

There shall be a motion for the previous question, which, being ordered, shall have the effect of cutting off all debate and bringing the House to a direct vote on the immediate question or questions on which it has been ordered.

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the one hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the previous question has no substantive legislative or policy implications whatsoever.

Mr. Speaker, I would like to say that the underlying legislation is an important step towards improving transparency in the credit rating industry and the quality of information provided by the agencies. The industries receiving credit ratings are wide-ranging, from information technology, healthcare, manufacturing, financial services, and the list goes on.

I would also like to remind my colleagues that many, many workers in America and investors in America are heavily reliant on the full health of the companies that they work for and invest in, all up and down the economic ladder. Allowing smaller industry specific credit rating agencies to enter the market will improve the information provided to investors.

We cannot forget those workers of Enron and WorldCom who were saving for colleges, saving for retirement, and basically left penniless. With the ever-increasing importance placed on these ratings by investors, it is important that clear requirements for registration of credit rating agencies be created, and this legislation is a giant step towards that goal.

I would like to remind my colleagues that this fair rule makes in order all germane amendments that were presented to the Committee on Rules.

The material previously referred to by Ms. MATSUI is as follows:

PREVIOUS QUESTION ON H. RES. 906, RULE FOR H.R. 2990 CREDIT RATING AGENCY DUOPOLY RELIEF ACT

At the end of the resolution add the following new section:

"SEC. 2. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2429) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions."

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not

merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling on January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R09Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution \* \* \* [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule \* \* \* When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does not have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mrs. CAPITO. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. MATSUI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### CARL D. PERKINS CAREER AND TECHNICAL EDUCATION IMPROVEMENT ACT OF 2005

Mr. McKEON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 250) to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 250

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

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

(a) SHORT TITLE.—This Act may be cited as the "Carl D. Perkins Career and Technical Education Improvement Act of 2005".

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

- Sec. 1. Short title; table of contents.
- Sec. 2. References.
- Sec. 3. Purpose.
- Sec. 4. Definitions.
- Sec. 5. Transition provisions.
- Sec. 6. Limitation.
- Sec. 7. Authorization of appropriations.

#### TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

- Sec. 101. Career and technical education assistance to the States.
- Sec. 102. Reservations and State allotment.
- Sec. 103. Within State allocation.
- Sec. 104. Accountability.
- Sec. 105. National activities.
- Sec. 106. Assistance for the outlying areas.
- Sec. 107. Native American program.
- Sec. 108. Tribally controlled postsecondary career and technical institutions.
- Sec. 109. Occupational and employment information.
- Sec. 110. State administration.
- Sec. 111. State plan.
- Sec. 112. Improvement plans.
- Sec. 113. State leadership activities.
- Sec. 114. Distribution of funds to secondary school programs.
- Sec. 115. Distribution of funds for postsecondary career and technical education programs.
- Sec. 116. Special rules for career and technical education.
- Sec. 117. Local plan for career and technical education programs.
- Sec. 118. Local uses of funds.
- Sec. 119. Tech-Prep education.

#### TITLE II—GENERAL PROVISIONS

- Sec. 201. Redesignation of title.
- Sec. 202. Fiscal requirements.
- Sec. 203. Voluntary selection and participation.
- Sec. 204. Limitation for certain students.
- Sec. 205. Authorization of Secretary; participation of private school personnel.

Sec. 206. Student assistance and other Federal programs.

Sec. 207. Table of contents.

## SEC. 2. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.).

## SEC. 3. PURPOSE.

Section 2 (20 U.S.C. 2301) is amended—

(1) by striking “vocational” each place the term appears and inserting “career”;

(2) in paragraph (1), by striking “standards” and inserting “and technical standards, and to assist students in meeting such standards, including student academic achievement standards, especially in preparation for high skill, high wage, or high demand occupations in emerging or established professions”;

(3) in paragraph (2), by inserting “challenging” after “integrate”;

(4) in paragraph (3), by striking “and” after the semicolon;

(5) in paragraph (4)—

(A) by inserting “conducting and” before “disseminating national”;

(B) by inserting “disseminating information on best practices,” after “national research,”; and

(C) by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following:

“(5) promoting leadership, initial preparation, and professional development at the State and local levels, and developing research and best practices for improving the quality of career and technical education teachers, faculty, principals, administrators, and counselors;

“(6) supporting partnerships among secondary schools, postsecondary institutions, baccalaureate degree granting institutions, area career technical centers, local workforce investment boards, business and industry, professional associations, and intermediaries; and

“(7) developing a highly skilled workforce needed to keep America competitive in the global economy in conjunction with other Federal education and training programs, including workforce investment programs, that provide lifelong learning for the workforce of today and tomorrow.”.

## SEC. 4. DEFINITIONS.

Section 3 (20 U.S.C. 2302) is amended—

(1) by striking paragraphs (29) and (30);

(2) by redesignating paragraphs (5), (6), (7) through (12), (13) through (16), (17) through (22), and (23) through (28), as paragraphs (10), (12), (14) through (19), (21) through (24), (26) through (31), and (33) through (38), respectively;

(3) in paragraph (2), by inserting “, including employment statistics and information relating to national, regional, and local labor market areas, as provided pursuant to section 118, and career ladder information, where appropriate” after “to enter”;

(4) in paragraph (3)—

(A) in the paragraph heading, by striking “VOCATIONAL” and inserting “CAREER”; and

(B) by striking “vocational” each place the term appears and inserting “career”;

(5) by striking paragraph (4) and inserting the following:

“(4) ARTICULATION AGREEMENT.—The term ‘articulation agreement’ means a written commitment—

“(A) that is approved annually by the relevant administrators of—

“(i) a secondary institution and a postsecondary educational institution; or

“(ii) a sub-baccalaureate degree granting postsecondary educational institution and a baccalaureate degree granting postsecondary educational institution; and

“(B) to a program that is designed to provide students with a nonduplicative sequence of progressive achievement leading to technical skill proficiency, a credential, a certificate, or a degree, and linked through credit transfer agreements.”;

(6) by inserting after paragraph (4) (as amended by paragraph (5)) the following:

“(5) CAREER AND TECHNICAL EDUCATION.—The term ‘career and technical education’ means organized educational activities that—

“(A) offer a sequence of courses (which may include work-based learning experiences) that—

“(i) provides individuals with the challenging academic and technical knowledge and skills the individuals need to prepare for further education and for careers in emerging and established professions; and

“(ii) may lead to technical skill proficiency, a credential, a certificate, or a degree; and

“(B) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual.

“(6) CAREER AND TECHNICAL EDUCATION STUDENT.—The term ‘career and technical education student’ means a student who enrolls in a clearly defined sequence of career and technical education courses (which may include work-based learning experiences) leading to attainment of technical skill proficiency, a credential, a certificate, or a degree.

“(7) CAREER AND TECHNICAL STUDENT ORGANIZATION.—

“(A) IN GENERAL.—The term ‘career and technical student organization’ means an organization for individuals enrolled in a career and technical education program that engages in career and technical education activities as an integral part of the instructional program.

“(B) STATE AND NATIONAL UNITS.—An organization described in subparagraph (A) may have State and national units that aggregate the work and purposes of instruction in career and technical education at the local level.

“(8) CAREER GUIDANCE AND ACADEMIC COUNSELING.—The term ‘career guidance and academic counseling’ means providing access to information regarding career awareness and planning with respect to an individual’s occupational and academic future that shall involve guidance and counseling with respect to career options, including baccalaureate degree programs, financial aid, and postsecondary options.

“(9) CAREER PATHWAY.—The term ‘career pathway’ means a coordinated and non-duplicative sequence of courses (which may include work-based learning experiences) and associated credits that—

“(A) shall identify both secondary and postsecondary education elements;

“(B) shall include challenging academic and career and technical education content that adequately prepares students to pursue the postsecondary education element identified under subparagraph (A);

“(C) may include the opportunity for secondary students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary credits; and

“(D) culminates in technical skill proficiency, an industry-recognized credential, a

certificate, a degree, or completion of a recognized apprenticeship program.”;

(7) in paragraph (10) (as redesignated by paragraph (2)), by striking “5206” and inserting “5210”;

(8) by inserting after paragraph (10) (as redesignated by paragraph (2)) the following:

“(11) COMMUNITY COLLEGE.—The term ‘community college’—

“(A) means an institution of higher education, as defined in section 101 of the Higher Education Act of 1965, that provides not less than a 2-year program that is acceptable for full credit toward a baccalaureate degree; and

“(B) includes tribally controlled colleges or universities.”;

(9) in paragraph (12) (as redesignated by paragraph (2))—

(A) by striking “method of instruction” and inserting “method”; and

(B) by striking “vocational” and inserting “career”;

(10) by inserting after paragraph (12) (as redesignated by paragraph (2)) and amended by paragraph (9)) the following:

“(13) CORE ACADEMIC SUBJECTS.—The term ‘core academic subjects’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965, except that under this Act such subjects included in such term shall be only those subjects in a secondary school context.”;

(11) in paragraph (16) (as redesignated by paragraph (2)), by striking “vocational” both places the term appears and inserting “career”;

(12) in paragraph (17) (as redesignated by paragraph (2))—

(A) in subparagraph (A), by striking “an institution of higher education” and inserting “a public or nonprofit private institution of higher education that offers career and technical education courses that lead to technical skill proficiency, an industry-recognized credential, a certificate, or a degree”; and

(B) in subparagraph (C), by striking “vocational” and inserting “career”;

(13) in paragraph (18)(A) (as redesignated by paragraph (2)), by striking “agency, an area vocational” and inserting “agency (including a public charter school that operates as a local educational agency), an area career”;

(14) by inserting after paragraph (19) (as redesignated by paragraph (2)) the following:

“(20) GRADUATION AND CAREER PLAN.—The term ‘graduation and career plan’ means a written plan for a secondary career and technical education student, that—

“(A) is developed with career guidance and academic counseling or other professional staff, and in consultation with parents, not later than in the first year of secondary school or upon enrollment in career and technical education;

“(B) is reviewed annually and modified as needed;

“(C) includes relevant information on—

“(i) secondary school requirements for graduating with a diploma;

