. NATIONAL PARK SERVICE ADMINISTRATIVE REFORM.

(a) Section 814(a) of Division I of the Omnibus Parks Act (110 Stat. 4190; 16 U.S.C. 17o. note) is amended as follows:

(1) in paragraph (7) by striking ''(B) COMPETITIVE LEASING.—'' and inserting ''(B) COMPETITIVE LEASING.—'';

(2) in paragraph (9) by striking ''granted by statue'' and inserting ''granted by statute'';

(3) in paragraph (11)(B)(ii) by striking ''more cost effective'' and inserting ''more cost-effective'';

(4) in paragraph (13) by striking ''established by the agency under paragraph (13),'' and inserting ''established by the agency under paragraph (12),''; and

(5) in paragraph (18) by striking ''under paragraph (7)(A)(i)(I), any lease under paragraph (11)(B), and any lease of seasonal quarters under subsection (l),'' and inserting ''under paragraph (7)(A), and any lease under paragraph (11),''.

(b) Section 7(c)(2) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9(c)) is amended as follows:

(1) in subparagraph (C) by striking ''The sum of the total appraised value of the lands, water, and interest therein'' and inserting ''The sum of the total appraised value of the lands, waters, and interests therein''; and

(2) in subparagraph (F) by striking ''all property owners whose lands, water, or interests therein, or a portion of whose lands, water, or interests therein,'' and inserting ''all property owners whose lands, waters, or interests therein, or a portion of whose lands, waters, or interests therein,''.

(c) Section 814(d)(2)(E) of Division I of the Omnibus Parks Act (110 Stat. 4196; 16 U.S.C. 431 note) is amended by striking ''(Public Law 89–665; 16 U.S.C. 470w–6(a)), is amended by striking'' and inserting ''(Public Law 89–665; 16 U.S.C. 470w–6(a)), by striking''.

(d) Section 814(g)(1)(A) of Division I of the Omnibus Parks Act (110 Stat. 4199; 16 U.S.C. 1f) is amended by striking ''(as defined in section 2(a) of the Act of August 8, 1953 (16 U.S.C. 1c(a))),'' and inserting ''(as defined in section 2(a) of the Act of August 8, 1953 (16 U.S.C. 1(c)(a)),''.

SEC. 20. BLACKSTONE RIVER VALLEY NATIONAL HERITAGE CORRIDOR.

Section 10 of the Act entitled ''An Act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island'', approved November 10, 1986 (Public Law 99–647; 16 U.S.C. 461 note), is amended as follows:

(1) in subsection (b) by striking ''For fiscal years 1996, 1997 and 1998,'' and inserting ''For fiscal years 1998, 1999, and 2000,''; and

(2) in subsection (d)(2) by striking ''may be made in the approval plan'' and inserting ''may be made in the approved plan''.

SEC. 21. TALLGRASS PRAIRIE NATIONAL PRESERVE.

(a) Section 1002(a)(4)(A) of Division I of the Omnibus Parks Act (110 Stat. 4204; 16 U.S.S. 689u) is amended by striking ''to purchase a portion of the ranch,'' and inserting ''to acquire a portion of the ranch,''.

(b) Section 1004(b) of Division I of the Omnibus Parks Act (110 Stat. 4205; 16 U.S.C. 689u-3) is amended by striking ''of June 3, 1994,'' and inserting ''on June 3, 1994,''.

(c) Section 1005(g)(3)(A) of Division I of the Omnibus Parks (110 Stat. 4207; 16 U.S.C. 689u-3) is amended by striking ''Maintaining and enhancing the tall grass prairie'' and inserting ''Maintaining and enhancing the tallgrass prairie''.

SEC. 22. RECREATION LAKES.

(a) Section 1021(a) of Division I of the Omnibus Parks (110 Stat. 4210; 16 U.S.C. 4601-10e note) is amended by striking ''for recreational opportunities at federally-managed manmade lakes'' and inserting ''for recreational opportunities at federally managed manmade lakes''.

(b) Section 13 of the Land and Water Conservation Fund Act of 1965 (Public Law 88–578, 78 Stat. 897) is amended as follows:

(1) in subsection (b)(6) by striking ''the economics and financing of recreation related infrastructure.'' and inserting ''the economics and financing of recreation-related infrastructure.'';

(2) in subsection (e) by striking ''The report shall review the extent of water related recreation'' and inserting ''The report shall review the extent of water-related recreation''; and

(3) in subsection (e)(2) by striking ''at federally-managed lakes'' and inserting ''at federally managed lakes''.

SEC. 23. BOSTON HARBOR ISLANDS RECREATION AREA.

(a) Section 1029(d)(6) of Division I of the Omnibus Parks Act of 1996 (110 Stat. 4235; 16 U.S.C. 460kkk) is amended by striking ''(6) RELATIONSHIP OF RECREATION AREA TO BOSTON-LOGAN INTERNATIONAL AIRPORT.'' and by inserting ''(6) RELATIONSHIP OF RECREATION AREA TO BOSTON-LOGAN INTERNATIONAL AIRPORT.''.

(b) Section 1029(e)(3)(B) of Division I of the Omnibus Parks Act of 1996 (110 Stat. 4235; 16 U.S.C. 460kkk) is amended by striking ''pursuant to subsections (b)(3), (4), (5), (6), (7), (8), (9), and (10).'' and inserting ''pursuant to subparagraphs (e)(2)(C), (D), (E), (F), (G), (H), (I), and (J).''.

(c) Section 1029(f)(2)(A)(I) of Division I of the Omnibus Parks Act (110 Stat. 4236; 16 U.S.C. 460kkk) is amended by striking ''and a delineation of profit sector roles and responsibilities.'' and inserting ''and a delineation of private-sector roles and responsibilities.''.

(d) Section 1029(g)(1) of Division I of the Omnibus Parks Act (110 Stat. 4238; 16 U.S.C. 460kkk) is amended by striking ''and revenue raising activities.'' and inserting ''and revenue-raising activities.''.

SEC. 24. NATCHEZ NATIONAL HISTORICAL PARK.

Section 3(b)(1) of the Act of October 8, 1988, entitled ''An Act to create a national park at Natchez, Mississippi'' (16 U.S.C. 410oo et seq.), is amended by striking ''and visitors' center for Natchez National Historical Park.'' and inserting ''and visitor center for Natchez National Historical Park.''.

SEC. 25. REGULATION OF FISHING IN CERTAIN WATERS OF ALASKA.

Section 1035 of Division I of the Omnibus Parks Act (110 Stat. 4240; 16 U.S.C. 1 note) is amended by striking **''SEC. 1035. REGULATIONS OF FISHING IN CERTAIN WATERS OF ALASKA.''** and inserting **''SEC. 1035. REGULATION OF FISHING IN CERTAIN WATERS OF ALASKA.''.**

SEC. 26. NATIONAL COAL HERITAGE AREA.

(a) Section 104(4) of Division II of the Omnibus Parks Act (110 Stat. 4244; 16 U.S.C. 461 note) is amended by striking ''that will further history preservation in the region.'' and inserting ''that will further historic preservation in the region.''.

(b) Section 105 of Division II of the Omnibus Parks Act (110 Stat. 4244; 16 U.S.C. 461 note) is amended by striking ''The resources eligible for the assistance under paragraphs (2) and (5) of section 104'' and inserting ''The resources eligible for the assistance under paragraph (2) of section 104''.

(c) Section 106(a)(3) of Division II of the Omnibus Parks Act (110 Stat. 4244; 16 U.S.C. 461 note) is amended by striking ''or Secretary to administer any properties'' and inserting ''or the Secretary to administer any properties''.

SEC. 27. TENNESSEE CIVIL WAR HERITAGE AREA.

(a) Section 201(b)(4) of Division II of the Omnibus Parks Act (110 Stat. 4245; 16 U.S.C. 461 note) is amended by striking ''and associated sites associated with the Civil War'' and insert ''and sites associated with the Civil War''.

(b) Section 207(a) of Division II of the Omnibus Parks Act (110 Stat. 4248; 16 U.S.C. 461 note) is amended by striking ''as provide for by law or regulation.'' and inserting ''as provided for by law or regulation.''.

SEC. 28. AUGUSTA CANAL NATIONAL HERITAGE AREA.

Section 301(1) of Division II of the Omnibus Parks Act (110 Stat. 4249; 16 U.S.C. 461 note) is amended by striking ''National Historic Register of Historic Places,'' and inserting ''National Register of Historic Places,''.

SEC. 29. ESSEX NATIONAL HERITAGE AREA.

Section 501(8) of Division II of the Omnibus Parks Act (110 Stat. 4257; 16 U.S.C. 461 note) is amended by striking ''a visitors' center'' and inserting ''a visitor center''.

SEC. 30. OHIO & ERIE CANAL NATIONAL HERITAGE CORRIDOR.

(a) Section 805(b)(2) of Division II of the Omnibus Parks Act (110 Stat. 4269; 16 U.S.C. 461 note) is amended by striking ''One individuals,'' and inserting ''One individual,''.

(b) Section 808(a)(3)(A) of Division II of the Omnibus Parks Act (110 Stat. 4272; 16 U.S.C. 461 note) is amended by striking ''from the Committee.'' and inserting ''from the Committee,''.

SEC. 31. HUDSON RIVER VALLEY NATIONAL HERITAGE AREA.

Section 908(a)(1)(B) of Division II of the Omnibus Parks act (110 Stat. 4279; 16 U.S.C. 461 note) is amended by striking ''directly on nonfederally owned property'' and inserting ''directly on non-federally owned property''.

SECTION-BY-SECTION ANALYSIS

Section 1 corrects the names of two historical parks in the Table of Contents.

Section 2(a) corrects the historical fact that the U.S. Army had already stopped using the Presidio as a military base at the time this Act was introduced in the 104th Congress. The current language was taken from a previous bill that was drafted prior to the Army leaving the Presidio. Section 2(b) corrects a misspelling. Section 2(c) corrects an erroneous cross-reference.

Section 3 provides a new map reference for Colonial National Historical Park. The correct map includes all of Lot 49 that was part of the Page Landing Addition authorized to be made to the park, but only half of which was included on the map referenced in the Omnibus Parks Act.

Section 4(a) corrects the bill language to reflect the intent of Congress that the report is due until the land exchange at Big Thicket National Preserve is completed or by July 1, 1998, whichever comes first. Section 4(b) inserts a word to allow the sentence to read correctly.

Section 5 provides the correct name for cooperative agreements.

Section 6 eliminates duplicative language in the sentence.

Section 7 corrects the name of the park in the title to the section.

Section 8 corrects a cross-reference.

Section 9 changes ''the purpose'' to ''that purpose'' which references related language in the sentence.

Section 10 changes a preposition in the sentence.

Section 11(a) inserts a comma between two distinct items in the sentence. Section 11(b) corrects a duplicative subsection reference by relettering two subsections. Section 11(c) corrects two erroneous cross-references.

Section 12 corrects a misspelling.

Section 13 corrects a misspelling.

Section 14 eliminates a redundant subsection reference.

Section 15 corrects four cross-references.

Section 16 corrects a spelling error.

Section 17 clarifies a time period, changes an incorrect word, and clarifies a term.

Section 18 corrects a cross-reference.

Section 19(a) corrects the spelling of the paragraph title. Section 19(b) makes the use of a similar phrase parallel in the two places it is used. Section 19(c) eliminates two unnecessary words, making this subparagraph parallel to the others. Section 19(d) corrects the punctuation for a U.S. Code citation.

Section 20(1) revises the years for which development funds are authorized to be appropriated to the Blackstone River Valley National Heritage Corridor. Since the Omnibus Parks Act was not enacted until November of 1996 after appropriations has already been enacted for fiscal year 1997, the Act's language eliminated two of the three years for which funds would have been authorized. The new language reinstates the intended three-year authorization. Section 20(2) corrects a misspelling.

Section 21(a) would change the word in the bill's findings describing the secretary's authority to obtain land at Tallgrass Prairie NP to make it consistent with the actual authority in Section 1006 that allows acquisition of land only by donation, not purchase. Section 21(b) changes a preposition in the sentence. Section 21(c) corrects the spelling of a word, making it parallel throughout the section.

Section 22 inserts hyphens in two compound adjectives and removes hyphens in two compound adjectives where its use is incorrect.

Section 23(a) capitalizes the name of the airport in the title to the paragraph. Section 23(b) corrects a cross-reference. Section 23(c) corrects a word in the compound adjective and inserts a hyphen. Section 23(d) inserts a hyphen in a compound adjective.

Section 24 uses a singular name for the visitor center making it parallel with similar references in the bill.

Section 25 changes a word in the title from the plural to the correct singular spelling.

Section 26(a) changes an incorrect adjective. Section 26(b) eliminates a redundant cross-reference that was left from a previous version of the bill that permitted land acquisition. Section 26(c) inserts a word to allow the sentence to read correctly.

Section 27(a) eliminates redundant language in the sentence. Section 27(b) corrects the verb tense.

Section 28 inserts the correct name of the National Register of Historic Places.

Section 29 uses a singular name for the visitor center making it parallel with similar references in the bill.

Section 30(a) makes the noun singular to agree with its pronoun. Section 30(b) replaces a period in the middle of sentence with a comma.

Section 31 inserts a hyphen in a word making it parallel to its use in the title of the section and in other places in the bill.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, June 3, 1997.

Hon. ALBERT GORE, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of a bill ''to make technical corrections to the Omnibus Parks and Public Lands Management Act of 1996, and for other purposes.''

We recommend that the bill be introduced, referred to the appropriate committee for consideration, and enacted.

At the end of the 104th Congress, legislation was enacted making a number of changes to various laws affecting the national parks and other pubic lands. This new law, P.L. 104–333, the Omnibus Parks and Public Lands Management Act of 1996, included over 100 titles. With many individual bills being included in this package, a number of cross-references need changing, along with some spelling and grammatical errors. The attached draft bill would make these corrections.

The Office of Management and Budget has advised that there is no objection to the enactment of the enclosed draft legislation from the standpoint of the Administration's program.

Sincerely,

JANE LYDER,
Legislative Counsel, Office of Congressional and Legislative Affairs.

Enclosures.

By Mr. CAMPBELL:

S. 992. A bill to amend chapter 44 of title 18, United States Code, to increase the maximum term of imprisonment for offenses involving stolen firearms; to the Committee on the Judiciary.

THE STOLEN GUN PENALTY ENHANCEMENT ACT OF 1997

Mr. CAMPBELL. Mr. President, many crimes in our country are being committed with stolen guns. The extent of this problem is reflected in a number of recent studies and news reports. Therefore, today I am introducing the Stolen Gun Penalty Enhancement Act of 1997 to increase the maximum prison sentences for violating existing stolen gun laws.

Reports indicate almost half a million guns are stolen each year. As of March 1995, there were over 2 million reports in the stolen gun file of the FBI's National Crime Information Center including 7,700 reports of stolen machine guns and submachine guns. In a 5 year period between 1987 and 1992, the National Crime Victimization Survey notes that there were over 300,000 incidents of guns stolen from private citizens.

Studies conducted by the Bureau of Alcohol, Tobacco and Firearms note that felons steal firearms to avoid background checks. A 1991 Bureau of Justice Statistics survey of State prison inmates notes that almost 10 percent had stolen a handgun, and over 10 percent of all inmates had traded or sold a stolen firearm.

This problem is especially alarming among young people. A Justice Department study of juvenile inmates in four States shows that over 50 percent of those inmates had stolen a gun.

In my home State of Colorado, the Colorado Bureau of Investigation receives over 500 reports of stolen guns each month. As of this month, the Bureau has a total of 34,825 firearms on its unrecovered firearms list.

All of these studies and statistics show the extent of the problem of stolen guns. Therefore, the bill I am introducing today will increase the maximum prison sentences for violating existing stolen gun laws.

Specifically, my bill increases the maximum penalty for violating four provisions of the firearms laws. Under section 922(i) of title 18 of the United States Code, it is illegal to knowingly transport or ship a stolen firearm or stolen ammunition. Under section 922(j) of title 18, it is illegal to knowingly receive, possess, conceal, store, sell, or otherwise dispose of a stolen firearm or stolen ammunition.

The penalty for violating either of these provisions, as provided by section 924(a)(2) of title 18, is a fine, a maximum term of imprisonment of 10 years, or both. My bill increases the maximum prison sentence to 15 years.

The third provision, set forth in section 922(u) of title 18, makes it illegal to steal a firearm from a licensed dealer, importer, or manufacturer. For violating this provision, the maximum term of imprisonment set forth in 18 U.S.C. 924(i)(1) would be increased to a maximum 15 years under my bill.

And the fourth provision, section 924(l) of title 18, makes it illegal to steal a firearm from any person, including a licensed firearms collector. This provision also imposes a maximum penalty of 10 years imprisonment. As with the other three provisions, my bill increases this maximum penalty to 15 years.

In addition to these amendments to title 18 of the United States Code, the bill I introduce today directs the United States Sentencing Commission to revise the Federal sentencing guidelines with respect to these firearms offenses.

Mr. President, I am a strong supporter of the rights of law-abiding gun owners. However, I firmly believe we need tough penalties for the illegal use of firearms.

The ''Stolen Gun Penalty Enhancement Act of 1997'' will send a strong signal to criminals who are even thinking about stealing a firearm. And, I urge my colleagues to join in support of this legislation.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STOLEN FIREARMS.

(a) IN GENERAL.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''(i), (j),''; and

(B) by adding at the end the following:

''(7) Whoever knowingly violates subsection (i) or (j) of section 922 shall be fined as provided in this title, imprisoned not more than 15 years, or both.'';

(2) in subsection (i)(1), by striking ''10 years'' and inserting ''15 years''; and

(3) in subsection (*l*), by striking ''10 years'' and inserting ''15 years''.

(b) SENTENCING COMMISSION.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to reflect the amendments made by subsection (a).

By Mr. KENNEDY (for himself and Mr. DODD) (by request):

S. 993. A bill to assist States and secondary and postsecondary schools to develop, implement, and improve career preparation education so that every student has an opportunity to acquire academic and technical knowledge and skills needed for postsecondary education, further learning, and a wide range of opportunities in high-skill, high-wage careers, and for other purposes; to the Committee on Labor and Human Resources.

THE CAREER EDUCATION REFORM ACT OF 1997

S. 994. A bill to provide assistance to States and local communities to improve adult education and literacy, to help achieve the national educational goals for all citizens, and for other purposes; to the Committee on Labor and Human Resources.

THE ADULT BASIC EDUCATION AND LITERACY FOR THE TWENTY-FIRST CENTURY ACT

Mr. KENNEDY. Mr. President, today, I am introducing two important education bills on behalf of Secretary Riley and the administration. One is designed to meet the changing needs of students in vocational education programs. The other outlines a comprehensive strategy for enhancing adult education and literacy services. Creating effective educational opportunities for these two student populations is essential if we are to make the American dream a reality for all our citizens.

The Career Preparation Education Reform Act restructures Perkins Act programs to promote student achievement in academic and technical skills. Only with both a strong academic background and training in an employable skill will students be fully prepared to compete in the 21st-century job market. Recognizing this core principle, the legislation supports broad-based career preparation education which meets high academic standards and links vocational education with wider educational reform efforts. It encourages learning in both classroom and workplace settings. This proposal also contains strong accountability provisions to ensure that local programs are actually achieving these goals.

The Adult Basic Education and Literacy for the Twenty-First Century Act recognizes that adult education is an integral component of our work force development system. Nearly 27 percent of the adult population has not earned a high school diploma or its equivalent. Their chances for career success are increasingly limited. Adult education programs open doors for those who successfully participate in them. They help participants to advance in the working world and to fully participate in every aspect of community life. This legislation streamlines existing adult education and literacy programs to maximize both access to educational opportunities and to enhance the quality of services. It seeks to target resources on those areas where the greatest need exists.

One of the highest priorities for the Labor and Human Resources Committee this year is the development of a comprehensive work force development strategy for our Nation. Effective vocational education and adult education programs must be major components of such a plan. These innovative proposals put forth by Secretary Riley should help us to achieve that goal.

Mr. President, I ask unanimous consent that each bill be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 993

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the ''Center Preparation Education Reform Act of 1997''.

