

Christensen	Hunter	Radanovich	Boucher	Hinojosa	Pascrell	LaHood	Paxon	Shuster
Coble	Hutchinson	Ramstad	Brown (CA)	Holden	Pastor	Largent	Pease	Sisisky
Coburn	Hyde	Redmond	Brown (FL)	Hooley	Payne	Latham	Peterson (PA)	Skeen
Collins	Inglis	Regula	Brown (OH)	Hoyer	Pelosi	LaTourette	Petri	Smith (MI)
Combust	Istook	Riggs	Capps	Jackson (IL)	Peterson (MN)	Lazio	Pickering	Smith (NJ)
Cook	Jenkins	Riley	Cardin	Jackson-Lee	Pomeroy	Leach	Pickett	Smith (OR)
Cooksey	Johnson, Sam	Rogan	Carson	(TX)	Poshard	Lewis (CA)	Pitts	Smith (TX)
Cox	Jones	Rogers	Clay	John	Price (NC)	Lewis (KY)	Pombo	Smith, Linda
Crane	Kasich	Rohrabacher	Clayton	Johnson (WI)	Rahall	Linder	Porter	Snowbarger
Crapo	Kelly	Ros-Lehtinen	Clement	Johnson, E. B.	Rangel	Lipinski	Portman	Solomon
Cubin	Kim	Roukema	Clyburn	Kanjorski	Reyes	Livingston	Pryce (OH)	Souder
Cunningham	King (NY)	Royce	Conyers	Kaptur	Rivers	LoBiondo	Quinn	Spence
Davis (VA)	Kingston	Ryun	Costello	Kennedy (MA)	Rodriguez	Lucas	Radanovich	Stearns
Deal	Klug	Salmon	Coyle	Kennedy	Roemer	Manzullo	Ramstad	Stenholm
DeLay	Knollenberg	Sanford	Cramer	Kildee	Rothman	McCollum	Redmond	Stump
Diaz-Balart	Kolbe	Saxton	Cummings	Kilpatrick	Roybal-Allard	McCrery	Regula	Sununu
Dickey	LaHood	Scarborough	Danner	Kind (WI)	Rush	McHugh	Riggs	Talent
Doolittle	Largent	Schaefer, Dan	Davis (FL)	Klink	Sabo	McInnis	Riley	Tauzin
Dreier	Latham	Schaffer, Bob	Davis (IL)	Kucinich	Sanchez	McIntosh	Rogan	Taylor (NC)
Duncan	LaTourette	Sensenbrenner	DeGette	LaFalce	Sanders	McIntyre	Rogers	Thornberry
Dunn	Lazio	Sessions	Delahunt	Lampson	Sandlin	McKeon	Rohrabacher	Thune
Ehlers	Lewis (CA)	Shadegg	DeLauro	Lantos	Sawyer	Metcalf	Ros-Lehtinen	Tiahrt
Ehrlich	Lewis (KY)	Shaw	Dellums	Levin	Schumer	Mica	Roukema	Traficant
Emerson	Linder	Shimkus	Deutsch	Lewis (GA)	Scott	Miller (FL)	Royce	Upton
English	Livingston	Shuster	Dicks	Lofgren	Serrano	Molinaro	Ryun	Walsh
Everett	LoBiondo	Skeen	Dixon	Lowe	Sherman	Moran (KS)	Salmon	Wamp
Ewing	Lucas	Smith (MI)	Doggett	Luther	Skaggs	Morella	Sanford	Watkins
Fawell	Manzullo	Smith (NJ)	Dooley	Maloney (NY)	Skelton	Murtha	Saxton	Watts (OK)
Foley	McCollum	Smith (OR)	Doyle	Manton	Slaughter	Myrick	Scarborough	Weldon (FL)
Forbes	McCrery	Smith (TX)	Edwards	Markey	Smith, Adam	Nethercutt	Schaefer, Dan	Weldon (PA)
Fowler	McInnis	Smith, Linda	Engel	Martinez	Snyder	Neumann	Schaffer, Bob	Weller
Fox	McIntosh	Snowbarger	Ensign	Mascara	Spratt	Northup	Sensenbrenner	White
Franks (NJ)	McKeon	Solomon	Eshoo	Matsui	Stark	Norwood	Sessions	Whitfield
Frelinghuysen	Metcalf	Souder	Etheridge	McCarthy (MO)	Stokes	Nussle	Shadegg	Wicker
Galleghy	Mica	Spence	Evans	McCarthy (NY)	Strickland	Packard	Shaw	Wolf
Ganske	Miller (FL)	Stearns	Farr	McDermott	Stupak	Pappas	Shays	Young (FL)
Gekas	Molinaro	Stump	Fattah	McGovern	Tanner	Paul	Shimkus	
Gibbons	Moran (KS)	Sununu	Fazio	McHale	Tauscher			
Gilchrest	Myrick	Talent	Filner	McKinney	Taylor (MS)			
Gillmor	Nethercutt	Tauzin	Flake	McNulty	Thompson			
Goode	Neumann	Taylor (MS)	Meehan	Meehan	Thurman			
Goodlatte	Northup	Taylor (NC)	Meek	Menendez	Tierney			
Goodling	Norwood	Thomas	Fox	Millender-	Torres			
Goss	Nussle	Thornberry	Frank (MA)	Furse	Towns			
Graham	Oxley	Thune	Furuse	McDonald	Turner			
Granger	Packard	Tiahrt	Gedjenson	Miller (CA)	Velazquez			
Greenwood	Pappas	Upton	Gonzalez	Minge	Vento			
Gutknecht	Parker	Walsh	Gordon	Mink	Visclosky			
Hansen	Paul	Wamp	Green	Moakley	Waters			
Hastert	Paxon	Watts (OK)	Gutierrez	Moran (VA)	Watt (NC)			
Hastings (WA)	Pease	Weldon (FL)	Hall (OH)	Nadler	Waxman			
Hayworth	Peterson (PA)	Weldon (PA)	Hall (TX)	Neal	Wexler			
Hefley	Petri	Weller	Hamilton	Ney	Weygand			
Hergert	Pickering	White	Harman	Obey	Wise			
Hill	Pitts	Whitfield	Hastings (FL)	Olver	Woolsey			
Hilleary	Pombo	Wicker	Hefner	Ortiz	Wynn			
Hobson	Porter	Wolf	Hilliard	Owens	Yates			
Hoekstra	Portman	Young (FL)	Hinchee	Pallone				
Hostettler	Pryce (OH)							
Hulshof	Quinn							

NOT VOTING—15

Cox	Maloney (CT)	Parker
Frost	McDade	Schiff
Gephardt	Mollohan	Stabenow
Jefferson	Oberstar	Thomas
Kennedy (RI)	Oxley	Young (AK)

So the amendment was not agreed to. The SPEAKER pro tempore, Mr. QUINN, assumed the Chair.

When Mr. EWING, Chairman, pursuant to House Resolution 187, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

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

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE. This Act may be cited as the "Carl D. Perkins Vocational-Technical Education Act Amendments of 1997".

SEC. 2. REFERENCES TO ACT. (a) SHORT TITLE OF ACT.—Section 1(a) of the Act is amended by striking "(a) SHORT TITLE.—" and further by striking "Vocational and Applied Technology" and inserting "Vocational-Technical".

(b) REFERENCES TO ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a title, chapter, part, subpart, section, subsection, or other provision, the reference shall be considered to be made to a title, chapter, part, subpart, section, subsection, or other provision of the Carl D. Perkins Vocational-Technology Education Act as amended in subsection (a).

SEC. 3. TABLE OF CONTENTS. Section 1(b) is repealed.

SEC. 4. PURPOSE. Section 2 of the Act is amended to read as follows:

"SEC. 2. PURPOSE. "It is the purpose of this Act to develop more fully the academic, occupational, and technical skills of individuals participating in vocational-technical education programs.

NOT VOTING—13

Archer	Kennedy (RI)	Schiff
Dingell	McDade	Stabenow
Fattah	McIntyre	Young (AK)
Gonzalez	Mollohan	
Ney		

So the amendment was not agreed to.

84.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. KENNEDY of Massachusetts:

Page 52, after line 15, insert the following (and redesignate any subsequent paragraphs accordingly):

"(8) providing an on-site workforce development coordinator who will coordinate activities described in this section with an emphasis on developing additional curricula in cooperation with local area businesses;"

It was decided in the { Yeas ..... 189 negative ..... } { Nays ..... 230

84.23 [Roll No. 287] AYES—189

Abercrombie	Barcia	Bishop
Ackerman	Barrett (WI)	Blagojevich
Allen	Becerra	Blumenauer
Andrews	Bentsen	Bonior
Baessler	Berman	Borski
Baldacci	Berry	Boswell

NOES—230

Aderholt	Coburn	Goode
Archer	Collins	Goodlatte
Armey	Combust	Goodling
Bachus	Condit	Goss
Baker	Cook	Graham
Ballenger	Cooksey	Granger
Barr	Crane	Greenwood
Barrett (NE)	Crapo	Gutknecht
Bartlett	Cubin	Hansen
Barton	Cunningham	Hastert
Bass	Davis (VA)	Hastings (WA)
Bateman	Deal	Hayworth
Bereuter	DeFazio	Hefley
Bilbray	DeLay	Hergert
Bilirakis	Diaz-Balart	Hill
Bliley	Dickey	Hilleary
Blunt	Dingell	Hobson
Boehlert	Doolittle	Hoekstra
Boehner	Dreier	Horn
Bonilla	Duncan	Hostettler
Bono	Dunn	Houghton
Boyd	Ehlers	Hulshof
Brady	Ehrlich	Hunter
Bryant	Emerson	Hutchinson
Bunning	English	Hyde
Burr	Everett	Inglis
Burton	Ewing	Istook
Buyer	Fawell	Jenkins
Callahan	Foley	Johnson (CT)
Calvert	Forbes	Johnson, Sam
Camp	Fowler	Jones
Campbell	Franks (NJ)	Kasich
Canady	Frelinghuysen	Kelly
Cannon	Galleghy	Kim
Castle	Ganske	King (NY)
Chabot	Gekas	Kingston
Chambliss	Gibbons	Kleczka
Chenoweth	Gilchrest	Klug
Christensen	Gillmor	Knollenberg
Coble	Gilman	Kolbe

This purpose will be achieved through concentrating resources on improving vocational-technical education programs leading to academic and technical skill competencies needed to work in a technologically advanced society."

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

Section 3 of the Act is amended—

(1) in subsection (a) by striking "\$1,600,000,000" and all that follows and inserting "\$1,300,000,000, for fiscal year 1998 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out the provisions of titles I and II.";

(2) by amending subsection (b) to read as follows:

"(b) TITLE I.—Of the amounts made available under subsection (a)—

"(1) 1.5 percent shall be reserved to carry out section 103, relating to Indian and Native Hawaiians programs; and

"(2) 0.2 percent shall be reserved to carry out section 101A, relating to the territories.";

(3) by amending subsection (c) to read as follows:

"(c) NATIONAL PROGRAMS.—None of the funds made available under this section for programs authorized under titles I, II, and part C of title III, shall be used for any program authorized under part A of title III.

