

DEPARTMENT OF LABOR**Office of the Secretary****29 CFR Part 37****Employment and Training
Administration****20 CFR Part 667**

RIN 1291-AA29

**Use of Federal Financial Assistance for
Religious Activities Under the
Nondiscrimination and Equal
Opportunity Provisions of the
Workforce Investment Act of 1998**

AGENCY: Office of the Secretary and
Employment and Training
Administration, Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Labor is proposing to amend the interim final regulations that implement the equal opportunity and nondiscrimination provisions of the Workforce Investment Act of 1998 (WIA). Today's proposal would revise a provision in the interim final regulations that prohibits the use of all types of WIA Title I financial assistance for the employment or training of participants in religious activities. Further, the Department of Labor is proposing to amend the regulations that implement the general provisions of WIA, to conform those regulations to the proposed changes to the interim final regulations implementing the equal opportunity and nondiscrimination provisions of WIA.

DATES: To be assured of consideration, comments must be in writing and must be received on or before December 1, 2003.

ADDRESSES: Submit comments concerning the proposed amendment to 29 CFR part 37 to Annabelle T. Lockhart, Director, Civil Rights Center (CRC). Electronic mail is the preferred method for submittal of comments regarding 29 CFR part 37. Comments by electronic mail must be clearly identified as pertaining to the proposed amendment to 29 CFR part 37, and sent to CivilRightsCenter@dol.gov. Brief comments (maximum of five pages), clearly identified as pertaining to the proposed amendment to 29 CFR part 37, may also be submitted by facsimile machine (FAX) to (202) 693-6505.

Where necessary, hard copies of comments, clearly identified as pertaining to the proposed amendment to 29 CFR part 37, may also be delivered to Director Lockhart at the U.S.

Department of Labor, 200 Constitution Avenue, NW., Room N-4123, Washington, DC 20210. Because of delays in mail delivery, CRC suggests that commenters planning to submit comments via U.S. mail place those comments in the mail well before the deadline by which comments must be received.

Receipt of submissions regarding the proposed amendments to 29 CFR part 37, whether by mail, e-mail, or FAX transmittal, will not be acknowledged; however, the sender may request confirmation that a submission has been received by telephoning the Civil Rights Center at the numbers listed below.

Comments received will be available for public inspection during normal business hours at the above address. Persons who need assistance to review the comments will be provided with appropriate aids such as readers or print magnifiers. Copies of this proposed rule will be made available, upon request, in large print and electronic file on computer disk. Provision of the rule in other formats will be considered upon request. To schedule an appointment to review the comments and/or to obtain the proposed rule in an alternate format, contact CRC at (202) 693-6500 (VOICE) or (202) 693-6515/16 (TTY/TDD).

Please note that these are not toll-free numbers. You may also contact CRC at the addresses listed above.

Submit comments concerning the proposed amendments to 20 CFR part 667 to Maria Flynn, Acting Administrator, Office of Policy Development, Evaluation and Research, Employment and Training Administration, Department of Labor, Room N-5637, 200 Constitution Ave., NW., Washington, DC 20210. If you would like to receive notification that we have received your comments, you should include a self-addressed stamped postcard. You may submit comments by facsimile machine (FAX) to (202) 693-2766. Please note that this is not a toll-free number.

FOR FURTHER INFORMATION CONTACT:

Regarding the proposed amendments to 29 CFR Part 37: Annabelle T. Lockhart, Director, Civil Rights Center (CRC), (202) 693-6500 (VOICE) or (202) 693-6515/16 (TTY/TDD). Please note that these are not toll-free numbers.

Regarding the proposed amendments to 20 CFR part 667: Maria Flynn, Acting Administrator, Office of Policy Development, Evaluation and Research, Employment and Training Administration, (202) 693-3700 (VOICE) or (202) 877-889-5627 (TTY/TDD). Please note that these are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The Department of Labor is proposing to amend the interim final regulations, codified at 29 CFR part 37, that implement the equal opportunity and nondiscrimination provisions of the Workforce Investment Act of 1998 (WIA). Today's proposal would revise a provision in the interim final regulations that prohibits the use of all types of WIA Title I financial assistance for the employment or training of participants in religious activities. Further, the Department of Labor is proposing to amend the regulations, codified in 20 CFR part 667, that implement the general provisions of WIA, to conform those regulations to the proposed amendments to 29 CFR part 37.

The preamble to this proposed rule is organized as follows:

- I. Background—provides a brief description of the statutory and regulatory background of this proposed rule.
- II. Overview of the Proposed Amendments—describes the amendments that would be accomplished by this proposed rule and explains the reasons for the amendments.
- III. Regulatory Procedure—sets forth the applicable regulatory requirements.

I. Background

The Workforce Investment Act of 1998 (WIA) superseded the Job Training Partnership Act (JTPA) as the Department of Labor's (DOL's) primary mechanism for providing financial assistance for a comprehensive system of employment and training services for adults and dislocated workers, and comprehensive youth activities for eligible youth. In WIA, Congress authorized financial assistance for that system through fiscal year 2003. The Administration is currently working to reauthorize WIA.

WIA has several goals: (1) Enhanced employment, retention and earnings of individuals; (2) increased occupational skills attainment; and (3) improved national economic growth through better productivity and competitiveness. To achieve these goals, WIA provides workforce investment services and activities through a statewide and local network of One-Stop Career Center partners and operators. The One-Stop Career Centers support the employment needs of job seekers and meet the changing human resource requirements of American business by assisting with the recruitment, training and retention of skilled workers.

Section 188 of WIA prohibits discrimination in the One-Stop Career Center system on the bases of race, color, national origin, sex, age,