“(ii) postsecondary education admission requirements; and

“(iii) high skill, high wage, or high demand occupations and nontraditional fields in emerging and established professions, and labor market indicators; and

“(D) states the student’s secondary school graduation goals, postsecondary education and training, or employment goals, and identifies 1 or more career pathways that correspond to the goals.”;

(15) by inserting after paragraph (24) (as redesignated by paragraph (2)) the following:

“(25) LOCAL WORKFORCE INVESTMENT BOARD.—The term ‘local workforce investment board’ means a local workforce investment board established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832).”;

(16) in paragraph (26) (as redesignated by paragraph (2))—

(A) in the paragraph heading, by striking “TRAINING AND EMPLOYMENT” and inserting “FIELDS”; and

(B) by striking “training and employment” and inserting “fields”;

(17) in paragraph (27) (as redesignated by paragraph (2)), by striking “the Commonwealth” and all that follows through the period and inserting “and the Commonwealth of the Northern Mariana Islands.”;

(18) by inserting after paragraph (31) (as redesignated by paragraph (2)) the following:

“(32) SELF-SUFFICIENCY.—The term ‘self-sufficiency’ means a standard that is adopted, calculated, or commissioned by a local area or State, and which adjusts for local factors, in specifying the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations.”;

(19) in paragraph (33) (as redesignated by paragraph (2))—

(A) in subparagraph (C), by striking “training and employment” and inserting “fields”; and

(B) in subparagraph (F), by striking “individuals with other barriers to educational achievement, including”;

(20) in paragraph (35) (as redesignated by paragraph (2)) by striking “, and instructional aids and devices” and inserting “instructional aids, and work supports”;

(21) by striking paragraph (36) (as redesignated by paragraph (2)) and inserting the following:

“(36) TECH-PREP PROGRAM.—The term ‘tech-prep program’ means a program of study that—

“(A) combines at a minimum 2 years of secondary education (as determined under State law) with a minimum of 2 years of postsecondary education in a nonduplicative, sequential course of study;

“(B) integrates academic and career and technical education instruction, and utilizes work-based and worksite learning where appropriate and available;

“(C) provides technical preparation in a career field, including high skill, high wage, or high demand occupations;

“(D) builds student competence in technical skills and in core academic subjects, as appropriate, through applied, contextual, and integrated instruction, in a coherent sequence of courses (which may include work-based learning experiences);

“(E) leads to technical skill proficiency, an industry-recognized credential, a certificate, or a degree, in a specific career field;

“(F) leads to placement in high skill, high wage employment or to further education; and

“(G) utilizes career pathways, to the extent practicable.”; and

(22) in paragraph (38) (as redesignated by paragraph (2))—

(A) in the paragraph heading, by striking “VOCATIONAL” and inserting “CAREER”;

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

(i) by striking “vocational” and inserting “career”;

(ii) by striking “paragraph (2)” and inserting “subsection (a)(2)”;

(iii) by striking “paragraph (5)(A)” and inserting “subsection (a)(5)”;

(C) in subparagraph (F), by striking “vocational” and inserting “career”.

#### SEC. 5. TRANSITION PROVISIONS.

Section 4 (20 U.S.C. 2303) is amended by striking “the Carl D. Perkins Vocational and Applied Technology Education Act” and all that follows through the period and inserting “this Act, as this Act was in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2005. Each eligible agency shall be assured a full fiscal year for transition to plan for and implement the requirements of this Act.”.

#### SEC. 6. LIMITATION.

Section 6 (20 U.S.C. 2305) is amended by striking the second sentence.

#### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 8 (20 U.S.C. 2307) is amended—

(1) by striking “title II” and inserting “part D of title I”; and

(2) by striking “1999 through 2003” and inserting “2006 through 2011”.

#### TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

##### SEC. 101. CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES.

Title I (20 U.S.C. 2321 et seq.) is amended by striking the title heading and inserting the following:

#### “TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES”.

##### SEC. 102. RESERVATIONS AND STATE ALLOTMENT.

Section 111(a) (20 U.S.C. 2321(a)) is amended—

(1) in paragraph (1)(C), by striking “2001 through 2003,” and inserting “2006 through 2011.”; and

(2) by striking paragraphs (3) and (4) and inserting the following:

“(3) MINIMUM ALLOTMENT.—Subject to paragraph (4), no State, other than the United States Virgin Islands, shall receive for a fiscal year under this subsection less than ½ of 1 percent of the amount appropriated under section 8 and not reserved under paragraph (1) for such fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

“(4) HOLD HARMLESS.—

“(A) FISCAL YEARS 2006 THROUGH 2008.—Notwithstanding paragraph (3), no State shall receive an allotment under this section for each of the fiscal years 2006 through 2008 that is less than the allotment the State received under this part (as this part was in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2005) for fiscal year 2005.

“(B) FISCAL YEARS 2009 THROUGH 2011.—Notwithstanding paragraph (3), no State shall receive an allotment under this section for each of the fiscal years 2009 through 2011 that is less than 95 percent of the allotment the State received under this section for the preceding fiscal year.

“(C) RATABLE REDUCTION.—If for any fiscal year the amount appropriated for allotments under this section is insufficient to satisfy the requirements of subparagraph (A) or (B), the payments to all States under such subparagraph shall be ratably reduced.”.

##### SEC. 103. WITHIN STATE ALLOCATION.

Section 112 (20 U.S.C. 2322) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by adding “and” after the semicolon; and

(B) by striking paragraphs (2) and (3) and inserting the following:

“(2) not more than 15 percent or \$750,000, whichever is greater, for—

“(A) State leadership activities described in section 124, of which—

“(i) an amount determined by the eligible agency shall be made available to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and

“(ii) not less than \$60,000 shall be available for services that prepare individuals for non-traditional fields; and

“(B) administration of the State plan, which may be used for the costs of—

“(i) developing the State plan;

“(ii) reviewing the local plans;

“(iii) monitoring and evaluating program effectiveness;

“(iv) assuring compliance with all applicable Federal laws;

“(v) providing technical assistance; and

“(vi) supporting and developing State data systems relevant to the provisions of this Act.”;

(2) in subsection (b), by striking “subsection (a)(3)” both places the term appears and inserting “subsection (a)(2)(B)”;

(3) by striking subsection (c) and inserting the following:

“(c) RESERVE.—From amounts made available under subsection (a)(1) to carry out this subsection, an eligible agency may—

“(1) award grants to eligible recipients, or consortia of eligible recipients, for career and technical education activities described in section 135 in—

“(A) rural areas; or

“(B) areas with high percentages or high numbers of career and technical education students;

“(2) reserve funds, with the approval of participating eligible recipients, for—

“(A) innovative statewide initiatives that demonstrate benefits for eligible recipients, which may include—

“(i) developing and implementing technical assessments;

“(ii) improving the initial preparation and professional development of career and technical education teachers, faculty, principals, administrators, and counselors; and

“(iii) establishing, enhancing, and supporting systems for accountability data collection or reporting purposes; or

“(B) the development and implementation of career pathways or career clusters; and

“(3) carry out activities described in paragraphs (1) and (2).”.

##### SEC. 104. ACCOUNTABILITY.

Section 113 (20 U.S.C. 2323) is amended—

(1) by striking “vocational” each place the term appears and inserting “career”;

(2) in subsection (a)—

(A) by striking “a State performance accountability system” and inserting “and support State and local performance accountability systems”; and

(B) by inserting “and its eligible recipients” after “of the State”;

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “paragraph (2)(A)” and inserting “subparagraphs (A) and (B) of paragraph (2)”;

(ii) in subparagraph (B), by striking “(2)(B)” and inserting “(2)(C)”;

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

“(A) CORE INDICATORS OF PERFORMANCE FOR SECONDARY CAREER AND TECHNICAL EDUCATION STUDENTS.—Each eligible agency shall identify in the State plan core indicators of performance for secondary career and technical education students that include, at a minimum, measures of each of the following:

“(i) Student achievement on technical assessments and attainment of career and technical skill proficiencies that are aligned with nationally recognized industry standards, if available and appropriate.

“(ii) Student attainment of challenging academic content standards and student academic achievement standards, as adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and measured by the academic assessments described in section 1111(b)(3) of such Act, consistent with State requirements.

“(iii) Student rates of attainment of—

“(I) a secondary school diploma;

“(II) the recognized equivalent of a secondary school diploma;

“(III) technical skill proficiency;

“(IV) an industry-recognized credential;

“(V) a certificate; and

“(VI) a degree.

“(iv) Placement in postsecondary education, military service, apprenticeship programs, or employment.

“(v) Student participation in, and completion of, career and technical education programs that lead to employment or self-employment in nontraditional fields.”;

(ii) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(iii) by inserting after subparagraph (A) the following:

“(B) CORE INDICATORS OF PERFORMANCE FOR POSTSECONDARY CAREER AND TECHNICAL STUDENTS.—Each eligible agency shall identify in the State plan core indicators of performance for postsecondary career and technical education students that include, at a minimum, measures of each of the following:

“(i) Student achievement on technical assessments and attainment of career and technical skill proficiencies that are aligned with nationally recognized industry standards, if available and appropriate.

“(ii) Student attainment of technical skill proficiency, an industry-recognized credential, a certificate, or a degree, or retention in postsecondary education, including transfer to a baccalaureate degree program.

“(iii) Placement in military service, apprenticeship programs, or employment.

“(iv) Student participation in, and completion of, career and technical education programs that lead to employment or self-employment in—

“(I) nontraditional fields; and

“(II) high skill, high wage, high demand occupations or professions.