TITLE I—AMENDMENTS TO THE CARL D. PERKINS VOCATIONAL AND APPLIED TECHNOLOGY EDUCATION ACT

AMENDMENT TO THE ACT

SEC. 101. The Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 *et seq.;* hereinafter referred to as ''the Act'') is amended in its entirety to read as follows:

''SHORT TITLE; TABLE OF CONTENTS

''SECTION 1. (a) SHORT TITLE.1—This Act may be cited as the 'Carl D. Perkins Career Preparation Education Act'.

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

''TABLE OF CONTENTS

''Sec. 1. Short title; table of contents.
''Sec. 2. Declaration of policy, findings, and purpose.
''Sec. 3. Authorization of appropriations.

''TITLE I—PREPARING STUDENTS FOR CAREERS

''PART A—CAREER PREPARATION EDUCATION

''Sec. 101. Career Preparation Education; Priorities.
''Sec. 102. State leadership activities.
''Sec. 103. State plans.
''Sec. 104. Local activities.
''Sec. 105. Local applications.
''Sec. 106. Performance goals and indicators.
''Sec. 107. Evaluation, improvement, and accountability.
''Sec. 108. Allotments.
''Sec. 109. Within-State allocation and distribution of funds.

''PART B—TECH-PREP EDUCATION

''Sec. 111. Program elements.
''Sec. 112. State leadership activities.
''Sec. 113. Local activities.
''Sec. 114. Local applications.
''Sec. 115. Evaluation, improvement, and accountability.
''Sec. 116. Allotment and distribution.

''TITLE II—NATIONAL SUPPORT FOR STATE AND LOCAL REFORMS

''Sec. 201. Awards for excellence.
''Sec. 202. National activities.
''Sec. 203. National assessment.
''Sec. 204. National research center.
''Sec. 205. Data systems.
''Sec. 206. National Occupational Information Coordinating Committee.
''Sec. 207. Career preparation education for Indians and Native Hawaiians.

''TITLE III—GENERAL PROVISIONS

''Sec. 301. Waivers.
''Sec. 302. Effect of Federal payments.
''Sec. 303. Maintenance of effort.
''Sec. 304. Identification of State-imposed requirements.
''Sec. 305. Out-of-State relocations.
''Sec. 306. Entitlement.
''Sec. 307. Definitions.

''DECLARATION OF POLICY, FINDINGS, AND PURPOSE

''SEC. 2. (a) DECLARATION OF POLICY.—The Congress declares it to be the policy of the United States that, in order to meet new economic challenges brought about by technology, increasing international economic competition, and changes in production technologies and the organization of work, the Nation must enable every student to obtain the academic, technical, and other skills needed to prepare for, and make a transition to, postsecondary education, further learning, and a wide range of opportunities in high-skilled, high-wage careers.

''(b) DECLARATION OF FINDINGS.—The Congress finds that—

''(1) in order to be successful workers, citizens, and learners in the 21st century, individuals will need a combination of strong basic and advanced academic skills; computer and other technical skills; theoretical knowledge; communications, problem-solving, and teamwork skills; and the ability to acquire additional knowledge and skills throughout a lifetime;

''(2) students in the United States can achieve challenging academic and technical skills, and may learn better and retain more, when they learn in context, learn by doing, and have an opportunity to learn and understand how academic and technical skills are used outside the classroom;

''(3) a majority of high school graduates in the United States do not complete a rigorous course of study that prepares them for completing a two-year or four-year college degree or for entering high-skill, high-wage careers; adult students are an increasingly diverse group and often enter postsecondary education unprepared for academic and technical work; and certain individuals (including students who are members of special populations) often face great challenges in acquiring the knowledge and skills needed for successful employment.

''(4) education reform efforts at the secondary level are creating new American high schools that are committed to high academic standards for all students, and that ensure that all students have the academic and technical skills needed to pursue postsecondary education, provide students with opportunities to explore careers, use technology to enhance learning, and create safe, supportive learning environments;

''(5) community colleges are offering adults a gateway to higher education, access to quality occupational certificates and degrees that increase their skills and earnings, and continuing education opportunities necessary for professional growth by ensuring that the academic and technical skills gained by students adequately prepare them for the workforce, by enhancing connections with employers, and by obtaining sufficient resources so that students have access to state-of-the-art programs, equipment, and support services;

''(6) State initiatives to develop challenging State academic standards for all students are helping to establish a new framework for education reform, and States developing school-to-work opportunity systems are helping to create opportunities for all students to participate in school-based, work-based, and connecting activities leading to postsecondary education, further learning, and first jobs in high-skill, high-wage careers;

''(7) local, State, and national programs supported under the Carl D. Perkins Vocational and Applied Technology Education Act have assisted many students in obtaining technical and academic skills and employment, and technical preparation (tech-prep) education has promoted the integration of academic and vocational education, reinforced and stimulated improvements in classroom instruction, and forged strong secondary-postsecondary connections that serve as a catalyst for the reform of vocational education and the development of school-to-work systems;

''(8) career preparation education increases its effectiveness and better enables every student to achieve to challenging academic standards and industry-recognized skill standards and prosper in a highly competitive, technological economy when it is aligned with broader State and local education reforms and with challenging standards reflecting the needs of employers and the demands of high-skill, high-wage careers, and has the active involvement of employers, parents, and labor and community organizations in planning, developing, and implementing services and activities;

''(9) while current law has promoted important reforms in vocational education, it contains numerous set-asides and special programs and requirements that may inhibit further reforms as well as the proper implementation of performance management systems needed to ensure accountability for results;

''(10) the Federal Government can—through a performance partnership with States and localities based on clear programmatic goals, increased State and local flexibility, improved accountability, and performance goals, indicators, and incentives—provide to States and localities financial assistance for the improvement and expansion of career preparation education in all States, as well as for services and activities that ensure that every student, including those with special needs, has the opportunity to achieve the academic and technical skills needed to prepare for postsecondary education, further learning, and a wide range of careers; and

''(11) the Federal Government can also assist States and localities by carrying out nationally significant research, program development, dissemination, evaluation, capacity-building, data collection, professional development, and technical assistance activities that support State and local efforts to implement successfully programs, services, and activities that are funded under this Act, as well as those supported with their own resources.

''(c) DECLARATION OF PURPOSE.—The purpose of this Act is to assist all students, through a performance partnership with States and localities, to acquire the knowledge and skills they need to meet challenging State academic standards and industry-recognized skill standards, and to prepare for postsecondary education, further learning, and a wide range of opportunities in high-skill, high-wage careers. This purpose shall be pursued through support for State and local efforts that—

''(1) build on the efforts of States and localities to develop and implement education reforms based on challenging academic standards;

''(2) integrate reforms of vocational education with State reforms of academic preparation in schools;

''(3) promote, in particular, the development of services and activities that integrate academic and occupational instruction, link secondary and postsecondary education, and promote school-based and work-based learning and connecting activities;

''(4) increase State and local flexibility in providing services and activities designed to develop, implement, and improve career preparation education, including tech-prep education, and in integrating these services and activities with services and activities supported with other Federal, State, and local education and training funds in exchange for clear accountability for results;

''(5) provide every student, including those who are members of special populations, with the opportunity to participate in the full range of career preparation education programs, services, and activities;

''(6) integrate career guidance and counseling into the educational processes, so that students are well prepared to make informed

education and career decisions, find employment, and lead productive lives; and

''(7) benefit from national research, program development, demonstration, dissemination, evaluation, capacity-building, data collection, professional development, and technical assistance activities supporting the development, implementation, and improvement of career preparation education programs, services, and activities.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 3. (a) PREPARING STUDENTS FOR CAREERS.—(1) There are authorized to be appropriated to carry out part A of title I, relating to career preparation education, $1,064,047,000 for the fiscal year 1998 and such sums as may be necessary for each of the fiscal years 1999 through 2002.

''(2) There are authorized to be appropriated to carry out part B of title I, relating to technical preparation education, $105,000,000 for the fiscal year 1998 and such sums as may be necessary for each of the fiscal years 1999 through 2002.

''(b) NATIONAL SUPPORT FOR STATE AND LOCAL REFORMS.—From the amount appropriated for any fiscal year under subsection (a) the Secretary shall reserve—

''(1) not more than 7 percent to carry out title II (except section 207, relating to career preparation education for Indians and Native Hawaiians), of which not more than 2 percent of the amount appropriated under subsection (a) for any fiscal year after the fiscal year 2000 shall be available to carry out activities under section 201, relating to awards for excellence; and

(2) 1.75 percent to carry out activities under sections 207(b) and 207(c), relating to career preparation education for Indians, and section 207(d), relating to career preparation education for Native Hawaiians.

''TITLE I—PREPARING STUDENTS FOR CAREERS

''PART A—CAREER PREPARATION EDUCATION

''CAREER PREPARATION EDUCATION; PRIORITIES

''SEC. 101. (a) CAREER PREPARATION EDUCATION.—(1) In order to enable every student to obtain the academic, technical, and other knowledge and skills that are needed to make a successful transition to postsecondary education and a wide range of career and further learning, as well as support, to the maximum extent possible, the integration of vocational education with broader educational reforms underway in States and secondary and postsecondary schools, funds under this part shall be used to support career preparation education programs, services, and activities.

''(2) As used in this Act, career preparation education programs, services, and activities means those that—

''(A) support the development, implementation, or improvement of State School-to-Work systems as set forth in title I of the School-to-Work Opportunities Act of 1994; or

''(B) otherwise prepare students for employment and further learning in technical fields.

''(b) PRIORITIES.—In using funds under this part, States and local recipients, as described in section 105(a), shall give priority to services and activities designed to—

''(1) ensure that every student, including those who are members of special populations, has the opportunity to achieve a combination of strong basic and advanced academic skills, computer and other technical skills, theoretical knowledge, communications, problem-solving, and other skills needed to meet challenging State academic standards and industry-recognized skill standards;

''(2) promote the integration of academic and vocational education;

''(3) support the development and implementation of courses of study in broad occupational clusters or industry sectors;

''(4) effectively link secondary and postsecondary education;

''(5) provide students, to the extent possible, with strong experience in, and understanding of, all aspects of an industry;

''(6) provide students with work-related experiences, such as internship, work-based learning, school-based enterprises, entrepreneurship, and job-shadowing that link to classroom learning;

''(7) provide schoolsite and worksite mentoring;

''(8) provide instruction in general workplace competences and instruction needed for students to earn a skill certificate;

''(9) provide career guidance and counseling for students, including the provision of career awareness, exploration, and planning services, and financial aid information to students and their parents;

''(10) ensure continuing parent and employer involvement in program design and implementation; and

''(11) provide needed support services, such as mentoring, opportunities to participate in student organizations, tutoring, the modification of curriculum, classrooms, and equipment, transportation, and child care.

''STATE LEADERSHIP ACTIVITIES

''SEC. 102. (a) RESPONSIBLE AGENCY OR AGENCIES.—Any State desiring to receive a grant under this part, as well as a grant under part B, shall, consistent with State law, designate an educational agency or agencies that shall be responsible for the administration of services and activities under this Act, including—

''(1) the development, submission, and implementation of the State plan;

''(2) the efficient and effective performance of the State's duties under this Act; and

''(3) consultation with other appropriate agencies, groups, and individuals that are involved in the development and implementation of services and activities assisted under this Act, such as employers, industry, parents, students, teachers, labor organizations, community-based organizations, State and local elected officials, and local program administrators, including the State agencies responsible for activities under the State's implementation grant under the School-to-Work Opportunities Act of 1994.

''(b) IN GENERAL.—Each State that receives a grant under this part shall, from amounts reserved for State leadership activities under section 109(c), conduct programs, services, and activities that further the development, implementation, and improvement of career preparation education within the State and that are integrated, to the maximum extent possible, with broader education reforms underway in the State, including such activities as—

''(1) providing comprehensive professional development (including initial teacher preparation) for vocational, academic, career guidance, and administrative personnel that—

''(A) will help such teachers and personnel to meet the goals established by the State under section 106; and

''(B) reflects the State's assessment of its needs for professional development, as determined under section 2205(b)(2)(C) the Elementary and Secondary Education Act of 1965, and is integrated with the professional development activities that the State carries out under title II of that Act;

''(2) developing and disseminating curricula that are aligned, as appropriate, with challenging State academic standards and industry-recognized skill standards;

''(3) monitoring and evaluating the quality of, and improvement in, services and activities conducted with assistance under this Act;

''(4) promoting equity in secondary and postsecondary education and, to the maximum extent possible, ensuring opportunities for all students, including students who are members of special populations, to participate in education activities that are free from sexual and other harassment and that lead to high-skill, high-wage careers;

''(5) supporting tech-prep education activities, including, as appropriate, activities described under part B of this title;

''(6) improving and expanding career guidance and counseling programs that assist students to make informed education and career decisions;

''(7) improving and expanding the use of technology in instruction;

''(8) supporting partnerships of local educational agencies, institutions of higher education, and, as appropriate, other entities, such as employers, labor organizations, parents, community-based organizations, and local workforce boards for enabling all students, including students who are members of special populations, to achieve to challenging State academic standards and industry-recognized skill standards;

''(9) promoting the dissemination and use of occupational information and one-stop career center resources;

''(10) providing financial incentives or awards to one or more local recipients in recognition of exemplary quality or innovation in education services and activities, or exemplary services and activities for students who are members of special populations, as determined by the State through a peer review process, using performance goals and indicators described in section 106 and any other appropriate criteria;

''(11) supporting vocational student organizations, especially with respect to efforts to increase the participation of students who are members of special populations in such organizations;

''(12) developing career preparation education curricula that provide students with understanding in all aspects of the industry; and

''(13) serving individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities.

''(c) SPECIAL POPULATIONS.—Any State that receives a grant under this part shall—

''(1) work to eliminate bias and stereotyping in education at the secondary and postsecondary levels;

''(2) disseminate data on the effectiveness of career preparation education programs, services, and activities in the State in meeting the educational and employment needs of women and students who are members of special populations;

''(3) review proposed actions on applications, grants, contracts, and policies of the State to help to ensure that the needs of women and students who are members of special populations are addressed in the administration of this part;

''(4) recommend outreach and other activities that inform women and students who are members of special populations about their education and employment opportunities; and

''(5) advise local educational agencies, postsecondary educational institutions, and other interested parties in the State on expanding career preparation opportunities for women and students who are members of special populations and ensuring that the needs of men and women in training for nontraditional jobs are met.

''(d) STATE REPORT.—(1) The State shall annually report to the Secretary on the quality and effectiveness of the programs,

services, and activities, provided through its grant under this part, as well as its grant under part B, based on the performance goals and indicators and the expected level of performance included in its State plan under section 103(e)(2)(B).

''(2) The State report shall also—

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

''(B) be made available to the public.

''STATE PLANS

''SEC. 103. (a) IN GENERAL.—Any State desiring to receive a grant under this part, as well as a grant under part B, for any fiscal year shall submit to, or have on file with, the Secretary a five year plan in accordance with this section. The agency or agencies designated under section 102(a) may submit its State plan as part of a comprehensive plan that may include State plan provisions under the Goals 2000: Educate America Act, the School-to-Work Opportunities Act of 1994, and section 14302 of the Elementary and Secondary Education Act of 1965. Any State that receives an implementation grant under subpart B of title II of the School-to-Work Opportunities Act of 1994 shall make the plan that it submits or files under this section consistent with the approved plan for which it received its implementation grant.

''(b) APPROVALS.—(1) Notwithstanding the designation of the responsible agency or agencies under section 102(a), the agencies that shall approve the State plan under subsection (a) are—

''(A) the State educational agency; and

''(B) the State agency responsible for community colleges.

''(2) The Secretary shall approve a State plan under subsection (a), or a revision to an approved State plan, only if the Secretary determines that it meets the requirements of this section and the State's performance goals and expected level of performance under subsection (e)(2)(B) are sufficiently rigorous as to meet the purpose of this Act and to allow the Department of Education to make progress toward its performance objectives and indicators established under the Government Performance and Results Act. The Secretary shall establish a peer review process to make recommendations regarding approval of the State plan and revisions to the plan. The Secretary shall not finally disapprove a State plan before giving the State reasonable notice and an opportunity for a hearing.

''(c) CONSULTATION.—(1) In developing and implementing its plan under subsection (a), and any revisions under subsection (g), the designated agency or agencies under section 102(a) shall consult widely writhe employers, labor organizations, parents, and other individuals, agencies,. and organizations in the State that have an interest in education and training, including the State agencies responsible for activities under the State's implementation grant under the School-to-Work Opportunities Act of 1994, as well as individuals, employers, and organizations that have an interest in education and training for students who are members of special populations.

''(2) The designated agency or agencies under section 102(a) shall submit the State plan under this section, and any revisions to the State plan under subsection (g), to the Governor for review and comment, and shall ensure that any comments the Governor may have are included with the State plan or revision when the plan or revision is submitted to the Secretary.

''(d) ASSESSMENT.—The State plan under subsection (a), and any revisions to the State plan under subsection (a), shall be based upon a recent objective assessment of—

''(A) the academic and technical skills education, training and retraining needs of secondary, adult, and postsecondary students, including individuals who are members of special populations, that are necessary to meet the projected skill demands of high-wage high-skill careers during the period of the plan; and

''(B) the capacity of programs, services, and activities to meet those needs, taking into account the priorities under section 101(b) and the State's performance goals under section 106(a).

''(2) The assessment shall also include—

''(A) an analysis of the State's performance on its State and local standards and measures under Section 115 of the Carl D. Perkins Vocational and Applied Technology Education Act of 1990; and

''(B) an identification of any provisions of the State plan that have been included based on that analysis.

''(e) CONTENTS.—A State plan under subsection (a) shall describe how the State will use funds under this part to—

''(A) improve student achievement of academic, technical, and other knowledge and skills and address the priorities described in section 101(b);

''(B) help ensure that every student, including those who are members of special populations, has the opportunity to achieve to challenging State academic standards and industry-recognized skill standards and to be prepared postsecondary education, further learning, and high-skill, high-wage careers;

''(C) further the State's education reform efforts and school-to-work opportunities system; and

''(D) carry out State leadership activities under section 102.

''(2) A State plan under subsection (a) shall also—

''(A) describe how the State will integrate its services and activities under this title with the broad education reforms in the State and with relevant employment, training, technology, and welfare programs carried out in the State;

''(B) include a statement, expressed in terms of the performance indicators published by the Secretary under section 106(b), and any other performance indicators the State may choose, of the State's performance goals established under section 106(a) and the level of performance the State expects to achieve in progressing toward its performance goals during the life of the State plan;

''(C) describe how the State will ensure that the data reported to it from its local recipients under this Act and the data it reports to the Secretary are complete, accurate, and reliable;

''(D) describe how the State will provide incentives or rewards for exemplary programs, services, or activities under this Act, if the State elects to implement the authority under section 102(b)(10);

''(E) describe how funds will be allocated and used at the secondary and postsecondary level, the consortia that will be formed among secondary and postsecondary school and institutions, and how funds will be allocated to such consortia; and

''(F) be made available to the public.

''(f) ASSURANCES.—A State plan under subsection (a) shall contain assurances that the State will—

''(1) comply with the requirements of this Act and the provisions of the State plan; and

''(2) provide for the fiscal control and fund accounting procedures that may be necessary to ensure the proper disbursement of, and accounting for, funds paid to the State under this Act.

''(g) REVISIONS.—When changes in conditions or other factors require substantial revision to an approved State plan under subsection (a), the State shall submit revisions to the State plan to the Secretary after the State plan revisions have been approved by the agencies responsible for approving the plan under subsection (b).

''LOCAL ACTIVITIES

''SEC. 104. (a) GENERAL REQUIREMENTS.—Each recipient of a subgrant under this part shall—

''(1) conduct career preparation education programs, services and activities that further student achievement of academic, technical, and other knowledge and skills;

''(2) provide services and activities that are of sufficient size, scope, and quality to be effective;

''(3) give priority under this part to assisting schools or campuses that serve the highest numbers or percentages of students who are members of special populations; and

''(4) promote equity in career preparation education and, to the maximum extent possible, ensure opportunities for every student, including those who are members of special populations, to participate in education activities that are free from sexual and other harassment and that lead to high-skill, high-wage careers.