(4) by striking subsections (d) through (f).

**TITLE I—VOCATIONAL-TECHNICAL EDUCATION ASSISTANCE TO THE STATES**

**SEC. 101. ALLOTMENT.**

(a) IN GENERAL.—Title I is amended by striking the matter preceding the text of section 101 and inserting the following:

**"TITLE I—VOCATIONAL-TECHNICAL EDUCATION ASSISTANCE TO THE STATES  
"PART A—ALLOTMENT AND ALLOCATION  
"SEC. 101. ALLOTMENT."**

(b) ALLOTMENT.—

(1) Paragraphs (1) and (2) of section 101(a) are amended to read as follows:

"(a) SPECIFIC POPULATIONS.—

"(1) IN GENERAL.—In each fiscal year, from amounts made available under section 3(a), the Secretary shall reserve—

"(A) 1.5 percent to carry out section 103, of which—

"(i) 1.25 percent shall be available to carry out section 103(c); and

"(ii) 0.25 percent shall be available to carry out section 103(i); and

"(B) 0.2 percent for the purpose of carrying out section 101A.

"(2) REMAINDER OF FUNDS.—From the remainder of the sums appropriated pursuant to section 3, the Secretary shall allot to each State for each fiscal year—

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

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

(2) Paragraph (3) of section 101(a) is amended—

(A) by striking subparagraphs (A) and (C);

(B) by redesignating subparagraphs (B) and (D) as (A) and (B), respectively;

(C) in subparagraph (A), as redesignated, by striking clause (i), and inserting the following:

"(i) Notwithstanding any other provision of law and subject to subparagraph (B) and

clause (ii), no State shall receive less than 1/2 of 1 percent of the amount available for each such program for each fiscal year under this subsection.";

(D) in subparagraph (A)(ii), as redesignated, by striking "or part A, B, C, D, or E of title III".

(3) By amending subsection (c) to read as follows:

"(c) ALLOTMENT RATIO.—

"(1) IN GENERAL.—The allotment ratio for any State shall be 1.00 less the product of—

"(A) 0.50; and

"(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of Puerto Rico and the Virgin Islands), except that—

"(i) the allotment ratio in no case shall be more than 0.55 or less than 0.40; and

"(ii) the allotment ratio for Puerto Rico and the Virgin Islands shall be 0.55.

"(2) ALLOTMENT RATIOS.—The allotment ratios shall be promulgated by the Secretary for each fiscal year between October 1 and December 31 of the fiscal year preceding the fiscal year for which the determination is made. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the 3 most recent consecutive fiscal years for which satisfactory data are available.

"(3) DEFINITION.—The term 'per capita income' means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

"(4) POPULATION DETERMINATION.—For the purposes of this section, population shall be determined by the Secretary on the basis of the latest estimates available to the Department."

**SEC. 101A. THE TERRITORIES.**

Section 101A of the Act is amended by inserting after subsection (c) the following new subsection:

"(d) RESTRICTION.—Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this part for any fiscal year that begins after September 30, 2001."

**SEC. 102. WITHIN STATE ALLOTMENTS.**

Section 102 is amended—

(1) in subsection (a)—

(A) in paragraph (1) by striking "at least" and all that follows through the semicolon and inserting "an amount equal to not less than 90 percent of the allotment shall be available for basic programs under part B of title II";

(B) by striking paragraph (2);

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(D) in paragraph (2), as redesignated, by striking "8.5" and inserting "8" and further by adding after the semicolon "and";

(E) in paragraph (3), as redesignated—

(i) by striking "5" and inserting "2";

(ii) by striking "of which—" and all that follows through "and" at the end and inserting the following:

"which may be used for the costs of—

"(A) developing the State application;

"(B) reviewing local applications;

"(C) monitoring and evaluating program effectiveness; and

"(D) assuring compliance with all applicable Federal laws.";

(F) by striking paragraph (5);

(2) in subsection (b) by striking "(a)(4)" and inserting "(a)(3)"; and

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

"(c) RURAL AND URBAN RESERVE.—A State may reserve not more than 5 percent of the allotment made under section 102(a)(1) to use

for grants to rural areas and not more than 5 percent of such allotment to use for grants to urban areas.

"(d) DEFINITIONS.—For purposes of this section—

"(1) the term 'rural area' means an area that is not in a metropolitan statistical area;

"(2) the term 'urban area' means an area that serves a central city in a metropolitan statistical area; and

"(3) the terms 'central city' and 'metropolitan statistical area' have the same meanings given such terms in section 10952 of the Elementary and Secondary Education Act of 1965."

**SEC. 103. INDIAN AND NATIVE HAWAIIAN PROGRAMS.**

Section 103 of the Act is amended to read as follows:

**"SEC. 103. NATIVE AMERICAN PROGRAM.**

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

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

"(1) ALASKA NATIVE.—The term 'Alaska Native' means a Native as such term is defined in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

"(2) BUREAU FUNDED.—The term 'Bureau funded school' means—

"(A) a Bureau school;

"(B) a contract school; or

"(C) a school for which assistance is provided under the Tribally Controlled Schools Act of 1988.

"(3) INDIAN, INDIAN TRIBE, AND TRIBAL ORGANIZATION.—The terms 'Indian', 'Indian tribe', and 'tribal organization' have the meanings given such terms in subsections (d), (e), and (f), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(4) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

"(5) NATIVE HAWAIIAN AND NATIVE HAWAIIAN ORGANIZATION.—The terms 'Native Hawaiian' and 'Native Hawaiian organization' have the meanings given such terms in paragraphs (1) and (3), respectively, of section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912).

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

"(7) TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL INSTITUTION.—The term 'tribally controlled postsecondary vocational institution' means an institution of higher education that—

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

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

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

"(D) demonstrates adherence to stated goals, a philosophy, or a plan of operation, that fosters individual Indian economic and self-sufficiency opportunity, including programs that are appropriate to stated tribal goals of developing individual entrepreneurship and self-sustaining economic infrastructures on reservations;

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

“(F) holds accreditation with or is a candidate for accreditation by a nationally recognized accrediting authority for postsecondary vocational-technical education; and

“(G) enrolls the full-time equivalent of not less than 100 students, of whom a majority are Indians.

“(C) PROGRAM AUTHORIZED.—

“(1) IN GENERAL.—From amounts reserved under section 101(a)(1)(A)(i), the Secretary shall make grants to Indian tribes, tribal organizations and Alaska Native entities to carry out the authorized programs described in subsection (d), except that such terms shall not include secondary school programs in Bureau funded schools.

“(2) SPECIAL AUTHORITY RELATING TO SECONDARY SCHOOLS OPERATED OR SUPPORTED BY THE BUREAU OF INDIAN AFFAIRS.—An Indian tribe, a tribal organization, or an Alaska Native entity, that receives funds through a grant made or contract entered into under paragraph (1) may use the funds to provide assistance to a secondary school operated or supported by the Bureau of Indian Affairs to enable such school to carry out vocational-technical education programs.

“(d) AUTHORIZED PROGRAMS.—Funds made available under this section shall be used to carry out vocational-technical education programs consistent with the purposes of this Act.

“(e) GRANT APPLICATION.—In order to receive a grant under this section an entity described in subsection (c) shall submit an application to the Secretary and shall include an assurance that such entity shall comply with the requirements of this Act.

“(f) SPECIAL CONSIDERATION.—The Secretary, in making grants under subsection (c), shall give special consideration to—

“(1) grants which involve, coordinate with, or encourage tribal economic development plans; and

“(2) applications from tribally controlled community colleges which—

“(A) are accredited or are candidates for accreditation by a nationally recognized accrediting organization as an institution of postsecondary vocational-technical education; or

“(B) operate vocational-technical education programs that are accredited or are candidates for accreditation by a nationally recognized accrediting organization and issue certificates for completion of vocational-technical education programs.

“(g) CONSOLIDATION OF FUNDS.—Each entity receiving assistance under this section may consolidate such assistance with assistance received from related programs in accordance with the provisions of the Indian Employment, Training and Related Services Demonstration Act of 1992 (25 U.S.C 3401 et seq.).

“(h) NONDUPLICATIVE AND NONEXCLUSIVE SERVICES.—Nothing in this section shall be construed—

“(1) to limit the eligibility of any entity described in subsection (c) to participate in any activity offered by a State or local entity under this title; or

“(2) to preclude or discourage any agreement, between any entity described in subsection (c) and any State or local entity, to facilitate the provision of services by such entity or to the population served by such entity.

“(i) NATIVE HAWAIIAN PROGRAMS.—From the funds reserved pursuant to section 101(a)(1)(A)(ii), the Secretary is directed to enter into contracts with organizations primarily serving and representing Native Hawaiian Programs which are recognized by the Governor of the State of Hawaii to plan, conduct, and administer programs, or portions thereof, which are authorized by and consistent with the provisions of this section

for the benefit of Native Hawaiian Programs.”.

**SEC. 104. TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL INSTITUTIONS.**

Part A of title I of the Act is amended by adding at the end the following:

**“SEC. 104. TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION PROGRAMS.**

“(a) GRANTS AUTHORIZED.—The Secretary shall, subject to the availability of appropriations, make grants pursuant to this section to tribally controlled postsecondary vocational-technical institutions to provide basic support for the education and training of Indian students.

“(b) USE OF GRANTS.—Amounts made available pursuant to this section shall be used for vocational-technical education programs.

“(c) AMOUNT OF GRANTS.—

“(1) IN GENERAL.—If the sums appropriated for any fiscal year for grants under this section are not sufficient to pay in full the total amount which approved applicants are eligible to receive under this section for such fiscal year, the Secretary shall first allocate to each such applicant which received funds under this part for the preceding fiscal year an amount equal to 100 percent of the product of the per capita payment for the preceding fiscal year and such applicant's Indian student count for the current program year, plus an amount equal to the actual cost of any increase to the per capita figure resulting from inflationary increases to necessary costs beyond the institution's control.

“(2) PER CAPITA DETERMINATION.—For the purposes of paragraph (1), the per capita payment for any fiscal year shall be determined by dividing the amount available for grants to tribally controlled postsecondary vocational-technical institutions under this part for such program year by the sum of the Indian student counts of such institutions for such program year. The Secretary shall, on the basis of the most accurate data available from the institutions, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this section.

“(d) ELIGIBLE GRANT RECIPIENTS.—To be eligible for assistance under this section a tribally controlled postsecondary vocational-technical institution shall—

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

“(2) have been in operation for at least 3 years;

“(3) hold accreditation with or be a candidate for accreditation by a nationally recognized accrediting authority for postsecondary vocational-technical education; and

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

“(e) APPLICATIONS.—Any tribally controlled postsecondary vocational-technical institution that desires to receive a grant under this section shall submit an application to the Secretary in such manner and form as the Secretary may require.

“(f) OTHER PROGRAMS.—

“(1) IN GENERAL.—Except as specifically provided in this Act, eligibility for assistance under this section shall not preclude any tribally controlled postsecondary vocational-technical institution from receiving Federal financial assistance under any program authorized under the Higher Education Act of 1965 or any other applicable program for the benefit of institutions of higher education or vocational-technical education.