“(v) Increase in earnings, where available.”;

(iv) in subparagraph (C) (as redesignated by clause (i) of this subparagraph), by striking “the title.” and inserting “this title, such as attainment of self-sufficiency.”;

(v) in subparagraph (D) (as redesignated by clause (i) of this subparagraph), by inserting “career and technical education” after “developed State”;

(vi) in subparagraph (E) (as redesignated by clause (i) of this subparagraph)—

(I) by striking “this paragraph” and inserting “subparagraphs (A) and (B)”;

(II) by striking “solely”; and

(III) by striking “recipients.” and inserting “recipients, and shall meet the requirements of this section.”; and

(vii) by adding at the end the following:

“(F) ALIGNMENT OF PERFORMANCE INDICATORS.—In the course of identifying core indicators of performance and additional indicators of performance, States shall, to the greatest extent possible, define the indicators so that substantially similar information gathered for other State and Federal programs, or any other purpose, is used to meet the requirements of this section.”;

(C) in paragraph (3)—

(i) in the paragraph heading, by striking “LEVELS” and inserting “STATE LEVELS”;

(ii) in subparagraph (A)—

(I) in clause (i)—

(aa) by striking “paragraph (2)(A)” and inserting “subparagraphs (A) and (B) of paragraph (2)”;

(bb) by inserting “after taking into account the local adjusted levels of performance and” after “eligible agency.”; and

(cc) by striking subclause (II) and inserting the following:

“(II) require the eligible recipients to make continuous and significant improvement in career and technical achievement of career and technical education students, including special populations.”;

(II) in clause (v)—

(aa) in the clause heading, by striking “3RD, 4TH, AND 5TH” and inserting “SUBSEQUENT”;

(bb) by striking “third program year” and inserting “third and fifth program years”; and

(cc) by striking “third, fourth, and fifth” and inserting “corresponding subsequent”;

(III) in clause (vi)(II), by inserting “and significant” after “continuous”; and

(IV) in clause (vii), by striking “or (vi)” and inserting “or (v)”;

(iii) in subparagraph (B), by striking “(2)(B)” and inserting “(2)(C)”;

(D) by adding at the end the following:

“(4) LOCAL LEVELS OF PERFORMANCE.—

“(A) LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

“(i) IN GENERAL.—Each eligible recipient shall agree to accept the State adjusted levels of performance established under paragraph (3) as local adjusted levels of performance, or negotiate with the State to reach agreement on new local adjusted levels of performance, for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

“(I) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable; and

“(II) require the eligible recipient to make continuous and significant improvement in career and technical achievement of career and technical education students.

“(ii) IDENTIFICATION IN THE LOCAL PLAN.—Each eligible recipient shall identify, in the local plan submitted under section 134, levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan.

“(iii) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 2 YEARS.—The eligible agency and each eligible recipient shall reach agreement, as described in clause (i), on the eligible recipient’s levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan, taking into account the levels identified in the local plan under clause (ii) and the factors described in clause (v). The levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan prior to the approval of such plan.

“(iv) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—Prior to the third and fifth program years covered by the local plan, the eligible agency and each eligible recipient shall reach agreement on the local adjusted levels of performance for each of the core indicators of performance for the corresponding subsequent program years covered by the local plan, taking into account the factors described in clause (v). The local adjusted levels of performance agreed to under this clause shall be considered to be the local ad-

justed levels of performance for the eligible recipient for such years and shall be incorporated into the local plan.

“(v) FACTORS.—The agreement described in clause (iii) or (iv) shall take into account—

“(I) how the levels of performance involved compare with the local adjusted levels of performance established for other eligible recipients, taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and

“(II) the extent to which the local adjusted levels of performance involved promote continuous and significant improvement on the core indicators of performance by the eligible recipient.

“(vi) REVISIONS.—If unanticipated circumstances arise with respect to an eligible recipient resulting in a significant change in the factor described in clause (v)(II), the eligible recipient may request that the local adjusted levels of performance agreed to under clause (iii) or (iv) be revised. The eligible agency shall issue objective criteria and methods for making such revisions.

“(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—Each eligible recipient may identify, in the local plan, local levels of performance for any additional indicators of performance described in paragraph (2)(C). Such levels shall be considered to be the local levels of performance for purposes of this title.

“(C) REPORT.—Each eligible recipient that receives an allocation under section 131 shall publicly report, on an annual basis, its progress in achieving the local adjusted levels of performance on the core indicators of performance.”; and

(4) by striking subsection (c)(1)(B) and inserting:

“(B) information on the levels of performance achieved by the State with respect to the additional indicators of performance, including the levels of performance disaggregated for postsecondary institutions, by special populations and gender, and for secondary institutions, by special populations and by the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual.”.

#### SEC. 105. NATIONAL ACTIVITIES.

Section 114 (20 U.S.C. 2324) is amended—

(1) by striking “vocational” each place the term appears and inserting “career”;

(2) in subsection (a)(1), by striking “, including an analysis of performance data regarding special populations” and inserting “, including an analysis of performance data that is disaggregated for postsecondary institutions, by special populations, and for secondary institutions, by special populations and by the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual”;

(3) in subsection (c)—

(A) by striking paragraph (2) and inserting the following:

“(2) INDEPENDENT ADVISORY PANEL.—

“(A) IN GENERAL.—The Secretary shall appoint an independent advisory panel to advise the Secretary on the implementation of the assessment described in paragraph (3), including the issues to be addressed and the

methodology of the studies involved to ensure that the assessment adheres to the highest standards of quality.

“(B) MEMBERS.—The advisory panel shall consist of—

“(i) educators, principals, administrators, and chief executives (including State directors of career and technical education), with expertise in the integration of academic and career and technical education;

“(ii) experts in evaluation, research, and assessment;

“(iii) representatives of labor organizations and businesses, including small businesses, economic development entities, and State workforce investment boards established under section 111 of the Workforce Investment Act of 1998 (29 U.S.C. 2821) or local workforce investment boards;

“(iv) parents;

“(v) career guidance and academic counseling professionals; and

“(vi) other individuals and intermediaries with relevant expertise.

“(C) INDEPENDENT ANALYSIS.—The advisory panel shall transmit to the Secretary and to the relevant committees of Congress an independent analysis of the findings and recommendations resulting from the assessment described in paragraph (3).

“(D) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel established under this paragraph.”;

(B) in paragraph (3)—

(i) by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—From amounts made available under subsection (d), the Secretary shall provide for the conduct of an independent evaluation and assessment of career and technical education programs under this Act, including the implementation of the Carl D. Perkins Career and Technical Education Improvement Act of 2005, to the extent practicable, through studies and analyses conducted independently through grants, contracts, and cooperative agreements that are awarded on a competitive basis.”;

(i) in subparagraph (B)—

(I) by striking clause (iii) and inserting the following:

“(iii) the preparation and qualifications of teachers and faculty of career and technical education, as well as shortages of such teachers and faculty.”;

(II) by striking clause (v) and inserting the following:

“(v) academic and career and technical education achievement and employment outcomes of career and technical education students, including analyses of—

“(I) the number of career and technical education students and tech-prep students who meet the State adjusted levels of performance established under section 113;

“(II) the extent and success of integration of challenging academic and career and technical education for students participating in career and technical education programs;

“(III) the extent to which career and technical education programs prepare students, including special populations, for subsequent employment in high skill, high wage occupations, or participation in postsecondary education; and

“(IV) the number of career and technical education students receiving a high school diploma.”;

(III) in clause (vi), by inserting “, and career and technical education students’ preparation for employment” after “programs”;

(IV) in clause (viii), by inserting “and local” after “State” both places such term appears; and

(iii) in subparagraph (C)—

(I) in clause (i)—

(aa) by striking “Committee on Education” and all that follows through “Senate” and inserting “relevant committees of Congress”; and

(bb) by striking “2002” both places it appears and inserting “2009”; and

(II) in clause (ii), by striking “Committee on Education” and all that follows through “Senate” and inserting “relevant committees of Congress”;

(C) in paragraph (4)(B), by striking “Committee on Education” and all that follows through “Senate” and inserting “relevant committees of Congress”;

(D) in paragraph (5)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “higher education” and all that follows through “centers” and inserting “higher education offering comprehensive graduate programs in career and technical education that shall be the primary recipient and shall collaborate with a public or private nonprofit organization or agency, or a consortium of such institutions, organizations, or agencies, to establish a national research center”;

(II) in clause (i)—

(aa) by inserting “and evaluation” after “to carry out research”; and

(bb) by inserting “, including special populations,” after “participants”;

(III) by redesignating clauses (ii), (iii), and (iv), as clauses (iii), (iv), and (v), respectively;

(IV) by inserting after clause (i) the following:

“(ii) to carry out research for the purpose of developing, improving, and identifying the most successful methods for successfully addressing the needs of employers in high skill, high wage business and industry, including evaluation and scientifically based research of—

“(I) collaboration between career and technical education programs and business and industry;

“(II) academic and technical skills required to respond to the challenge of a global economy and rapid technological changes; and

“(III) technical knowledge and skills required to respond to needs of a regional or sectoral workforce, including small business.”;

(V) in clause (iii) (as redesignated by subclause (III) of this clause), by inserting “that are integrated with challenging academic instruction” before “, including”;

(VI) by striking clause (iv) (as redesignated by subclause (III) of this clause) and inserting the following:

“(iv) to carry out scientifically based research, where appropriate, that can be used to improve preparation and professional development of teachers, faculty, principals, and administrators and student learning in the career and technical education classroom, including—

“(I) effective in-service and pre-service teacher and faculty education that assists career and technical education programs in—

“(aa) integrating those programs with academic content standards and student academic achievement standards, as adopted by States under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

“(bb) promoting technical education aligned with industry-based standards and certifications to meet regional industry needs;

“(II) dissemination and training activities related to the applied research and demonstration activities described in this subsection, which may also include serving as a repository for information on career and

technical education skills, State academic standards, and related materials; and

“(III) the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators, including individuals in groups underrepresented in the teaching profession; and”;

(ii) in subparagraph (B)—

(I) by striking “or centers” both places the term appears; and

(II) by striking “Committee on Education” and all that follows through “Senate” and inserting “relevant committees of Congress”;

(iii) in subparagraph (C), by striking “or centers”;

(iv) by adding at the end the following: “(D) INDEPENDENT GOVERNING BOARD.—

“(i) IN GENERAL.—An institution of higher education that desires a grant, contract, or cooperative agreement under this paragraph shall identify, in its application, an independent governing board for the center established pursuant to this paragraph.

“(ii) MEMBERS.—The independent governing board shall consist of the following:

“(I) Two representatives of secondary career and technical education.

“(II) Two representatives of postsecondary career and technical education.

“(III) Two representatives of eligible agencies.

“(IV) Two representatives of business and industry.

“(V) Two representatives of career and technical teacher preparation institutions.

“(VI) Two nationally recognized researchers in the field of career and technical education.