''(b) AUTHORIZED ACTIVITIES.—Each recipient of a subgrant under this part may use funds to—

''(1) provide programs, services, and activities that promote the priorities described in section 101(b), such as—

''(A) developing curricula and assessments that are aligned, as appropriate, with challenging State academic standards, as well as industry-recognized skill standards, and that integrate academic and vocational instruction, school-based and work-based instruction and connecting activities, and secondary and postsecondary level instruction;

''(B) acquiring and adapting equipment, including instructional aids;

''(C) providing professional development activities, including such activities for teachers, mentors, counselors, and administrators, and board members;

''(D) providing services, directly or through community-based or other organizations, that are needed to meet the needs of students who are members of special populations, such as mentoring, opportunities to participate in student organizations, tutoring, curriculum modification, equipment modification, classroom modification, supportive personnel, instructional aids and devices, guidance, career information, English language instruction, transportation, and child care;

''(E) supporting tech-prep education services and activities, career academies, and public charter, pilot, or magnet schools that have a career focus;

''(F) carrying out activities that ensure active and continued involvement of employers, parents, local workforce boards, and labor organizations in the development, implementation, and improvement of a career preparation education in the State, such as support for local school-to-work partnerships and intermediary organizations that support activities that link school and work;

''(G) assisting in the reform of secondary schools, including schoolwide reforms and schoolwide programs authorized under section 1114 of the Elementary and Secondary Education Act of 1965;

''(H) supporting vocational student organizations, especially with respect to efforts to increase the participation of students who are members of special populations in such organizations;

''(I) providing assistance to students who have participated in services and activities under this Act in finding an appropriate job

and continuing their education and training; and

''(J) developing and implementing performance management systems and evaluations; and

''(2) carry out other services and activities that meet the purposes of this Act.

''(c) EQUIPMENT.—Equipment acquired or adapted with funds under this part may be used for other instructional purposes when not being used to carry out this part if such acquisition or adaptation is reasonable and necessary for providing services or activities under this part and such other use is incidental to, does not interfere with, and does not add to the cost of, the use of such equipment under this part.

''LOCAL APPLICATIONS

''SEC. 105. (a) ELIGIBILITY.—Schools and other institutions or agencies eligible to apply, individually or as consortia, to a State for a subgrant under this part are—

''(1) local educational agencies;

''(2) area vocational education schools;

''(3) intermediate educational agencies;

''(4) institutions of higher education; and

''(5) postsecondary educational institutions controlled by the Bureau of Indian Affairs or operated by, or on behalf of, any Indian tribe that is eligible to contract with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or the Act of April 16, 1934.

''(b) APPLICATION REQUIREMENTS.—Any applicant that is eligible under subsection (a) and that desires to receive a subgrant under this part shall, according to requirements established by the State, submit an application to the agency or agencies designated under section 102(a). In addition to including such information as the State may require and identifying the results the applicant seeks to achieve, each application shall also describe how the applicant will use funds under this part to—

''(1) develop, improve, or implement career preparation education programs, services, or activities in secondary schools and postsecondary institutions and address the priorities described in section 101(b), in accordance with section 103;

''(2) evaluate progress toward the results it seeks to achieve, consistent with the performance goals and indicators established under section 106;

''(3) coordinate its services and activities with related services and activities offered by community-based organizations, employers, and labor organizations, and, to the extent possible, integrate its services and activities under this title with broad educational reforms in the State and with relevant employment, training, and welfare programs carried out in the State; and

''(4) consult with students, their parents, employers, and other interested individuals or groups (including labor organizations and organizations representing special populations), in developing their services and activities.

''PERFORMANCE GOALS AND INDICATORS

''SEC. 106. (a) PERFORMANCE GOALS.—(1) Any State desiring to receive a grant under this part, as well as under part B, in consultation with employers, parents, labor organizations, and other individuals, agencies, and organizations in the State that have an interest in education and training, shall—

''(A) establish performance goals to define the level of performance to be achieved by students served under this title and to evaluate the quality and effectiveness of programs, services, and activities under this title; and

''(B) express such goals in an objective, quantifiable, and measurable form.

''(2) Any State may also use amounts it receives for State leadership activities under section 109(c) to evaluate its entire career preparation education program in secondary and postsecondary schools and to carry out activities under paragraph (1).

''(b) PERFORMANCE INDICATORS.—(1) After consultation with the Secretary of Labor, States, local educational agencies, institutions of higher education, representatives of business and industry, and other interested parties, the Secretary shall publish in the Federal Register performance indicators (including the definition of relevant terms and appropriate data collection methodologies) described in paragraph (2) that State and local recipients shall use in measuring or assessing progress toward achieving the State's performance goals under subsection (a).

''(2) The Secretary shall publish performance indicators for programs, services, and activities under this Act in the following areas:

''(A) achievement to challenging State academic standards, such as those established under Goals 2000: Educate America Act, and industry-recognized skill standards;

''(B) receipt of a high school diploma, skill certificate, and postsecondary certificate or degree;

''(C) job placement, retention, and earnings, particularly in the student's field of study; and

''(D) such other indicators as the Secretary determines.

''(c) TRANSITION.—A State shall use the performance goals and indicators established under subsections (a) and (b) not later than July 1, 1999. In order to provide a transition for State evaluation activities, each State receiving funds under this title shall use the system of standards and measures the State developed under section 115 of the Carl D. Perkins Vocational and Applied Technology Education Act as in effect prior to the enactment of this Act during the period that the State is establishing performance goals under subsection (a).

''(d) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to the States regarding the development of the State's performance goals under subsection (a), as well as use of uniform national performance data. The Secretary may use funds appropriated for title II to provide technical assistance under this section.

''EVALUATION, IMPROVEMENT AND ACCOUNTABILITY

SEC. 107. (a) LOCAL EVALUATION.—(1) Each recipient of a subgrant under this part shall—

''(A) annually evaluate, using the performance goals and indicators described in section 106, and report to the State regarding, its use of funds under this part to develop, implement, or improve its career preparation education program, services, and activities; and

''(B) biennially evaluate, and report to the State regarding the effectiveness of its programs, services, and activities under this part in achieving the priorities described in section 101(b), including the participation, progress, and outcomes of students who are members of special populations.

''(2) Such recipient may evaluate portions of its entire career preparation education program, including portions that are not supported under this part. If such recipient does so, it need not evaluate separately that portion of its entire career preparation education program supported with funds under this part.

''(b) IMPROVEMENT ACTIVITIES.—If a State determines, based on the local evaluation conducted under subsection (a) and applicable performance goals and indicators established under section 106, that a recipient of a subgrant under this part is not making substantial progress in achieving the purpose of this Act in accordance with the priorities described in section 101(b), the State shall work jointly with the recipient to develop a plan, in consultation with teachers, counselors, parents, students, employers, and labor organizations, for improvement for succeeding school years. If, after not more than 2 years of implementation of the improvement plan, the State determines that the local recipient is not making sufficient progress, the State shall take whatever corrective action it deems necessary, consistent with State law. The State shall take corrective action only after it has provided technical assistance to the recipient and shall ensure that any corrective action it takes allows for continued career preparation education services and activities for the recipient's students.

''(c) TECHNICAL ASSISTANCE.—If the Secretary determines that the State is not properly implementing its responsibilities under subsection (b), or is not making substantial progress in meeting the purpose of this Act or carrying out services and activities under this part that are in accord with the priorities described in section 101(b), based on the performance goals and indicators and expected level of performance included in its State plan under section 103(e)(2)(B), the Secretary shall work with the State to implement improvement activities.

''(d) WITHHOLDING OF FEDERAL FUNDS.—If, after a reasonable time, but not earlier than one year after of implementation of the improvement activities described in subsection (c), the Secretary determines that the State is not making sufficient progress, based on the performance goals and indicators and expected level of performance included in its State plan under section 103(e)(2)(B), the Secretary shall, after notice and opportunity for a hearing, withhold from the State all, or a portion, of the State's allotment under this part. The Secretary may use funds withheld under the preceding sentence to provide, through alternative arrangements, services and activities within the State that meet the purpose of this Act and are in accord with the priorities described in section 101(b).

''ALLOTMENTS

''SEC. 108. (a) ALLTOMENT TO STATES FOR CAREER PREPARATION EDUCATION.—Subject to subsection (b), from the remainder of the sums available for this part, the Secretary shall allot to each State for each fiscal year—

''(1) an amount that bears the same ratio to 50 percent of the sum being allotted as the product of the population aged 15 to 19, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; and

''(2) an amount that bears the same ratio to 50 percent of the sum being allotted as the product of the population aged 20 to 24, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States.

''(b) HOLD-HARMLESS AMOUNTS.—(1) Notwithstanding any other provision of law and subject to paragraph (2), for fiscal year 1998 no State shall receive an allotment for services and activities authorized under this part that is less than 90 percent of the sum of the payments made to the State for fiscal year 1997 for programs authorized by title II of the Carl D. Perkins Vocational and Applied Technology Education Act, and for fiscal years 1998 through 2002 no State shall receive for services and activities authorized under

this part an allotment that is less than 90 percent of its allotment under this part for the preceding fiscal year.

''(2) If for any fiscal year the amount appropriated for services and activities authorized under this part and available for allotment under this section is insufficient to satisfy the provisions of paragraph (1), the Secretary shall ratably reduce the payments to all States for such services and activities as necessary.

''(3) Notwithstanding any other provision of law, the allotment for this part for each of American Samoa, Guam, the Northern Mariana Islands, and the Virgin Islands shall not be less than $200,000.

''(c) ALLOTMENT RATIO.—the allotment ratio of any State shall be 1.00 less the product of—

''(1) 0.50; and

''(2) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, and the Virgin Islands), except that—

''(A) the allotment ratio shall in no case be more than 0.60 or less than 0.40; and

''(B) the allotment ratio for American Samoa, Guam, Puerto Rico, the Northern Mariana Islands, and the Virgin Islands shall be 0.60.

''(d) REALLOTMENT.—If the Secretary determines that any amount of any State's allotment under subsection (a) for any fiscal year will not be required for carrying out the services and activities for which such amount has been allotted, the Secretary shall make such amount available for reallotment to one or more other States. Any amount reallotted to a State under this subsection shall be deemed to be part of its allotment for the fiscal year in which it is obligated.

''(e) STATE GRANTS.—(1) From the State's allotment under subsection (a), the Secretary shall make a grant for each fiscal year to each State that has an approved State plan under section 103.

''(2) The Secretary may promulgate regulations with regard to indirect cost rates that may be used for grants and subgrants awarded under this title.

''(f) DEFINITIONS AND DETERMINATIONS.—For purposes of this section—

''(1) allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the 3 most recent consecutive fiscal years for which satisfactory data are available;

''(2) the term 'per capita income' means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year, and

''(3) population shall be determined by the Secretary on the basis of the latest estimates available to the Department that are satisfactory to the Secretary.

''WITHIN-STATE ALLOCATION AND DISTRIBUTION OF FUNDS

''SEC. 109. (a) IN GENERAL.—(1) For each of the fiscal years 1998 and 1999, the State shall award as subgrants to eligible recipients under section 105(a) at least 80 percent of its grant under section 108(e) for that fiscal year.

''(2) For each of the fiscal years 2000 through 2002, the State shall award as subgrants to eligible recipients under section 105(a) at least 85 percent of its grant under section 108(e) for that fiscal year.

''(b) STATE ADMINISTRATION.—(1) The State may use an amount not to exceed 5 percent of its grant under section 108(e) for each fiscal year for administering its State plan, including developing the plan, reviewing local applications for subgrants under this part and part B, supporting activities to ensure the active participation of interested individuals and organizations, and ensuring compliance with all applicable Federal laws.

''(2) Each State shall match, from non-Federal sources and on a dollar-for-dollar basis, the funds used for State administration under paragraph (1).

''(c) STATE LEADERSHIP.—The State shall use the remainder of its grant under section 108(e) for each fiscal year for State leadership activities described in section 102.

''(d) DISTRIBUTION OF PART A FUNDS AT THE SECONDARY LEVEL.—(1) Except as provided in subsections (f), (g), and (h), each State shall, each fiscal year, distribute to local educational agencies, or consortia of such agencies, within the State funds under this part available for secondary level education programs, services, and activities that are conducted in accordance with the priorities described in section 101(b). Each local educational agency or consortium shall be allocated an amount that bears the same relationship to the amount available as the amount that the local educational agency or consortium was allocated under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 in the preceding fiscal year bears to the total amount received under such subpart by all the local educational agencies in the State in such fiscal year.

''(2) In applying the provisions of paragraph (1), the State shall—

''(A) distribute those funds that, based on the distribution formula under paragraph (1), would have gone to a local educational agency serving only elementary schools, to the local educational agency that provides secondary school services to secondary school students in the same attendance area;

''(B) distribute to a local educational agency that has jurisdiction over secondary schools, but not elementary schools, funds based on the number of students that entered such secondary schools in the previous year from the elementary schools involved; and

''(C) distribute funds to an area vocational education school or intermediate educational agency in any case in which—

''(i) the area vocational education school or intermediate educational agency and the local educational agency or agencies concerned have an agreement to use such funds to provide services and activities in accordance with the priorities described in section 101; and

''(ii) the area vocational education school or intermediate educational agency serves an equal or greater proportion of students with disabilities or economically disadvantaged students than the proportion of these students under the jurisdiction of the local educational agencies sending students to the area vocational education school.

''(e) DISTRIBUTION OF PART A FUNDS AT THE POSTSECONDARY LEVEL.—(1) Except as provided in subsections (f), (g), and (h), each State shall, each fiscal year, distribute to eligible institutions, or consortia of such institutions, within the State funds under this part available for postsecondary level services and activities that are conducted in accordance with the priorities described in section 101(b). Each such eligible institution or consortium shall be allocated an amount that bears the same relationship to the amount of funds available as the number of Pell Grant recipients and recipients of assistance from the Bureau of Indian Affairs enrolled in the preceding fiscal year by such institution or consortium in a career preparation education programs that does not exceed two years bears to the number of such recipients enrolled in such programs within the State in such fiscal year.

''(2) For the purposes of this subsection—

''(A) the term 'eligible institution' means—

''(i) an institution of higher education;

''(ii) a local educational agency providing education at the postsecondary level;

''(iii) an area vocational education school providing education at the postsecondary level; and

''(iv) a postsecondary educational institution controlled by the Bureau of Indian Affairs or operated by or on behalf of any Indian tribe that is eligible to contract with the Secretary of the Interior of the administration of programs under the Indian Self-Determination Act or the Act of April 16, 1934; and

''(B) the term 'Pell Grant recipient' means a recipient of financial aid under subpart 1 of part A of title IV of the Higher Education Act of 1965.

''(3) An eligible institution may use funds distributed in accordance with paragraph (1) to provide postsecondary level services and activities for students enrolled in a career preparation education program that exceeds two years through a written articulation agreement between the eligible institution and the administrators of that program.

''(f) ALTERNATIVE PART A DISTRIBUTION FORMULA.—The State may distribute funds under subsection (d) or (e) using an alternative formula if the State demonstrates to the Secretary's satisfaction that—

''(1) the alternative formula better meets the purposes of this Act;

''(2) the alternative formula is in accord with the priorities described in section 101(b);and

''(3)(A) the formula described in subsection (d) or (e) does not result in a distribution of funds to the eligible recipients or consortia that have the highest numbers or percentages of economically disadvantaged students, as described in subsection (j); and

''(B) the alternative formula would result in such a distribution.

''(g) MINIMUM SUBGRANT AMOUNTS.—(1)(A) Except as provided in subparagraph (B), no local educational agency shall be eligible for a subgrant under this part unless the amount allocated to that agency under subsection (c) or (d) equals or exceeds $15,000.

''(B) The State may waive the requirement in subparagraph (A) in any case in which the local educational agency—

''(i) enters into a consortium with one or more other local educational agencies to provide services and activities conducted in accordance with the priorities described in section 101(b) and the aggregate amount allocated and awarded to the consortium equals or exceeds $15,000; or

''(ii) is located in a rural, sparsely-populated area and demonstrates that the agency is unable to enter into a consortium for the purpose of providing services and activities conducted in accordance with the priorities described in section 101(b), but that the agency is able to provide services and activities that meet the purposes of this Act.

''(2)(A) Except as provided in subparagraph (B), no eligible institution shall be eligible for a subgrant under this part unless the amount allocated to that institution under subsection (d) or (e) equals or exceeds $50,000.

''(B) The State may waive the requirement in subparagraph (A) in any case in which the eligible institution—

''(i) enters into a consortium with one or more other eligible institutions to provide services and activities conducted in accordance with the priorities described in section 101 and the aggregate amount allocated and awarded to the consortium equals or exceeds $50,000; or

''(ii) is a tribally controlled community college.

''(h) PART A SECONDARY-POSTSECONDARY CONSORTIA.—The State may distribute funds

available for part A in any fiscal year for secondary and postsecondary level services and activities, as applicable, to one or more local educational agencies and one or more eligible institutions that enter into a consortium in any case in which—

''(1) the consortium has been formed to provide services and activities conducted in accordance with the priorities described in section 101(b); and

''(2) the aggregate amount allocated and awarded to the consortium under subsections (a), (b), and (c) equals or exceeds $50,000.

''(i) REALLOCATIONS.—The State shall reallocate to one or more local educational agencies, eligible institutions, and consortia any amounts that are allocated in accordance with subsections (d) through (f), but that would not be used by a local educational agency or eligible institution, in a manner the State determines will best serve the purpose of this Act and be in accord with the priorities described in section 101(b).

''(j) ECONOMICALLY DISADVANTAGED STUDENTS.—For the purposes of this section, the State may determine the number of economically disadvantaged students on the basis of—

''(1) eligibility for free or reduced-price meals under the National School Lunch Act or for assistance under part A of title IV of the Social Security Act;

''(2) the number of children counted for allocation purposes under title I of the Elementary and Secondary Education Act of 1965; or

''(3) any other index of disadvantaged economic status if the State demonstrates to the satisfaction of the Secretary that the index is more representative of the number of low-income students than the indices described in paragraphs (1) and (2).

''PART B—TECH-PREP EDUCATION

''PROGRAM ELEMENTS

''SEC. 111. Funds under this part shall be used only to develop, implement, and improve tech-prep education programs that—

''(1) include—

''(A) a non-duplicative sequence of study, with a common core of required proficiency in mathematics, science, communications, and technology, consisting of at least 2 years of secondary school preceding graduation and leading to an associate degree, an industry-recognized skill certificate, completion of a registered apprenticeship program, or a bachelor's degree in a specific career field;

''(B) an integrated academic and technical curriculum appropriate to the needs of the students enrolled in the secondary schools and postsecondary education institutions participating in a consortium.

''(C) curriculum and professional development to—

''(i) train academic, vocational, and technical teachers to use strategies and techniques effectively to support tech-prep education; and

''(ii) train counselors to advise students effectively, and to help ensure that students successfully complete their tech-prep education and enter into appropriate employment;

''(D) preparatory services, including outreach, career counseling, assessment, and testing, that assist students to enter into tech-prep education, as well as career awareness, exploration, and planning activities that help students in tech-prep education to make informed choices;

''(E) equal access for students who are members of special populations; and

''(F) work-based learning opportunities, for both students and educators, that are tied to the tech-prep curriculum; and

''(2) are conducted by a consortium—

''(A) of at least one public secondary school or local educational agency and at least one postsecondary educational institution; and

''(B) that displays strong, comprehensive institutional links within the consortium.

''STATE LEADERSHIP RESPONSIBILITIES

''SEC. 112. (a) IN GENERAL.—Each State that receives a grant under this part may use funds reserved for leadership activities under section 109(c) to conduct services and activities that further the development, implementation, and improvement of tech-prep education programs throughout the State in accordance with the purposes of this Act.

''(b) STATE PLAN.—Any State desiring to receive a grant under this part for any fiscal year shall—

''(1) have an approved State plan under section 103 for that fiscal year; and

''(2) include in such plan—

''(A) a description of how the State will use funds under this part only to make competitive subgrants to consortia to conduct services and activities that further the development, implementation, and improvement of tech-prep education programs throughout the State in accordance with the purposes of this Act; and

''(B) a description of how tech-prep education programs under this part will relate to, and be integrated with, the career preparation education programs, services, and activities supported in the State under part A of this title.