“(2) PROHIBITION ON ALLOCATION OF GRANT AMOUNT.—The amount of any grant for which tribally controlled postsecondary vocational-technical institutions are eligible under this subpart shall not be altered because of funds allocated to any such institu-

tion from funds appropriated under the Act of November 2, 1921.

“(3) PROHIBITION ON CONTRACT DENIAL.—No tribally controlled postsecondary vocational-technical institution for which an Indian tribe has designated a portion of the funds appropriated for the tribe from funds appropriated under the Act of November 2, 1921, may be denied a contract for such portion under the Indian Self-Determination and Education Assistance Act (except as provided in that Act), or denied appropriate contract support to administer such portion of the appropriated funds.

“(g) DEFINITIONS.—For the purposes of this section:

“(1) INDIAN.—The terms ‘Indian’ and ‘Indian tribe’ have the meanings given such terms in section 2 of the Tribally Controlled Community College Assistance Act of 1978.

“(2) TRIBALLY CONTROLLED POSTSECONDARY VOCATIONAL-TECHNICAL INSTITUTION.—The term ‘tribally controlled postsecondary vocational-technical institution’ means an institution of higher education which is formally controlled, or has been formally sanctioned or chartered by the governing body of an Indian tribe or tribes which offers technical degrees or certificate granting programs.

“(3) INDIAN STUDENT COUNT.—The term ‘Indian student count’ means a number equal to the total number of Indian students enrolled in each tribally controlled vocational-technical institution, determined as follows:

“(A) REGISTRATIONS.—The registrations of Indian students as in effect on October 1 of each year.

“(B) SUMMER TERM.—Credits or clock hours toward a certificate earned in classes offered during a summer term shall be counted toward the computation of the Indian student count in the succeeding fall term.

“(C) ADMISSION CRITERIA.—Credits or clock hours toward a certificate earned in classes during a summer term shall be counted toward the computation of the Indian student count if the institution at which the student is in attendance has established criteria for the admission of such student on the basis of the student's ability to benefit from the education or training offered. The institution shall be presumed to have established such criteria if the admission procedures for such studies include counseling or testing that measures the student's aptitude to successfully complete the course in which the student has enrolled. No credit earned by such student for purposes of obtaining a high school degree or its equivalent shall be counted toward the computation of the Indian student count.

“(D) DETERMINATION OF HOURS.—Indian students earning credits in any continuing education program of a tribally controlled vocational-technical institution shall be included in determining the sum of all credit or clock hours.

“(E) CONTINUING EDUCATION.—Credits or clock hours earned in a continuing education program shall be converted to the basis that is in accordance with the institution's system for providing credit for participation in such programs.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated not more than \$4,000,000 for fiscal year 1998 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out the provisions of this section.”.

**PART B—STATE ORGANIZATIONAL AND PLANNING RESPONSIBILITIES**

**SEC. 111. STATE ADMINISTRATION.**

Section 111 of this Act is amended—

(1) in subsection (a)(1)(A), by striking “pursuant to section 113(b)(8), section 116, and section 117”;

(2) by striking subsection (a)(1)(B);

(3) in subsection (a)(1)(C), by striking "consultation with" and all that follows through the semicolon at the end of subsection (a)(1)(C) and inserting "consultation with the Governor and appropriate agencies, groups, and individuals, including business, industry and representatives of employees involved in the planning, administration, evaluation, and coordination of programs funded under this Act"; and

(4) by striking subsections (b) through (g) and inserting the following:

"(b) LIST OF PROGRAMS ASSISTED.—The State board shall make available to each Private Industry Council established under section 102 of the Job Training Partnership Act within the State a listing of all programs assisted under this Act."

**SEC. 112. STATE COUNCIL ON VOCATIONAL EDUCATION.**

Section 112 of the Act is repealed.

**SEC. 113. STATE APPLICATION.**

Section 113 of the Act is amended—

(1) by redesignating such section as section 112;

(2) by striking "plan" in the section heading and inserting "application";

(3) in subsection (a)—

(A) in paragraph (1), by striking "(A)" and further by striking all that follows after "Secretary" and inserting "an application in such manner and accompanied by such information as the Secretary may require but which, at a minimum, shall be for a 5-year period";

(B) in paragraph (1), by striking subparagraph (B);

(C) by amending paragraph (2) to read as follows:

"(2) The State board shall conduct public hearings in the State, after appropriate and sufficient notice, for the purpose of affording all segments of the public and interested organizations and groups an opportunity to present their views and make recommendations regarding the State application. A summary of such recommendations and the State board's response shall be included with the State application."; and

(D) by amending paragraph (3) to read as follows:

"(3) The State board shall, for secondary vocational-technical education programs, establish effective activities and procedures, by which parents, students, teachers, and area residents concerned will be able to participate in State and local decisions that influence programs under this Act, and ensure that such individuals are given access to the information needed to use such procedures.".

(4) by striking subsections (b) and (c) and inserting the following:

"(b) CONTENTS.—Each State application shall—

"(1) describe the vocational-technical education programs that will be carried out with funds received by the State under this Act, including a description of—

"(A) the secondary and postsecondary vocational-technical education programs to be carried out at the State level pursuant to section 201, including programs that will be carried out by the State to develop, improve, and expand access to quality, state-of-the-art technology in vocational-technical education programs;

"(B) the criteria that will be used by the State in approving applications of eligible recipients of funds under this Act;

"(C) how such programs will prepare vocational-technical education students for opportunities in postsecondary education or entry into high skill, high wage jobs in current and emerging occupations; and

"(D) how funds will be used to improve or develop new vocational-technical education courses.

"(2) describe how the State will actively involve parents, teachers, local businesses

(including small- and medium-sized businesses) and representatives of employees in the planning, development, implementation, and evaluation of such vocational-technical education programs;

"(3) describe how funds received by the State through the allotment made under section 102 will be allocated among secondary school vocational-technical education, or postsecondary and adult vocational-technical education, or both, including the rationale for such allotment;

"(4) describe how the State will—

"(A) improve the academic and technical skills of students participating in vocational-technical education programs which includes strengthening the academic and vocational components of vocational-technical education programs through the integration of academics with vocational-technical education to ensure learning in the core academic and vocational subjects and provide students with strong experience and understanding of all aspects of the industry; and

"(B) ensure that students who participate in such vocational-technical education programs are taught to the same challenging academic proficiencies as are provided for all other students;

"(5) describe how the State will annually evaluate the effectiveness of such vocational-technical education programs and describe, to the extent practicable, how the State is coordinating such programs to ensure nonduplication with other existing Federal programs;

"(6) identify the benchmarks that the State will use to measure the progress of the State, including a description of how such benchmarks will ensure continuous improvement for vocational-technical students in meeting such benchmarks;

"(7) describe how the State will—

"(A) provide vocational-technical education programs that lead to high skill, high wage careers for members of special populations, displaced homemakers, single parents, and single pregnant women; and

"(B) ensure that members of special populations meet State benchmarks established under section 114 and are prepared for postsecondary education, further learning, and high skill, high wage careers;

"(8) describe what steps the State shall take to involve representatives of local school boards in the development of the State's benchmarks;

"(9) provide a financial audit of funds received under this Act which may be included as part of an audit of other Federal or State programs; and

"(10) provide assurances that none of the funds expended under this Act 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 or its employees or any affiliate of such an organization.

"(c) AMENDMENTS.—The State board may submit amendments to the State application, as necessary, during the 5-year period. Such amendments shall be submitted in accordance with section 113(c)."

**SEC. 114. SUBMISSION OF STATE APPLICATION.**

Section 114 of the Act is amended—

(1) by redesignating such section as section 113;

(2) by striking "state plan approval" in the section heading and inserting "submission of state application";

(3) by striking subsections (a) and (b); and

(4) by adding at the end the following:

"(a) APPLICATION.—Each State application shall be submitted to the Secretary by not later than May 1 preceding the beginning of the first fiscal year for which a State application is to be in effect.

"(b) CONSULTATION.—The State board shall develop the portion of each State application relating to the amount and uses of any funds proposed to be reserved for adult vocational-technical education, postsecondary vocational-technical education, tech-prep education, and secondary vocational-technical education after consultation with the State agency responsible for supervision of community colleges, technical institutes, or other 2-year postsecondary institutions primarily engaged in providing postsecondary vocational-technical education, and the State agency responsible for secondary education. If a State agency finds that a portion of the final State application is objectionable, such agency shall file such objections with the State board. The State board shall respond to any objections of such agency in submitting such application to the Secretary.

"(c) APPLICATION SUBMISSION.—A State application submitted to the Secretary under this section shall be approved by the Secretary unless the Secretary makes a written determination, within 90 days after receiving the application, that the application is in violation of the provisions of this Act."

**SEC. 115. ACCOUNTABILITY.**

Part B of title I is amended by inserting after section 113, as redesignated, the following:

**"SEC. 114. ACCOUNTABILITY.**

"(a) BENCHMARKS.—

"(1) ELIGIBILITY.—To be eligible to receive an allotment under section 102, a State shall develop and identify in the State application submitted under section 113 proposed rigorous and quantifiable benchmarks to measure the statewide progress of the State, which shall include, at a minimum, measures, of—

"(A) attainment of challenging State academic and vocational proficiencies;

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

"(C) placement in, retention in, and completion of, postsecondary education or advanced training, or placement and retention in military service, or employment.

"(2) EXISTING BENCHMARKS.—If a State has developed State performance indicators or benchmarks for skills according to challenging academic or vocational proficiencies consistent with this Act, the State may use such performance indicators or benchmarks in measuring the progress of vocational-technical education students.

"(b) PROGRAM IMPROVEMENT AND SANCTIONS.—

"(1) STATE PROGRAM IMPROVEMENT PLAN.—If a State fails to meet its State benchmarks as described in the report submitted under subsection (c), the State shall develop and implement a program improvement plan in consultation with appropriate agencies, individuals, and organizations for the first program year succeeding the program year in which the State failed to meet its benchmarks in order to avoid a sanction as provided under paragraph (3).

"(2) LOCAL IMPROVEMENT PLAN.—If an eligible recipient fails to meet its State benchmarks, the eligible recipient shall develop a program improvement plan with appropriate agencies, individuals, and organizations for the succeeding program year.

"(3) SANCTIONS.—

"(A) IN GENERAL.—If a State fails to meet the State benchmarks required under subsection (a), and has not implemented an improvement plan as described in paragraph (1), has not demonstrated improvement in meeting its benchmarks, or has failed to meet its benchmarks for 2 or more consecutive years, the Secretary may, after notice and opportunity for a hearing, or withhold from the State all, or a portion of, the State's allot-

ment under this Act. The Secretary may waive the sanction due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in the financial resources of the State.

“(B) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—The amount of funds retained by the Secretary as a result of a reduction in an allotment made under subparagraph (A) shall be redistributed to other States in accordance with section 101.

“(c) REPORT.—

“(1) IN GENERAL.—

“(A) INFORMATION.—Each State that receives an allotment under section 102 shall annually prepare and submit to the Secretary a report on how the State is performing on State benchmarks that relate to vocational-technical education programs. In preparing the report, the State may include information on such additional vocational-technical education benchmarks as the State may establish.

“(B) SPECIAL POPULATIONS.—The report submitted by the State in accordance with subparagraph (A) shall include a description of how special populations, displaced homemakers, single parents, and single pregnant women participating in vocational-technical education programs have performed in meeting the vocational-technical education benchmarks established by the State.

“(2) INFORMATION DISSEMINATION.—

“(A) STATE REQUIREMENTS.—Each State shall make the information contained in reports described under paragraph (1) available to the general public through publication and other appropriate methods which may include electronic communication.

“(B) SECRETARY REQUIREMENTS.—The Secretary shall make the information contained in such reports available to the general public through publication and other appropriate methods which may include electronic communication.

“(3) BENCHMARK PERFORMANCE.—Each local recipient shall make available to the general public information regarding how the local recipient is performing in regard to the State benchmarks.”.

**SEC. 116. PROGRAM EVALUATION.**

Sections 115, 116, 117, and 118 of the Act are repealed.

**TITLE II—BASIC STATE GRANTS FOR VOCATIONAL-TECHNICAL EDUCATION**

**SEC. 201. STATE PROGRAMS.**

(a) HEADING.—The heading for title II is amended to read as follows:

**“TITLE II—BASIC STATE GRANTS FOR VOCATIONAL-TECHNICAL EDUCATION”.**

(b) PROGRAMS.—Section 201 of the Act is amended—

(1) in subsection (a), by striking “102(a)(3)” and inserting “102(a)(2)”;

(2) by amending subsection (b) to read as follows:

“(b) REQUIRED USES OF FUNDS.—The programs described in subsection (a) shall include—

“(1) an assessment of the vocational-technical education programs carried out with funds under this Act that includes an assessment of how the needs of special populations are being met and how such programs will ensure that the benchmarks established under section 114 are being met;

“(2) developing, improving, or expanding the use of technology in vocational-technical education which may include—

“(A) training of vocational-technical education personnel to use state-of-the art technology, which may include distance learning;

“(B) providing vocational-technical education students with the academic and technical skills that lead to entry into the high technology and telecommunications field; or

“(C) encouraging schools to work with high tech industries to offer voluntary internships and mentoring programs;

“(3) professional development programs, including—

“(A) inservice and preservice training in state-of-the-art vocational-technical education programs and techniques, effective teaching skills based on research, and effective practices to improve parental and community involvement; and

“(B) support of education programs for teachers of vocational-technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to vocational education students to ensure that such teachers stay current with the needs, expectations, and methods of industry; and

“(4) support for vocational-technical education programs that improve the academic and technical skills of students participating in vocational-technical education programs by strengthening the academic and vocational component of such vocational-technical education programs through the integration of academics with vocational-technical education to ensure learning in the core academic and vocational subjects.”;

(3) by amending subsection (c) to read as follows:

“(c) PERMISSIBLE USES OF FUNDS.—The programs under subsection (a) may include—

“(1) technical support for eligible recipients;

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

“(3) support for programs for single parents, displaced homemakers, single pregnant women, and individuals in nontraditional occupations that lead to high skill, high wage careers;

“(4) support for cooperative education;

“(5) support for vocational student organizations;

“(6) support for public charter schools operating secondary vocational-technical education programs;

“(7) support for vocational-technical education programs that offer experience in, and understanding of, all aspects of the industry for which students are preparing to enter;

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

“(9) support for corrections vocational-technical education;

“(10) support for education and business partnerships; and

“(11) support to improve or develop new vocational-technical education courses.”; and

(4) by adding after subsection (c) the following new subsection:

“(d) RESTRICTION ON USES OF FUNDS.—A State that receives funds under section 102(a)(2) may not use any of such funds to pay administrative costs.”.

**SEC. 202. SECONDARY, POSTSECONDARY, AND ADULT VOCATIONAL-TECHNICAL EDUCATION PROGRAMS.**

Part B of title II of the Act is amended to read as follows:

**“PART B—SECONDARY, POSTSECONDARY, AND ADULT VOCATIONAL-TECHNICAL EDUCATION PROGRAMS**

**“Subpart 1—Within-State Allocation**

**“SEC. 221. DISTRIBUTION OF FUNDS TO SECONDARY SCHOOL PROGRAMS.**

“(a) GENERAL RULE.—Except as otherwise provided in this section and section 223, each State shall distribute the funds received under this Act and available in fiscal year 1998 for secondary school vocational-technical education to local educational agencies within the State as follows:

“(1) From 70 percent of such funds, each local educational agency shall be allocated an amount that bears the same relationship to such 70 percent as the amount such local educational agency was allocated under section 1124 or such section's predecessor authority of the Elementary and Secondary Education Act of 1965 in the preceding fiscal year bears to the total amount received under such section by local educational agencies in the State in such year.

“(2) From 20 percent of such funds, each local educational agency shall be allocated an amount that bears the same relationship to such 20 percent as the number of students with disabilities who have individualized education programs under section 614(d) of the Individuals with Disabilities Education Act who are served by such local educational agency in the preceding fiscal year bears to the total number of such students served by local educational agencies in the State in such year.

“(3) From 10 percent of such funds, each local educational agency shall be allocated an amount that bears the same relationship to such 10 percent as the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of such local educational agency in the preceding fiscal year bears to the number of students enrolled in schools and adults enrolled in training programs under the jurisdiction of all local educational agencies in the State in such year.

**“(b) SPECIAL DISTRIBUTION RULES FOR SUBSEQUENT FISCAL YEARS.—**

“(1) FISCAL YEARS 1999 AND 2000.—In fiscal years 1999 and 2000, each State shall distribute the funds available under this Act in such fiscal years for secondary school vocational-technical education programs to local educational agencies within the State as follows:

“(A) LESSER OR EQUAL AMOUNTS.—Each State shall distribute all funds allocated by the State for each such fiscal year for secondary school vocational-technical education programs in amounts less than or equal to the total amount of funds distributed pursuant to section 231(a) of this Act as such section was in effect on the day before the date of the enactment of the Carl D. Perkins Vocational-Technical Education Act Amendments of 1997 for such programs in fiscal year 1997 as follows:

“(i) 30 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 to 19, inclusive, who reside in the school district served by such agency for the preceding fiscal year compared to the total number of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding year.

“(ii) 70 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 through 19, inclusive, who reside in the school district served by such agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the fiscal year for which the determination is made compared to the number of such individuals in all the local educational agencies in the State.

“(B) GREATER AMOUNTS.—Each State shall distribute all funds allocated by the State for each such fiscal year for secondary school vocational-technical education programs in amounts greater than the total amount of funds distributed pursuant to section 231(a) of this Act as such section was in effect on the day before the date of the enactment of the Carl D. Perkins Vocational-Technical

Education Act Amendments of 1997 for such programs in fiscal year 1997 as follows:

“(i) 40 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 to 19, inclusive, who reside in the school district served by such agency for the preceding fiscal year compared to the total number of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding year.

“(ii) 60 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 through 19, inclusive, who reside in the school district served by such agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the fiscal year for which the determination is made compared to the number of such individuals in all the local educational agencies in the State.

“(2) FISCAL YEAR 2001.—Each State shall distribute funds allocated under this Act in fiscal year 2001 for secondary school vocational-technical education programs to local educational agencies within the State as follows:

“(A) 35 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 to 19, inclusive, who reside in the school district served by such agency for the preceding fiscal year compared to the total number of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding year.

“(B) 65 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 through 19, inclusive, who reside in the school district served by such agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the fiscal year for which the determination is made compared to the number of such individuals in all the local educational agencies in the State.

“(3) FISCAL YEAR 2002.—Each State shall distribute funds allocated under this Act in fiscal year 2002 for secondary school vocational-technical education programs to local educational agencies within the State as follows:

“(A) 40 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 to 19, inclusive, who reside in the school district served by such agency for the preceding fiscal year compared to the total number of such individuals who reside in the school districts served by all local educational agencies in the State for such preceding year.

“(B) 60 percent shall be allocated to such agencies in proportion to the number of individuals aged 15 through 19, inclusive, who reside in the school district served by such agency from families with incomes below the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved for the fiscal year for which the determination is made compared to the number of such individuals in all the local educational agencies in the State.

“(c) WAIVER FOR MORE EQUITABLE DISTRIBUTION.—The Secretary may waive the application of subsection (b) in the case of any State that submits to the Secretary an application for such a waiver that—

“(1) demonstrates that a proposed alternative formula more effectively targets funds on the basis of poverty (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) to local educational agencies within the State than the formula described in subsection (b); and

“(2) includes a proposal for such an alternative formula.

“(d) MINIMUM GRANT AMOUNT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), no local educational agency shall be eligible for a grant under this part unless the amount allocated to such agency under subsections (a) and (b) is not less than \$10,000. A local educational agency may enter into a consortium with other local educational agencies for purposes of meeting the minimum allocation requirement of this paragraph.

“(2) WAIVER.—The State shall waive the application of paragraph (1) in any case in which the local educational agency—

“(A)(i) is located in a rural, sparsely populated area, or

“(ii) is a public charter school operating secondary vocational-technical education programs; and

“(B) demonstrates that the agency is unable to enter into a consortium for purposes of providing services under this part.

“(3) REDISTRIBUTION.—Any amounts that are not allocated by reason of paragraph (1) or paragraph (2) shall be redistributed to local educational agencies that meet the requirements of paragraph (1) or (2) in accordance with the provisions of this section.

“(e) LIMITED JURISDICTION AGENCIES.—

“(1) IN GENERAL.—In applying the provisions of subsections (a), (b), (c), and (d), no State receiving assistance under this Act shall allocate funds to a local educational agency that serves only elementary schools, but shall distribute such funds to the local educational agency or regional educational agency that provides secondary school services to secondary school students in the same attendance area.

“(2) SECONDARY SCHOOL JURISDICTION.—The amount to be allocated under paragraph (1) to a local educational agency that has jurisdiction only over secondary schools shall be determined based on the number of students that were enrolled in such secondary schools in the previous year from the elementary schools involved.

“(f) ALLOCATIONS TO AREA VOCATIONAL-TECHNICAL EDUCATION SCHOOLS AND EDUCATIONAL SERVICE AGENCIES.—

“(1) IN GENERAL.—Each State shall distribute funds available for secondary school vocational-technical education programs to the appropriate area vocational-technical education school or educational service agency in any case in which the area vocational-technical education school or educational service agency and the local educational agency concerned—

“(A) have formed or will form a consortium for the purpose of receiving funds under this section; or

“(B) have entered into or will enter into a cooperative arrangement for such purpose.

“(2) ALLOCATION BASIS.—If an area vocational-technical education school or educational service agency meets the requirements of paragraph (1), then the amount that would otherwise be distributed to the local educational agency shall be allocated to the area vocational-technical education school, the educational service agency, and the local educational agency based on each school's or entity's relative share of students who are attending vocational-technical education programs (based, if practicable, on the average enrollment for the prior 3 years).

“(3) APPEALS PROCEDURE.—The State board shall establish an appeals procedure for resolution of any dispute arising between a local educational agency and an area vocational-technical education school or an educational service agency with respect to the allocation procedures described in this section, including the decision of a local educational agency to leave a consortium or terminate a cooperative arrangement.

“(g) CONSORTIUM REQUIREMENTS.—

“(1) ALLIANCE.—Any local educational agency receiving an allocation that is not sufficient to conduct a program which meets the requirements of section 225 is encouraged to—

“(A) form a consortium or enter into a cooperative agreement with an area vocational-technical education school or educational service agency offering programs that meet the requirements of section 225; and

“(B) transfer such allocation to the area vocational-technical education school or educational service agency; and

“(C) operate programs that are of sufficient size, scope, and quality as to be effective.

“(2) FUNDS TO CONSORTIUM.—Funds allocated to a consortium formed to meet the requirements of this paragraph shall be used only for purposes and programs that are mutually beneficial to all members of the consortium and can be used only for programs authorized under this Act. Such funds may not be reallocated to individual members of the consortium for purposes or programs benefiting only one member of the consortium.

“(h) DATA.—The Secretary shall collect information from States regarding the specific dollar allocations made available by the State for vocational-technical education programs under subsections (a), (b), (c), and (d) and how these allocations are distributed to local educational agencies, area vocational-technical education schools, educational services agencies, and eligible institutions within the State in accordance with this section.

“SEC. 222. DISTRIBUTION OF FUNDS FOR POST-SECONDARY AND ADULT VOCATIONAL-TECHNICAL EDUCATION PROGRAMS.

“(a) ALLOCATION.—

“(1) IN GENERAL.—Except as provided in subsections (b) and (c) and section 223, each State shall distribute funds available in any fiscal year for postsecondary and adult vocational-technical education programs to eligible institutions or consortia of eligible institutions within the State.

“(2) FORMULA.—Each eligible institution or consortium of eligible institutions shall receive an amount that bears the same relationship to the amount of funds available under such section as the number of individuals who are Pell Grant recipients or recipients of assistance from the Bureau of Indian Affairs and are enrolled in programs meeting the requirements of section 225 offered by such institution or consortium in the preceding fiscal year bears to the number of such recipients enrolled in such programs within the State for such year.

“(3) CONSORTIUM REQUIREMENTS.—

“(A) IN GENERAL.—In order for a consortium of eligible institutions described in paragraph (2) to receive assistance pursuant to such paragraph, such consortium shall operate joint projects that—

“(i) provide services to all postsecondary institutions participating in the consortium; and

“(ii) are of sufficient size, scope, and quality as to be effective.

“(B) FUNDS TO CONSORTIUM.—Funds allocated to a consortium formed to meet the requirements of this section shall be used only

for purposes and programs that are mutually beneficial to all members of the consortium and can be used only for programs authorized under this Act. Such funds may not be reallocated to individual members of the consortium for purposes or programs benefiting only one member of the consortium.

“(b) **WAIVER FOR MORE EQUITABLE DISTRIBUTION.**—The Secretary may waive the application of subsection (a) in the case of any State that submits to the Secretary of Education an application for such a waiver that—

“(1) demonstrates that the formula described in subsection (a) does not result in a distribution of funds to the institutions or consortia within the State that have the highest numbers of economically disadvantaged individuals and that an alternative formula would result in such a distribution; and

“(2) includes a proposal for such an alternative formula.

“(c) **MINIMUM GRANT AMOUNT.**—

“(1) **IN GENERAL.**—No funds provided to any institution or consortium under this section shall be for an amount that is less than \$35,000.

“(2) **REDISTRIBUTION.**—Any amounts that are not distributed by reason of paragraph (1) shall be redistributed to eligible institutions or consortia of eligible institutions in accordance with the provisions of this section.

“(d) **DEFINITIONS.**—For the purposes of this section—

“(1) the term ‘eligible institution’ means an institution of higher education as such term is defined in section 1201(a) of the Higher Education Act of 1965, a local educational agency serving adults, or an area vocational education school serving adults that offers or will offer a program that meets the requirements of section 225 and seeks to receive assistance under this part; and

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

**“SEC. 223. SPECIAL RULES FOR VOCATIONAL-TECHNICAL EDUCATION.**

“(a) **SPECIAL RULE FOR MINIMAL ALLOCATION.**—

“(1) **GENERAL AUTHORITY.**—Notwithstanding the provisions of sections 221 and 222 and in order to make a more equitable distribution of funds for programs serving the areas of greatest economic need, for any program year for which a minimal amount is made available by a State for distribution under section 221 or 222, such State may distribute such minimal amount for such year—

“(A) on a competitive basis; or

“(B) through any alternative method determined by the State.

“(2) **MINIMAL AMOUNT.**—For purposes of this section, the term ‘minimal amount’ means not more than 15 percent of the total amount made available for distribution under this part.

“(b) **REDISTRIBUTION.**—

“(1) **IN GENERAL.**—In any academic year that a local educational agency or eligible institution does not expend all of the amounts it is allocated for such year under section 221 or 222, such recipient shall return any unexpended amounts to the State to be reallocated under section 221 or 222, as appropriate.

“(2) **REDISTRIBUTION OF AMOUNTS RETURNED LATE IN AN ACADEMIC YEAR.**—In any academic year in which amounts are returned to the State under section 221 or 222 and the State is unable to reallocate such amounts according to such sections in time for such amounts to be expended in such academic year, the State shall retain such amounts for distribution in combination with amounts

provided under this title for the following academic year.

“(c) **CONSTRUCTION.**—Nothing in section 221 or 222 shall be construed—

“(1) to prohibit a local educational agency (or a consortium thereof) that receives assistance under section 221, from working with an eligible recipient (or consortium thereof) that receives assistance under section 222, to carry out secondary school vocational-technical education programs in accordance with this title;

“(2) to prohibit an eligible recipient (or consortium thereof) that receives assistance under section 222, from working with a local educational agency (or consortium thereof) that receives assistance under section 221, to carry out postsecondary and adult vocational-technical education programs in accordance with this title; or

“(3) to require a charter school which provides vocational-technical education programs and is a local educational agency to jointly establish its eligibility unless the charter school is explicitly permitted to do so under the State’s charter school statute.

“(d) **CONSISTENT APPLICATION.**—For purposes of this section, the State board shall provide funds to charter schools that offer vocational-technical education programs that are public schools of the local educational agency in the same manner as it provides those funds to other schools of the local educational agency. Such vocational-technical education program within a charter school shall be of sufficient size, scope, and quality as to be effective.

**“SEC. 224. LOCAL APPLICATION FOR VOCATIONAL-TECHNICAL EDUCATION PROGRAMS.**

“(a) **APPLICATION REQUIRED.**—Any eligible recipient desiring financial assistance under this part shall, in accordance with requirements established by the State board, submit an application to the State board. Such application shall cover the same period of time as the period of time applicable to the State application submitted under section 112.

“(b) **CONTENTS.**—The State board shall determine requirements for local applications, except that each application shall—

“(1) describe how the vocational-technical education programs required under section 225(b) will be carried out with funds received under this part;

“(2) describe how students participating in vocational-technical education programs carried out with funds under this Act will reach the State benchmarks as established under section 114;

“(3) describe how the eligible recipient will—

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

“(B) ensure that students who participate in such vocational-technical education programs are taught to the same challenging academic proficiencies as are provided for all other students;

“(4) describe how parents, students, teachers, business and representatives of employees are involved in the development, implementation, and evaluation of vocational-technical education programs assisted under this Act, and how these individuals are effectively informed about, and assisted in understanding, the requirements of this Act; and

“(5) provide assurances that the eligible recipient will provide a vocational-technical education program that is of such size,

scope, and quality as to bring about improvement in the quality of vocational-technical education programs.

**“SEC. 225. LOCAL USES OF FUNDS.**

“(a) **GENERAL AUTHORITY.**—Each eligible recipient that receives a grant under this part shall use such funds to improve vocational-technical education programs.

“(b) **REQUIREMENTS FOR USES OF FUNDS.**—Funds made available under this part shall be used to support vocational-technical education programs that—

“(1) strengthen the academic and technical skills of students participating in vocational-technical education programs by strengthening the academic and vocational components of such programs through the integration of academics with vocational-technical education programs through a coherent sequence of courses to ensure learning in the core academic and vocational subjects;

“(2) develop, improve, or expand the use of technology in vocational-technical education which may include—

“(A) training of vocational-technical education personnel to use State-of-the-art technology, which may include distance learning;

“(B) providing vocational-technical education students with the academic and technical skills that lead to entry into the high technology and telecommunications field; or

“(C) encouraging schools to work with high tech industries to offer voluntary internships and mentoring programs;

“(3) provide professional development programs, including—

“(A) inservice training in state-of-the-art vocational-technical education programs and techniques, effective teaching skills based on research, and effective practices to improve parental and community involvement; and

“(B) support of education programs for teachers of vocational-technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to vocational-technical education students, to ensure that such teachers stay current with the needs, expectations, and methods of industry;

“(4) support vocational-technical education programs that improve the academic and technical skills of students participating in vocational-technical education programs by strengthening the academic component of such vocational-technical education programs through the integration of academics with vocational-technical education to ensure learning in the core academic subjects; and

“(5) provide an assessment of the vocational-technical education programs carried out with funds under this Act, including an assessment of how the needs of special populations are being met, and how such programs will ensure that the benchmarks established under section 114 are being met.

“(c) **PERMISSIBLE ACTIVITIES.**—Funds made available under this part may be used for—

“(1) establishing agreements between secondary and postsecondary vocational-technical education programs in order to provide postsecondary education and training opportunities for students participating in such vocational-technical programs, such as tech-prep programs;

“(2) involving parents, business, and representatives of employees in the design, implementation, and evaluation of vocational-technical education programs authorized under this Act;

“(3) providing career guidance and academic counseling;

“(4) providing work related experience, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to vocational-technical education programs;

“(5) programs for single parents, displaced homemakers, and single pregnant women;

“(6) local education and business partnerships;

“(7) vocational student organizations;

“(8) mentoring and support services;

“(9) leasing, purchasing, or upgrading of equipment;

“(10) establishing effective programs and procedures to enable vocational-technical education program participants and their parents to participate directly in decisions that influence the programs, including providing information and assistance for informed effective participation;

“(11) teacher preparation programs which assist individuals who are interested in becoming vocational-technical education instructors, including individuals with experience in business and industry;

“(12) improving or developing new vocational-technical education courses; and

“(13) support for family and consumer sciences programs.

“(d) ADMINISTRATIVE COSTS.—Each eligible recipient receiving funds under this part shall not use more than 2 percent of the funds for administrative costs associated with the administration of the grant.”

#### SEC. 203. REPEAL OF PART C.

Part C of title II is repealed.

### TITLE III—RESEARCH AND DEVELOPMENT

#### SEC. 301. EVALUATION; RESEARCH, DEMONSTRATIONS AND DISSEMINATION.

(a) HEADING.—The heading for title III is amended to read as follows:

### “TITLE III—RESEARCH AND DEVELOPMENT”.

(b) PART A.—Part A of title III is amended to read as follows:

#### “PART A—RESEARCH AND DEVELOPMENT “SEC. 301. EVALUATION; RESEARCH; DEMONSTRATIONS; AND DISSEMINATION.

“(a) SINGLE PLAN.—

“(1) IN GENERAL.—The Secretary shall develop a single plan for evaluation and assessment, research, demonstrations, and dissemination with regard to the vocational-technical education programs assisted under this Act.

“(2) PLAN.—Such plan shall—

“(A) identify the vocational-technical education programs the Secretary will carry out under this section;

“(B) describe how the Secretary will evaluate such vocational-technical education programs in accordance with subsection (b); and

“(C) include such other information as the Secretary determines to be appropriate.

“(b) EVALUATION AND ASSESSMENT.—

“(1) IN GENERAL.—From amounts made available under subsection (g), the Secretary shall provide for the conduct of an independent evaluation and assessment of vocational-technical education programs under this Act through studies and analyses conducted independently through grants and contracts awarded on a competitive basis.

“(2) CONTENTS.—Such evaluation and assessment of vocational-technical education programs shall include descriptions of—

“(A) the extent to which State, local, and tribal entities have developed, implemented, or improved State and local vocational-technical education programs;

“(B) the degree to which the expenditures of funds provided under this Act at the Federal, State, local, and tribal levels address improvement in vocational-technical education programs;

“(C) the extent to which vocational-technical education programs succeed in preparing individuals participating in such programs for entry into postsecondary education, further learning, or high skill, high wage careers; and

“(D) the effect of State benchmarks, performance measures, and other measures of accountability on the delivery of vocational-technical education programs.

“(c) COLLECTION OF INFORMATION AND REPORT.—

“(1) IN GENERAL.—The Secretary may collect and disseminate information from States regarding State efforts to meet State benchmarks described in section 114.

“(2) REPORT.—The Secretary shall gather any information collected pursuant to paragraph (1) and submit a report to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

“(d) RESEARCH.—

“(1) IN GENERAL.—The Secretary shall award grants, on a competitive basis, to an institution of higher education, a public or private organization or agency, or a consortium of such institutions, organizations, or agencies to establish a national research center or centers—

“(A) to carry out research for the purpose of developing, improving, and identifying the most successful methods for successfully addressing the education, employment, and training needs of participants in vocational-technical education programs;

“(B) to carry out research to increase the effectiveness and improve the implementation of vocational-technical education programs, including conducting research and development and studies providing longitudinal information or formative evaluation with respect to vocational-technical education programs;

“(C) to carry out research that can be used to improve teaching and learning in the vocational-technical education classroom; and

“(D) to carry out such other research as the Secretary determines to be appropriate to achieve the purposes of this Act.

“(2) SUMMARY.—The Secretary shall provide an annual report summarizing the evaluations and assessments described in subsection (b), and the research conducted pursuant to this subsection, and the findings of such evaluations and assessments, and research, to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

“(e) DEMONSTRATIONS AND DISSEMINATION.—

“(1) DEMONSTRATION PROGRAM.—The Secretary is authorized to carry out demonstration vocational-technical education programs, to replicate model vocational-technical education programs, to disseminate best practices information, and to provide technical assistance upon request of a State, for the purposes of developing, improving, and identifying the most successful methods and techniques for providing vocational-technical education programs assisted under this Act.

“(2) DEMONSTRATION PARTNERSHIP.—

“(A) IN GENERAL.—The Secretary shall carry out a demonstration partnership project involving a 4-year, accredited postsecondary institution, in cooperation with local public education organizations, volunteer groups, and private sector business participants to provide program support, and facilities for education, training, tutoring, counseling, employment preparation, specific skills training in emerging and established professions, retraining of military medical personnel, retraining of individuals displaced by corporate or military restructuring, migrant workers, and other individuals who otherwise would not have access to such services, through multi-site, multi-State distance learning technologies.

“(B) PROGRAM.—Such program may be carried out directly or through grants, con-

tracts, cooperative agreements, or through the national center or centers.

“(f) DEFINITION.—As used in this section, the term “institution of higher education” has the meaning given the term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal year 1998 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out this part.”

#### SEC. 302. TECH-PREP EDUCATION.

Part B of title III is amended to read as follows:

### “PART C—TECH-PREP EDUCATION

#### “SEC. 321. TECH-PREP EDUCATION.

“(a) PROGRAM AUTHORIZED.—The State board, in accordance with the provisions of this part, shall award grants to consortia on a competitive basis or on the basis of a formula determined by the State board, for tech-prep education programs.

“(b) GENERAL AUTHORITY.—Each grant recipient shall use amounts provided under the grant to develop and operate a 4- or 6-year tech-prep education program.

“(c) CONTENTS OF PROGRAM.—Any such program shall—

“(1) be carried out under an articulation agreement between the participants in the consortium;

“(2) consist of the 2 or 4 years of secondary school preceding graduation and 2 years of higher education, or an apprenticeship program of at least 2 years following secondary instruction, with a common core of required proficiency in mathematics, science, communications, and technologies designed to lead to an associate degree or postsecondary certificate in a specific career field;

“(3) include the development of tech-prep education program components appropriate to the needs of the consortium participants;

“(4) include in-service training for teachers that—

“(A) is designed to train vocational-technical teachers to effectively implement tech-prep education programs;

“(B) provides for joint training for teachers in the tech-prep consortium; and

“(C) may provide such training in weekend, evening, and summer sessions, institutes, or workshops;

“(5) include training programs for counselors designed to enable counselors to more effectively—

“(A) provide information to students regarding tech-prep education programs;

“(B) support student progress in completing such programs; and

“(C) provide information on related employment opportunities;

“(6) provide equal access to the full range of technical preparation programs to individuals who are members of special populations, including the development of tech-prep education program services appropriate to the needs of such individuals; and

“(7) provide for preparatory services that assist participants in such programs.

“(d) ADDITIONAL AUTHORIZED ACTIVITIES.—Each such program may—

“(1) provide for the acquisition of tech-prep education program equipment; and

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

#### “SEC. 322. APPLICATIONS.

“(a) IN GENERAL.—Each consortium that desires to receive a grant under this part shall submit an application to the State board, as appropriate, at such time and in such manner as the State board shall prescribe.

“(b) PLAN.—Each application submitted under this section shall contain a 5-year plan for the development and implementation of programs under this part.

“(c) APPROVAL.—The State board shall approve applications based on their potential to create an effective tech-prep education program as provided for in this section.

“(d) SPECIAL CONSIDERATION.—The State board, as appropriate, shall give special consideration to applications which—

“(1) provide for effective employment placement activities or transfer of students to 4-year baccalaureate degree programs;

“(2) are developed in consultation with business, industry, institutions of higher education, and representatives of employees;

“(3) address effectively the issues of dropout prevention and reentry and the needs of special populations.

**“SEC. 323. REPORT.**

“Each State that receives a grant under this part shall annually prepare and submit to the Secretary a report on the effectiveness of their Tech-Prep programs, including how competitive grants were awarded within the State.

**“SEC. 324. ALLOTMENT.**

“The Secretary shall allot funds under this part in each fiscal year in the same manner as funds are allotted under section 101(a)(2).

**“SEC. 325. AUTHORIZATION.**

“(a) IN GENERAL.—From amounts made available under section 3(a), 10 percent shall be used to carry out this part for fiscal year 1998 and for each of the 4 succeeding fiscal years.

“(b) MINIMUM AMOUNT.—No State shall receive a grant of less than \$250,000 under this part in any fiscal year.”

**SEC. 303. VOCATIONAL-TECHNICAL EDUCATION AND OCCUPATIONAL INFORMATION DATA SYSTEMS.**

Part C of title IV is amended—

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

**“PART B—VOCATIONAL-TECHNICAL EDUCATION INFORMATION”;**

(2) by redesignating sections 421 through 424 as sections 311 through 314, respectively.

(3) by amending subsection (e) of section 312, as redesignated under paragraph (2), to read as follows:

“(e) There are authorized to be appropriated for each of fiscal years 1998 through 2002 such sums as may be necessary to carry out this part.”;

(4) in section 313(a)(1), as redesignated in paragraph (2), by striking “421” and inserting “311”; and

(5) by adding at the end of such part the following new section:

**“SEC. 315. AUTHORIZATION OF APPROPRIATIONS**

“There are authorized to be appropriated for this part such sums as may be necessary for fiscal year 1998 and such sums as may be necessary for each of the 4 succeeding fiscal years.”

**SEC. 304. REPEALS.**

(a) TITLE III.—Parts C, D, E, F, G, and H of title III of the Act, as the Act was in effect on the day before the date of the enactment of this Act, are repealed.

(b) TITLE IV.—The heading for title IV and parts A, B, E, and F of such title of the Act are repealed.

**TITLE IV—GENERAL PROVISIONS**

**SEC. 401. GENERAL PROVISIONS.**

Title V of the Act is amended to read as follows:

**“TITLE IV—GENERAL PROVISIONS**

**“PART A—FEDERAL ADMINISTRATIVE PROVISIONS**

**“SEC. 401. PAYMENTS.**

“The Secretary shall pay from its allotment under section 101 to each State for any

fiscal year for which the State has a State application submitted in accordance with section 113 (including any amendment to such application) the Federal share of the costs of carrying out the State application.

**“SEC. 402. FISCAL REQUIREMENTS.**

“(a) SUPPLEMENT NOT SUPPLANT.—Funds received under this Act shall be used to supplement, not supplant, the amount of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for vocational-technical education programs.

“(b) MAINTENANCE OF EFFORT.—

“(1) DETERMINATION.—

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

“(B) COMPUTATION.—In computing the fiscal effort or aggregate expenditures pursuant to subparagraph (A), the Secretary of Education 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 vocational-technical education programs under this Act for a fiscal year is less than the amount made available for vocational-technical education programs under this Act for the preceding fiscal year, then the fiscal effort per student or the aggregate expenditures of a State required by subparagraph (B) for such preceding fiscal year shall be decreased by the same percentage as the percentage decrease in the amount so made available.

“(2) WAIVER.—The Secretary may waive the requirements of paragraph (1) (with respect to not more than 5 percent of expenditures required for the preceding fiscal year by any State) for 1 program year only, after making a determination that such waiver would be equitable due to exceptional or uncontrollable circumstances affecting the ability of the State to meet such requirements, such as a natural disaster or an unforeseen and precipitous decline in financial resources. No level of funding permitted under such a waiver may be used as the basis for computing the fiscal effort or aggregate expenditures required under this paragraph for years subsequent to the year covered by such waiver. The fiscal effort or aggregate expenditures for the subsequent years shall be computed on the basis of the level of funding that would, but for such waiver, have been required.

**“SEC. 403. AUTHORITY TO MAKE PAYMENTS.**

“Any authority to make payments or to enter into contracts under this Act shall be available only to such extent or in such amounts as are provided in advance appropriation Acts.

**“SEC. 404. NATIONAL AND STATE FUNDING.**

“Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under the Act.

**“SEC. 405. FREEDOM TO CHOOSE.**

“None of the funds made available under this Act shall be used to—

“(1) require any individual to choose or pursue a specific career path or major or to

participate in any vocational-technical education program;

“(2) compel any individual to enter into a specific course of study which requires as a condition of completion, attainment of federally-funded or endorsed industry recognized skills or standards;

“(3) require any individuals to meet or obtain federally-funded or federally endorsed industry recognized skills, certificates, or standards, unless the participant has selected and is participating in a program or course of study that requires, as a condition of completion, attainment of an industry-recognized skill or standard; or

“(4) to require any individual to obtain a federally-funded or endorsed certificate of mastery.

**“SEC. 406. LIMITATION FOR CERTAIN STUDENTS.**

“None of the funds received under this Act may be used to provide vocational-technical education programs to students prior to the seventh grade, except that equipment and facilities purchased with funds under this Act may be used by such students.

**“SEC. 407. FEDERAL LAWS GUARANTEEING CIVIL RIGHTS.**

“Nothing in this Act shall be construed to be inconsistent with applicable Federal laws guaranteeing civil rights.

**“SEC. 408. AUTHORIZATION OF SECRETARY.**

“For the purposes of increasing and expanding the use of technology in vocational-technical education instruction, including the training of vocational-technical education personnel as provided in title II, the Secretary is authorized to receive funds collected by the Federal Government from fees for the use of property, rights-of-way, and easements under the control of Federal departments and agencies for the placement of telecommunications services that are dependent, in whole or in part, upon the utilization of general spectrum rights for the transmission or reception of such services.

**“SEC. 409. PARTICIPATION OF PRIVATE SCHOOL PERSONNEL.**

“A State or local educational agency which uses funds under this Act for inservice and preservice vocational-technical education professional development programs for vocational-technical education teachers, administrators, and other personnel may, upon request, permit the participation in such programs of vocational-technical education teachers, administrators, and other personnel in nonprofit private schools offering vocational-technical education programs located in the geographical area served by such agency.

**“PART B—STATE ADMINISTRATIVE PROVISIONS**

**“SEC. 411. JOINT FUNDING.**

“(a) GENERAL AUTHORITY.—Funds made available to States under this Act may be used to provide additional funds under an applicable program if—

“(1) such program otherwise meets the requirements of this Act and the requirements of the applicable program;

“(2) such program serves the same individuals that are served under this Act;

“(3) such program provides services in a coordinated manner with services provided under this Act; and

“(4) such funds would be used to supplement, and not supplant, funds provided from non-Federal sources.

“(b) APPLICABLE PROGRAM.—For the purposes of this section, the term ‘applicable program’ means any program under any of the following provisions of law:

“(1) Section 123, title II, and title III of the Job Training Partnership Act.

“(2) The Wagner-Peyser Act.

“(c) USE OF FUNDS AS MATCHING FUNDS.—For the purposes of this section, the term

'additional funds' does not include the use of funds as matching funds.

**"SEC. 412. PROHIBITION ON USE OF FUNDS TO INDUCE OUT-OF-STATE RELOCATION OF BUSINESSES.**

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

**"SEC. 413. STATE ADMINISTRATIVE COSTS.**

"(a) GENERAL RULE.—Except as provided in subsection (b), for each fiscal year for which a State receives assistance under this Act, the State shall provide from non-Federal sources for costs the State incurs for administration of programs under this Act an amount that is not less than the amount provided by the State from non-Federal sources for such costs for the preceding fiscal year.

"(b) EXCEPTION.—If the amount made available for administration of programs under this Act for a fiscal year is less than the amount made available for administration of programs under this Act for the preceding fiscal year, the amount the State is required to provide from non-Federal sources for costs the State incurs for administration of programs under this Act shall be the same percentage as the amount made available for administration of programs under this Act.

**"SEC. 414. LIMITATION ON FEDERAL REGULATIONS.**

"The Secretary may issue regulations under this Act only to the extent necessary to administer and ensure compliance with the specific requirements of this Act.

**"SEC. 415. STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS.**

"(a) ATTENDANCE COSTS NOT TREATED AS INCOME OR RESOURCES.—The portion of any student financial assistance received under this Act that is made available for attendance costs described in subsection (b) shall not be considered as income or resources in determining eligibility for assistance under any other program funded in whole or in part with Federal funds.

"(b) ATTENDANCE COSTS.—The attendance costs described in this subsection are—

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

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

"(c) COSTS OF VOCATIONAL-TECHNICAL EDUCATION SERVICES.—Funds made available under title II may be used to pay for the costs of vocational-technical education services required in an individualized education plan developed pursuant to section 614(d) of the Individuals with Disabilities Education Act and services necessary to meet the requirements of section 504 of the Rehabilitation Act of 1973 with respect to ensuring equal access to vocational-technical education.

**"PART C—DEFINITIONS**

**"SEC. 421. DEFINITIONS.**

"Except as otherwise specified in this Act, as used in this Act:

"(1) ADMINISTRATION.—The term 'administration' means programs of a State necessary for the proper and efficient performance of its duties under this Act, including supervision, but does not include curriculum development programs, personnel development, or research programs.

"(2) ALL ASPECTS OF THE INDUSTRY.—The term 'all aspects of the industry' means strong experience in, and comprehensive understanding of, the industry that individuals are preparing to enter.

"(3) AREA VOCATIONAL-TECHNICAL EDUCATION SCHOOL.—The term 'area vocational-technical education school' means—

"(A) a specialized secondary school used exclusively or principally for the provision of vocational-technical education to individuals who are available for study in preparation for entering the labor market;

"(B) the department of a secondary school exclusively or principally used for providing vocational-technical education in not fewer than five different occupational fields to individuals who are available for study in preparation for entering the labor market;

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

"(D) the department or division of a junior college, or community college, that operates under the policies of the State board and that provides vocational-technical education in not fewer than five different occupational fields leading to immediate employment but not necessarily leading to a baccalaureate degree, if the department or division admits as regular students both individuals who have completed secondary school and individuals who have left secondary school.

"(4) CAREER GUIDANCE AND ACADEMIC COUNSELING.—The term 'career guidance and academic counseling' means providing individuals with information access on career awareness and planning for their occupational and academic future which shall involve career options, financial aid, and post-secondary options.

"(5) COOPERATIVE EDUCATION.—The term 'cooperative education' means a method of instruction of education for individuals who, through written cooperative arrangements between a school and employers, receive instruction, including required academic courses and related vocational-technical education instruction, by alternation of study in school with a job in any occupational field, which alternation shall be planned and supervised by the school and employer so that each contributes to the education and employability of the individual, and may include an arrangement in which work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

"(6) DISPLACED HOMEMAKER.—The term 'displaced homemaker' means an individual who—

"(A) has worked primarily without remuneration to care for a home and family, and for that reason has diminished marketable skills; or

"(B) is a parent whose youngest dependent child will become ineligible to receive assistance under title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 not later than 2 years after the date of which the parent applies for assistance under this title.

"(7) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' means a regional public multiservice agency authorized by State statute to develop and manage a service or program and provide the service or program to a local educational agency.

"(8) ELIGIBLE RECIPIENT.—The term 'eligible recipient' means a local educational

agency, an area vocational-technical education school, an educational service agency, an institution of higher education (as such term is defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))), and a consortium of such entities.

"(9) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

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

"(11) REPRESENTATIVES OF EMPLOYEES.—The term 'representatives of employees' means—

"(A) individuals who have been elected by organizations, associations, or a network of similar institutions to represent the economic interests of employees at a significant segment of workplaces; or

"(B) individuals from organizations, associations, or a network of similar institutions, with expertise to represent, or experience representing, the interests of employees with respect to vocational-technical education.

"(12) SECONDARY SCHOOL.—The term 'secondary school' has the meaning given the term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

"(13) SPECIAL POPULATIONS.—The term 'special populations' means individuals with disabilities, economically disadvantaged individuals, individuals of limited English proficiency, and individuals participating in nontraditional training and employment.

"(14) SECRETARY.—The term 'Secretary' means the Secretary of Education.

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

"(16) TECH-PREP PROGRAM.—The term 'tech-prep program' means a program of study that—

"(A) combines at least 2 years of secondary education (as determined under State law) and 2 years of postsecondary education in a nonduplicative sequential course of study;

"(B) strengthens the applied academic component of vocational-technical education through the integration of academic and vocational-technical instruction;

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

"(D) builds student competence in mathematics, science, and communications (including through applied academics) in a coherent sequence of courses; and

"(E) leads to an associate degree or a certificate in a specific career field and to high skill, high wage employment or further education.

"(17) VOCATIONAL-TECHNICAL EDUCATION.—The term 'vocational-technical education' means organized educational programs that—

"(A) offer a sequence of courses that provide individuals with the academic knowledge and skills the individuals need to prepare for further education and careers in current or emerging occupations which require other than a baccalaureate or an advanced 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, and occupation-specific skills, of an individual.

"(18) VOCATIONAL STUDENT ORGANIZATION.—The term 'vocational student organization' means an organization, for individuals enrolled in programs of vocational-technical education programs, that engages in programs as an integral part of the instructional component of such programs, which organization may have State and national units."

SEC. 402. REPEAL OF SMITH-HUGHES VOCATIONAL EDUCATION ACT.

The Act of February 23, 1917 (39 Stat. 929; 20 U.S.C. 11) (commonly known as the "Smith-Hughes Vocational Education Act") is repealed.

SEC. 403. EFFECTIVE DATE.

Except as otherwise provided, the repeals and amendments made by this Act shall take effect on the date of the enactment of the Carl D. Perkins Vocational-Technical Education Act Amendments of 1997.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

Mrs. MINK moved to recommit the bill to the Committee on Education and the Workforce with instructions to report the bill back to the House forthwith with the following amendments:

Page 21, line 4, strike "(b)" and insert "(c)".

Page 21, line 6, strike "(b)" and insert "(c)".

Page 21, line 10, strike the periods and end quotation marks and insert a semicolon.

Page 21, after line 10, insert the following:

(5) in subsection (b)(1)— (A) in subparagraph (A)—

(i) by striking "section 221" and inserting "paragraph (3) of section 201(c); and

(ii) by striking "section 222" and inserting "paragraph (4) of section 201(c)"; and

(B) by striking subparagraph (J).

Page 33, after line 12, insert the following (and redesignate the subsequent paragraphs accordingly):

"(4) sex equity programs;"

Page 34, after line 5, insert the following:

"(e) HOLD HARMLESS.—Notwithstanding the provisions of this part or section 102(a), to carry out programs described in paragraphs (3) and (4) of subsection (c), each eligible recipient shall reserve from funds allocated under section 102(a)(1), an amount that is not less than the amount such eligible recipient received in fiscal year 1997 for carrying out programs under sections 221 and 222 of this Act as such sections were in effect on the day before the date of the enactment of the Carl D. Perkins Vocational-Technical Education Act Amendments of 1997.

By unanimous consent, the previous question was ordered on the motion to recommit with instructions.

The question being put, viva voce, Will the House recommit said bill with instructions?

The SPEAKER pro tempore, Mr. QUINN, announced that the nays had it.

Mrs. MINK demanded a recorded vote on agreeing to said motion, which demand was supported by one-fifth of a quorum, so a recorded vote was ordered.

The vote was taken by electronic device.

It was decided in the { Yeas ..... 207 negative ..... Nays ..... 220

84.24 [Roll No. 288] AYES—207

Table listing names of members in support of the bill, including Abercrombie, Ackerman, Allen, Andrews, Baesler, Baldacci, Barcia, Barrett (WI), Becerra, Bentsen, Berman, Berry, Bishop, Blagojevich, Blumenauer, Bonior, Borski, Boswell, Boucher, Boyd, Brown (CA), Brown (FL), Brown (OH), Capps, Cardin, Carson, Clay, Clayton, Clement, Clyburn, Condit, Conyers, Costello, Coyne, Cramer, Cummings, Danner, Davis (FL), Davis (IL), DeFazio, DeGette, Delahunt, DeLauro, Dellums, Deutsch, Dicks, Dingell, Dixon, Doggett, Dooley, Doyle, Edwards, Engel, Eshoo, Etheridge, Evans, Farr, Fattah, Fazio, Filner, Flake, Foglietta, Ford, Frank (MA), Furse, Gejdenson, Gilman, Gonzalez, Gordon, Green, Gutierrez, Hall (OH), Hall (TX), Hamilton, Harman, Hastings (FL), Hefner, Hilliard, Hinchey, Hinojosa, Holden, Hooley, Horn, Houghton, Hoyer, Jackson (IL), Jackson-Lee (TX), Jefferson, John, Johnson (CT), Johnson (WI), Johnson, E. B., Kanjorski, Kaptur, Kennedy (MA), Kennelly, Kildee, Kilpatrick, Kind (WI), Kleczka, Klink, Kucinich, LaFalce, Lampson, Lantos, Levin, Lewis (GA), Lipinski, Lofgren, Lowey, Luther, Maloney (CT), Maloney (NY), Manton, Markey, Martinez, Mascara, Matsui, McCarthy (MO), McCarthy (NY), McDermott, McGovern, McHale, McIntyre, McKinney, McNulty, Meehan, Meek, Menendez, Millender, McDonald, Miller (CA), Minge, Mink, Moakley, Moran (VA), Morella, Murtha, Nadler, Neal, Oberstar, Obey, Olver, Ortiz, Owens, Pallone, Pascrell, Pastor, Payne, Pelosi, Peterson (MN), Pickett, Pomeroy, Poshard, Price (NC), Rahall, Rangel, Reyes, Rivers, Rodriguez, Roemer, Rothman, Roybal-Allard, Rush, Sabo, Sanchez, Sanders, Sandlin, Sawyer, Schumer, Scott, Serrano, Shays, Sherman, Sisisky, Skaggs, Skelton, Slaughter, Smith, Adam, Snyder, Spratt, Stabenow, Stark, Stenholm, Stokes, Strickland, Stupak, Tanner, Tauscher, Thompson, Thurman, Tierney, Torres, Towns, Turner, Velazquez, Vento, Visclosky, Waters, Watkins, Watt (NC), Waxman, Wexler, Weygand, Wise, Woolsey, Wynn, Yates, Neale, Oberstar, Obey, Olver, Ortiz, Owens, Pallone, Pascrell, Pastor, Payne, Pelosi, Peterson (MN), Pickett, Pomeroy, Poshard, Price (NC), Rahall, Rangel, Reyes, Rivers, Rodriguez, Roemer, Rothman, Roybal-Allard, Rush, Sabo, Sanchez, Sanders, Sandlin, Sawyer, Schumer, Scott, Serrano, Shays, Sherman, Sisisky, Skaggs, Skelton, Slaughter, Smith, Adam, Snyder, Spratt, Stabenow, Stark, Stenholm, Stokes, Strickland, Stupak, Tanner, Tauscher, Thompson, Thurman, Tierney, Torres, Towns, Turner, Velazquez, Vento, Visclosky, Waters, Watkins, Watt (NC), Waxman, Wexler, Weygand, Wise, Woolsey, Wynn, Yates.

NOES—220

Table listing names of members in opposition to the bill, including Aderholt, Archer, Armey, Bachus, Baker, Ballenger, Barr, Barrett (NE), Bartlett, Barton, Bass, Bateman, Bereuter, Bilbray, Bilirakis, Bliley, Blunt, Boehlert, Boehner, Bonilla, Bono, Brady, Bryant, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Campbell, Canady, Cannon, Castle, Chabot, Chambliss, Chenoweth, Christensen, Coble, Coburn, Collins, Combest, Cook, Cooksey, Cox, Crane, Crapo, Cubin, Cunningham, Davis (VA), Deal, DeLay, Diaz-Balart, Dickey, Doolittle, Dreier, Duncan, Dunn, Ehlers, Ehrlich, Emerson, English, Ensign, Everitt, Ewing, Fawell, Foley, Forbes, Fowler, Fox, Franks (NJ), Frelinghuysen, Gallegly, Ganske, Gekas, Gibbons, Gilchrest, Gillmor, Gingrich, Goode, Goodlatte, Goodling, Goss, Graham, Granger, Greenwood, Gutknecht, Hansen, Hastert, Hastings (WA), Hayworth, Hefley, Herger, Hill, Hilleary, Hobson, Hoekstra, Hostettler, Hulshof, Hunter, Hutchinson, Hyde, Inglis, Istook, Jenkins, Johnson, Sam, Jones, Kasich, Kelly, Kim, King (NY), Kingston, Klug, Knollenberg, Kolbe, LaHood, Largent, Latham, LaTourette, Lazio, Leach, Lewis (CA), Lewis (KY), Linder, Livingston, LoBiondo, Lucas, Manzullo, McCollum, McCrery, McHugh, McInnis, McIntosh, McKeon, Metcalf, Mica, Miller (FL), Molinari, Moran (KS), Myrick, Nethercutt, Neumann, Ney, Northup, Norwood, Nussle, Oxley, Packard, Pappas, Paul, Paxon, Pease, Peterson (PA), Petri, Pickering, Pitts, Pombo, Porter, Portman, Pryce (OH), Quinn, Radanovich, Ramstad, Redmond, Regula, Riggs, Riley, Rogan, Rogers, Rohrabacher, Ros-Lehtinen, Roukema, Royce, Ryun, Salmon, Sanford, Saxton, Scarborough, Schaefer, Dan, Schaffer, Bob, Sensenbrenner, Sessions, Shadegg, Shaw, Shimkus, Shuster, Skeen, Smith (MI), Smith (NJ), Smith (OR), Smith (TX), Smith, Linda, Snowbarger, Solomon, Souder, Spence, Stearns, Stump, Sununu, Talent, Tauzin, Taylor (MS), Taylor (NC), Thomas, Thornberry, Thune, Tiahrt, Traficant, Upton, Walsh, Wamp, Watts (OK), Weldon (FL), Weldon (PA), Weller, White, Whitfield, Wicker, Wolf, Young (FL), Frost, Gephardt, Kennedy (RI), McDade, Mollohan, Parker, Schiff, Young (AK).

NOT VOTING—8

Table listing names of members who did not vote, including Frost, Gephardt, Kennedy (RI), McDade, Mollohan, Parker, Schiff, Young (AK).

So the motion to recommit with instructions was not agreed to.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. QUINN, announced that the yeas had it.

Mr. GOODLING demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the { Yeas ..... 414 affirmative ..... Nays ..... 12

84.25 [Roll No. 289] YEAS—414

Table listing names of members in support of the bill, including Abercrombie, Ackerman, Aderholt, Allen, Andrews, Archer, Armey, Bachus, Baesler, Baker, Baldacci, Ballenger, Barcia, Barr, Barrett (NE), Barrett (WI), Bartlett, Barton, Bass, Bateman, Becerra, Bentsen, Bereuter, Berman, Berry, Bilbray, Bilirakis, Bishop, Blagojevich, Bliley, Blumenauer, Blunt, Boehlert, Boehner, Bonilla, Bono, Borski, Boswell, Boucher, Boyd, Brady, Brown (CA), Brown (FL), Brown (OH), Bryant, Bunning, Burr, Burton, Buyer, Callahan, Calvert, Camp, Canady, Cannon, Capps, Cardin, Carson, Clay, Clayton, Clement, Clyburn, Condit, Conyers, Costello, Coyne, Cramer, Cummings, Danner, Davis (FL), Davis (IL), DeFazio, DeGette, Delahunt, DeLauro, Dellums, Deutsch, Dicks, Dingell, Dixon, Doggett, Dooley, Doyle, Edwards, Engel, Eshoo, Etheridge, Evans, Farr, Fattah, Fazio, Filner, Flake, Foglietta, Ford, Frank (MA), Furse, Gejdenson, Gilman, Gonzalez, Gordon, Green, Gutierrez, Hall (OH), Hall (TX), Hamilton, Harman, Hastings (FL), Hefner, Hilliard, Hinchey, Hinojosa, Holden, Hooley, Horn, Houghton, Hoyer, Jackson (IL), Jackson-Lee (TX), Jefferson, John, Johnson (CT), Johnson (WI), Johnson, E. B., Kanjorski, Kaptur, Kennedy (MA), Kennelly, Kildee, Kilpatrick, Kind (WI), Kleczka, Klink, Kucinich, LaFalce, Lampson, Lantos, Levin, Lewis (GA), Lipinski, Lofgren, Lowey, Luther, Maloney (CT), Maloney (NY), Manton, Markey, Martinez, Mascara, Matsui, McCarthy (MO), McCarthy (NY), McDermott, McGovern, McHale, McIntyre, McKinney, McNulty, Meehan, Meek, Menendez, Millender, McDonald, Miller (CA), Minge, Mink, Moakley, Moran (VA), Morella, Murtha, Nadler, Neal, Oberstar, Obey, Olver, Ortiz, Owens, Pallone, Pascrell, Pastor, Payne, Pelosi, Peterson (MN), Pickett, Pomeroy, Poshard, Price (NC), Rahall, Rangel, Reyes, Rivers, Rodriguez, Roemer, Rothman, Roybal-Allard, Rush, Sabo, Sanchez, Sanders, Sandlin, Sawyer, Schumer, Scott, Serrano, Shays, Sherman, Sisisky, Skaggs, Skelton, Slaughter, Smith, Adam, Snyder, Spratt, Stabenow, Stark, Stenholm, Stokes, Strickland, Stupak, Tanner, Tauscher, Thompson, Thurman, Tierney, Torres, Towns, Turner, Velazquez, Vento, Visclosky, Waters, Watkins, Watt (NC), Waxman, Wexler, Weygand, Wise, Woolsey, Wynn, Yates, Neale, Oberstar, Obey, Olver, Ortiz, Owens, Pallone, Pascrell, Pastor, Payne, Pelosi, Peterson (MN), Pickett, Pomeroy, Poshard, Price (NC), Rahall, Rangel, Reyes, Rivers, Rodriguez, Roemer, Rothman, Roybal-Allard, Rush, Sabo, Sanchez, Sanders, Sandlin, Sawyer, Schumer, Scott, Serrano, Shays, Sherman, Sisisky, Skaggs, Skelton, Slaughter, Smith, Adam, Snyder, Spratt, Stabenow, Stark, Stenholm, Stokes, Strickland, Stupak, Tanner, Tauscher, Thompson, Thurman, Tierney, Torres, Towns, Turner, Velazquez, Vento, Visclosky, Waters, Watkins, Watt (NC), Waxman, Wexler, Weygand, Wise, Woolsey, Wynn, Yates.