“(iii) COORDINATION.—The independent governing board shall ensure that the research and dissemination activities carried out by the center are coordinated with the research activities carried out by the Secretary.”;

(E) in paragraph (6)(B)(ii), by striking “or centers”;

(F) by striking paragraph (8); and

(4) by adding at the end the following: “(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2011.”.

“(iii) COORDINATION.—The independent governing board shall ensure that the research and dissemination activities carried out by the center are coordinated with the research activities carried out by the Secretary.”;

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(F) by striking paragraph (8); and

(4) by adding at the end the following: “(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2011.”.

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(E) in paragraph (6)(B)(ii), by striking “or centers”;

(F) by striking paragraph (8); and

(4) by adding at the end the following: “(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2011.”.

“(iii) COORDINATION.—The independent governing board shall ensure that the research and dissemination activities carried out by the center are coordinated with the research activities carried out by the Secretary.”;

(E) in paragraph (6)(B)(ii), by striking “or centers”;

(F) by striking paragraph (8); and

(4) by adding at the end the following: “(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2011.”.

“(iii) COORDINATION.—The independent governing board shall ensure that the research and dissemination activities carried out by the center are coordinated with the research activities carried out by the Secretary.”;

(E) in paragraph (6)(B)(ii), by striking “or centers”;

(F) by striking paragraph (8); and

(4) by adding at the end the following: “(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2011.”.

“(iii) COORDINATION.—The independent governing board shall ensure that the research and dissemination activities carried out by the center are coordinated with the research activities carried out by the Secretary.”;

(E) in paragraph (6)(B)(ii), by striking “or centers”;

(F) by striking paragraph (8); and

(4) by adding at the end the following: “(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2011.”.

“(iii) COORDINATION.—The independent governing board shall ensure that the research and dissemination activities carried out by the center are coordinated with the research activities carried out by the Secretary.”;

(E) in paragraph (6)(B)(ii), by striking “or centers”;

(F) by striking paragraph (8); and

(4) by adding at the end the following: “(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2011.”.

“(iii) COORDINATION.—The independent governing board shall ensure that the research and dissemination activities carried out by the center are coordinated with the research activities carried out by the Secretary.”;

(E) in paragraph (6)(B)(ii), by striking “or centers”;

(F) by striking paragraph (8); and

(4) by adding at the end the following: “(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2011.”.

“(iii) COORDINATION.—The independent governing board shall ensure that the research and dissemination activities carried out by the center are coordinated with the research activities carried out by the Secretary.”;</

(4) in subsection (d), by striking “section an” and inserting “section, an”;

(5) in subsection (e), by striking “paragraph” and inserting “section”; and

(6) in subsection (h), by striking “which are recognized by the Governor of the State of Hawaii”.

**SEC. 108. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.**

Section 117 (20 U.S.C. 2327) is amended—

(1) by striking the section heading and inserting the following:

**“SEC. 117. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.”;**

(2) by striking “vocational” each place the term appears and inserting “career”;

(3) in subsection (g)—

(A) in paragraph (1), by striking “The Secretary” and inserting “On an annual basis, the Secretary”;

(B) in paragraph (2)(B), by striking “2000” and inserting “2007”; and

(C) in paragraph (3)(C), by striking “beginning” and all that follows through the period and inserting “beginning on the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2005.”;

(4) by redesignating subsections (h) and (i) as subsections (j) and (k), respectively;

(5) by inserting after subsection (g) the following:

“(h) APPEALS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide a tribally controlled postsecondary career and technical institution with a hearing on the record before an administrative law judge with respect to the following determinations:

“(A) A determination that such institution is not eligible for a grant under this section.

“(B) A determination regarding the calculation of the amount of a grant awarded under this section.

“(2) PROCEDURE FOR APPEAL.—To appeal a determination described in paragraph (1), a tribally controlled postsecondary career and technical institution shall—

“(A) in the case of an appeal based on a determination that such institution is not eligible for a grant under this section, file a notice of appeal with the Secretary not later than 30 days after receipt of such determination; and

“(B) in the case of an appeal based on a determination regarding the calculation of the amount of a grant awarded under this section—

“(i) file a notice of appeal with the Secretary not later than 30 days after receipt of the Secretary’s notification of the grant amount; and

“(ii) identify the amount of funding that gives rise to such appeal.

“(3) WITHHOLDING OF AMOUNT.—If a tribally controlled postsecondary career and technical institution appeals a determination described in paragraph (1), the Secretary shall withhold the amount in dispute from the award of grant funds under this section until such time as the administrative law judge has issued a written decision on the appeal.

“(i) RESTRICTED INDIRECT COST.—Notwithstanding any other provision of law, the Secretary shall not request the use of a restricted indirect cost rate for grants awarded under this section.”; and

(6) by striking subsection (k) (as redesignated by paragraph (4) of this section) and inserting the following:

“(k) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.”.

**SEC. 109. OCCUPATIONAL AND EMPLOYMENT INFORMATION.**

Section 118 (20 U.S.C. 2328) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “(f)” and inserting “(g)”;

(B) in paragraph (1)—

(i) in subparagraph (A), by striking “(b)” both places it appears and inserting “(c)”;

(ii) in subparagraph (B), by striking “(b)” and inserting “(c)”;

(iii) in subparagraph (C), by striking “(b)” and inserting “(c)”;

(C) in paragraph (2), by striking “(b)” both places it appears and inserting “(c)”;

(2) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively;

(3) by inserting after subsection (a) the following:

“(b) STATE APPLICATION.—

“(1) IN GENERAL.—Each State desiring assistance under this section shall submit an application to the Secretary at the same time the State submits its State plan under section 122, in such manner, and accompanied by such additional information, as the Secretary may reasonably require.

“(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

“(A) a description of how the State entity designated in subsection (c) will provide information based on labor market trends to inform program development; and

“(B) information about the academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965.”;

(4) in subsection (c) (as redesignated by paragraph (2) of this section)—

(A) in paragraph (1), by striking “individuals” and all that follows through the semicolon and inserting “students and parents, including postsecondary education and training, including academic and technical preparation for high skill, high wage, or high demand occupations and nontraditional fields in emerging or established professions;”;

(B) in paragraph (2), by inserting “academic and career and technical” after “relate”;

(C) by striking paragraph (3) and inserting the following:

“(3) to equip teachers, faculty, administrators, and counselors with the knowledge, skills, and occupational information needed to assist parents and all students, especially special populations underrepresented in certain careers, with career exploration, educational opportunities, education financing, and exposure to high skill, high wage, or high demand occupations and nontraditional fields, including occupations and fields requiring a baccalaureate degree;”;

(D) in paragraph (4), by striking “such entities;” and inserting “such entities, with an emphasis on high skill, high wage, or high demand occupations in emerging or established professions;”;

(E) in paragraph (5), by striking “and” after the semicolon;

(F) in paragraph (6), by striking the period and inserting “; and”;

(G) by adding at the end the following:

“(7) to provide information, if available, for each occupation, on—

“(A) the average earnings of an individual in the occupation at entry level and after 5 years of employment;

“(B) the expected lifetime earnings; and

“(C) the expected future demand for the occupation, based on employment projections.”;

(5) in subsection (d)(1) (as redesignated by paragraph (2) of this section), by striking “(b)” both places it appears and inserting “(c)”;

(6) in subsection (e)(1) (as redesignated by paragraph (2) of this section), by striking “(b)” and inserting “(c)”;

(7) in subsection (f)(1) (as redesignated by paragraph (2) of this section), by striking “an identification” and inserting “a description”; and

(8) in subsection (g) (as redesignated by paragraph (2) of this section), by striking “1999 through 2003” and inserting “2006 through 2011”.

**SEC. 110. STATE ADMINISTRATION.**

Section 121 (20 U.S.C. 2341) is amended—

(1) by redesignating subsection (a)(2) as subsection (b) and indenting appropriately;

(2) by redesignating subparagraphs (A) through (D) of subsection (a)(1) as paragraphs (1) through (4), respectively, and indenting appropriately;

(3) by redesignating clauses (i) and (ii) of paragraph (4) (as redesignated by paragraph (2) of this section) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(4) by striking the following:

“(a) ELIGIBLE AGENCY RESPONSIBILITIES.—

“(1) IN GENERAL.—The responsibilities” and inserting the following:

“(a) ELIGIBLE AGENCY RESPONSIBILITIES.—The responsibilities”;

(5) in subsection (a)(1) (as redesignated by paragraph (2) of this section), by striking “training and employment” and inserting “fields”;

(6) in subsection (a)(2) (as redesignated by paragraph (2) of this section)—

(A) by inserting “teacher and faculty preparation programs,” after “teachers.”; and

(B) by inserting “all types and sizes of” after “representatives of”; and

(7) in subsection (b) (as redesignated by paragraph (1) of this section), by striking “paragraph (1)” and inserting “subsection (a)”.