''(c) STATE REPORT.—Any State that receives a grant under this part shall annually report to the Secretary on the quality and effectiveness of its services and activities provided under the grant, based on the performance goals and indicators, as appropriate, established under section 106. Such report shall be part of the report that the State submits in accordance with section 102(d).

''LOCAL ACTIVITIES

''SEC. 113. (a) GENERAL AUTHORITY.—Each recipient of a subgrant under this part shall use such funds to develop, implement, or improve a tech-prep education program described in section 111.

''(b) ADDITIONAL ACTIVITIES.—A recipient of a subgrant under this part may use such funds to—

''(1) acquire tech-prep education program equipment, subject to subsection (c); and

''(2) obtain technical assistance from State or local entities that have successfully designed, established, and operated tech-prep programs.

''(c) EQUIPMENT.—Equipment acquired or adapted with funds under this part may be used for other instructional purposes when not being used to carry out this part if such acquisition or adaptation is reasonable and necessary for providing services or activities under this part and such other use is incidental to, does not interfere with, and does not add to the cost of, the use of such equipment under this part.

''LOCAL APPLICATIONS

''SEC. 114. (a) ARTICULATION AGREEMENT.—A consortium that desires to receive a subgrant under this part shall submit to the agency or agencies designated under section 102(a) a written articulation agreement among the consortium participants that describes each participant's role in carrying out the tech-prep education program.

''(b) APPLICATION REQUIREMENT.—(1) A consortium that desires to receive a subgrant under this part shall, according to requirements established by the State, submit an application to the agency or agencies designated under section 102(a). In addition to including such information as the State may require and identifying the results the consortium seeks to achieve, each application shall also describe how the consortium will—

''(A) use funds under this part to develop, improve, or implement a tech-prep education program;

''(B) evaluate progress toward the results it seeks to achieve, consistent with the performance goals and indicators established under section 106;

''(C) coordinate its services and activities with related services and activities offered by community-based organizations, employers, and labor organizations, and, to the extent possible, integrate its services and activities under this part with career preparation education programs, services, and activities, broad education reforms, and relevant employment, training, and welfare programs carried out in the State; and

''(D) consult with students, their parents, and other interested individuals or groups (including employers and labor organizations), in developing their services and activities.

''(2) A consortium may submit its application as part of the application for funds under part A of this title.

''(c) APPROVAL AND SPECIAL CONSIDERATION.—(1) The agency or agencies designated under section 102(a) shall approve applications based on their potential to create an effective tech-prep education program as described in section 111.

''(2) The designated agency or agencies shall give special consideration to applications that—

''(A) provide for effective employment placement activities and for the transfer of students to 4-year baccalaureate degree programs;

''(B) are developed in consultation with business, industry, labor organizations, and institutions of higher education that award bachelor's degrees;

''(C) address effectively the needs of special populations; and

''(D) demonstrate the use of tech-prep education programs as a primary strategy for systemic educational reform.

''EVALUATION, IMPROVEMENT AND ACCOUNTABILITY

''SEC. 115. (a) LOCAL EVALUATION.—(1) Each recipient of a subgrant under this part shall—

''(A) annually evaluate, using the performance goals and indicators described in section 106, as appropriate, and report to the State regarding, its use of funds under this part to develop, implement, or improve tech-prep education programs described under section 111; and

''(B) biennially evaluate and report to the State regarding, the effectiveness of its services and activities supported under this part in achieving the purposes of this Act, including the progress of students who are members of special populations.

''(2) Such recipient may evaluate portions of its entire tech-prep education program, including portions that are not supported under this part. If such recipient does so, it need not evaluate separately that portion of its entire tech-prep education program supported with funds under this part.

''(b) IMPROVEMENT ACTIVITIES.—If a State determines, based on the local evaluation conducted under subsection (a) and applicable performance goals and indicators established under section 106, that a recipient of a subgrant under this part is not making substantial progress in achieving the purpose of this Act, the State shall work jointly with the recipient to develop a plan, in consultation with teachers, parents, and students, for improvement for succeeding school years. If, after not more than 2 years of implementation of the improvement plan, the State determines that the recipient is not making sufficient progress, the State shall take

whatever corrective action it deems necessary, consistent with State law. The State shall take corrective action only after it has provided technical assistance to the recipient and shall ensure that any corrective action it takes allows for continued tech-prep services and activities for the recipient's students.

''(c) TECHNICAL ASSISTANCE.—If the Secretary determines that the State is not properly implementing its responsibilities under subsection (b), or is not making substantial progress in meeting the purpose of this Act, based on the performance goals and indicators and expected level of performance included in its State plan under section 103(e)(2)(B), the Secretary shall work with the State to implement improvement activities.

''(d) WITHHOLDING OF FEDERAL FUNDS.—If, after a reasonable time, but not earlier than one year after of implementation of the improvement activities described in subsection (c), the Secretary determines that the State is not making sufficient progress, based on the performance goals and indicators and expected level of performance included in its State plan under section 103(e)(2)(B), the Secretary shall, after notice and opportunity for a hearing, withhold from the State all, or a portion, of the State's allotment under this part. The Secretary may use funds withheld under the preceding sentence to provide, through alternative arrangements, tech-prep services and activities within the State that meet the purpose of this Act.

''ALLOTMENT AND DISTRIBUTION

''SEC. 116. (a) ALLOTMENT TO STATES FOR TECH-PREP EDUCATION.—(1) From the amount appropriated for this part under section 3(a)(2) for each fiscal year, the Secretary shall allot funds to each State for programs under this part based on the ratio that its allotment under section 108 bears to the sum of State allotments under part A for that fiscal year.

''(2) From the State's allotment under paragraph (1), the Secretary shall make a grant for each fiscal year to each State that has an approved State plan in accordance with section 112(b).

''(b) REALLOTMENT.—If the Secretary determines that any amount of any State's allotment under subsection (a) for any fiscal year will not be required for carrying out the tech-prep education services and activities for which such amount has been allotted, the Secretary shall make such amount available for reallotment to one or more other States to support tech-prep education services and activities. Any amount reallotted to a State under this subsection shall be deemed to be part of its allotment for the fiscal year in which it is obligated.

''(c) DISTRIBUTION OF FUNDS.—From the amount made available to each State under subsection (a)(2), the State agency or agencies designated in section 102(a) shall award subgrants to consortia of educational institutions on a competitive basis.

''(d) EQUITABLE DISTRIBUTION OF ASSISTANCE.—In making subgrants under this part, the agency or agencies designated under section 102(a) shall ensure an equitable distribution of assistance between urban and rural areas of the State.

''TITLE II—NATIONAL SUPPORT FOR STATE AND LOCAL REFORMS

''AWARDS FOR EXCELLENCE

''SEC. 201. The Secretary may, from the amount reserved under section 3(b)(1) for any fiscal year after the fiscal year 2000, and through a peer review process, make performance awards to one or more States that have—

''(1) exceeded in an outstanding manner their performance goals or expected level of performance under section 103(e)(2)(B);

''(2) implemented exemplary career preparation education programs, services, or activities in secondary and postsecondary schools in accordance with the priorities described in section 101(b); or

''(3) provided exemplary career preparation education programs, services, or activities for students who are members of special populations.

''NATIONAL ACTIVITIES

''SEC. 202. (a) GENERAL AUTHORITY.—(1) In order to carry out the purpose of this Act, the Secretary may, directly or through grants, contracts, or cooperative agreements, carry out research, development, dissemination, evaluation, capacity-building, and technical assistance activities in accord with the purposes of this Act, such as activities relating to—

''(A) challenging State academic standards and industry-recognized skill standards, including curricula and assessments aligned with such standards;

''(B) the improvement in academic, technical, communications and other skills of students participating in career preparation education;

''(C) best practices in career preparation education, including curricula, assessments, and supportive services;

''(D) effective career guidance and counseling practices, including the identification of components of such programs that meet the career preparation education needs of students;

''(E) the use of community- and work-based learning, job shadowing, internships, entrepreneurship, and school-based enterprises to further academic and technical skills development;

''(F) the use of technology, including distance learning, to enhance learning;

''(G) the preparation of students for new and advanced technologies and industries, such as information technology and telecommunications, biotechnology, and robotics;

''(H) enhancing employer-school partnerships;

''(I) the development of effective performance management systems;

''(J) the creation of innovative learning environments with a career focus, such as career academies, and public charter, magnet, and pilot schools;

''(K) ''whole school'' reforms, in which all students are expected to gain academic and computer and other technical skills, and be prepared for postsecondary education and career opportunities; and

''(L) improvements in technical education at the postsecondary level.

''(2) The Secretary shall coordinate activities carried out under this section with related activities under the School-to-Work Opportunities Act of 1994, the Goals 2000: Educate America Act, the Job Training Partnership Act, the Higher Education Act of 1965, and the Elementary and Secondary Education Act of 1965.

''(3) Research and development activities carried out under this section may include support for States in their development and implementation of performance goals and indicators established under section 106. The Secretary shall broadly disseminate information resulting from research and development activities carried out under this Act, and shall ensure broad access at the State and local levels to the information disseminated.

''(4) Activities carried out under this section may include support for occupational and career information systems, such as the system described in section 206.

''(b) PROFESSIONAL DEVELOPMENT.—(1) The Secretary may, directly, or through grants, contracts, or cooperative agreements, support professional development activities for educators (including teachers, administrators, counselors, mentors, and board members) to help to ensure that all students receive an education that prepares them for postsecondary education, further learning, and high-skill, high-wage careers.

''(2)(A) Professional development activities supported under this subsection shall—

''(i) be tied to challenging State academic standards and industry-recognized skill standards;

''(ii) take into account recent research on teaching and learning;

''(iii) be of sufficient intensity and duration to have a positive and lasting impact on the educator's performance;

''(iv) include strong academic and technical skills content and pedagogical components; and

''(v) be designed to improve educators' skills in such areas as integrating academic and vocational instruction, articulating secondary and postsecondary education, combining school-based and work-based instruction and connecting activities, using occupational and career information, computer literacy, innovative uses of educational technology, and all aspects of an industry.

''(B) Funds under this subsection may be used for such activities as pre-service and in-service training, including internships at employer sites, training of work-site supervisors, and support for development of local, regional, and national educator networks that facilitate the exchange of information relevant to the development of career preparation education programs.

''(3) In supporting activities under this subsection, the Secretary shall give priority to designing and implementing new models of professional development for educators, and preparing educators to use innovative forms of instruction, such as worksite learning and the integration of academic and vocational instruction.

''NATIONAL ASSESSMENT

''SEC. 203. (a) GENERAL AUTHORITY.—(1) The Secretary shall conduct a national assessment of services and activities assisted under this Act, through independent studies and analyses, including, when appropriate, studies based on data from longitudinal surveys, that are conducted through one or more competitive awards.

''(2) The Secretary shall appoint an independent advisory panel, consisting of administrators, educators, researchers, and representatives of employers, parents, counselors, students, special populations, labor, and other relevant groups, as well as representatives of Governors and other State and local officials, to advise the Secretary on the implementation of such assessment, including the issues to be addressed, the methodology of the studies, and the findings and recommendations. The panel, at its discretion, may submit to the Congress an independent analysis of the findings and recommendations of the assessment.

''(b) CONTENTS.—The assessment required under subsection (a) shall examine the extent to which services and activities assisted under this Act have achieved their intended purposes and results, including the extent to which—

''(1) State and local recipients are meeting the performance objectives for their programs established by the Secretary under the Government Performance and Results Act, using the performance indicators under section 106(b);

''(2) State and local services and activities have developed, implemented, or improved systems established under the School-to-Work Opportunities Act of 1994;

''(3) services and activities assisted under this Act succeed in preparing students, including students who are members of special populations, for postsecondary education, further learning, and entry into high-skill, high-wage careers;

''(4) students who participate in services and activities supported under this Act succeed in meeting challenging State academic standards and industry-recognized skill standards;

''(5) services and activities assisted under this Act are integrated with, and further, broad-based education reform; and

''(6) the program improvement, participation, local and State assessment, and accountability provisions of this Act, including the performance goals and indicators established under section 106, are effective.

''(c) REPORT.—The Secretary shall submit to the Congress an interim report on or before July 1, 2001, and a final report on or before July 1, 2002.

''NATIONAL RESEARCH CENTER

''SEC. 204. (a) GENERAL AUTHORITY.—(1) The Secretary may, through grants, contracts, or cooperative agreements, establish one or more national centers in the areas of—

''(A) applied research and development; and

''(B) dissemination and training.

''(2) The Secretary shall consult with States prior to establishing one or more such centers.

''(3) Entities eligible to receive funds under this section are institutions of higher education, other public or private nonprofit organizations or agencies, and consortia of such institutions, organizations, or agencies.

''(b) ACTIVITIES.—(1) The national center or centers shall carry out such activities as the Secretary determines to be appropriate to assist State and local recipients of funds under this Act to achieve the purpose of this Act, which may include activities in such areas as—

''(A) the integration of vocational and academic instruction, secondary and postsecondary instruction, and work-based and classroom-based instruction and connecting activities;

''(B) effective inservice and preservice teacher education that assists career preparation education systems at the elementary, secondary, and postsecondary levels;

''(C) performance goals and indicators that serve to improve career preparation education programs and student outcomes;

''(D) effects of economic changes on the kinds of knowledge and skills required for employment;

''(E) longitudinal studies of student achievement; and

''(F) dissemination and training activities related to the applied research and demonstration activities described in this subsection, which may also include—

''(i) serving as a repository for industry-recognized skill standards, State academic standards, and related materials; and

''(ii) developing and maintaining national networks of educators who facilitate the development of career preparation education systems.

''(2) The center or centers conducting the activities described in paragraph (1) shall annually prepare a summary of key research findings of such center or centers and shall submit copies of the summary to the Secretaries of Education, Labor, and Health and Human Services. The Secretary shall submit that summary to the Committee on Labor and Human Resources of the Senate, and the Committee on Education and the Workforce of the House of Representatives.

''(c) REVIEW.—From funds available for this title, the Secretary shall—

''(1) consult at least annually with the national center or centers and with experts in education to ensure that the activities of the national center or centers meet the needs of career preparation education programs; and

''(2) undertake an independent review of award recipients under this section prior to extending an award to such recipient beyond 5 years.

''DATA SYSTEMS

''SEC. 205. (a) IN GENERAL.—The Secretary shall maintain a data system to collect information about, and report on, the condition of career preparation education and on the effectiveness of State and local programs, services, and activities carried out under this Act in order to provide the Secretary and the Congress, as well as Federal, State, local, and tribal agencies, with information relevant to improvement in the quality and effectiveness of career preparation. The Secretary shall periodically report to the Congress on the Secretary's analysis of performance data collected each year pursuant to this Act.

''(b) CONTENTS.—The data system shall—

''(1) provide information on the participation and performance of students, including students who are members of special populations;

''(2) include data that are at least nationally representative;

''(3) report on career preparation in the context of education reform; and

''(4) be based, to the extent feasible, on data from general purpose data systems of the Department or other Federal agencies, augmented as necessary with data from additional surveys focusing on career preparation education.

''(c) COORDINATION.—(1) The Secretary shall consult with a wide variety of experts in academic and occupational education, including individuals with expertise in the development and implementation of career preparation education, in the development of data collections and reports under this section.

''(2) In maintaining the data system, the Secretary shall—

''(A) ensure that the system, to the extent practicable, uses comparable information elements and uniform definitions common to State plans, performance indicators, and State and local assessments; and

''(B) cooperate with the Secretaries of Commerce and Labor to ensure that the data system is compatible with other Federal information systems regarding occupational data, and to the extent feasible, allow for international comparisons.

''(d) ASSESSMENTS.—(1) As a regular part of its assessments, the National Center for Education Statistics shall, as appropriate, collect and report information on career preparation education for a nationally representative sample of students, including, to the extent feasible, fair and accurate assessments of the educational achievement of special populations. Such assessment may include international comparisons.

''(2) The Commissioner of Education Statistics may authorize a State educational agency, or consortium of such agencies, to use items and data from the National Assessment of Educational Progress for the purpose of evaluating a course of study related to services and activities under title I, if the Commissioner has determined in writing that such use will not—

''(A) result in the identification of characteristics or performance of individual schools or students;

''(B) result in the ranking or comparing of schools or local educational agencies;

''(C) be used to evaluate the performance of teachers, principals, or other local educators for reward or punishment; or

''(D) corrupt the use or value of data collected for the National Assessment.

''NATIONAL OCCUPATIONAL INFORMATION COORDINATING COMMITTEE

''SEC. 206. (a) IN GENERAL.—There is established a National Occupational Information Coordinating Committee (in this section referred to as the 'Committee') which shall consist of the Assistant Secretary for Vocational and Adult Education, the Commissioner of the Rehabilitation Services Administration, the Director of the Office of Bilingual Education and Minority Languages Affairs, the Assistant Secretary for Postsecondary Education, the Assistant Secretary for Elementary and Secondary Education, the Commissioner of the National Center for Education Statistics of the Department of Education, the Commissioner of Labor Statistics and the Assistant Secretary for Employment and Training of the Department of Labor, the Under Secretary for Research, Education, and Economics of the Department of Agriculture, the Assistant Secretary for Economic Development of the Department of Commerce, and the Assistant Secretary of Defense (Force Management and Personnel). The Committee shall provide funds, on an annual basis, to State occupational information coordinating committees and to eligible recipients and shall—

''(1) in the use of program and employment data, improve coordination and communication among administrators and planners of education and employment and training programs, including corrections and welfare programs, at the Federal, State, and local levels;

''(2) coordinate the efforts of Federal, State, and local agencies and tribal agencies with respect to such programs.

''(3) develop and implement, in cooperation with State and local agencies, an occupational information system to meet the common occupational information needs of education programs and employment and training programs at the national, State, and local levels;

''(4) conduct studies to improve the quality and delivery of occupational and career information; and

''(5) develop curricula and career information resources and provide training and technical assistance consistent with section 453(b)(2) of the Job Training Partnership Act in support of comprehensive guidance and counseling programs designed to promote improved career decision making by individuals.

''(b) STATE COMMITTEES.—Each State receiving assistance under this Act shall establish a State occupational information coordinating committee composed of representatives of the State education, vocational education, and postsecondary education agencies, the State employment security agency, the State economic development agency, the State job training coordinating council, and the agency administering the vocational rehabilitation program. Such committee shall, with funds available to it from the National Occupational Information Coordinating Committee established under subsection (a)—

''(1) implement an occupational information system in the State that will meet the common needs for the planning for, and the operation of, education and employment and training programs, including corrections and welfare;

''(2) implement a career information delivery system; and,

''(3) conduct training and technical assistance in support of personnel delivering career development services.

''(c) ALLOCATION.—Of amounts made available by the Secretary to carry out the provisions of this section, the Committee shall

use not less than 75 percent of such funds to support State occupational information coordinating committees for the purpose of operating State occupational information systems and career information delivery systems.

''(d) GIFTS, BEQUESTS, AND DEVISES.—The Committee may accept, administer, and use gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

''(2) The responsible official shall establish written rules setting forth the criteria to be used by the Committee in determining whether the acceptance of contributions of services, money, or property would reflect unfavorably upon the ability of the Institute or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity, or the appearance of the integrity, of its programs or any official involved in those programs.

''(e) EXPERTS AND CONSULTANTS.—The Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''CAREER PREPARATION EDUCATION FOR INDIANS AND NATIVE HAWAIIANS

''SEC. 207. (a) ALLOTMENT FOR INDIANS AND NATIVE HAWAIIANS.—In each fiscal year, from the amount the Secretary reserves under section 3(b)(2)—

''(1) 1.5 percent shall be available for carrying out subsections (b) and (c); and

''(2) 0.25 percent shall be available for carrying out subsection (d).

''(d) ASSISTANCE TO TRIBES OR BUREAU-FUNDED SCHOOLS.—(1)(A) From funds reserved under subsection (a)(1) for each fiscal year, the Secretary shall make grants to, or enter into cooperative agreements with, tribal organizations of eligible Indian tribes or Bureau-funded schools to develop and provide services and activities that are consistent with the purpose of this Act and conducted in accordance with the priorities described in section 101.