**SEC. 111. STATE PLAN.**

Section 122 (20 U.S.C. 2342) is amended—

(1) by striking “vocational” each place the term appears and inserting “career”;

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “5” and inserting “6”; and

(ii) by adding at the end the following: “Each eligible agency may submit a transition plan during the first full year of implementation of this Act after the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2005. The transition plan shall fulfill the eligible agency’s State plan submission obligation under this section.”; and

(B) in paragraph (2)(B), by striking “5 year State plan” and inserting “6-year period”;

(3) by striking subsection (b)(1) and inserting the following:

“(1) IN GENERAL.—The eligible agency shall develop the State plan in consultation with academic and career and technical education teachers, faculty, principals, and administrators, career guidance and academic counselors, eligible recipients, parents, students, the State tech-prep coordinator and representatives of tech-prep consortia (if applicable), the lead State agency officials with responsibility for the programs and activities that are described in section 121(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2841(b)) and carried out by one-stop partners, the State workforce investment board, interested community members (including parent and community organizations), representatives of special populations, representatives of business and industry (including representatives of small business and economic development entities), and representatives of labor organizations in the State, and shall consult the Governor of the State with respect to such development.”;

(4) by striking subsection (c) and inserting the following:

“(c) PLAN CONTENTS.—The State plan shall include information that—

“(1) describes the career and technical education activities to be assisted that are designed to meet or exceed the State adjusted levels of performance, including a description of—

“(A) how the eligible agency will support eligible recipients in developing or implementing career pathways for career and technical education content areas that are designed to meet relevant workforce needs, including how the eligible agency will—

“(i) support eligible recipients in developing articulation agreements between secondary and postsecondary institutions;

“(ii) support eligible recipients in using labor market information to identify career pathways that prepare individuals for high skill, high wage, or high demand occupations;

“(iii) make available information about career pathways offered by eligible recipients; and

“(iv) consult with business and industry and use industry-recognized standards and assessments, if appropriate;

“(B) the secondary and postsecondary career and technical education programs to be carried out, including programs that will be carried out by the eligible agency to develop, improve, and expand access to quality technology in career and technical education programs;

“(C) the criteria that will be used by the eligible agency to approve eligible recipients for funds under this title, including criteria to assess the extent to which the local plan will—

“(i) promote higher levels of academic achievement;

“(ii) promote higher levels of technical skill attainment; and

“(iii) identify and address workforce needs;

“(D) how programs at the secondary level will prepare career and technical education students, including special populations to graduate from high school with a diploma;

“(E) how such programs will prepare career and technical education students, including special populations, both academically and technically, for opportunities in postsecondary education or entry into high skill, high wage, or high demand occupations in emerging or established occupations, and how participating students will be made aware of such opportunities; and

“(F) how funds will be used to improve or develop new career and technical education courses in high skill, high wage, or high demand occupations that are aligned with business needs and industry standards, as appropriate—

“(i) at the secondary level that are aligned with challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

“(ii) at the postsecondary level that are relevant and challenging;

“(2) describes how career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors will be provided comprehensive initial preparation and professional development, including through programs and activities that—

“(A) promote the integration of challenging academic curricula and career and technical education curricula, including opportunities for teachers to jointly develop and implement curriculum and pedagogical strategies with appropriate academic teachers;

“(B) increase the academic and career and technical education knowledge of career and technical education teachers and faculty;

“(C) are high-quality, sustained, intensive, focused on instruction, directly related to industry standards, and includes structured induction and mentoring components for new personnel, with an emphasis on identifying and addressing the needs of local businesses, including small businesses;

“(D) ensure an increasing number of career and technical education teachers and faculty meet teacher certification and licensing requirements reflecting the needs of their subject area or areas;

“(E) equip career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors with the knowledge and skills needed to work with and improve instruction for special populations;

“(F) assist in accessing and utilizing data, including labor market indicators, student achievement, and assessments;

“(G) enhance the leadership capacity of principals and administrators;

“(H) are integrated with professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965; and

“(I) include strategies to expose all career and technical education students to comprehensive information regarding career options that lead to high skill, high wage, or high demand occupations and nontraditional fields;

“(3) describes efforts to improve—

“(A) the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators, including individuals in groups underrepresented in the teaching profession; and

“(B) the transition to teaching from business and industry, including small business;

“(4) describes efforts to improve the capacity of programs and faculty at postsecondary institutions to effectively prepare career and technical education personnel, including, as appropriate, through electronically delivered distance education, and articulation agreements between 2-year technical programs and postsecondary education programs;

“(5) describes efforts to facilitate the transition of sub-baccalaureate career and technical education students into baccalaureate degree programs, including—

“(A) statewide articulation agreements between sub-baccalaureate career and technical education programs and baccalaureate degree programs;

“(B) postsecondary dual and concurrent enrollment programs;

“(C) academic and financial aid counseling; and

“(D) other initiatives to encourage the pursuit of a baccalaureate degree and to overcome barriers to participation in baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;

“(6) describes how the eligible agency will actively involve parents, academic and career and technical education teachers, faculty, principals, and administrators, career guidance and academic counselors, local businesses (including small- and medium-sized businesses and business intermediaries), State workforce investment boards, local workforce investment boards, economic development entities, and labor organizations in the planning, development, implementation, and evaluation of such career and technical education programs;

“(7) describes how funds received by the eligible agency through the allotment made under section 111 will be allocated—

“(A) among secondary school career and technical education, or postsecondary and adult career and technical education, or both, including the rationale for such allocation; and

“(B) among any consortia that will be formed among secondary schools and eligible institutions, and how funds will be allocated among the members of the consortia, including the rationale for such allocation;

“(8) describes how the eligible agency will—

“(A) use funds to improve or develop new career and technical education courses in high skill, high wage, or high demand occupations—

“(i) at the secondary level that are aligned with challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

“(ii) at the postsecondary level that are challenging and aligned with business needs and industry standards, as appropriate;

“(B) improve the academic and technical skills of students participating in career and technical education programs, including strengthening the academic, and career and technical, components of career and technical education programs through the integration of academics with career and technical education to ensure learning in the core academic subjects and career and technical education subjects, and provide students with strong experience in, and understanding of, all aspects of an industry;

“(C) ensure that students who participate in such career and technical education programs are taught to the same challenging academic proficiencies as are taught to all other students; and

“(D) encourage secondary school students who participate in such career and technical education programs to enroll in challenging courses in core academic subjects;

“(9) describes how the eligible agency will annually evaluate the effectiveness of such career and technical education programs, and describes, to the extent practicable, how the eligible agency is coordinating such programs to promote relevant lifelong learning and ensure nonduplication with other existing Federal programs;

“(10) describes the eligible agency's program strategies for special populations, including a description of how individuals who are members of the special populations—

“(A) will be provided with equal access to activities assisted under this title;

“(B) will not be discriminated against on the basis of their status as members of the special populations; and

“(C) will be provided with programs designed to enable the special populations to meet or exceed State adjusted levels of performance, and prepare special populations for further learning and for high skill, high wage, or high demand occupations;

“(11) how the eligible agency will collaborate in developing the State plan with—

“(A) the entity within the State with responsibility for elementary and secondary education;

“(B) the entity within the State with responsibility for public institutions engaged in postsecondary education;

“(C) State institutions such as State correctional institutions and institutions that serve individuals with disabilities; and

“(D) all other relevant State agencies with responsibility for career and technical education and training investment, and economic and workforce development;

“(12) describes what steps the eligible agency will take to involve representatives of eligible recipients in the development of the State adjusted levels of performance;

“(13) provides assurances that the eligible agency will comply with the requirements of this title and the provisions of the State plan, including the provision of a financial audit of funds received under this title which may be included as part of an audit of other Federal or State programs;

“(14) provides assurances that none of the funds expended under this title will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity, the employees of the purchasing entity, or any affiliate of such an organization;

“(15) describes how the eligible agency will measure and report data relating to students participating in and completing career and technical education within specific career clusters in order to adequately measure the progress of the students, including special populations, at—

“(A) the secondary level, disaggregated by the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual; and

“(B) the postsecondary level, disaggregated by special populations, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual;

“(16) describes how the eligible agency will adequately address the needs of students in alternative education programs, if appropriate;

“(17) describes how the eligible agency will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance;

“(18) describes how career and technical education relates to State and regional occupational opportunities;

“(19) describes the methods proposed for the joint planning and coordination of programs carried out under this title with other Federal education and workforce investment programs;

“(20) describes how funds will be used to promote preparation for high skill, high wage, or high demand occupations and non-traditional fields in emerging and established professions;

“(21) describes how funds will be used to serve individuals in State correctional institutions;

“(22) describes how the eligible agency will ensure that the data reported to the eligible agency from local educational agencies and eligible institutions under this title and the data the eligible agency reports to the Secretary are complete, accurate, and reliable; and

“(23) contains the description and information specified in sections 112(b)(8) and 121(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b)(8) and 2841(c)) concerning the provision of services only for postsecondary students and school dropouts.”;

(5) by striking subsection (d) and inserting the following:

“(d) PLAN OPTIONS.—

“(1) SINGLE PLAN.—The eligible agency may fulfill the plan or application submission requirements of this section, section 118(b), and section 141(c) by submitting a single State plan. In such plan, the eligible agency may allow eligible recipients to ful-

fill the plan or application submission requirements of section 134 and subsections (a) and (b) of section 143 by submitting a single local plan.

“(2) PLAN SUBMITTED AS PART OF 501 PLAN.—The eligible agency may submit the plan required under this section as part of the plan submitted under section 501 of the Workforce Investment Act of 1998 (20 U.S.C. 9271), if the plan submitted pursuant to the requirement of this section meets the requirements of this Act.”; and

(6) by striking subsection (f).

#### SEC. 112. IMPROVEMENT PLANS.

Section 123 (20 U.S.C. 2343) is amended to read as follows:

#### “SEC. 123. IMPROVEMENT PLANS.

“(a) STATE PROGRAM IMPROVEMENT PLAN.—

“(1) PLAN.—If a State fails to meet the State adjusted levels of performance described in the report submitted under section 113(c), the eligible agency shall develop and implement a program improvement plan in consultation with the appropriate agencies, individuals, and organizations for the first program year succeeding the program year in which the eligible agency failed to meet the State adjusted levels of performance, in order to avoid a sanction under paragraph (3).

“(2) TECHNICAL ASSISTANCE.—If the Secretary determines that an eligible agency is not properly implementing the eligible agency’s responsibilities under section 122, or is not making substantial progress in meeting the purpose of this Act, based on the State’s adjusted levels of performance, the Secretary shall work with the eligible agency to implement improvement activities consistent with the requirements of this Act.

“(3) FAILURE.—

“(A) IN GENERAL.—If an eligible agency fails to meet the State adjusted levels of performance, has not implemented an improvement plan as described in paragraph (1), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (1), or has failed to meet more than 1 of the State adjusted levels of performance for the same performance indicator for 2 or more consecutive years, the Secretary may, after notice and opportunity for a hearing, withhold from the eligible agency all, or a portion of, the eligible agency’s allotment under this title.

“(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—The Secretary may waive the sanction in subparagraph (A) due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in financial resources of the State.

“(4) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—

“(A) IN GENERAL.—The Secretary shall use funds withheld under paragraph (3) for a State served by an eligible agency, to provide (through alternative arrangements) services and activities within the State to meet the purposes of this Act.

“(B) REDISTRIBUTION.—If the Secretary cannot satisfactorily use funds withheld under paragraph (3), then the amount of funds retained by the Secretary as a result of a reduction in an allotment made under paragraph (3) shall be redistributed to other eligible agencies in accordance with section 111.

“(b) LOCAL PROGRAM IMPROVEMENT.—

“(1) LOCAL EVALUATION.—Each eligible agency shall evaluate annually, using the local adjusted levels of performance described in section 113(b)(4), the career and technical education activities of each eligible recipient receiving funds under this title.

“(2) PLAN.—

“(A) IN GENERAL.—If, after reviewing the evaluation, the eligible agency determines

that an eligible recipient is not making substantial progress in achieving the local adjusted levels of performance, the eligible agency shall—

“(i) conduct an assessment of the educational needs that the eligible recipient shall address to overcome local performance deficiencies, including the performance of special populations;

“(ii) enter into an improvement plan with an eligible recipient based on the results of the assessment, for the first program year succeeding the program year in which the eligible recipient failed to meet the local adjusted levels of performance, which plan shall demonstrate how the local performance deficiencies will be corrected and include instructional and other programmatic innovations of demonstrated effectiveness, and, where necessary, strategies for appropriate staffing and professional development; and

“(iii) conduct regular evaluations of the progress being made toward reaching the local adjusted levels of performance, as described in section 113(b)(4), and progress on implementing the improvement plan.

“(B) CONSULTATION.—The eligible agency shall conduct the activities described in subparagraph (A) in consultation with teachers, principals, administrators, faculty, parents, other school staff, appropriate agencies, and other appropriate individuals and organizations.

“(3) TECHNICAL ASSISTANCE.—If the eligible agency determines that an eligible recipient is not properly implementing the eligible recipient’s responsibilities under section 134, or is not making substantial progress in meeting the purpose of this Act, based on the local adjusted levels of performance, the eligible agency shall provide technical assistance to the eligible recipient to assist the eligible recipient in carrying out the improvement activities consistent with the requirements of this Act. An eligible recipient, in collaboration with the eligible agency, may request that the Secretary provide additional technical assistance.

“(4) FAILURE.—

“(A) IN GENERAL.—If an eligible recipient fails to meet the local adjusted levels of performance as described in section 113(b)(4) and has not implemented an improvement plan as described in paragraph (2), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (2), or has failed to meet more than 1 of the local adjusted levels of performance for the same performance indicator for 2 or more consecutive years, the eligible agency may, after notice and opportunity for a hearing, withhold from the eligible recipient all, or a portion of, the eligible recipient’s allotment under this title.

“(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—The eligible agency may waive the sanction under this paragraph due to exceptional or uncontrollable circumstances such as organizational structure, or a natural disaster or a precipitous and unforeseen decline in financial resources of the eligible recipient.

“(5) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—The eligible agency shall use funds withheld under paragraph (4) to provide (through alternative arrangements) services and activities to students within the area served by such recipient to meet the purpose of this Act.”.

#### SEC. 113. STATE LEADERSHIP ACTIVITIES.

Section 124 (20 U.S.C. 2344) is amended—

(1) by striking “vocational” each place the term appears and inserting “career”;

(2) in subsection (a), by striking “112(a)(2)” and inserting “112(a)(2)(A)”;

(3) in subsection (b)—

(A) in paragraph (1), by striking “further learning” and all that follows through the

semicolon and inserting “further education, further training, or for high skill, high wage, or high demand occupations.”;

(B) in paragraph (2), by striking subparagraphs (A) through (C) and inserting the following:

“(A) training of career and technical education teachers, faculty, principals, career guidance and academic counselors, and administrators to use technology, including distance learning;

“(B) encouraging schools to work with technology industries to offer voluntary internships and mentoring programs; or

“(C) encouraging lifelong learning, including through partnerships that may involve institutions of higher education, organizations providing career and technical education, businesses, workforce investment entities, and communications entities.”;

(C) by striking paragraph (3) and inserting the following:

“(3) professional development programs, including providing comprehensive professional development (including initial teacher preparation) for career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors at the secondary and postsecondary levels, that support activities described in section 122 and—

“(A) provide in-service and pre-service training in career and technical education programs and techniques, effective teaching skills based on promising practices and, where available and appropriate, scientifically based research, and effective practices to improve parental and community involvement;

“(B) improve student achievement in order to meet the State adjusted levels of performance established under section 113;

“(C) support education programs for teachers and faculty of career and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to career and technical education students to ensure that such personnel—

“(i) stay current with the needs, expectations, and methods of industry;

“(ii) can effectively develop challenging, integrated academic and career and technical education curriculum jointly with academic teachers, to the extent practicable; and

“(iii) develop a higher level of academic and industry knowledge and skills in career and technical education; and

“(D) are integrated with the teacher certification or licensing and professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965.”;

(D) in paragraph (4), by striking “support for” and inserting “supporting”;

(E) in paragraph (5), by striking “nontraditional training and employment” and inserting “nontraditional fields in emerging and established professions, and other activities that expose students, including special populations, to high skill, high wage occupations”;

(F) in paragraph (6)—

(i) by inserting “intermediaries,” after “labor organizations.”; and

(ii) by inserting “, or complete career pathways, as described in section 122(c)(1)(A)” after “skills”;

(G) in paragraph (7), by striking “and” after the semicolon;

(H) in paragraph (8), by striking “wage careers.” and inserting “wage, or high demand occupations; and”;

(I) by adding at the end the following:

“(9) technical assistance for eligible recipients.”;

(4) by striking subsection (c) and inserting the following:

“(c) PERMISSIBLE USES OF FUNDS.—The leadership activities described in subsection (a) may include—

“(1) improvement of career guidance and academic counseling programs that assist students in making informed academic, and career and technical education, decisions, including encouraging secondary and postsecondary students to graduate with a diploma or degree, and expose students to high skill, high wage occupations and nontraditional fields in emerging and established professions;

“(2) establishment of agreements, including articulation agreements, between secondary and postsecondary career and technical education programs in order to provide postsecondary education and training opportunities for students participating in such career and technical education programs, such as tech-prep programs;

“(3) support for initiatives to facilitate the transition of sub-baccalaureate career and technical education students into baccalaureate degree programs, including—

“(A) statewide articulation agreements between sub-baccalaureate degree granting career and technical postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;

“(B) postsecondary dual and concurrent enrollment programs;

“(C) academic and financial aid counseling; and

“(D) other initiatives—

“(i) to encourage the pursuit of a baccalaureate degree; and

“(ii) to overcome barriers to participation in baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;

“(4) support for career and technical student organizations, especially with respect to efforts to increase the participation of students who are members of special populations;

“(5) support for public charter schools operating secondary career and technical education programs;

“(6) support for career and technical education programs that offer experience in, and understanding of, all aspects of an industry for which students are preparing to enter;

“(7) support for family and consumer sciences programs;

“(8) support for partnerships between education and business or business intermediaries, including cooperative education and adjunct faculty arrangements at the secondary and postsecondary levels;

“(9) support to improve or develop new career and technical education courses and initiatives, including career clusters, career academies, and distance learning, that prepare individuals academically and technically for high skill, high wage, or high demand occupations;

“(10) awarding incentive grants to eligible recipients for exemplary performance in carrying out programs under this Act, which awards shall be based on local performance indicators, as described in section 113, in accordance with previously publicly disclosed priorities;

“(11) providing career and technical education programs for adults and school dropouts to complete their secondary school education, in coordination, to the extent practicable, with activities authorized under title II of the Workforce Investment Act of 1998 (20 U.S.C. 9201 et seq.);

“(12) providing assistance to individuals, who have participated in services and activities under this title, in finding an appropriate job and continuing their education or

training through collaboration with the workforce investment system established under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

“(13) developing valid and reliable assessments of technical skills that are integrated with industry certification assessments where available;

“(14) developing and enhancing data systems to collect and analyze data on secondary and postsecondary academic and employment outcomes;

“(15) improving—

“(A) the recruitment and retention of career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

“(B) the transition to teaching from business and industry, including small business; and

“(16) adopting, calculating, or commissioning a self-sufficiency standard.”; and

(5) in subsection (d), by striking “112(a)(2)” and inserting “112(a)(2)(A)”.

#### SEC. 114. DISTRIBUTION OF FUNDS TO SECONDARY SCHOOL PROGRAMS.

Section 131 (20 U.S.C. 2351) is amended—

(1) by striking “vocational” each place the term appears and inserting “career”;

(2) by striking subsection (a);

(3) by redesignating subsections (b) through (i) as subsections (a) through (h), respectively;

(4) in subsection (a) (as redesignated by paragraph (3) of this section)—

(A) in the subsection heading, by striking “SPECIAL DISTRIBUTION RULES FOR SUCCEEDING FISCAL YEARS” and inserting “DISTRIBUTION RULES”; and

(B) by striking “for fiscal year 2000 and succeeding fiscal years”;

(5) in subsection (b) (as redesignated by paragraph (3) of this section)—

(A) by striking “subsection (b)” and inserting “subsection (a)”;

(B) in paragraph (1), by striking “9902(2)” and inserting “9902(2)”; and

(6) in subsection (e) (as redesignated by paragraph (3) of this section), in the subsection heading, by striking “VOCATIONAL” and inserting “CAREER”; and

(7) in subsection (g) (as redesignated by paragraph (3) of this section), by striking “subsections (a), (b), (c), and (d)” and inserting “subsections (a), (b), and (c)”.

#### SEC. 115. DISTRIBUTION OF FUNDS FOR POSTSECONDARY CAREER AND TECHNICAL EDUCATION PROGRAMS.

Section 132 (20 U.S.C. 2352) is amended—

(1) by striking the section heading and inserting the following:

“SEC. 132. DISTRIBUTION OF FUNDS FOR POSTSECONDARY CAREER AND TECHNICAL EDUCATION PROGRAMS.”;

and

(2) in subsection (a)—

(A) in paragraph (1), by inserting “for career and technical education programs leading to a technical skill proficiency, an industry-recognized credential, a certificate, or an associate’s degree” before the period; and

(B) in paragraph (2), by inserting “leading to a technical skill proficiency, an industry-recognized credential, a certificate, or an associate’s degree and” after “enrolled in programs”.