''(B) Any tribal organization or Bureau-funded school that receives assistance under this subsection shall—

''(i) establish performance goals and indicators to define the level of performance to be achieved by students served under this subsection;

''(ii) evaluate the quality and effectiveness of services and activities provided under this subsection;

''(iii) provide guidance and counseling services to students; and

''(iv) help to ensure that students served under this subsection have an opportunity to achieve to challenging academic and industry recognized skill standards, receive high school diplomas, skill certificates, and post-secondary certificates or degrees, and enter employment related to their course work.

''(2)(A) The Secretary shall make such a grant or cooperative agreement—

''(i) upon the request of any Indian tribe that is eligible to contract with the Secretary of the Interior for programs under the Indian Self-Determination Act or the Act of April 16, 1934; or

''(ii) upon the application (filed under such conditions as the Secretary may require) of any Bureau-funded school that offers secondary programs.

''(B)(i) A grant or cooperative agreement under this subsection with any tribal organizational shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act, except section 102(b), and shall be conducted in accordance with the provisions of sections 4, 5, and 6 of the Act of April 16, 1934 that are relevant to the services and activities administered under this subsection. An eligible applicant that receives written notification that the Secretary will not award it a grant or cooperative agreement may submit written objections to that notice in accordance with regulations of the Secretary.

''(ii) A grant or cooperative agreement under this subsection with any Bureau-funded school shall not be subject to the requirements of the Indian Self-Determination Act of the Act of April 16, 1934.

''(C) Any tribal organization or Bureau-funded school eligible to receive assistance under this subsection may apply individually or as part of a consortium with another tribal organizational or school.

''(D) The Secretary may not place upon such grants or cooperative agreements any restrictions relating to programs or results other than those they apply to grants or cooperative agreements to States under this Act.

''(3) Any tribal organization or Bureau-funded school receiving assistance under this subsection may provide stipends to students who are undertaking career preparation education and who have acute economic needs that cannot be met through work-study programs.

''(4) In making grants or cooperative agreements under this subsection, the Secretary shall give special consideration to awards that involve, are coordinated with, or encourage, tribal economic development plans.

''(c) ASSISTANT TO TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL INSTITUTIONS.—(1) The Secretary may make 4-year grants to tribally controlled postsecondary vocational institution to provide to Indian students services and activities that are consistent with the purpose of this Act and conducted in accordance with the priorities described in section 101(b), including support for the operation, maintenance, and capital expenses of such institution.

''(2) To be eligible for assistance under this subsection, a tribally controlled postsecondary vocational institution shall—

''(A) be governed by a board of directors or trustees, a majority of whom are Indians;

''(B) demonstrate adherence to stated goals, a philosophy, or a plan or operation that fosters individual Indian economic self-sufficiency;

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

''(D) hold accreditation with, or be a candidate for accreditation by, a nationally recognized accrediting authority for postsecondary vocational education;

''(E) offer technical degrees or certificate-granting programs; and

''(F) enroll the full-time equivalent of not less than 100 students, of whom a majority are Indians.

''(3) To receive assistance under this subsection, a tribally controlled postsecondary vocational institution shall apply to the Secretary in such manner and at such time as the Secretary may require.

''(4) The Secretary shall, based on the availability of appropriations, distribute to each tribally controlled vocational institution having an approved application an amount based on full-time equivalent Indian students at each such institution.

''(d) ASSISTANCE TO NATIVE HAWAIIANS.—(1) In recognition of the findings and declarations made by Congress in section 9202 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7902), the Secretary shall, from the funds reserved under subsection (a)(2) for each fiscal year, make one or more grants to, or enter into one or more cooperative agreements with, organizations, institutions, or agencies with experience providing educational and related services to Native Hawaiians to develop and provide, for the benefit of Native Hawaiians, services and activities that are consistent with the purpose of this Act and conducted in accordance with the priorities described in section 101(b).

''(2) To receive assistance under this subsection, the organization, institution, or agency shall apply to the Secretary in such manner and at such time as the Secretary may require.

''(e) ACCOUNTABILITY.—The Secretary shall require from each institution assisted under this section such information regarding fiscal control and program quality and effectiveness as is reasonable.

''(f) DEFINITIONS.—For the purposes of this section:

''(1) The term 'Bureau-funded school' has the same meaning given 'Bureau funded school' in section 1146(3) of the Education Amendments of 1978 (25 U.S.C. 2026(3)).

''(2) The term 'full-time equivalent Indian students' means the sum of the number of Indian student enrolled full time at an institution, plus the full-time equivalent of the number of Indian students enrolled part time (determined on the basis of the quotient of the sum of the credit hours of all part-time students divided by 12) at such institution.

''(3) The term 'Indian' means a member of an Indian tribe.

''(4) The term 'Indian tribe' has the meaning given that term in section 102(2) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a(2)).

''TITLE III—GENERAL PROVISIONS

''WAIVERS

''SEC. 301. (a) REQUEST FOR WAIVER.—Any State may request, on its own behalf or on behalf of a local recipient, a waiver by the Secretary of one or more statutory or regulatory provisions described in this section in order to carry out more effectively State efforts to reform education and develop, implement, or improve career preparation education, including tech-prep edcuation, in the State.

''(b) GENERAL AUTHORITY.—(1) Except as provided in subsection (d), the Secretary may waive any requirement of any statute listed in subsection (c), or of the regulations issued under that statute, for a State that requests such a waiver—

''(A) if, and only to the extent that the Secretary determines that such requirement impedes the ability of the State to carry out State efforts to reform education and develop, implement, or improve career preparation education in the State;

''(B) if the State waives, or agrees to waive, any similar requirements of State law;

''(C) if, in the case of a statewide waiver, the State—

''(i) has provided all local recipients of assistance under this Act in the State with notice of, and an opportunity to comment on, the State's proposal to request a waiver; and

''(ii) has submitted the comments of such recipients to the Secretary; and

''(D) if the State provided such information as the Secretary reasonably requires in order to make such determinations.

''(2) The Secretary shall act promptly on any request submitted under paragraph (1).

''(3) Each waiver approved under this subsection shall be for a period not to exceed five years, except that the Secretary may extend such period if the Secretary determines that the waiver has been effective in enabling the State to carry out the purpose of this Act.

''(c) PROGRAMS.—(1) The statutes subject to the waiver authority of the Secretary under this section are—

''(A) this Act;

''(B) part A of title I of the Elementary and Secondary Education Act of 1965 (authorizing programs and activities to help disadvantaged children meet high standards);

''(C) part B of title II of the Elementary and Secondary Education Act of 1965 (Dwight D. Eisenhower Professional Development Program);

''(D) title IV of the Elementary and Secondary Education Act of 1965 (Safe and Drug-Free Schools and Communities Act of 1994);

''(E) title VI of the Elementary and Secondary Education Act of 1965 (Innovative Education Program Strategies);

''(F) part C of title VII of the Elementary and Secondary Education Act of 1965 (Emergency Immigrant Education Program); and

''(G) the School-to-Work Opportunities Act of 1994.

''(2) The Secretary may not waive any requirement under paragraph (1)(G) without the concurrence of the Secretary of Labor.

''(d) WAIVERS NOT AUTHORIZED.—The Secretary may not waive any statutory or regulatory requirement of the programs listed in subsection (c) relating to—

''(1) the basic purposes or goals of the affected programs;

''(2) maintenance of effort;

''(3) comparability of services;

''(4) the equitable participation of students attending private schools;

''(5) parental participation and involvement;

''(6) the distribution of funds to States or to local recipients;

''(7) the eligibility of an individual for participation in the affected programs;

''(8) public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection; or

''(9) prohibitions or restrictions relating to the construction of buildings or facilities.

''(e) TERMINATION OF WAIVERS.—The Secondary shall periodically review the performance of any State for which the Secretary has granted a waiver under this section and shall terminate such waiver if the Secretary determines that the performance of the State affected by the waiver has been inadequate to justify a continuation of the waiver, or the State fails to waive similar requirements of State law in accordance with subsection (b)(1)(B).

''EFFECT OF FEDERAL PAYMENTS

''SEC. 302. (a) STUDENT FINANCIAL ASSISTANCE.—(1) The portion of any student financial assistance received under this Act that is made available for attendance costs described in paragraph (2) shall not be considered as income or resources in determining eligibility for assistance under any program of welfare benefits, including the Temporary Assistance to Needy Families program, that is funded in whole or part with Federal funds.

''(2) For purposes of this subsection, attendance costs are—

''(A) tuition and fees normally assessed a student carrying the same academic workload, as determined by the institution, including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study; and

''(B) an allowance for books, supplies, transportation, dependent care, and miscellaneous personal expenses for a student attending the institution on at least a half-time basis, as determined by the institution.

''(b) INSTITUTIONAL AID.—No State shall take into consideration payments under this Act in determining, for any educational agency or institution in that State, the eligibility for State aid, or the among of State aid, with respect to public education within the State.

''MAINTENANCE OF EFFORT

''SEC. 303. (a) Except as provided in subsection (b), a State may receive its full allotment of funds under part A and part B for any fiscal year only if the Secretary finds that either the fiscal effort per student or the aggregate expenditures of such State for career preparation education, including tech-prep education programs, for the fiscal year preceding the fiscal year for which the determination is made was not less than 90 percent of such fiscal effort or aggregate expenditures for career preparation education for the second fiscal year preceding the fiscal year for which the determination is made.

(b) The Secretary shall reduce the amount of allotments of funds under part A and part B for any fiscal year in the exact proportion by which the State fails to meet the requirements of subsection (a) by falling below 90 percent of either the fiscal effort per student or aggregate expenditures (using the measure most favorable to the State), and no such lesser amount shall be used for computing the effort required under subsection (a) for subsequent years.

(c) The Secretary may waive, for one fiscal year only, the requirements of this section if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

''IDENTIFICATION OF STATE-IMPOSED REQUIREMENTS

''SEC. 304. Any State rule or policy imposed on the provision of services or activities funded by this Act, including any rule or policy based on State interpretation of any Federal law, regulation, or guidelines, shall be identified as a State-imposed requirement.

''OUT-OF-STATE RELOCATIONS

''SEC. 305. No funds provided under this Act shall be used for the purpose of directly providing incentives or inducements to an employer to relocate a business enterprise from one State to another if such relocation would result in a reduction in the number of jobs available in the State where the business enterprise is located before such incentives or inducements are offered.

''ENTITLEMENT

''SEC. 306. Nothing in this Act shall be construed to provide any individual with an entitlement to services under this Act.

''DEFINITIONS

''SEC. 307. As used in this Act, unless otherwise noted:

''(1) The term 'all aspects of an industry' has the same meaning as given that term under section 4(1) of the School-to-Work Opportunities Act of 1994.

''(2) The term 'area vocational education school' means—

''(A) a special public high school that provides vocational education to students who are preparing to earn a high school diploma or its equivalency and to enter the labor market, or

''(B) a public technical institute or vocational school that provides vocational education to individuals who have completed or left high school and who are preparing to enter the labor market.

''(3) The term 'career guidance and counseling' has the same meaning as given that term under section 4(4) of the School-to-Work Opportunities Act of 1994.

''(4) The term 'community-based organization' means any such organization of demonstrated effectiveness described in section 4(5) of the Job Training Partnership Act.

''(5) The term 'institution of higher education' has the same meaning as given that term under section 1201(a) of the Higher Education Act of 1965.

''(6) The term 'intermediate educational agency' means a combination of school districts or counties (as defined in section 14101(9) of the Elementary and Secondary Education Act of 1965) as are recognized in a State as an administrative agency for the State's career preparation education schools or for career preparation education programs within its public elementary or secondary schools.

''(7) The term 'limited English proficiency' has the meaning given such term in section 7501(8) of the Elementary and Secondary Education Act of 1965.

''(8) The term 'local educational agency' has the same meaning as given that term under section 4(10) of the School-to-Work Opportunities Act of 1994.

''(9) The term 'postsecondary educational institution' means—

''(A) an institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965, that provides not less than a 2-year program which is acceptable for full credit toward a bachelor's degree;

''(B) a tribally controlled community college; or

''(C) a not-for-profit educational institution offering apprenticeship programs of at least 2 years beyond the completion of secondary school.

''(10) The term 'school dropout' has the same meaning as given that term under section 4(17) of the School-to-Work Opportunities Act of 1994.

''(11) The term 'Secretary' means the Secretary of Education.

''(12) The term 'skill certificate' has the same meaning as given that term under section 4(22) of the School-to-Work Opportunities Act of 1994.

''(13) The term 'special populations' includes students with disabilities, educationally or economically disadvantaged students, students of limited English proficiency, displaced homemakers, teen parents, single pregnant women, foster children, migrant children, school dropouts, students who are identified as being at-risk of dropping out of secondary school, students who are seeking to prepare for occupations that are not traditional for their gender, and, to the extent feasible, individuals younger than age 25 in correctional institutions.

''(14) except as otherwise provided, the term 'State' includes, in addition to each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

''(15) The term 'State educational agency' has the same meaning as given that term under section 4(24) of the School-to-Work Opportunities Act of 1994.

''(16) The term 'students with disabilities' means students who have a disability or disabilities, as such term is defined in section 3(2) of the Americans With Disabilities Act of 1990.

''(17) The term 'tribally controlled community college' means an institution that receives assistance under the Tribally Controlled Community College Assistance Act of 1976 or the Navajo Community College Act.''.

TITLE II—EFFECTIVE DATES; TRANSITION

EFFECTIVE DATE

SEC. 201. This Act shall take effect on July 1, 1998.

TRANSITION

SEC. 202. Notwithstanding any other provisions of law—

(1) upon enactment of the Career Preparation Education Reform Act of 1997, a State or local recipient of funds under the Carl D. Perkins Vocational and Applied Technology Education Act may use any such unexpended funds to carry out services and activities that are authorized by either such Act or the Carl D. Perkins Career Preparation Education Act; and

(2) a State or local recipient of funds under the Carl D. Perkins Career Preparation Education Act for the fiscal year 1998 may use such funds to carry out services and activities that are authorized by either such Act or were authorized by the Carl D. Perkins Vocational and Applied Technology Education Act prior to its amendment.

TITLE III—AMENDMENTS TO OTHER ACTS

AMENDMENTS TO THE JOB TRAINING PARTNERSHIP ACT

SEC. 301. The Job Training Partnership Act (29 U.S.C. 1501 *et seq.*) is amended—

(1) in section (4)—

(A) in paragraph (14), by striking ''in section 521(22) of the Carl D. Perkins Vocational Education Act'' and inserting in lieu thereof ''section 4(10) of the School-to-Work Opportunities Act of 1994''; and

(B) in paragraph (28), by striking ''Vocational Education Act'' and inserting in lieu thereof ''Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997'';

(2) in section 121(a)(2), by adding at the end thereof the following sentence: ''The State may submit such plan as part of a State plan, or amendment to a State plan, under the Carl D. Perkins Career Preparation Education Act or the School-to-Work Opportunities Act of 1994.'';

(3) in section 122(b)—

(A) by amending paragraph (8) to read as follows:

''(8) consult with the appropriate State agency under section 105 of the Carl D. Perkins Career Preparation Education Act to obtain a summary of activities and an analysis of result in training women in nontraditional employment under such Act, and annually disseminate such summary to service delivery areas, service providers throughout the State, and the Secretary;''; and

(B) in paragraph (11)(B), by striking ''section 113(b)(14) of the Carl D. Perkins Vocational Education Act'' and inserting in lieu thereof ''section 105(e)(2) of the Carl D. Perkins Career Preparation Education Act'';

(4) in section 123(c)—

(A) in paragraph (1)(E)(iii), by striking ''Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)'' and inserting in lieu thereof ''Carl D. Perkins Career Preparation Education Act''; and

(B) in paragraph (2)(D)(iii), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation'';

(5) in section 125—

(A) in subsection (a), by inserting after ''coordinating committee'' a comma and ''as described in section 422(b) of the Carl D. Perkins Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997,'';

(B) in subsection (b)(1), by striking out ''Vocational'' and inserting in lieu thereof ''Career Preparation''; and

(C) ion subsection (c), by inserting after ''Coordinating Committee'' a comma and ''as established in section 422(a) of the Carl D. Perkins Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997,'';

(6) in section 205(a)(2), by striking ''Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)'' and inserting in lieu thereof ''Carl D. Perkins Career Preparation Education Act'';

(7) in section 265(b)(3), by striking ''Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)'' and inserting in lieu thereof ''Carl D. Perkins Career Preparation Education Act'';

(8) in section 314(g)(2), by striking out ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation'';

(9) in section 427(a)(1), by striking ''local agencies, including a State board or agency designated pursuant to section 111(a)(1) of the Carl D. Perkins Vocational Act which operates or wishes to develop area vocational education school facilities or residential vocational schools (or both) as authorized by such Act, or private organizations'' and inserting in lieu thereof ''local agencies, or private organizations'';

(10) in section 455(b), by striking ''Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)'' and inserting in lieu thereof ''Carl D. Perkins Career Preparation Education Act'';

(11) in section 461(c), by striking out ''Vocational'' and inserting in lieu thereof ''Career Preparation'';

(12) in section 464—

(A) in subsection (a), by striking out ''Carl D. Perkins Vocational Education Act)'' and inserting in lieu thereof ''Carl D. Perkins Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997)'';

(B) in subsection (b), by striking out ''In addition to its responsibilities under the Carl D. Perkins Vocational Education Act, the'' and inserting in lieu thereof ''The''; and

(C) in subsection (c), by striking out ''this Act, under section 422 of the Carl D. Perkins Vocational Education Act, and'' and inserting in lieu thereof ''this Act and'';

(13) in section 605(c), by striking out ''Vocational Education Act)'' and inserting in lieu thereof ''Vocational and Applied Technology Education Act as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1995)'';

(14) in section 701(b)—

(A) by amending paragraph (1) to read as follows:

''(1) IN GENERAL.—For purposes of this title, the term 'applicable Federal human resource program' includes any program authorized under the provisions of law described under paragraph (2)(A) that the Governor and the head of the State agency or agencies responsible for the administration of such program jointly agree to include within the jurisdiction of the State Council.''; and

(B) in paragraph (2)(A)(ii), by striking ''Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)'' and inserting in lieu thereof ''Carl D. Perkins Career Preparation Education Act''; and

(15) in section 703(a)(2), by striking the comma after ''section 123(a)(2)(D)'' and ''except that, with respect to the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), such State may use funds only to the extent provided under section 112(g) of such Act''.

AMENDMENTS TO THE ADULT EDUCATION ACT

SEC. 302. The Adult Education Act (20 U.S.C. 1201 et seq.) is amended—

(1) in section 322(a)(4), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation'';

(2) in section 342—

(A) in subsection (c)(11), by striking ''Carl D. Perkins Vocational Education Act of 1963'' and inserting in lieu thereof ''Carl D. Perkins Career Preparation Education Act''; and

(B) in subsection (d), by striking ''Vocational'' and inserting in lieu thereof ''Career Preparation''; and

(3) by amending section 384(d)(1)(D)(ii) to read as follows:

''(ii) be coordinated with activities conducted by other educational and training entities that provide relevant technical assistance;''.

AMENDMENTS TO THE SCHOOL-TO-WORK OPPORTUNITIES ACT OF 1994

SEC. 303. The School-to-Work Opportunities Act (20 U.S.C. 1601 et seq.) is amended—

(1) in section 202(a)(3), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation'';

(2) in section 203(b)(2), by striking clause (I) and redesignating clauses (J) and (K) as clauses (I) and (J), respectively;

(3) in section 213—

(A) in subsection (d)(6)(B), by striking ''Vocational and Applied technology'' and inserting in lieu thereof ''Career Preparation'', and

(B) in subsection (b)(4), by striking clause (I) and redesignating clauses (J) and (K) as clauses (I) and (J), respectively,

(4) in section 403(a), by striking ''the individuals assigned under section 111(b)(1) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2321(b)(1)),'',

(5) in section 404—

(A) by inserting ''and'' after ''(29 U.S.C. 1733(b)),''; and

(B) by striking ''and the National Network for Curriculum Coordination in Vocational Education under section 402(c) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2402(C)),'';

(6) in section 502(b)(6), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''; and

(7) in section 505—

(A) in subsection (a)(2)(B)(i), by striking ''section 102(a)(3) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2312(a)(3)'' and inserting in lieu thereof ''section 112(c) of the Carl D. Perkins Career Preparation Education Act''; and

(B) in subsection (e), by striking ''section 201(b) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2312(a)(3)'' and inserting in lieu thereof ''section 102 of the Carl D. Perkins Career Preparation Education Act''.

AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 304. The Elementary and Secondary Education At of 1965 (20 U.S.C. 6301 et seq.) is amended—

(1) in section 1114(b)(2)(C)(v), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation'';

(2) in section 9115(b)(5), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation'';

(3) by amending section 14302(a)(2)(C) to read as follows: ''(C) services and activities under section 102 of the Carl D. Perkins Career Preparation Education Act;'' and

(4) in section 14307(a)(1), by striking ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''.

AMENDMENTS TO THE GOALS 2000: EDUCATE AMERICA ACT

SEC. 305. The Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.) is amended—

(1) in section 306—

(A) in subsection (c)(1)(A), by inserting before the semicolon at the end thereof a comma and ''as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997, until not later than July 1, 2000, and the performance goals and indicators developed pursuant to section 107 of the Carl D. Perkins Career Preparation Education Act thereafter''; and

(B) in subsection (1), by striking out ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''; and

(2) in section 311(b)(6), by striking out ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''.

OTHER TECHNICAL AND CONFORMING AMENDMENTS

SEC. 306. (a) HIGHER EDUCATION ACT OF 1965.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) by amending section 127(2) to read as follows:

''(2) have, as one of the partners participating in an articulation agreement, an entity that uses funds under title I of the Carl D. Perkins Career Preparation Education Act to support tech-prep education services and activities;'';

(2) in section 481(a)(3)(A), by striking ''section 521(4)(C) of the Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting in lieu thereof ''section 305(3)(B) of the Carl D. Perkins Career Preparation Education Act'';

(3) in section 484(l)(1), by striking ''section 521(4)(C) of the Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting in lieu thereof ''section 305(3)(B) of the Carl D. Perkins Career Preparation Education Act''; and

(4) in section 503(b)(2)(B)(vi), by striking ''in a Tech-Prep program under section 344 of the Carl D. Perkins Vocational and Applied Technology Education Act'' and inserting in lieu thereof ''in a tech-prep program supported through services and activities under the Carl D. Perkins Career Preparation Education Act''.

(b) INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Section 626(g) of the Individuals and Disabilities Education Act (20 U.S.C. 1400 et seq.) is amended by striking out ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''.

(c) REHABILITATION ACT OF 1973.—Section 101(a)(11)(A) of the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) is amended by striking out ''Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.)'' and inserting in lieu thereof ''Career Preparation Education Act''.

(d) DISPLACED HOMEMAKERS SELF-SUFFICIENCY ASSISTANCE ACT.—Section 9(a)(2) of the displaced Homemakers Self-Sufficiency Assistance Act (29 U.S.C. 2301 et seq.) is amended by inserting ''as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997 or the State agency or agencies designated under section 102(a) of the Carl D. Perkins Career Preparation Education Act,''.

(e) WAGNER-PEYSER ACT.—Section 7(c)(2)(A) of the Act of June 6, 1933 (29 U.S.C. 49 et seq.) is amended by striking out ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''.

(f) EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.—Section 533(c)(4)(A) of the Equity in Education Land-Grant Status Act of 1994 (7 U.S.C. 301 note; part C of title V of the Improving America's Schools Act) is amended by inserting after ''(20 U.S.C. 2397h(3))'' a comma and ''as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997.''.

(g) TITLE 31, CHAPTER 67, OF THE UNITED STATES CODE.—Section 6703(A)(12) of title 31, United States Code (as added by section 31001 of the Violent Crime Control and Law Enforcement Act of 1994) is amended by striking out ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''.

(h) NONTRADITIONAL EMPLOYMENT FOR WOMEN ACT.—Section 2(b)(3) of the Nontraditional Employment for Women Act (29 U.S.C. 1501 note) is amended by striking out ''Vocational and Applied Technology'' and inserting in lieu thereof ''Career Preparation''.

(i) TRAINING TECHNOLOGY TRANSFER ACT OF 1988.—Section 6107(6) of the Training Technology Transfer Act of 1988 (20 U.S.C. 5091 et seq.) is amended by inserting before the semicolon at the end thereof a comma and ''as in effect on the day prior to the date of enactment of the Career Preparation Education Reform Act of 1997''.

(j) GENERAL REDESIGNATION.—Any other references to the Carl D. Perkins Vocational and Applied Technology Education Act shall be deemed to refer to the Carl D. Perkins Career Preparation Education Act.

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Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the ''Adult Basic Education and Literacy for the Twenty-First Century Act.''

TITLE I—AMENDMENT TO THE ADULT EDUCATION ACT AMENDMENT

SEC. 101. The Adult Education Act (20 U.S.C. 1201 et seq.; hereinafter referred to as ''the Act'') is amended in its entirety to read as follows:

''TITLE III—ADULT BASIC EDUCATION AND LITERACY PROGRAMS

''SEC. 301. (a) SHORT TITLE.—This title may be cited as the 'Adult basic Education and Literacy Act'.

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

''TABLE OF CONTENTS

''Sec. 301. Short title; table of contents.
''Sec. 302. Findings; purpose.
''Sec. 303. Authorization of appropriations.
''PART A—ADULT EDUCATION AND LITERACY
''Sec. 311. Program Authority; Priorities.
''Sec. 312. State Grants for Adult Education and Literacy.
''Sec. 313. State Leadership Activities.
''Sec. 314. State Administration.
''Sec. 315. State Plan.
''Sec. 316. Awards to Eligible Applicants.
''Sec. 317. Applications From Eligible Applicants.
''Sec. 318. State Performance Goals and Indicators.
''Sec. 319. Evaluation, Improvement, and Accountability.
''Sec. 320. Allotments; Reallotment.
''PART B—NATIONAL LEADERSHIP
''Sec. 331. National Leadership Activities.
''Sec. 332. Awards for National Excellence.
''Sec. 333. National Institute for Literacy.
''PART C—GENERAL PROVISIONS
''Sec. 341. Waivers.
''Sec. 342. Definitions.

''FINDINGS; PURPOSE

''SEC. 302. (a) FINDINGS.—The Congress finds that:

''(1) Our Nation's well-being is dependent on the knowledge and skills of all of its citizens.

''(2) Advances in technology and changes in the workplace are rapidly increasing the knowledge and skill requirements for workers.

''(3) Our social cohesion and success in combating poverty, crime, and disease also depend on the Nation's having an educated citizenry.

''(4) There is a strong relationship between parents' education and literacy and their children's educational achievement. The success of State and local educational reforms supported by the Goals 2000: Educate America Act and other programs that State and local communities are implementing requires that parents be well educated and possess the ability to be a child's first and most continuous teacher.

''(5) There is a strong relationship between literacy and poverty. Data from the 1993 National Adult Literacy Survey show that adults with very low levels of literacy are ten times as likely to be poor as those with high levels of literacy.

''(6) Studies, including the National Adult Literacy Survey, have found that more than one-fifth of American adults demonstrate very low literacy skills that make it difficult for them to be economically self-sufficient, much less enter high-skill, high-wage jobs, or to assist effectively in their children's education.

''(7) Many Americans desire English instruction to help them exercise their rights and responsibilities as citizens.

''(8) National studies have also shown that existing federally supported adult education programs have assisted many adults in acquiring basic literacy skills, learning English, or acquiring a high school diploma (or its equivalent), and that family literacy programs have shown great potential for breaking the intergenerational cycle of low literacy and having a positive effect on later school performance and high school completion, especially for children from low-income families.

''(9) Currently, the Adult Education Act lacks adequate accountability requirements, and contains set-asides and categorical programs that are often narrowly focused on specific populations or methods of service delivery, thus inhibiting the capacity of State and local officials to implement programs that meet the needs of individual States and localities.

''(10) The Federal Government, in partnership with States and localities, can assist States and localities to improve and expand their adult education and literacy programs through provision of clear performance goals and indicators, increased State and local flexibility, improved accountability, and incentives for performance.

''(11) The Federal Government can also assist States and localities by supporting research, development, demonstration, dissemination, evaluation, capacity-building, data collection, professional development, and technical assistance activities that further State and local efforts to improve student achievement in adult education and literacy programs.

''(b) PURPOSE.—(1) It is the purpose of this title to create a performance partnership that includes the Federal government, States, and localities to help provide for adult education and literacy services so that, as called for in the National Education Goals, all adults who need such services will, as appropriate, be able to—

''(A) become literate and obtain the knowledge and skills needed to compete in a global economy and exercise the rights and responsibilities of citizenship;

''(B) complete a high school education; and

''(C) become their children's first teacher and remain actively involved in their children's education in order to ensure their children's readiness for, and success in, school.

''(2) This purpose shall be pursued by—

''(A) building on State and local education reforms supported by the Goals 2000: Educate America Act and other Federal and State legislation;

''(B) consolidating numerous Federal adult education and literacy programs into a single, flexible State grant program;

''(C) tying local programs to challenging State-developed performance goals that are consistent with the purpose of this Act;

''(D) holding States and localities accountable for achieving such goals;

''(E) building program quality through such measures as improving instruction, encouraging greater use of technology in adult

education and literacy programs, and improving the professional development of educators working in those programs;

''(F) integrating adult education and literacy programs with States' school-to-work opportunities systems, secondary and postsecondary education systems, job training programs, welfare programs, early childhood and elementary school programs, and other related activities;

''(G) supporting State leadership and program improvement efforts; and

(H) supporting the improvement of State and local activities through nationally significant efforts in research, development, demonstration, dissemination, evaluation, capacity-building, data collection, professional development, and technical assistance.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 303. (a) STATE GRANTS FOR ADULT EDUCATION AND LITERACY.—For the purpose of carrying out this title there are authorized to be appropriated $394,000,000 for fiscal year 1998 and such sums as may be necessary for each of the fiscal years 1999 through 2005.

''(b) RESERVATIONS.—From the amount appropriated for any fiscal year under subsection (a), the Secretary shall reserve not more than 5 percent to carry out section 318(c)(2) and part B of this Act, of which not more than 3 percent of the amount appropriated for any fiscal year after 1999 under subsection (a) may be used for awards for national excellence under section 332.

''PART A—ADULT EDUCATION AND LITERACY

''PROGRAM AUTHORITY; PRIORITIES

''SEC. 311. (a) PROGRAM AUTHORIZED.—In order to provide adults with the skills they need as workers, citizens, and parents, funds under this part shall be used to support the development, implementation, and improvement of adult education and literacy programs at the State and local levels.

''(b) PROGRAM PRIORITIES.—In using funds under this part, States and local recipients shall give priority to adult education and literacy programs that—

''(1) are built on a strong foundation of research and effective educational practice;

''(2) effectively employ advances in technology, as appropriate, such as using computers in the classroom and technology that brings learning into the home;

''(3) provide learning in 'real life' contexts, such as work, the family, and citizenship;

''(4) are staffed by well-trained instructors, counselors, and administrators;

''(5) are of sufficient intensity and duration for participants to achieve substantial learning gains, such as by earning a basic skills certificate that reflects skills acquisition and has meaning to employers;

''(6) establish measurable goals for client outcomes, such as levels of literacy achieved and attainment of a high school diploma or its equivalent, that are tied to challenging State performance standards for literacy proficiency;

''(7) coordinate with other available resources in the community, such as by establishing strong links with elementary and secondary schools, postsecondary institutions, one-stop career centers, job training programs, and social service agencies;

''(8) offer flexible schedules and support services (such as child care and transportation) that are necessary to enable individuals, including adults with disabilities or other special needs, to attend and complete programs; and

''(9) maintain a high-quality information management system that has the capacity to report client outcomes and to monitor program performance against the State goals and indicators.

''STATE GRANTS FOR ADULT EDUCATION AND LITERACY

''SEC. 312. (a) STATE GRANT.—From the funds available for State grants under section 303 for each fiscal year, the Secretary shall, in accordance with section 320, make a grant to each State that has an approved State plan under section 315, to assist that State in developing, implementing, and improving adult education and literacy programs within the State.

''(b) RESERVATION OF FUNDS.—(1) From the amount awarded to a State for any fiscal year under subsection (a), a State may, subject to paragraph (2), use up to 18 percent for State leadership activities under section 313 and the cost of administering its program under this part.

''(2) A State may not use more than 5 percent of the amount awarded to it for any fiscal year under subsection (a), or $80,000, whichever is greater, for the cost of administering its program under this part.

''(c) FEDERAL SHARE.—(1) The Federal share of expenditures to carry out a State plan under section 315 shall be paid from the State's grant under subsection (a).

''(2) The Federal share shall be no greater than 75 percent of the cost of carrying out the State plan for each fiscal year, except that with respect to Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands the Federal share may be 100 percent.

''(3) The State's share of expenditures to carry out a State plan submitted under section 315 may be in cash or in kind, fairly evaluated, and may include only non-Federal funds that are used for adult education and literacy activities in a manner that is consistent with the purposes of this title.

''(d) MAINTENANCE OF EFFORT.—(1) A State may receive funds under this part for any fiscal year only if the Secretary finds that the amount expended by the State for adult education and literacy, in the second preceding fiscal year, was not less than 90 percent of the amount expended for adult education and literacy, in the third preceding fiscal year.

''(2) The Secretary shall reduce the amount of the allocation of funds to a State under section 320 for any fiscal year in the proportion to which the State fails to meet the requirement of paragraph (1) by expending in the second preceding fiscal year for adult education and literacy less than 90 percent of the amount the State expended in the third preceding fiscal year for adult education and literacy.

''(3) The Secretary may waive the requirements of this subsection for one 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.

''(4) If the Secretary reduces a State's allocation under paragraph (2), or grants a waiver under paragraph (3), the level of effort required under paragraph (1) shall not be reduced in the subsequent fiscal year because of the reduction or waiver.

''STATE LEADERSHIP ACTIVITIES

''SEC. 313. (a) STATE LEADERSHIP.—(1) Each State that receives a grant under section 312(a) for any fiscal year shall use funds reserved for State leadership under section 312(b) to conduct activities of Statewide significance that develop, implement, or improve programs of adult education and literacy, consistent with its State plan under section 315.

''(2) In using funds reserved for State leadership activities, each State shall, to the extent practicable, avoid duplicating research and development efforts conducted by other States.

''(b) USES OF FUNDS.—(1) States shall use funds under subsection (a) for one or more of the following—

''(A) professional development and training;

''(B) developing and disseminating curricula for adult education and literacy programs;

''(C) monitoring and evaluating the quality of, and improvement in, services and activities conducted with assistance under this part, including establishing performance goals and indicators under section 318, in order to assess program quality and improvement;

''(D) establishing State content standards for adult education and literacy programs;

''(E) establishing challenging State performance standards for literacy proficiency;

''(F) promoting the integration of literacy instruction and occupational skill training, and linkages with employers;

''(G) promoting, and providing staff training in, the use of instructional and management software and technology;

''(H) establishing program and professional development networks to assist in meeting the purposes of this Act;

''(I) developing and participating in networks and consortia of States, and in cooperative Federal-State initiatives, that seek to establish and implement adult education and literacy programs that have significance to the State, region, or Nation; and

''(J) other activities of Statewide significance that promote the purposes of this title.

''(2)(A) beginning in fiscal year 2000, States may use funds under subsection (a) for financial incentives or awards to one or more eligible recipients in recognition of—

''(i) exemplary quality or innovation in adult education or literacy services and activities; or

''(ii) exemplary services and activities for individuals who are most in need of such services and activities, or are hardest to serve, such as educationally disadvantaged adults and families, immigrants, individuals with limited English proficiency, incarcerated individuals, homeless individuals, recipients of public assistance, and individuals with disabilities; or

''(iii) both.

''(B) The incentives or awards made under subparagraph (A) shall be determined by the State using the performance goals and indicators described in section 318 and, if appropriate, other criteria that are consistent with the purposes of this Act.

''STATE ADMINISTRATION

''SEC. 314. (a) STATE EDUCATIONAL AGENCY.—The State educational agency shall be responsible for the administration of services and activities under this part, including—

''(1) the development, submission, and implementation of the State plan;

''(2) consultation with other appropriate agencies, groups, and individuals that are involved in, or interested in, the development and implementation of programs assisted under this title, such as business, industry, labor organizations, corrections agencies, public housing agencies, and social service agencies; and

''(3) coordination with other State and Federal education, training, employment, corrections, public housing, and social services programs, and one-stop career centers.

''(b) STATE-IMPOSED REQUIREMENTS.—Whenever a State imposes any rule or policy relating to the administration and operation of programs funded by this part (including any rule or policy based on State interpretation of any Federal law, regulation, or guideline), it shall identify the rule or policy as a State-imposed requirement.

''STATE PLAN

''SEC. 315. (a) FOUR-YEAR PLANS.—(1) Each State desiring to receive a grant under this part for any fiscal year shall have the State educational agency submit to, or have on file with, the Secretary a four-year State plan in accordance with this section.

''(2) The State educational agency may submit the State plan as part of a comprehensive plan that includes State plan provisions under one or more of the following statutes: section 14302 of the Elementary and Secondary Education Act of 1965; the Carl D. Perkins Career Preparation Education Act of 1997; the Goals 2000: Educate America Act; the Job Training Partnership Act; and the School-to-Work Opportunities Act of 1994.

''(b) PLAN ASSESSMENT.—(1) In developing the State plan, and any revisions to the State plan under subsection (e), the State educational agency shall base its plan or revisions on a recent, objective assessment of—

''(A) the needs of individuals in the State for adult education and literacy programs, including individuals most in need or hardest to serve (such as educationally disadvantaged adults and families, immigrants, individuals with limited English proficiency, incarcerated individuals, homeless individuals, recipients of public assistance, and individuals with disabilities); and

''(B) the capacity of programs and providers to meet those needs, taking into account the priorities under section 311(b) and the State's performance goals under section 318(a).

''(2) In its second 4-year State plan, the State educational agency shall also include in its assessment—

''(A) an analysis of the State's performance in progressing toward its performance goals under the preceding 4-year State plan; and

''(B) any changes in the second 4-year State plan that have been made based on that analysis.

''(c) PUBLIC PARTICIPATION.—In developing the State plan, and any revisions under subsection (e), the State educational agency shall consult widely with individuals, agencies, organizations, and institutions in the State that have an interest in the provision and quality of adult education and literacy, including—

''(1) individuals who currently participate, or who want to participate, in adult education and literacy programs;

''(2) practitioners and experts in adult education and literacy, social services, and workforce development;

''(3) representatives of business and labor organizations; and

''(4) other agencies, such as volunteer and community-based organizations, State and local health, social service, public housing, public assistance, job training, and corrections agencies, and public libraries.

''(d) PLAN CONTENTS.—The plan shall be in such form and contain such information and assurances as the Secretary may require, and shall include—

''(1) a summary of the methods used to conduct the assessment under subsection (b) and the findings of that assessment;

''(2) a description of how, in addressing the needs identified in the State's assessment, funds under this title will be used to establish adult education and literacy programs, or improve or expand current programs, that will lead to high-quality learning outcomes, including measurable learning gains, for individuals in such programs;

''(3) a statement, expressed in terms of the performance indicators published by the Secretary under section 318(b), and any other performance indicators the State may choose, of the State's performance goals established under section 318(a) and the level of performance the State expects to achieve in progressing toward its performance goals during the life of the State plan;

''(4) a description of the criteria the State will use to award funds under this title to eligible applicants under section 316, including how the State will ensure that its selection of applicants to operate programs assisted under this Part will reflect the program priorities under section 311(b) and the findings of program evaluations carried out under section 319(a);

''(5) a description of how the State will integrate services and activities under this title, including planning and coordination of programs, with those of other agencies, institutions, and organizations involved in adult education and literacy, such as the public school system, early childhood and special education programs, institutions of higher education, vocational education programs, libraries, business and labor organizations, vocational rehabilitation programs, one-stop career centers, employment and training programs, and health, social services, public assistance, public housing, and corrections agencies, in order to ensure effective use of funds and to avoid duplication of services;

''(6) a description of how the State will ensure that the data reported to it from its recipients of funds under this part and the data it reports to the Secretary are complete, accurate, and reliable;

''(7) a State-wide plan for the leadership activities the State will carry out under section 313;

''(8) a description of how the State will provide incentives or rewards for exemplary services and activities under this part, if the State elects to implement the authority authorized under section 313(b)(2);

''(9) any comments the Governor may have on the State plan; and

''(10) assurances that—

''(A) the State will comply with the requirements of this part and the provisions of the State plan; and

''(B) the State will use such fiscal control and accounting procedures as are necessary for the proper and efficient administration of funds under this part.