#### SEC. 116. SPECIAL RULES FOR CAREER AND TECHNICAL EDUCATION.

Section 133 (20 U.S.C. 2353) is amended—

(1) by striking the section heading and inserting the following:

“SEC. 133. SPECIAL RULES FOR CAREER AND TECHNICAL EDUCATION.”;

and

(2) by striking “vocational” each place such term appears and inserting “career”.

**SEC. 117. LOCAL PLAN FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.**

Section 134 (20 U.S.C. 2354) is amended—

(1) by striking the section heading and inserting the following:

**“SEC. 134. LOCAL PLAN FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.”;**

(2) in subsection (a), by inserting “and workforce investment” after “such other educational”; and

(3) in subsection (b), by striking paragraphs (1) through (10) and inserting the following:

“(1) describe how the career and technical education programs required under section 135(b) will be carried out with funds received under this title;

“(2) describe how the career and technical education activities will be carried out with respect to meeting State and local adjusted levels of performance established under section 113;

“(3) describe how the eligible recipient will—

“(A) offer the appropriate courses of not less than 1 of the career pathways described in section 122(c)(1)(A);

“(B) improve the academic and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of challenging academics with career and technical education programs through a coherent sequence of courses to ensure learning in the core academic subjects, and career and technical education subjects;

“(C) provide students with strong experience in and understanding of all aspects of an industry; and

“(D) ensure that students who participate in such career and technical education programs are taught to the same challenging academic proficiencies as are taught for all other students;

“(4) describe how comprehensive professional development will be provided that is consistent with section 122;

“(5) describe how parents, students, academic and career and technical education teachers, faculty, principals, administrators, career guidance and academic counselors, representatives of tech-prep consortia (if applicable), representatives of the local workforce investment board (if applicable), representatives of the local economic development entity (if applicable), representatives of business (including small business) and industry, labor organizations, representatives of special populations, and other interested individuals are involved in the development, implementation, and evaluation of career and technical education programs assisted under this title, and how such individuals and entities are effectively informed about, and assisted in, understanding, the requirements of this title, including career pathways;

“(6) provide assurances that the eligible recipient will provide a career and technical education program that is of such size, scope, and quality to bring about improvement in the quality of career and technical education programs;

“(7) describe the process that will be used to evaluate and continuously improve the performance of the eligible recipient;

“(8) describe how the eligible recipient—

“(A) will review career and technical education programs, and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in the programs, for special populations; and

“(B) will provide programs that are designed to enable the special populations to meet the local adjusted levels of perform-

ance and prepare for high skill, high wage, or high demand occupations, including those that will lead to self-sufficiency;

“(9) describe how individuals who are members of special populations will not be discriminated against on the basis of their status as members of the special populations;

“(10) describe how funds will be used to promote preparation for nontraditional fields;

“(11) describe how career guidance and academic counseling will be provided to all career and technical education students, including linkages to the information and services available through the one-stop delivery system established under section 121 of the Workforce Investment Act of 1998 (29 U.S.C. 2841), as appropriate; and

“(12) describe efforts to improve the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators, including individuals in groups underrepresented in the teaching profession, and the transition to teaching from business and industry.”.

**SEC. 118. LOCAL USES OF FUNDS.**

Section 135 (20 U.S.C. 2355) is amended—

(1) in subsection (a), by striking “vocational” and inserting “career”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “vocational” and inserting “career”; and

(B) by striking paragraphs (1) through (8) and inserting the following:

“(1) strengthen the academic and career and technical education skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of academics with career and technical education programs through a coherent sequence of courses, such as career pathways described in section 122(c)(1)(A), to ensure learning in the core academic subjects and career and technical education subjects;

“(2) link secondary career and technical education and postsecondary career and technical education, including by—

“(A) offering the relevant elements of not less than 1 career pathway described in section 122(c)(1)(A);

“(B) developing and supporting articulation agreements between secondary and postsecondary institutions; or

“(C) supporting tech-prep programs and consortia;

“(3) provide students with strong experience in and understanding of all aspects of an industry;

“(4) develop, improve, or expand the use of technology in career and technical education, which may include—

“(A) training of career and technical education teachers, faculty, principals, and administrators to use technology, including distance learning; or

“(B) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs;

“(5) provide professional development programs that are consistent with section 122 to secondary and postsecondary teachers, faculty, principals, administrators, and career guidance and academic counselors who are involved in integrated career and technical education programs, including—

“(A) in-service and pre-service training—

“(i) in career and technical education programs and techniques;

“(ii) in effective integration of challenging academic and career and technical education jointly with academic teachers, to the extent practicable;

“(iii) in effective teaching skills based on research that includes promising practices; and

“(iv) in effective practices to improve parental and community involvement;

“(B) support of education programs that provide information on all aspects of an industry;

“(C) internship programs that provide relevant business experience; and

“(D) programs dedicated to the effective use of instructional technology;

“(6) develop and implement evaluations of the career and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met;

“(7) initiate, improve, expand, and modernize quality career and technical education programs, including relevant technology;

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

“(9) provide activities to prepare special populations, including single parents and displaced homemakers (if enrolled in the program), for high skill, high wage, or high demand occupations, including those that will lead to self-sufficiency.”; and

(3) in subsection (c)—

(A) in paragraph (1), by striking “vocational” and inserting “career”; and

(B) by striking paragraphs (2) through (15) and inserting the following:

“(2) to provide career guidance and academic counseling that is based on current labor market indicators, as provided pursuant to section 118, for students participating in career and technical education programs that—

“(A) improves graduation rates and provides information on postsecondary and career options, including baccalaureate degree programs, for secondary students, which activities may include the use of graduation and career plans; and

“(B) provides assistance for postsecondary students, including for adult students who are changing careers or updating skills;

“(3) for partnerships between or among the eligible recipient and a business (including a small business or business intermediary), a local workforce investment board, or a local economic development entity, including for—

“(A) work-related experience for students, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to career and technical education programs;

“(B) adjunct faculty arrangements at the secondary and postsecondary levels; and

“(C) industry experience for teachers and faculty;

“(4) to provide programs for special populations;

“(5) to assist career and technical student organizations;

“(6) for mentoring and support services;

“(7) for leasing, purchasing, upgrading, or adapting instructional equipment, including support for library resources, such as business journals, publications, and other related resources designed to strengthen and support academic and technical skill achievement;

“(8) for teacher preparation programs that address the integration of academic and career and technical education and that assist individuals who are interested in becoming career and technical education teachers and faculty, including individuals with experience in business and industry;

“(9) to develop and expand postsecondary program offerings at times and in formats that are convenient and accessible for working students, including through the use of distance education;

“(10) to develop initiatives that facilitate the transition of sub-baccalaureate career and technical education students into baccalaureate degree programs, including—

“(A) articulation agreements between sub-baccalaureate degree granting career and technical education postsecondary educational institutions and baccalaureate degree granting postsecondary educational institutions;

“(B) postsecondary dual and concurrent enrollment programs;

“(C) academic and financial aid counseling for sub-baccalaureate career and technical education students that inform the students of the opportunities for pursuing a baccalaureate degree and advise the students on how to meet any transfer requirements; and

“(D) other initiatives—

“(i) to encourage the pursuit of a baccalaureate degree; and

“(ii) to overcome barriers to enrollment in and completion of baccalaureate degree programs, including geographic and other barriers affecting rural students and special populations;

“(11) for improving or developing new career and technical education courses, including entrepreneurship and development of new career pathways;

“(12) to develop and support small, personalized career-themed learning communities;

“(13) to provide support for family and consumer sciences programs;

“(14) to provide career and technical education programs for adults and school dropouts to complete their secondary school education or upgrade their technical skills;

“(15) to provide assistance to individuals who have participated in services and activities under this title in finding an appropriate job and continuing their education or training through collaboration with the workforce investment system established under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

“(16) to support activities in nontraditional fields, such as mentoring and outreach; and

“(17) to support other career and technical education activities that are consistent with the purpose of this Act.”

#### SEC. 119. TECH-PREP EDUCATION.

(a) REDESIGNATION.—Title II (20 U.S.C. 2371 et seq.) is amended—

(1) by striking the title heading and inserting the following:

##### “PART D—TECH-PREP EDUCATION”;

(2) by striking sections 201, 202, 206, and 207; and

(3) by redesignating sections 203, 204, 205, and 208, as sections 141, 142, 143, and 144, respectively.

(b) STATE ALLOTMENT AND APPLICATION.—Section 141 (as redesignated by subsection (a) of this section) is amended—

(1) in subsection (a), by striking “section 206” and inserting “section 144”; and

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

“(C) STATE APPLICATION.—Each eligible agency desiring assistance under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such application shall describe how activities under this part will be coordinated, to the extent practicable, with activities described in section 122.”

(c) TECH-PREP EDUCATION.—Section 142 (as redesignated by subsection (a) of this section) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “section 203” and inserting “section 141”;

(ii) by striking “title” and inserting “part”;

(iii) by striking “vocational” both places the term appears and inserting “career”; and

(iv) in subparagraph (A), by inserting “, educational service agency,” after “intermediate educational agency”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “and”;

(ii) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(C) employers, including small businesses, or business intermediaries; and

“(D) labor organizations.”;

(2) in subsection (c)—

(A) by striking paragraph (2) and inserting the following:

“(2) consist of not less than 2 years of secondary school with a common core of technical skills and core academic subjects preceding graduation and 2 years or more of higher education, or an apprenticeship program of not less than 2 years following secondary instruction, designed to lead to technical skill proficiency, a credential, a certificate, or a degree, in a specific career field;”;

(B) in paragraph (3)(B), by inserting “including through the use of articulation agreements, and” after “career fields.”;

(C) by striking paragraph (4) and inserting the following:

“(4) include in-service professional development for teachers, faculty, principals, and administrators that—

“(A) supports effective implementation of tech-prep programs;

“(B) supports joint training in the tech-prep consortium;

“(C) supports the needs, expectations, and methods of business and all aspects of an industry;

“(D) supports the use of contextual and applied curricula, instruction, and assessment;

“(E) supports the use and application of technology; and

“(F) assists in accessing and utilizing data, including labor market indicators, achievement, and assessments;”;

(D) in paragraph (5)—

(i) by striking “training” and inserting “professional development”;

(ii) in subparagraph (B), by inserting “, which may include through the use of graduation and career plans” after “programs”;

(iii) in subparagraph (D), by striking “and”;

(iv) in subparagraph (E), by inserting “and” after the semicolon; and

(v) by adding at the end the following:

“(F) provide comprehensive career guidance and academic counseling to participating students, including special populations;”;

(E) in paragraph (6)—

(i) by inserting “(including pre-apprenticeship programs)” after “programs”; and

(ii) by striking “and” after the semicolon;

(F) in paragraph (7), by striking the period at the end and inserting “; and”; and

(G) by adding at the end the following:

“(8) coordinate with activities conducted under this title.”; and

(3) in subsection (d)—

(A) in paragraph (2), by striking “and” after the semicolon;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(4) improve career guidance and academic counseling for participating students through the development and implementation of graduation and career plans; and

“(5) develop curriculum that supports effective transitions between secondary and postsecondary career and technical education programs.”.