''(e) PLAN REVISIONS.—When changes in conditions or other factors require substantial modifications to an approved State plan, the State educational agency shall submit a revision to the plan to the Secretary.

''(f) CONSULTATION.—The State educational agency shall—

''(1) submit the State plan, and any revision to the State plan, to the Governor for review and comment; and

''(2) ensure that any comments the Governor may have are included with the State plan, or revision, when the State plan, or revision, is submitted to the Secretary.

''(g) PLAN APPROVAL.—(1) The Secretary shall approve a State plan, or a revision to an approved State plan, only if the Secretary determines that it meets the requirements of this section and the State's performance goals and expected level of performance under subsection (d)(3) are sufficiently rigorous as to meet the purposes of this title and to allow the Department of Education to make progress toward its performance objectives and indicators established pursuant to the Government Performance and Results Act. The Secretary shall not finally disapprove a State plan, or a revision to an approved State plan, except after giving the State reasonable notice and an opportunity for a hearing.

''(2) The Secretary shall establish a peer review process to make recommendations regarding approval of State plans and revisions to the State plans.

''AWARDS TO ELIGIBLE APPLICANTS

''SEC. 316. (a). AWARDS.—(1) From funds available under section 312, States shall make subgrants and contracts, as appropriate, to eligible applicants under subsection (b) to develop, implement, and improve adult education and literacy programs within the State.

''(2) To the extent practicable, States shall make multi-year awards under this section.

''(b) ELIGIBILITY.—(1) The following entities shall be eligible to apply to the State for an award under this section:

''(A) local educational agencies;

''(B) community-based organizations;

''(C) institutions of higher education;

''(D) public and private nonprofit agencies (including State and local health, social service, public housing, public assistance, job training, and corrections agencies and public libraries); and

''(E) consortia of such agencies, organizations, institutions, or partnerships, including consortia that include one or more for-profit agencies, organizations, or institutions, if such agencies, organizations, or institutions can make a significant contribution to attaining the purposes of this title.

''(2) Each State receiving funds under this part shall ensure that all eligible applicants described under subsection (b)(1) receive direct and equitable access to awards under this section.

''APPLICATIONS FROM ELIGIBLE APPLICANTS

''SEC. 317. (a) APPLICATION.—Any eligible applicant under section 316(b)(1) that desires a subgrant or contract under this part shall submit an application to the State containing such information and assurances as the State may reasonably require, including—

''(1) a description of the applicant's current adult education and literacy programs, if any;

''(2) a description of how funds awarded under this part will be spent;

''(3) a description of how the applicant's program will help the State address the needs identified in the State's assessment under section 315(b);

''(4) the projected goals of the applicant with respect to participant recruitment, retention, and educational achievement, and how the applicant will measure and report to the State regarding the information required in section 319(a); and

''(5) any cooperative arrangements the applicant has with others (including arrangements with health, social services, public assistance, public housing, and corrections agencies, libraries, one-stop career centers, business, industry, labor, and volunteer literacy organizations) for the delivery of adult education and literacy programs.

''(b) FUNDING.—In determining which applicants receive funds under this part, the State, in addition to addressing the program priorities under section 311(b), shall—

''(1) give preference to those applicants that serve local areas with high concentrations of individuals in poverty or with low levels of literacy (including English language proficiency), or both; and

''(2) consider—

''(A) the results, if any, of the evaluations required under section 319(a); and

''(B) the degree to which the applicant will coordinate with and utilize other literacy and social services available in the community.

''PERFORMANCE GOALS AND INDICATORS

''SEC. 318. (a) PERFORMANCE GOALS.—Any State desiring to receive a grant under section 312(a), in consultation with individuals, agencies, organizations, and institutions described in section 315(c), shall identify performance goals that define the level of student achievement to be attained by adult education and literacy programs, and express such goals in an objective, quantifiable, and measurable form.

''(b) PERFORMANCE INDICATORS.—(1) After consultation with States, local educational agencies, service providers, representatives of business and industry, institutions of higher education, and other interested parties, the Secretary shall publish in the Federal Register performance indicators (including the definition of relevant terms) described in paragraph (2) that States and local recipients shall use in measuring or assessing progress toward achieving the State's performance goals under subsection (a).

''(2) The Secretary shall publish performance indicators for programs assisted under this part in the following areas:

''(A) achievement in the areas of reading, English language acquisition, and numeracy;

''(B) receipt of a high school diploma or its equivalent;

''(C) entry into a postsecondary school, job training program, employment, or career advancement; and

''(D) such other indicators as are determined by the Secretary.

''(c) TECHNICAL ASSISTANCE.—(1) The Secretary shall provide technical assistance to States regarding the development of—

''(A) the State's performance goals under subsection (a); and

''(B) uniform national performance data.

''(2) The Secretary may use funds reserved under section 303(b) to provide technical assistance under this section.

''EVALUATION, IMPROVEMENT, AND ACCOUNTABILITY

''SEC. 319. (a) LOCAL EVALUATION.—The adult education and literacy programs of each recipient of a subgrant or contract under this part shall be evaluated biennially, using the performance goals and indicators established under section 318, and the recipient shall report to the State regarding the effectiveness of its programs in addressing the priorities under section 311 and the needs identified in the State assessment under section 315(b).

''(b) IMPROVEMENT ACTIVITIES.—If, after reviewing the reports required in subsection (a), a State determines, based on the performance goals and indicators and expected level of performance included in its State plan under section 315(d)(3), and the evaluations under subsection (9), that a recipient is not making substantial progress in achieving the purposes of this title, the State may work jointly with the recipient to develop an improvement plan. If, after not more than two years of implementation of the improvement plan, the State determines that the recipient is not making substantial progress, the State shall take whatever corrective action it deems necessary, which may include termination of funding or the implementation of alternative service arrangements, consistent with State law. The State shall take corrective action under the preceding sentence only after it has provided technical assistance to the recipient and shall ensure, to the extent practicable, that any corrective action it takes allows for continued services to and activities for the recipient's students.

''(c) STATE REPORT.—(1) The State educational agency shall report annually to the Secretary on—

''(A) the quality and effectiveness of the adult education and literacy programs funded through its subgrants and contracts under this part, based on the performance goals and indicators and the expected level of performance included in its State plan under section 315(d)(3), and the needs identified in the State assessment under section 315(b); and

''(B) its State leadership activities under section 313.

''(2) The State educational agency shall include in such reports such information, and in such form, as the Secretary may reasonably require, in order to ensure the collection of uniform national data.

''(3) The State educational agency shall make available to the public its State plan under section 315 and its annual report under this subsection.

''(d) TECHNICAL ASSISTANCE.—If the Secretary determines that the State is not properly implementing its responsibilities under subsection (b), or is not making substantial progress in meeting the purposes of this title, based on the performance goals and indicators and expected level of performance included in its State plan under section 315(d)(3), the Secretary shall work with the State to implement improvement activities.

''(e) WITHHOLDING OF FEDERAL FUNDS.—If, after a reasonable time, but not earlier than one year after implementing activities described in subsection (d), the Secretary determines that the State is not making sufficient progress, based on its performance goals and indicators and expected level of performance included in its State plan under section 315(d)(3), the Secretary shall, after notice and opportunity for a hearing, withhold from the State all, or a portion, of the State's allotment under this part. The Secretary may use funds withheld under the preceding sentence to provide, through alternative arrangements, services and activities within the State that meet the purposes of this title.

''ALLOTMENTS; REALLOTMENT

''SEC. 320. (a) ALLOTMENT TO STATES.—(1) From the funds available under section 312(a) for each fiscal year, the Secretary shall allot to the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands, the amount that each would have been allotted under section 313(b) of the Adult Education Act as it was in effect the day before the enactment of the Adult Basic Education and Literacy for the Twenty-First Century Act.

''(2) From the remainder of such sums, the Secretary shall allot—

''(A) $250,000 to each of the States; and

''(B) from the remainder—

''(i) 95 percent of such remainder to each of the States in an amount that bears the same ratio to such amount as the number of adults in the State who are 16 years of age or older and not enrolled, or required to be enrolled, in secondary school and who do not possess a high school diploma or its equivalent, bears to the number of such adults in all the States; and

''(ii) 5 percent of such remainder to each of the States in an amount that bears the same ratio to such amount as the number of adults with limited English proficiency in the State bears to the number of such adults in all the States.

''(3) The numbers of adults specified in paragraph (2)(B) shall be determined by the Secretary, using the latest estimates, satisfactory to the Secretary, that are based on the U.S. population demographic data produced and published by the Bureau of the Census.

''(b) HOLD-HARMLESS.—(1) Notwithstanding subsection (a)—

''(A) for fiscal year 1998, no State shall receive under this part an allotment that is less than 90 percent of the payments made to the State for the fiscal year 1997 for programs authorized by section 313 of the Adult Education Act as it was in effect prior to the enactment of the Adult Basic Education and Literacy for the Twenty-First Century Act; and

''(B) for fiscal year 1999 and each succeeding fiscal year, no State shall receive under this part an allotment that is less than 90 percent of the amount it received for the preceding fiscal year for programs under this part.

''(2) 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 States for such services and activities as necessary.

''(c) REALLOTMENT.—If the Secretary determines that any amount of a State's allotment under this section for any fiscal year will not be required for carrying out the program for which such amount has been allotted, the Secretary shall make such amount available for reallotment to one or more other States or the basis that the Secretary determines would best serve the purposes of this title. Any amount reallotted to a State under this subsection shall be deemed to be part of its allotment for the fiscal year in which it is obligated.

''PART B—NATIONAL LEADERSHIP

''NATIONAL LEADERSHIP ACTIVITIES

''SEC. 331. (a) AUTHORITY.—From the amount reserved under section 303(b) for any fiscal year, the Secretary is authorized to establish a program of national leadership and evaluation activities to enhance the quality of adult education and literacy nationwide.

''(b) METHOD OF FUNDING.—The Secretary may carry out national leadership and evaluation activities directly or through grants, contracts, and cooperative agreements.

''(c) USES OF FUNDS.—Funds reserved under this section may be used for—

''(1) research and development, such as estimates of the numbers of adults functioning at the lowest levels of literacy proficiency;

''(2) demonstration of model and innovative programs, such as the development of models for basic skill certificates, identification of effective strategies for working with adults with learning disabilities and with limited English proficient adults, and development of case studies of family literacy and workplace literacy programs;

''(3) dissemination, such as information on promising practices resulting from federally funded demonstration programs;

''(4) evaluations and assessments, such as periodic independent evaluations of services and activities assisted under this title an assessments of the condition and progress of literacy in the United States;

''(5) efforts to support capacity building at the State and local levels, such as technical assistance in program planning, assessment, evaluation, and monitoring of programs under this title;

''(6) data collection, such as improvement of both local and State data systems through technical assistance and development of model performance data collection systems;

''(7) professional development, such as technical assistance activities to advance effective training practices, identify professional development projects, and disseminate new findings in adult education training;

''(8) technical assistance, such as endeavors that aid distance learning, promote and improve the use of technology in the classroom, and assist States in meeting the purposes of this title; and

''(9) other activities designed to enhance the quality of adult education and literacy nationwide.

''AWARDS FOR NATIONAL EXCELLENCE

''SEC. 332. The Secretary may, from the amount reserved under section 303(b) for any fiscal year after fiscal year 1999, and through a peer review process, make performance awards to one or more States that have—

''(1) exceeded in an outstanding manner their performance goals or expected level of performance under section 315(d)(3);

''(2) made exemplary progress in developing, implementing, or improving their adult education and literacy programs in accordance with the priorities described in section 311; or

''(3) provided exemplary services and activities for those individuals within the State who are most in need of adult education and literacy services, or are hardest to serve.

''NATIONAL INSTITUTE FOR LITERACY

''SEC. 333. (a) PURPOSE.—The National Institute for Literacy shall—

''(1) provide national leadership;

''(2) coordinate literacy services; and

''(3) be a national resource for adult education and family literacy, by providing the best and most current information available and supporting the creation of new ways to offer improved services.

''(b) ESTABLISHMENT.—(1) There shall be a 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 with the Secretary of Labor and the Secretary of Health and Human Services (in this section referred to as the 'Interagency Group'). The Secretary may include in the Institute any research and development center, institute, or clearinghouse established within the Department of Education whose purpose is determined by the Secretary to be related to the purpose of the Institute.

''(2) The Interagency Group shall consider the recommendations of the National Institute for Literacy Advisory Board (the 'Board') under subsection (e) in planning the goals of the Institute and in the implementation of any programs to achieve such goals. The daily operations of the Institute shall be carried out by the Director.

''(c) DUTIES.—(1) In order to provide leadership for the improvement and expansion of the system for delivery of literacy services, the Institute is authorized to—

''(A) establish 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 the integration of such 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) coordinate support for the provision of literacy and basic skills services across Federal agencies and at the State and local levels;

''(C) coordinate the support of 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 carry out basic and applied research and development on topics that are not being investigated by other organizations or agencies;

''(D) collect and disseminate information on methods of advancing literacy that show great promise;

''(E) work with the National Education Goals Panel, assist local, State, and national organizations and agencies in making and measuring progress toward the National Education Goals, as established by P.L. 103–227;

''(F) coordinate and share information with national organizations and associations that are interested in literacy and workforce development;

''(G) inform the development of policy with respect to literacy and basic skills; and

''(H) 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) The Institute may enter into contracts or cooperative agreements with, or make grants to, 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) The Institute may, in consultation with the Board, award fellowships, with such stipends and allowances that the Director considers necessary, to outstanding individuals pursuing careers in adult education or literacy in the areas of instruction, management, research, or innovation.

''(2) 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) The Institute, in consultation with the Board, is authorized to award paid and unpaid internships to individuals seeking to assist in carrying out the Institute's mission and to accept assistance from volunteers.

''(e) NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD.—(1)(A) There shall be a National Institute for Literacy Advisory Board, which shall consist of 10 individuals appointed by the President.

''(B) The Board shall comprise individuals who are not otherwise officers or employees of the Federal Government and who are representative of such entities as—

''(i) literacy organizations and providers of literacy services, including nonprofit providers, providers of English as a second language programs and services, social service organizations, and providers receiving assistance under this title;

''(ii) businesses that have demonstrated interest in literacy programs;

''(iii) literacy students, including those with disabilities;

''(iv) experts in the area of literacy research;

''(v) State and local governments;

''(vi) State Directors of adult education; and

''(vii) labor organizations.

''(2) The Board shall—

''(A) make recommendations concerning the appointment of the Director and staff of the Institute; and

''(B) provide independent advice on the operation of the Institute.

''(3)(A) Appointments to the Board made after the date of enactment of the Adult Basic Education and Literacy for the Twenty-First Century Act shall be for three-year terms, except that the initial terms for members may be established at one, two, or three years in order to establish a rotation in which one-third of the members are selected each year.

''(B) 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 members' term until a successor has taken office.

''(4) The Chairperson and Vice Chairperson of the Board shall be elected by the members.

''(5) The Board shall meet at the call of the Chairperson or a majority of its members.

''(f) GIFTS, BEQUESTS, AND DEVISES.—(1) The Institute may accept, administer, and use gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

''(2) The responsible official shall establish written rules setting forth the criteria to be used by the Institute in determining whether the acceptance of contributions of services, money, or property whether real or personal, tangible or intangible, would reflect unfavorably upon the ability of the Institute or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.

''(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 United States.

''(h) STAFF.—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 annual rate of basic pay payable for level IV of the Executive Schedule.

''(j) EXPERTS AND CONSULTANTS.—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 biennial report to the Interagency Group and the Congress.

''(l) NONDUPLICATION.—The Institute shall not duplicate any functions carried out by the Secretaries of Education, Labor, and Health and Human Services under this title. This subsection shall not be construed to prohibit the Secretaries from delegating such functions to the Institute.

''(m) FUNDING.—Any amounts appropriated to the Secretary, the Secretary of Labor, the Secretary of Health and Human Services, or any other department that participates in the Institute for purposes that the Institute is authorized to perform under this section may be provided to the Institute for such purposes.

''PART C—GENERAL PROVISIONS

''WAIVERS

''SEC. 341. (a) REQUEST FOR WAIVER.—A State educational agency may request, on its own behalf or on behalf of a local recipient, a waiver by the Secretary of one or more statutory or regulatory provisions described in subsection (c) in order to carry out adult education and literacy programs under part A more effectively.

''(b) GENERAL AUTHORITY.—(1) Except as provided in subsection (d), the Secretary may waive any requirement of a statute listed in subsection (c), or of the regulations issued under that statute, for a State that requests such a waiver—

''(A) if, and only to the extent that, the Secretary determines that such requirement impedes the ability of the State or a subgrant or contract recipient under part A to carry out adult education and literacy programs or activities in an effective manner;

''(B) if the State waives, or agrees to waive, any similar requirements of State law;

''(C) if, in the case of a statewide waiver, the State—

''(i) has provided all subgrant or contract recipients under part A in the State with notice of, and an opportunity to comment on, the State's proposal to request a waiver; and

''(ii) has submitted the comments of such recipients to the Secretary; and

''(D) if the State provides such information as the Secretary reasonably requires in order to make such determinations.

''(2) The Secretary shall act promptly on any request submitted under paragraph (1).

''(3) Each waiver approved under this subsection shall be for a period not to exceed five years, except that the Secretary may extend such period if the Secretary determines that the waiver has been effective in enabling the State to carry out the purposes of this title.

''(c) EDUCATION PROGRAMS.—The statutes subject to the waiver authority of the Secretary under this section are—

''(1) this title;

''(2) part A of title I of the Elementary and Secondary Education Act of 1965 (authorizing programs and activities to help disadvantaged children meet high standards);

''(3) part B of title II of the Elementary and Secondary Education Act of 1965 (Dwight D. Eisenhower Professional Development Program);

''(4) title VI of the Elementary and Secondary Education Act of 1965 (Innovative Education Program Strategies);

''(5) part C of title VII of the Elementary and Secondary Education Act of 1965 (Emergency Immigrant Education Program);

''(6) the School-to-Work Opportunities Act of 1994, but only with the concurrence of the Secretary of Labor; and

''(7) the Carl D. Perkins Career Preparation Education Act of 1997.

''(d) WAIVERS NOT AUTHORIZED.—The Secretary may not waive any statutory or regulatory requirement of the programs listed in subsection (c) relating to—

''(1) the basic purposes or goals of the affected programs;

''(2) maintenance of effort;

''(3) comparability of services;

''(4) the equitable participation of students attending private schools;

''(5) parental participation and involvement;

''(6) the distribution of funds to States or to local recipients;

''(7) the eligibility of an individual for participation in the affected programs;

''(8) public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection; or

''(9) prohibitions or restrictions relating to the construction of buildings or facilities.

''(e) TERMINATION OF WAIVERS.—The Secretary shall periodically review the performance of any State or local recipient for which the Secretary has granted a waiver under this section and shall terminate such waiver if the Secretary determines that the performance of the State affected by the waiver has been inadequate to justify a continuation of the waiver, or the State fails to waive similar requirements of State law in accordance with subsection (b)(1)(B).