(d) CONSORTIUM APPLICATIONS.—Section 143 (as redesignated by subsection (a) of this section) is amended—

(1) in subsection (a), by striking “title” and inserting “part”;

(2) in subsection (b)—

(A) by striking “5” and inserting “6”; and

(B) by striking “title” and inserting “part”;

(3) in subsection (d)—

(A) in paragraph (1), by inserting “or advanced” after “baccalaureate”;

(B) by striking paragraph (4) and inserting the following:

“(4) provide education and training in areas or skills, including emerging technology, in which there are significant workforce shortages based on the data provided by the entity in the State under section 118;”;

(C) in paragraph (5), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(6) demonstrate success in, or provide assurances of, coordination and integration with eligible recipients described in part C.”; and

(4) in subsection (e), by striking “title” and inserting “part”.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 144 (as redesignated by subsection (a) of this section) is amended—

(1) by striking “title (other than section 207)” and inserting “part”; and

(2) by striking “1999 and each of the 4” and inserting “2006 and each of the 5”.

## TITLE II—GENERAL PROVISIONS

### SEC. 201. REDESIGNATION OF TITLE.

(a) FEDERAL ADMINISTRATIVE PROVISIONS.—Title III (20 U.S.C. 2391 et seq.) is amended by redesignating sections 311 through 318 as sections 211 through 218, respectively.

(b) STATE ADMINISTRATIVE PROVISIONS.—Title III (20 U.S.C. 2391 et seq.) is amended by redesignating sections 321 through 325 as sections 221 through 225, respectively.

(c) TITLE HEADING.—The title heading of title III (20 U.S.C. 2391 et seq.) is amended to read as follows:

#### “TITLE II—GENERAL PROVISIONS”.

### SEC. 202. FISCAL REQUIREMENTS.

Section 211 (as redesignated by section 201 of this Act) is amended—

(1) by striking “vocational” each place the term appears and inserting “career”; and

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

#### “(1) DETERMINATION.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no payments shall be made under this Act for any fiscal year to a State for activities authorized under title I unless the Secretary determines that the average fiscal effort per student or the aggregate expenditures of such State for career and technical education programs for the 3 fiscal years preceding the fiscal year for which the determination is made, equaled or exceeded such effort or expenditures for career and technical education programs, for the 3 fiscal years preceding the fiscal year for which the determination is made.

“(B) COMPUTATION.—In computing the average fiscal effort or aggregate expenditures pursuant to subparagraph (A), the Secretary shall exclude capital expenditures, special one-time project costs, and the cost of pilot programs.

“(C) DECREASE IN FEDERAL SUPPORT.—If the amount made available for career and technical education programs under this Act for a fiscal year is less than the amount made available for career and technical education programs under this Act for the preceding fiscal year, then the average fiscal effort per

student or the aggregate expenditures of a State required by subparagraph (A) for the 3 preceding fiscal years shall be decreased by the same percentage as the percentage decrease in the amount so made available.”; and

(B) in paragraph (2), by striking “fiscal effort” both places the term appears and inserting “average fiscal effort”.

#### SEC. 203. VOLUNTARY SELECTION AND PARTICIPATION.

Section 214 (as redesignated by section 201 of this Act) is amended by striking “vocational” both places the term appears and inserting “career”.

#### SEC. 204. LIMITATION FOR CERTAIN STUDENTS.

Section 215 (as redesignated by section 201 of this Act) is amended by striking “vocational” and inserting “career”.

#### SEC. 205. AUTHORIZATION OF SECRETARY; PARTICIPATION OF PRIVATE SCHOOL PERSONNEL.

Part A of title II (as redesignated by section 201 of this Act) is amended—

(1) by striking section 217;

(2) by redesignating section 218 as section 217; and

(3) in section 217 (as redesignated by paragraph (2) of this section)—

(A) by inserting “principals,” after “for vocational and technical education teachers,”;

(B) by inserting “principals,” after “of vocational and technical education teachers,”; and

(C) by striking “vocational” each place the term appears and inserting “career”.

#### SEC. 206. STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS.

Section 225(c) (as redesignated by section 201 of this Act) is amended—

(1) in the subsection heading, by striking “VOCATIONAL” and inserting “CAREER”; and

(2) by striking “vocational” both places the term appears and inserting “career”.

#### SEC. 207. TABLE OF CONTENTS.

Section 1(b) (20 U.S.C. 2301 note) is amended to read as follows:

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

“Sec. 1. Short title; table of contents.

“Sec. 2. Purpose.

“Sec. 3. Definitions.

“Sec. 4. Transition provisions.

“Sec. 5. Privacy.

“Sec. 6. Limitation.

“Sec. 7. Special rule.

“Sec. 8. Authorization of appropriations.

#### “TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

##### “PART A—ALLOTMENT AND ALLOCATION

“Sec. 111. Reservations and State allotment.

“Sec. 112. Within State allocation.

“Sec. 113. Accountability.

“Sec. 114. National activities.

“Sec. 115. Assistance for the outlying areas.

“Sec. 116. Native American program.

“Sec. 117. Tribally controlled postsecondary career and technical institutions.

“Sec. 118. Occupational and employment information.

##### “PART B—STATE PROVISIONS

“Sec. 121. State administration.

“Sec. 122. State plan.

“Sec. 123. Improvement plans.

“Sec. 124. State leadership activities.

##### “PART C—LOCAL PROVISIONS

“Sec. 131. Distribution of funds to secondary school programs.

“Sec. 132. Distribution of funds for postsecondary career and technical education programs.

“Sec. 133. Special rules for career and technical education.

“Sec. 134. Local plan for career and technical education programs.

“Sec. 135. Local uses of funds.

#### “PART D—TECH-PREP EDUCATION

“Sec. 141. State allotment and application.

“Sec. 142. Tech-prep education.

“Sec. 143. Consortium applications.

“Sec. 144. Authorization of appropriations.

#### “TITLE II—GENERAL PROVISIONS

##### “PART A—FEDERAL ADMINISTRATIVE PROVISIONS

“Sec. 211. Fiscal requirements.

“Sec. 212. Authority to make payments.

“Sec. 213. Construction.

“Sec. 214. Voluntary selection and participation.

“Sec. 215. Limitation for certain students.

“Sec. 216. Federal laws guaranteeing civil rights.

“Sec. 217. Participation of private school personnel.

##### “PART B—STATE ADMINISTRATIVE PROVISIONS

“Sec. 221. Joint funding.

“Sec. 222. Prohibition on use of funds to induce out-of-State relocation of businesses.

“Sec. 223. State administrative costs.

“Sec. 224. Limitation on Federal regulations.

“Sec. 225. Student assistance and other Federal programs.”.

Mr. MCKEON. Mr. Speaker, I ask unanimous consent to strike all after the enacting clause of S. 250 and insert in lieu thereof the text of H.R. 366 as passed by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California.

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: “To amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act.”

A motion to reconsider was laid on the table.

#### APPOINTMENT OF CONFEREES ON S. 250, VOCATIONAL AND TECHNICAL EDUCATION FOR THE FUTURE ACT

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the Senate bill, S. 250, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### MOTION TO INSTRUCT OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. George Miller of California moves to instruct the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill S. 250 to include in the conference substitute recommended by the committee of conference the following: In section 3(2) of the bill, after the phrase “high wage” insert “(in no case less than \$7.25 an hour)”.

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gen-

tleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume, and I rise as we consider going to conference with the Senate on the Vocational Education Improvement Act, something that I think we should do and which I support and have been working with my colleagues on the other side of the aisle in the House and in the Senate to bring that conference to a successful conclusion, but I also rise not just in support of going to conference but also in support of a motion where we will have the ability to stand up for the dignity of 6.5 million workers in the United States making the minimum wage or near minimum-wage pay.

This motion instructs the conferees to make it clear that when the bill states its purpose is to prepare students for highways jobs, that in no event should those jobs pay less than \$7.25 an hour. The minimum wage today is just \$5.15 an hour, and for nearly 10 years the Republican leadership has stood in the way of a raise for America's lowest wage workers. That is a shame, it is an insult, and it is a moral outrage. This is the year when Members of Congress from both parties should come together and show how serious they are about raising the minimum wage and that they are serious about valuing hard work.

Mr. Speaker, I want to remind my colleagues that the Fair Standards Labor Act, containing the minimum wage, was passed in 1938 to alleviate poverty. Yet now the minimum wage condemns workers to a life of poverty for themselves and for their children. That is what we do when we fail to raise the minimum wage. We put the Federal stamp of approval, the congressional stamp of approval, if you will, on the wages of those individuals, so that even though they go to work every day, every week, every month, and all year long, they will not be able to raise themselves out of poverty.

That is just unacceptable for this Nation, which is the beacon to the world about economic opportunity, which is the beacon to the world about understanding what it means to have every citizen participate in our society. If they work those 52 weeks a year, they will only earn \$10,700, which is \$5,000 per year below the poverty line for a family of three. The current minimum wage will not even support a single worker and a single child above poverty. Raising the minimum wage to \$7.25 an hour will mean an additional \$4,370 a year to help minimum-wage earners support their families.

I don't have to tell you, Mr. Speaker, because I know you support this act, but here are the facts. Here are the facts. Those workers today are stuck at 1997 wages. By Federal law, their