''DEFINITIONS

''SEC. 342. For the purposes of this title—

''(1) except under section 320(a)(2)(B)(ii), the term 'adult' means an individual who is 16 years of age, or beyond the age of compulsory school attendance under State law, and who is not enrolled, or required to be enrolled, in secondary school;

''(2) the term 'adult education' means services or instruction below the college level for adults who—

''(A) lack sufficient education or literacy skills to enable them to function effectively in society; or

''(B) do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education;

''(3) the term 'community-based organization' means a private nonprofit organization that is representative of a community or significant segments of a community and that provides education, vocational rehabilitation, job training, or internship services and programs;

''(4) the term 'individual of limited English proficiency' means an adult or out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language and—

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

''(B) who lives in a family or community environment where language other than English is the dominant language;

''(5) the term 'institution of higher education' means any such institution as defined by section 1201(a) of the Higher Education Act of 1965;

''(6) the term 'literacy' means an individual's ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function on the job and in society, to achieve one's goals, and develop one's knowledge and potential;

''(7) the term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, except that, if there is a separate board or other legally constituted local authority having administrative control and direction of adult education in public schools therein, such term means such other board or authority;

''(8) the term 'public housing agency' means a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6));

''(9) the term 'Secretary' means the Secretary of Education;

''(10) the term 'State' means each of the 50 States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands, except that for purposes of section 320(a)(2) the term shall not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands; and

''(11) the term 'State educational agency' means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is a separate State agency or officer primarily responsible for supervision of adult education in public schools, then such agency or officer may be designated for the purposes of this title by the Governor or by State law. If no agency or officer qualifies under the preceding sentence, such term shall mean an appropriate agency or officer designated for the purposes of this title by the Governor.''.

TITLE II—EFFECTIVE DATE; TRANSITION

EFFECTIVE DATE

SEC. 201. This Act shall take effect on July 1, 1998.

TRANSITION

SEC. 202. Notwithstanding any other provisions of law—

(1) upon enactment of the Adult Basic Education and Literacy for the Twenty-First Century Act, a State or local recipient of funds under the Adult Education Act as it was in effect prior to the enactment of the Adult Basic Education and Literacy for the Twenty-First Century Act, may use any such unexpended funds to carry out services and activities that are authorized by the Adult Education Act or part A of the Adult Basic Education and Literacy Act; and

(2) a State or local recipient of funds under part A of the Adult Basic Education and Literacy Act for the fiscal year 1998 may use such funds to carry out services and activities that are authorized either by such part or were authorized by the Adult Education Act as it was in effect prior to the enactment of the Adult Basic Education and Literacy for the Twenty-First Century Act.

TITLE III—REPEALS OF OTHER ACTS

REPEALS

SEC. 301. (a) NATIONAL LITERACY ACT.—The National Literacy Act of 1991 (20 U.S.C. 1201 *et seq.*) is repealed.

(b) GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.—Part E of title X of the Higher Education Act of 1965 (20 U.S.C. 1135g) is repealed.

By Mr. LAUTENBERG (for himself, Mr. GRAHAM, Mr. KENNEDY, Mrs. BOXER, Mr. MOYNIHAN, Mr. TORRICELLI, and Mrs. MURRAY):

S. 995. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals; to the Committee on the Judiciary.

THE CAPTIVE EXOTIC ANIMAL PROTECTION ACT OF 1997

Mr. LAUTENBERG. Mr. President, today I am introducing legislation to prevent the cruel and unsporting practice of ''canned'' hunting, or caged kills. I am pleased to be joined by Senators GRAHAM, KENNEDY, BOXER, MOYNIHAN, TORRICELLI, and MURRAY.

In a canned hunt, a customer pays to shoot a captive exotic animal on a small game ranch where the animal typically is trapped inside a fenced-in enclosure. The enclosed space prevents the animal from escaping and making it an easy prey. The so-called hunter returns home with the animal's head to mount on his or her wall and the ranch owner collects a large fee. No hunting, tracking or shooting skills are required. The animals are easy targets because they typically are friendly to humans, having spent years in captivity, and having been cared for and fed by the canned hunt ranch owners.

There are reported to be more than 1,000 canned hunting operations in the United States. At these ranches, a customer can, for example, ''hunt'' a Dama gazelle for $3,500, a Cape Buffalo for $6,000 or a Red Deer for $6,000. The rarer the animal, the higher the price.

My bill is similar to legislation I introduced in the 104th Congress, S. 1493.

It is directed only at true canned hunts. It does not affect cattle ranching, the hunting or breeding of any animals that live in the wild in the United States, rodeos, livestock shows, petting zoos, or horse or dog racing. It merely bans the procuring and transport of non-native, exotic mammals for the purpose of shooting them for entertainment, or to collect a trophy. The bill would not affect larger ranches, where animals have some opportunity to escape hunters. Nor does the bill affect the hunting of any animals that live in the wild in the United States.

Many hunters believe that canned hunts are unethical and make a mockery of their sport. For example, the Boone and Crockett Club, a hunting organization founded by Teddy Roosevelt, has called canned hunts ''unfair'' and ''unsportsmanlike.'' Bill Burton, the former outdoors writer for the Baltimore Sun and a hunter, testifying last year in support of this legislation, stated, ''There is a common belief that the hunting of creatures which have no reasonable avenue to escape is not up to traditional standards. Shooting game in confinement is not within these standards.''

Canned hunts also are strongly opposed by animal protection groups. As the Humane Society of the United States has said about animals in canned hunts, ''the instinct to flee, their greatest natural defense, has been replaced by trust—trust that is rewarded with a cruel and brutal death.'' Indeed, many animals killed in canned hunts suffer immeasurably as they receive shot after shot to non-vital organs. This practice is intended to preserve the head and chest regions intact so that the animals will make more attractive trophies.

The practice of keeping captive animals for canned hunts may also pose a danger to native wildlife or livestock if the captive animals escape. John Talbott, acting director of the Wyoming Department of Fish and Game, stated that ''Tuberculosis and other disease documented among game ranch animals in surrounding States'' pose ''an extremely serious threat to Wyoming's native big game.'' This is one reason why Wyoming has banned canned hunts. Other States that have banned these hunts include California, Connecticut, Georgia, Maryland, Massachusetts, Nevada, New Jersey, North Carolina, Rhode Island, and Wisconsin.

Unfortunately, in most States, canned hunts are largely unregulated. The lack of State laws, and the fact that many of these animals move in interstate commerce, make Federal legislation necessary.

I urge my colleagues who want to understand the cruelty involved in a canned hunt to visit my office and view a videotape of an actual canned hunt. You will witness a defenseless Corsican ram, cornered near a fence, being shot over and again with arrows, and clearly experiencing an agonizing death, then only to be dealt a final blow by a firearm. Then I urge you to join me in support of this legislation which will put an end to this needless suffering.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 995

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Captive Exotic Animal Protection Act of 1997''.

SEC. 2. TRANSPORT OR POSSESSION OF EXOTIC ANIMALS FOR PURPOSES OF KILLING OR INJURING THEM.

(a) IN GENERAL.—Chapter 3 of title 18, United States Code, is amended by adding at the end the following:

''§ 48. Exotic animals

''(a) PROHIBITION.—Whoever, in or affecting interstate or foreign commerce, knowingly transfers, transports, or possesses a confined exotic animal, for the purposes of allowing the killing or injuring of that animal for entertainment or for the collection of a trophy, shall be fined under this title, imprisoned not more than 1 year, or both.

''(b) DEFINITIONS.—In this section—

''(1) the term 'confined exotic animal' means a mammal of a species not historically indigenous to the United States, that has been held in captivity for the shorter of—

''(A) the greater part of the life of the animal; or

''(B) a period of 1 year;

whether or not the defendant knew the length of the captivity; and

''(2) the term 'captivity' does not include any period during which an animal—

''(A) lives as it would in the wild, surviving primarily by foraging for naturally occurring food, roaming at will over an open area of not less than 1,000 acres; and

''(B) has the opportunity to avoid hunters.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of title 18, United States Code, is amended by adding at the end the following:

''48. Exotic animals.''.

By Mr. GRASSLEY (for himself and Mr. SPECTER):

S. 996. A bill to provide for the authorization of appropriations in each fiscal year for arbitration in U.S. district courts; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 997. A bill to amend chapter 44 of title 28, United States Code, to authorize the use of certain arbitration procedures in all district courts, to modify the damage limitation applicable to cases referred to arbitration, and for other purposes; to the Committee on the Judiciary.

ARBITRATION LEGISLATION

Mr. GRASSLEY. Mr. President, I rise at this time to introduce two bills. Both bills are designed to encourage what is known in the legal world as arbitration, which is a type of alternative dispute resolution and a means of settling differences instead of litigating them in the costly environment and adversarial environment of the courts.

Our great American leader, Abraham Lincoln, wrote over 140 years ago, in 1840: ''Discourage litigation. Persuade your neighbors to compromise whenever you can.'' That is exactly what these two bills are designed to do.

For over 20 years now, all three branches have looked for ways to alleviate the courts' crowded docket and to enable a civil litigant to have his complaint heard in a more expedient fashion. In 1976, in search of alternatives, Chief Justice Burger convened the Pound Conference on the Causes of Popular Dissatisfaction with the Administration of Justice and asked its members: ''Isn't there a better way?''

There is, and that way is called alternative dispute resolution. Most State and Federal bar associations now have alternative dispute resolution committees. Some have even elevated consideration of ADR approaches to a matter of professional ethics or its equivalent. Almost all law schools across the country now offer their students classes in ADR. Many graduate programs, especially business schools, have added ADR courses to their curriculum. And numerous legal and business publications are committed exclusively to the topic of alternative dispute resolution.

Contracts, be they between nations, major corporations, or even private individuals, now more often than not include arbitration clauses. There are numerous professional and trade associations under the umbrella of alternative dispute resolution. ADR is not a legal vogue, nor is it second-class justice. ADR is an intelligent and efficient alternative to litigation, and it is a way to ensure that civil matters can be handled as quickly as possible with low cost to the parties and with an outstanding settlement and satisfaction rate among all entities involved. Arbitration in particular combines procedural protections with the informality necessary for parties to discuss their positions in a manner that promotes settlement and allows for a detailed exploration of the issues.

In 1990, Congress enacted bills to authorize implementation of ADR programs throughout the administrative agency apparatus and to ask Federal courts to consider ADR as a means to reduce cost. For example, on November 15, 1990, President Bush signed into law a bill which I introduced called the Administrative Dispute Resolutions Act. This act authorized and promoted the use of alternative dispute resolution by Federal Government agencies.

Almost immediately, the success of the bill became evident. In 1992, for example, agencies reported that over 70 percent of the disputes submitted to ADR reached settlement. Often mere discussion of what ADR techniques to apply led to agreement between the parties. Last year, in a unified showing of support for the idea of ADR, including arbitration, we permanently reauthorized that 1990 act. 1990 also saw the passage of the Negotiated Rulemaking Act, which authorized the use of negotiated rulemaking as an alternative to

adversarial rulemaking in Federal agencies, and the Civil Justice Reform Act, which required every Federal district court to develop a civil justice expense and delay reduction plan.

To test the ADR waters in the article III courts, in 1988, Congress amended the Judiciary and Judicial Procedure Act and authorized pilot programs in 20 Federal district courts. The amendment made court-annexed, nonbinding arbitration mandatory in 10 districts and voluntary in the other 10. The results are in, and they are more than encouraging. Therefore, the first bill I am introducing today will permanently extend authorization of these pilot programs so that these courts can continue to provide litigants with efficient and successful alternatives to trial. Senator SPECTER, whose own home State of Pennsylvania has participated in this program, is joining me in this effort.

Over half of the Nation's 94 districts currently offer some type of alternative dispute resolution. This number seems low, and the reason for that is because many districts are not sure whether courts other than those authorized by statute may offer ADR. Therefore, to eliminate this uncertainty, the second bill I am introducing not only authorizes district courts across the Nation to implement arbitration programs and procedures, it demands such implementation. It will then be left to the discretion of each judge, however, whether to make use of the implemented programs and procedures.

The major goal of arbitration is to encourage litigants to settle their disputes without going through the lengthy and costly process of a full-blown trial. This will not only lessen the burden on the judicial branch, but also enable people who feel they have been wronged to get a decision without waiting months for the usual verdict and without spending tons of money on attorney's fees.

Let me just give an example, and this is according to the National Law Journal. It was an article that was published last year. It has been determined that out of every dollar spent in asbestos litigation, only 39 cents goes to victims, with approximately 33 to 50 percent of the awards collected allocated as attorney's fees.

My arbitration bills are designed to curb exactly this type of ''plaintiff-milking.'' In the pilot program districts, the majority of arbitration cases closed before even reaching the arbitration hearing level and over two-thirds did not return to the court's regular calendar, thus saving not only the litigants, but also the courts and, therefore, the public both time and money. In the New Jersey program, about 20 percent of the civil case filings qualified for mandatory arbitration over the 8-year period which the program operated. Less than 2 percent of those cases required trial; in other words, 98 percent of those cases could be settled via arbitration.

A majority of the attorneys involved in arbitration cases agreed that referring the case to the program directly resulted in earlier settlement discussions and, most important, in avoiding litigation. For the parties involved, that means their issues were resolved from 2 to 18 months sooner than if the case had gone to trial. In the Eastern District of Pennsylvania, as an example, the median time until a dispute is resolved through ADR is 5 months. Only 7 percent of the district's arbitration cases lasted beyond 9 months and the percentage of cases tried de novo is less than 10 percent.

Litigants, attorneys, and judges all are more than laudatory of the program's results. As a matter of fact, positive reaction could be documented almost as soon as the program was implemented. A 1990 report by the Federal Judicial Center illustrates this point. Over 80 percent of the litigants surveyed praised the fairness of the ADR process; 84 percent of attorneys surveyed said that they approved of arbitration both as a concept and, more important, as implemented in their specific districts.

Also, an overwhelming 97 percent of the judges involved in the program agreed that their civil caseload was reduced since less than a third of the arbitration caseload returns to the regular trial calendar. The resounding consensus was that other districts should also adopt this outstanding program as a result of this experiment.

Let me give you another example of the success of ADR. A November 1996 study of the Judicial Council of California, on California's Civil Action Mediation Act, showed that litigant satisfaction for arbitration in the Los Angeles County Superior Court was 84 percent and that 94 percent of the overall respondents would use arbitration again.

Incidentally, that same study showed that the program's mediation process within 2 years produced savings five times higher than what the California Legislature had targeted for 5 years. In other words, California had targeted $250,000 after 5 years to consider the mediation program a success. ADR saved the courts a total of $1.3 million in just 2 years. Whether it is mediation, arbitration, or any other of the ADR techniques, alternative dispute resolution undoubtedly is successful in creating huge savings for both the public and the litigants.

The benefits of arbitration, not only to the judicial branch, but, more important, to the litigants, are impossible to ignore. Skeptics argue that the litigant will feel he is being subjected to second-class justice, but, quite frankly, the opposite is the case. Litigants feel that they are much more closely involved in the process than would be the case if there was formal adjudication. Litigants can participate much more actively and have much more control over what is decided and how it is decided. Negotiation, rather than adjudication, is the goal. And when all is said and done, unlike after a trial, the parties on opposite sides of the table often still have some type of positive relationship.

On top of that, the process is private, unlike the public trial. In such a private, somewhat informal setting, the parties involved have much more flexibility, not only regarding procedure but also remedies. Generally, as we know, an article III court in a civil matter will limit remedies to a dollar figure. Arbitration can go beyond that. Often all a plaintiff wants might be an apology, or the injured worker who can't perform his job any more just wants another job. Arbitration can give a party those results.

Arbitration is a legal concept that makes sense, saves time, and saves money. As a matter of fact, the Eastern District of Pennsylvania, one of the pilot programs, estimates that arbitration has produced a 5-to-1 savings in private and public costs.

So the two bills that I am introducing today will, therefore, help give the public efficient and expedient access to the Federal courts and will help alleviate the caseload burden on the judicial branch.

I ask unanimous consent, Mr. President, that my two bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ARBITRATION IN DISTRICT COURTS.

Section 905 of the Judicial Improvements and Access to Justice Act (28 U.S.C. 651 note) is amended in the first sentence by striking ''for each of the fiscal years 1994 through 1997'' and inserting ''for each fiscal year''.

S. 997

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ARBITRATION IN DISTRICT COURTS.

(a) AUTHORIZATION OF ARBITRATION.—Section 651(a) of title 28, United States Code, is amended to read as follows:

''(a) AUTHORITY.—Each United States district court shall authorize by local rule the use of arbitration in any civil action, including adversary proceedings in bankruptcy, in accordance with this chapter.''.

(b) ACTIONS REFERRED TO ARBITRATION.—Section 652(a) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking ''and section 901(c)'' and all that follows through ''651'' and inserting ''a district court''; and

(B) in subparagraph (B) by striking ''$100,000'' and inserting ''$150,000''; and

(2) in paragraph (2) by striking ''$100,000'' and inserting ''$150,000''.

(c) CERTIFICATION OF ARBITRATORS.—Section 656(a) of title 28, United States Code, is amended by striking ''listed in section 658''.

(d) REMOVAL OF LIMITATION.—Section 658 of title 28, United States Code, and the item relating to such section in the table of sections at the beginning of chapter 44 of title 28, United States Code, are repealed.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. MOYNIHAN, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 22, a bill to establish a bipartisan national commission to address the year 2000 computer problem.

S. 63

At the request of Mr. FEINGOLD, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 63, a bill to amend certain Federal civil rights statutes to prevent the involuntary application of arbitration to claims that arise from unlawful employment discrimination based on race, color, religion, sex, national origin, age, or disability, and for other purposes.

S. 102

At the request of Mr. BREAUX, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of S. 102, a bill to amend title XVIII of the Social Security Act to improve Medicare treatment and education for beneficiaries with diabetes by providing coverage of diabetes outpatient self-management training services and uniform coverage of blood-testing strips for individuals with diabetes.

S. 208

At the request of Mr. BOND, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Georgia [Mr. CLELAND], the Senator from Arkansas [Mr. BUMPERS], the Senator from Wyoming [Mr. ENZI], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Montana [Mr. BURNS], and the Senator from Maine [Ms. SNOWE] were added as cosponsors of S. 208, a bill to provide Federal contracting opportunities for small business concerns located in historically underutilized business zones, and for other purposes.

S. 222

At the request of Mr. DOMENICI, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 222, a bill to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

S. 224

At the request of Mr. WARNER, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 224, a bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to medicare to enroll in the Federal Employees Health Benefits program, and for other purposes.

S. 412

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 412, a bill to provide for a national standard to prohibit the operation of motor vehicles by intoxicated individuals.

S. 422

At the request of Mr. DOMENICI, the name of the Senator from North Dakota [Mr. DORGAN] was withdrawn as a cosponsor of S. 422, a bill to define the circumstances under which DNA samples may be collected, stored, and analyzed, and genetic information may be collected, stored, analyzed, and disclosed, to define the rights of individuals and persons with respect to genetic information, to define the responsibilities of persons with respect to genetic information, to protect individuals and families from genetic discrimination, to establish uniform rules that protect individual genetic privacy, and to establish effective mechanisms to enforce the rights and responsibilities established under this Act.

S. 509

At the request of Mr. BURNS, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 509, a bill to provide for the return of certain program and activity funds rejected by States to the Treasury to reduce the Federal deficit, and for other purposes.

S. 623

At the request of Mr. INOUYE, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of S. 623, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 686

At the request of Mr. SARBANES, the names of the Senator from Kentucky [Mr. FORD], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 686, a bill to establish the National Military Museum Foundation, and for other purposes.

S. 852

At the request of Mr. LOTT, the names of the Senator from Michigan [Mr. ABRAHAM], and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 916

At the request of Mr. COCHRAN, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 916, a bill to designate the U.S. Post Office building located at 750 Highway 28 East in Taylorsville, MS, as the ''Blaine H. Eaton Post Office Building''.

S. 927

At the request of Ms. SNOWE, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from New Jersey [Mr. TORRICELLI] were added as cosponsors of S. 927, a bill to reauthorize the Sea Grant Program.

S. 950

At the request of Mr. MCCONNELL, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 950, a bill to provide for equal protection of the law and to prohibit discrimination and preferential treatment on the basis of race, color, national origin, or sex in Federal actions, and for other purposes.

S. 952

At the request of Mr. MCCONNELL, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 952, a bill to establish a Federal cause of action for discrimination and preferential treatment in Federal actions on the basis of race, color, national origin, or sex, and for other purposes.

AMENDMENT NO. 420

At the request of Mr. THURMOND the names of the Senator from Arizona [Mr. KYL], and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of amendment No. 420 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 422

At the request of Mr. DASCHLE his name was added as a cosponsor of amendment No. 422 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 424

At the request of Mr. GORTON the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of amendment No. 424 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 645

At the request of Mr. GORTON the names of the Senator from Texas [Mrs. HUTCHISON], the Senator from New York [Mr. D'AMATO], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of amendment No. 645 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities