

Public Law 102-73
102d Congress

An Act

To enhance the literacy and basic skills of adults, to ensure that all adults in the United States acquire the basic skills necessary to function effectively and achieve the greatest possible opportunity in their work and in their lives, and to strengthen and coordinate adult literacy programs.

July 25, 1991

[H.R. 751]

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Literacy Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

- (1) nearly 30,000,000 adults in the United States have serious problems with literacy;
- (2) literacy problems are intergenerational and closely associated with poverty and pose a major threat to the economic well-being of the United States;
- (3) present public and private literacy programs reach only a small portion of the population in need and often result in only minimal learning gains;
- (4) the prevention of illiteracy is essential to stem further growth in national illiteracy rates;
- (5) literacy programs generally lack adequate funding, adequate coordination with other literacy programs, and an adequate investment in teacher training and technology;
- (6) access to better information about the best practices in the literacy field and more research in order to provide better diagnostic and instructional tools are essential for the improvement of literacy and employability in the United States;
- (7) as many as 50,000,000 workers may have to be trained or retrained before the year 2000;
- (8) the supply of unskilled workers is increasing while the demand for unskilled labor is decreasing;
- (9) programs under the Adult Education Act, which are the largest Federal source of direct literacy services in the United States, serve only 10 percent of eligible participants; and
- (10) all public and private literacy programs serve only about 19 percent of those who need help.

SEC. 3. DEFINITION.

For purposes of this Act the term "literacy" means an individual's ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function on the job and in society, to achieve one's goals, and develop one's knowledge and potential.

National
Literacy Act
of 1991.

Education.
20 USC 1201
note.
20 USC 1201
note.

20 USC 1201
note.

TITLE I—LITERACY: STRATEGIC PLAN- NING, RESEARCH, AND COORDINATION

SEC. 101. LITERACY RELATED PROGRAMS IN THE DEPARTMENT OF EDUCATION.

Section 202 of the Department of Education Organization Act (20 U.S.C. 3412) is amended by adding at the end the following:

“(h) The Assistant Secretary for Vocational and Adult Education, in addition to performing such functions as the Secretary may prescribe, shall have responsibility for coordination of all literacy related programs and policy initiatives in the Department. The Assistant Secretary for Vocational and Adult Education shall assist in coordinating the related activities and programs of other Federal departments and agencies.”.

SEC. 102. NATIONAL INSTITUTE FOR LITERACY.

(a) **PURPOSE.**—It is the purpose of the amendment made by this section to enhance the national effort to eliminate the problem of illiteracy by the year 2000 by improving research, development and information dissemination through a national research center.

(b) **FINDINGS.**—The Congress finds that—

(1) much too little is known about how to improve access to, and enhance the effectiveness of, adult literacy programs, assessment tools, and evaluation efforts;

(2) there is neither a reliable nor a central source of information about the knowledge base in the area of literacy;

(3) a national institute for literacy would—

(A) provide a national focal point for research, technical assistance and research dissemination, policy analysis, and program evaluation in the area of literacy; and

(B) facilitate a pooling of ideas and expertise across fragmented programs and research efforts.

(c) **AMENDMENT TO THE ADULT EDUCATION ACT.**—Section 384 of the Adult Education Act (20 U.S.C. 1213c) is amended—

(1) in the second sentence of subsection (a), by inserting after “shall include” the following: “the operation of the Institute established by subsection (c) and”; and

(2) by adding at the end the following:

“(c) **ESTABLISHMENT.**—(1) There is established the National Institute for Literacy (in this section referred to as the ‘Institute’). The Institute shall be administered under the terms of an interagency agreement entered into by the Secretary with the Secretary of Labor and the Secretary of Health and Human Services (in this section referred to as the ‘Interagency Group’). The head of any other agency designated by the President may be involved in the operation of the Institute as fits the involvement of such agency in accomplishing the purposes of the Institute. The Secretary may include in the Institute any research and development center supported under section 405(d)(4)(A)(ii) of the General Education Provisions Act and any other center, institute, or clearinghouse established within the Department of Education whose purpose is determined by the Secretary to be related to the purpose of the Institute.

“(2) The Institute shall have offices separate from the offices of any agency or department involved in the operation of the Institute.

20 USC 1213c
note.

20 USC 1213c
note.

“(3) The Interagency Group shall consider the Board’s recommendations in planning the goals of the Institute and in the implementation of any programs to achieve such goals. The daily operations of the Institute shall be carried out by the Director. If the Board’s recommendations are not followed, the Interagency Group shall provide a written explanation to the Board concerning actions the Interagency Group has taken that includes the Interagency Group’s reasons for not following the Board’s recommendations with respect to such actions. The Board may also request a meeting with the Interagency Group to discuss the Board’s recommendations.

“(d) DUTIES.—(1) The Institute is authorized, in order to improve and expand the system for delivery of literacy services, to—

“(A) assist appropriate Federal agencies in setting specific objectives and strategies for meeting the goals of this title and in measuring the progress of such agencies in meeting such goals;

“(B) conduct basic and applied research and demonstrations on literacy, including—

“(i) how adults learn to read and write and acquire other skills;

“(ii) how the literacy skills of parents affect the ability of children to learn literacy skills;

“(iii) the assessment of literacy skills and the development of instructional techniques;

“(iv) the best methods for assisting adults and families to acquire literacy skills, including the use of technology;

“(v) the special literacy needs of individuals with learning disabilities and individuals with limited English proficiency;

“(vi) how to effectively reach and teach the most educationally disadvantaged individuals;

“(vii) the use of technology and other studies which will increase the literacy knowledge base, use but not duplicate the work of other research services, and build on the efforts of such other research services; and

“(viii) how to attract, train, and retrain professional and volunteer teachers of literacy;

“(C) assist Federal, State, and local agencies in the development, implementation, and evaluation of policy with respect to literacy by—

“(i) establishing a national data base with respect to—

“(I) literacy and basic skills programs, including programs in Federal departments, State agencies, and local agencies, and programs that are privately supported through nonprofit entities and for profit entities;

“(II) assessment tools and outcome measures;

“(III) the amount and quality of basic education provided in the workplace by businesses and industries; and

“(IV) progress made toward the national literacy goals; and

“(ii) providing technical and policy assistance to government entities for the improvement of policy and programs relating to literacy and the development of model systems for implementing and coordinating Federal literacy programs that can be replicated at the State and local level;

“(D) provide program assistance, training, and technical assistance for literacy programs throughout the United States in order to improve the effectiveness of such programs and to increase the number of such programs, which assistance and training shall—

“(i) be based on the best available research and knowledge; and

“(ii) be coordinated with activities conducted by—

“(I) regional educational laboratories supported under section 405(d)(4)(A)(i) of the General Education Provisions Act;

“(II) curriculum centers assisted under section 251(a)(8) of the Carl D. Perkins Vocational and Applied Technology Education Act; and

“(III) other educational and training entities that provide relevant technical assistance;

“(E) collect and disseminate information to Federal, State, and local entities with respect to literacy methods that show great promise (including effective methods of assessment, effective literacy programs, and other information obtained through research or practice relating to adult and family learning that would increase the capacity and quality of literacy programs in the United States), using a variety of methods to ensure that the best information is received by State and local providers of literacy services;

“(F) review and make recommendations regarding—

“(i) ways to achieve uniformity among reporting requirements;

“(ii) the development of performance measures; and

“(iii) the development of standards for program effectiveness of literacy-related Federal programs; and

“(G) provide a toll-free long-distance telephone line for literacy providers and volunteers.

“(2) The Institute may enter into contracts or cooperative agreements with, or make grants to, individuals, public or private non-profit institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Institute. Such grants, contracts, or agreements shall be subject to the laws and regulations that generally apply to grants, contracts, or agreements entered into by Federal agencies.

“(e) LITERACY LEADERSHIP.—(1) The Institute is, in consultation with the Board, authorized to award fellowships, with such stipends and allowances that the Director considers necessary, to outstanding individuals pursuing careers in adult education or literacy in the areas of instruction, management, research, or innovation.

“(2) Fellowships awarded under this subsection shall be used, under the auspices of the Institute, to engage in research, education, training, technical assistance, or other activities to advance the field of adult education or literacy, including the training of volunteer literacy providers at the national, State, or local level.

“(3) Individuals receiving fellowships pursuant to this subsection shall be known as ‘Literacy Leader Fellows’.

“(f) NATIONAL INSTITUTE BOARD.—(1)(A) There is established the National Institute Board (in this section referred to as the ‘Board’). The Board shall consist of 10 individuals appointed by the President with the advice and consent of the Senate from individuals who—

Establishment.

“(i) are not otherwise officers or employees of the Federal Government;

“(ii) are representative of entities or groups described in subparagraph (B); and

“(iii) are chosen from recommendations made to the President by individuals who represent such entities or groups.

“(B) Entities or groups described in this subparagraph are—

“(i) literacy organizations and providers of literacy services, including—

“(I) providers of literacy services receiving assistance under this Act; and

“(II) nonprofit providers of literacy services;

“(ii) businesses that have demonstrated interest in literacy programs;

“(iii) literacy students;

“(iv) experts in the area of literacy research;

“(v) State and local governments; and

“(vi) organized labor.

“(2) The Board shall—

“(A) make recommendations concerning the appointment of the Director and staff of the Institute;

“(B) provide independent advice on the operation of the Institute; and

“(C) receive reports from the Interagency Group and the Director.

“(3) The Interagency Group may carry out the duties of the Board until the expiration of the 180-day period beginning on the date of the enactment of the National Literacy Act of 1991.

“(4) Except as otherwise provided, the Board established by this subsection shall be subject to the provisions of the Federal Advisory Committee Act.

“(5)(A) Each member of the Board shall be appointed for a term of 3 years. Any such member may be appointed for not more than 2 consecutive terms.

“(B) Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that members' term until a successor has taken office. A vacancy in the Board shall be filled in the manner in which the original appointment was made. A vacancy in the Board shall not affect the powers of the Board.

“(6) A majority of the members of the Board shall constitute a quorum but a lesser number may hold hearings. Any recommendation may be passed only by a majority of its members present.

“(7) The Chairperson and Vice Chairperson of the Board shall be elected by the members. The term of office of the Chairperson and Vice Chairperson shall be 2 years.

“(8) The Board shall meet at the call of the Chairperson or a majority of its members.

“(g) GIFTS, BEQUESTS, AND DEVISES.—The Institute and the Board may accept (but not solicit), use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Institute or the Board, respectively. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Institute or the Board, respectively.

“(h) **MAILS.**—The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

“(i) **STAFF.**—The Interagency Group, after considering recommendations made by the Board, shall appoint and fix the pay of a Director.

“(j) **APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.**—The Director and staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

“(k) **EXPERTS AND CONSULTANTS.**—The Board and the Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

“(l) **REPORT.**—The Institute shall submit a report to the Congress in each of the first 2 years in which it receives assistance under this section, and shall submit a report biennially thereafter. Each report submitted under this subsection shall include—

“(1) a comprehensive and detailed description of the Institute’s operations, activities, financial condition, and accomplishments in the field of literacy for such fiscal year;

“(2) a description of how plans for the operation of the Institute for the succeeding fiscal year will facilitate achievement of the goals of the Institute and the goals of the literacy programs within the Department of Education, the Department of Labor, and the Department of Health and Human Services; and

“(3) any additional minority, or dissenting views submitted by members of the Board.

“(m) **NONDUPLICATION.**—The Institute shall not duplicate any functions carried out by the Secretary pursuant to subsection (a) or (b). This subsection shall not be construed to prohibit the Secretary from delegating such functions to the Institute.

“(n) **AUTHORIZATION OF APPROPRIATIONS.**—(1) There are authorized to be appropriated for purposes of operating the Institute established by subsection (c) \$15,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995.

“(2) Any amounts appropriated to the Secretary, the Secretary of Labor, the Secretary of Health and Human Services, or any other department that participates in the Institute for purposes that the Institute is authorized to perform under this section may be provided to the Institute for such purposes.”.

SEC. 103. STATE LITERACY RESOURCE CENTERS.

Part B of the Adult Education Act (20 U.S.C. 1203 et seq.) is amended—

- (1) by redesignating subpart 7 as subpart 8; and
- (2) by inserting after subpart 6 the following:

“Subpart 7—State Literacy Resource Centers**“SEC. 356. STATE LITERACY RESOURCE CENTERS.**

20 USC 1208aa.

Grants.

“(a) **PURPOSE.**—It is the purpose of this section to assist State and local public and private nonprofit efforts to eliminate illiteracy through a program of State literacy resource center grants to—

“(1) stimulate the coordination of literacy services,

“(2) enhance the capacity of State and local organizations to provide literacy services, and

“(3) serve as a reciprocal link between the National Institute for Literacy and service providers for the purpose of sharing information, data, research, and expertise and literacy resources.

“(b) **ESTABLISHMENT.**—From amounts appropriated pursuant to subsection (k), the Secretary is authorized to make grants for purposes of establishing a network of State or regional adult literacy resource centers.

“(c) **ALLOTMENT.**—(1) From sums available for purposes of making grants under this section for any fiscal year, the Secretary shall allot to each State having an approved application under subsection (h) an amount that bears the same ratio to such sums as the amount allotted to such State under section 313(b) for the purpose of making grants under section 321 bears to the aggregate amount allotted to all States under such section for such purpose.

“(2) The chief executive officer of each State that receives its allotment under this section shall contract on a competitive basis with the State educational agency, 1 or more local educational agencies, a State office on literacy, a volunteer organization, a community-based organization, institution of higher education, or other nonprofit entity to operate a State literacy resource center. No applicant participating in a competition pursuant to the preceding sentence shall participate in the review of its own application.

“(d) **USE OF FUNDS.**—Funds provided to each State under subsection (c)(1) to carry out this section shall be used to conduct activities to—

“(1) improve and promote the diffusion and adoption of state-of-the-art teaching methods, technologies and program evaluations;

“(2) develop innovative approaches to the coordination of literacy services within and among States and with the Federal Government;

“(3) assist public and private agencies in coordinating the delivery of literacy services;

“(4) encourage government and industry partnerships, including partnerships with small businesses, private nonprofit organizations, and community-based organizations;

“(5) encourage innovation and experimentation in literacy activities that will enhance the delivery of literacy services and address emerging problems;

“(6) provide technical and policy assistance to State and local governments and service providers to improve literacy policy and programs and access to such programs;

“(7) provide training and technical assistance to literacy instructors in reading instruction and in—

“(A) selecting and making the most effective use of state-of-the-art methodologies, instructional materials, and technologies such as—

“(i) computer assisted instruction;

“(ii) video tapes;

“(iii) interactive systems; and

“(iv) data link systems; or

“(B) assessing learning style, screening for learning disabilities, and providing individualized remedial reading instruction; or

“(8) encourage and facilitate the training of full-time professional adult educators.

“(e) ALTERNATIVE USES OF EQUIPMENT.—Equipment purchases pursuant to this section, when not being used to carry out the provisions of this section, may be used for other instructional purposes if—

“(1) the acquisition of the equipment was reasonable and necessary for the purpose of conducting a properly designed project or activity under this section;

“(2) the equipment is used after regular program hours or on weekends; and

“(3) such other use is—

“(A) incidental to the use of the equipment under this section;

“(B) does not interfere with the use of the equipment under this section; and

“(C) does not add to the cost of using the equipment under this section.

“(f) LIMITATION.—Not more than 10 percent of amounts received under any grant received under this section shall be used to purchase computer hardware or software.

“(g) SPECIAL RULE.—(1) Each State receiving funds pursuant to this section may not use more than 5 percent of such funds to establish a State advisory council on adult education and literacy (in this section referred to as the ‘State council’) pursuant to section 332.

“(2) Each State receiving funds pursuant to this section may use such funds to support an established State council to the extent that such State council meets the requirements of section 332.

“(3) Each State receiving funds pursuant to this paragraph to establish or support a State council pursuant to section 332 shall provide matching funds on a dollar-for-dollar basis.

“(h) APPLICATIONS.—Each State or group of States, as appropriate, that desires to receive a grant under this section for a regional adult literacy resource center, a State adult literacy resource center, or both shall submit to the Secretary an application that has been reviewed and commented on by the State council, where appropriate, and that describes how the State or group of States will—

“(1) develop a literacy resource center or expand an existing literacy resource center;

“(2) provide services and activities with the assistance provided under this section;

“(3) assure access to services of the center for the maximum participation of all public and private programs and organizations providing or seeking to provide basic skills instruction, including local educational agencies, agencies responsible for corrections education, service delivery areas under the Job

Training Partnership Act, welfare agencies, labor organizations, businesses, volunteer groups, and community-based organizations;

“(4) address the measurable goals for improving literacy levels as set forth in the plan submitted pursuant to section 342; and

“(5) develop procedures for the coordination of literacy activities for statewide and local literacy efforts conducted by public and private organizations, and for enhancing the systems of service delivery.

“(i) **PAYMENTS; FEDERAL SHARE.**—(1) The Secretary shall pay to each State having an application approved pursuant to subsection (h) the Federal share of the cost of the activities described in the application.

“(2) The Federal share—

“(A) for each of the first 2 fiscal years in which the State receives funds under this section shall not exceed 80 percent;

“(B) for each of the third and fourth fiscal years in which the State receives funds under this section shall not exceed 70 percent; and

“(C) for the fifth and each succeeding fiscal year in which the State receives funds under this section shall not exceed 60 percent.

“(3) The non-Federal share of payments under this section may be in cash or in kind, fairly evaluated, including plant, equipment, or services.

“(j) **REGIONAL CENTERS.**—(1) A group of States may enter into an interstate agreement to develop and operate a regional adult literacy resource center for purposes of receiving assistance under this section if the States determine that a regional approach is more appropriate for their situation.

“(2) Any State that receives assistance under this section as part of a regional center shall only be required to provide under subsection (i) 50 percent of the funds such State would otherwise be required to provide under such subsection.

“(3) In any fiscal year in which the amount a State will receive under this section is less than \$100,000, the Secretary may designate the State to receive assistance under this section only as part of a regional center.

“(4) The provisions of paragraph (3) shall not apply to any State that can demonstrate to the Secretary that the total amount of Federal, State, local and private funds expended to carry out the purposes of this section would equal or exceed \$100,000.

“(5) In any fiscal year in which paragraph (2) applies, the Secretary may allow certain States that receive assistance as part of a regional center to reserve a portion of such assistance for a State adult literacy resource center pursuant to this section.

“(k) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out the provisions of this section \$25,000,000 for each of the fiscal years 1992 and 1993, and such sums as may be necessary for each of the fiscal years 1994 and 1995.”.

Business and
industry.

TITLE II—WORKFORCE LITERACY

20 USC 1211-1. SEC. 201. NATIONAL WORKFORCE LITERACY ASSISTANCE COLLABORATIVE.

(a) **ESTABLISHMENT.**—There is established in the Department of Labor a National Workforce Literacy Assistance Collaborative (in this subsection referred to as the “Collaborative”) to improve the basic skills of individuals, especially those individuals who are marginally employed or unemployed with low basic skills and limited opportunity for long-term employment and advancement, by assisting small- and medium-sized businesses, business associations that represent small- and medium-sized businesses, and labor organizations to develop and implement literacy programs tailored to the needs of the workforce.

(b) **FUNCTIONS.**—The Collaborative shall—

(1) develop and implement a plan for providing small- and medium-sized businesses with the technical assistance required to address the literacy needs of their workforce;

(2) monitor the development of workforce literacy training programs and identify best practices and successful small- and medium-sized business program models;

(3) inform businesses and unions of research findings and best practices regarding exemplary curricula, instructional techniques, training models, and the use of technology as a training tool in the workplace;

(4) provide technical assistance to help businesses assess individual worker literacy skill needs, implement workforce literacy training programs, and evaluate training program effectiveness;

(5) promote cooperation and coordination among State and local agencies and the private sector to obtain maximum uses of existing literacy and basic skills training resources;

(6) conduct regional and State small business workforce literacy meetings to increase program effectiveness and accountability;

(7) establish cooperative arrangements with the National Institute for Literacy and other centers involved in literacy and basic skills research and development activities; and

(8) prepare and produce written and video materials necessary to support technical assistance and information dissemination efforts.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for purposes of carrying out this section \$5,000,000 for each of the fiscal years 1992, 1993, 1994, and 1995.

SEC. 202. GRANTS FOR NATIONAL WORKFORCE LITERACY STRATEGIES.

Section 371 of the Adult Education Act (20 U.S.C. 1211) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting after “Secretary” the following: “, in consultation with the Secretary of Labor and the Administrator of the Small Business Administration,”;

(B) in subparagraph (B) of paragraph (2)—

(i) by striking “and” and inserting a comma; and

(ii) by inserting after "local educational agencies" the following: ", and other entities described in paragraph (1) that receive grants under this subsection"; and

(C) by adding at the end the following:

"(5) In awarding grants under this section, the Secretary shall give priority to applications from partnerships that include small businesses. Small business.

"(6) The Secretary is authorized to award grants under this section for a period not to exceed 3 years.";

(2) in subsection (b)—

(A) in paragraph (1), by striking "subsection (c)" and inserting "subsection (e)";

(B) in subparagraph (B) of paragraph (2)—

(i) by striking "and" the first place it appears and inserting a comma; and

(ii) by inserting after "local educational agencies" the following: ", and other entities described in paragraph (1) that receive grants under this subsection"; and

(C) in paragraph (7), by amending subparagraph (B) to read as follows:

"(B) From the sum appropriated for each fiscal year under subsection (c) for any fiscal year in which appropriations equal or exceed \$50,000,000, the Secretary shall allot to each State (as defined in section 312(7)) an amount proportionate to the amount such State receives under section 313.";

(3) by redesignating subsection (c) as subsection (e);

(4) by inserting after subsection (b) the following:

"(c) GRANT FOR NATIONAL WORKFORCE LITERACY STRATEGIES.—(1) In any fiscal year in which amounts appropriated pursuant to the authorization contained in subsection (e) equal or exceed \$25,000,000, the Secretary shall reserve not more than \$5,000,000 to establish a program of grants to facilitate the design and implementation of national strategies to assist unions, unions in collaboration with programs eligible for assistance under this Act and businesses, and small- and medium-sized businesses to effectively provide literacy and basic skills training to workers.

"(2) Grants awarded under this subsection shall pay the Federal share of the cost of programs to establish large-scale national strategies in workforce literacy, which may include the following activities:

"(A) Basic skills training that is—

"(i) cost-effective;

"(ii) needed by employees; and

"(iii) required by employers to establish a trainable workforce that can take advantage of further job specific training and advance the productivity of the labor force on an individual, industry, or national level.

"(B) Specific program offerings, which may include—

"(i) English as a second language instruction;

"(ii) communications skill building;

"(iii) interpersonal skill building;

"(iv) reading and writing skill building; and

"(v) computation and problem solving.

"(C) Appropriate assessments of the literacy and basic skills needs of individual workers and the skill levels required by business.

“(D) Cooperative arrangements with other organizations involved in providing literacy and basic skills training, including adult education organizations, vocational education organizations, community and junior colleges, community-based organizations, State level agencies, and private industry councils.

“(E) The establishment as appropriate of technology-based learning environments, such as computer-based learning centers.

“(3) Any partnership described in subsection (a)(1) that desires to receive a grant under this subsection shall submit a proposal to the Secretary. The proposal shall contain a plan specifying a strategy for designing and implementing workforce literacy and basic skills training for workers, and justifying the national, statewide, or industry-wide importance of this strategy. The proposal shall include—

“(A) a demonstration of need for literacy and basic skills training;

“(B) a description of the business or industry for which the strategy is to be established;

“(C) a statement of specific, measurable goals and participant outcomes;

“(D) a strategy for achieving the goals, including a description of the process to identify literacy and basic skills required by employers and the skills of individual workers, and a description of the specific services to be provided; and

“(E) a description of the costs of the activities to be undertaken.

“(4) The Secretary shall develop a formal process for the submission of proposals and publish an announcement in the Federal Register with respect to that process and the availability of grants under this subsection.

“(5) The Federal share of the cost of a program assisted under this subsection shall not exceed 70 percent.

“(6) The Secretary shall give priority for grants under this subsection to proposals to carry out activities described in paragraph (2)(D).

“(7) In awarding grants under this subsection, the Secretary may consider geographic factors, such as rural and urban areas and national distribution.

“(8) Of the grants awarded under this subsection each year, not less than 5 shall each be for an amount that is not less than \$500,000.

“(d) EVALUATION.—The Secretary shall reserve not more than 2 percent of any amount appropriated pursuant to the authorization contained in subsection (e) for the purpose of carrying out an independent evaluation of the effectiveness of programs assisted under this section in improving the literacy and basic skills of workers and the productivity of employees, including potential for the replicability or adaption of such programs.”; and

(5) in subsection (e) (as redesignated by paragraph (3)) by striking paragraph (1) and inserting the following:

“(1) There are authorized to be appropriated for purposes of carrying out this section such sums as may be necessary for the fiscal year 1991, \$60,000,000 for the fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.”.

Federal
Register,
publication.

Appropriation
authorization.

TITLE III—INVESTMENT IN LITERACY**SEC. 301. AMENDMENTS TO THE ADULT EDUCATION ACT.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Section 313 of the Adult Education Act (20 U.S.C. 1201b) is amended in subsection (a) by striking “\$200,000,000” and all that follows through “1993” and inserting the following: “such sums as may be necessary for the fiscal year 1991, \$260,000,000 for the fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995”.

(b) **USE OF FUNDS.**—Subsection (a) of section 322 of the Adult Education Act (20 U.S.C. 1203b(a)) is amended—

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

“(1) Grants to States under this subpart shall be used in accordance with State plans (and amendments thereto) approved under sections 341 and 351, to pay the Federal share of the cost of the establishment or expansion of adult education programs to be carried out by local educational agencies, correctional education agencies, community-based organizations, public or private nonprofit agencies, postsecondary educational institutions, and other institutions that have the ability to provide literacy services to adults and families. Each State educational agency receiving financial assistance under this subpart shall provide assurance that local educational agencies, public or private nonprofit agencies, community-based organizations, correctional education agencies, postsecondary educational institutions, and institutions which serve educationally disadvantaged adults will be provided direct and equitable access to all Federal funds provided under this subpart. Failure to provide the assurance required by the preceding sentence shall disqualify a State from receiving its allotment under this title. In determining which programs shall receive assistance under this paragraph, the State shall consider—

“(A) the past effectiveness of applicants in providing services (especially with respect to recruitment and retention of educationally disadvantaged adults and the learning gains demonstrated by such adults);

“(B) the degree to which the applicant will coordinate and utilize other literacy and social services available in the community; and

“(C) the commitment of the applicant to serve individuals in the community that are most in need of literacy services.”;

(2) in paragraph (3)—

(A) by striking the first sentence;

(B) by inserting after “sources;” the following: “the projected goals of the applicant with respect to participant recruitment, retention, and educational achievement and how the applicant will measure and report progress in meeting its goals;”;

(C) by striking “the Carl D. Perkins Vocational Education Act” and inserting “the Carl D. Perkins Vocational and Applied Technology Education Act”; and

(D) by striking “the Education of the Handicapped Act” and inserting “the Individuals with Disabilities Education Act”;

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(3) in paragraph (4)—

(A) by striking “(A)”;

(B) by inserting after “adults” the following: “, particularly in areas with a high proportion of adults who do not have a certificate of graduation from a school providing secondary education or its equivalent”; and

(C) by striking subparagraph (B);

(4) by redesignating paragraphs (3) and (4) (as amended by paragraphs (2) and (3) of this subsection) as paragraphs (4) and (5), respectively; and

(5) by inserting after paragraph (2) the following:

“(3)(A) Grants to States provided under this section shall also be used for competitive 2-year grants to public housing authorities for literacy programs and related activities. Any public housing authority that receives a grant under this subparagraph shall consult with local adult education providers in conducting programs and activities with assistance provided under the grant. Any grant provided under this subparagraph shall be referred to as a ‘Gateway Grant’.

“(B) The Secretary shall, not less often than every 2 years, evaluate any grants made under this paragraph and report the results of such evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate.”

(c) STATE ADMINISTRATION.—Section 331(a) of the Adult Education Act (20 U.S.C. 1205(a)) is amended—

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

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

“(2) within 2 years of the enactment of the National Literacy Act of 1991, the development and implementation, in consultation with a widely representative group of appropriate experts, educators, and administrators, of indicators of program quality to be used to evaluate programs assisted under this title, as required by section 352, to determine whether such programs are effective, including whether such programs are successfully recruiting, retaining, and improving the literacy skills of the individuals served in such programs;”.

(d) STATE ADVISORY COUNCIL.—(1) The heading for section 332 of the Adult Education Act is amended to read as follows:

“SEC. 332. STATE ADVISORY COUNCIL ON ADULT EDUCATION AND LITERACY.”

(2) Section 332 of the Adult Education Act (20 U.S.C. 1205a) is amended—

(A) in the first sentence of subsection (a)(1), by striking “adult education, appointed by the Governor” and inserting “adult education and literacy, appointed by, and responsible to, the Governor”;

(B) in the second sentence of subsection (a)(1)—

(i) by inserting “and literacy” after “adult education”; and

(ii) by striking “consist” and all that follows through the period at the end and inserting the following: “consist of—

“(i) representatives of public education;

“(ii) representatives of public and private sector employment;

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“(iii) representatives of recognized State labor organizations;

“(iv) representatives of private literacy organizations, voluntary literacy organizations, and community-based literacy organizations;

“(v) the chief administrative officer of a State, or the designee of such officer;

“(vi) representatives of—

“(I) the State educational agency;

“(II) the State job training agency;

“(III) the State human services agency;

“(IV) the State public assistance agency;

“(V) the State library program; and

“(VI) the State economic development agency;

“(vii) officers of the State government whose agencies provide funding for literacy services or who may be designated by the Governor or the Chairperson of the council to serve whenever matters within the jurisdiction of the agency headed by such an officer are to be considered by the council; and

“(viii) classroom teachers who have demonstrated outstanding results in teaching children or adults to read.”;

(C) by amending subsection (d) to read as follows:

“(d) PROCEDURES.—(1) Subject to paragraphs (2) and (3), the State advisory council shall determine its own procedures, staffing needs (subject to funding levels authorized by the chief executive officer of the State), and the number, time, place, and conduct of meetings.

“(2) The State advisory council shall meet at least 4 times each year. At least 1 such meeting shall provide an opportunity for the general public to express views concerning adult education in the State.

“(3) One member more than one-half of the members on the council shall constitute a quorum for the purpose of transmitting recommendations and proposals to the chief executive officer of the State, but a lesser number of members may constitute a quorum for other purposes.”;

(D) in subsection (f)—

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

“(1) meet with the State agencies responsible for literacy training during the planning year to advise on the development of a State plan for literacy and for adult education that fulfills the literacy and adult education needs of the State, especially with respect to the needs of the labor market, economic development goals, and the needs of the individuals in the State;”;

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

“(2) advise the Governor, the State educational agency, and other State agencies concerning—

“(A) the development and implementation of measurable State literacy and adult education goals consistent with section 342(c)(2), especially with respect to—

“(i) improving levels of literacy in the State by ensuring that all appropriate State agencies have specific objectives and strategies for such goals in a comprehensive approach;

“(ii) improving literacy programs in the State; and

“(iii) fulfilling the long-term literacy goals of the State;

“(B) the coordination and monitoring of State literacy training programs in order to progress toward the long-term literacy goals of the State;

“(C) the improvement of the quality of literacy programs in the State by supporting the integration of services, staff training, and technology-based learning and the integration of resources of literacy programs conducted by various agencies of State government; and

“(D) private sector initiatives that would improve adult education programs and literacy programs, especially through public-private partnerships;”;

(iii) by redesignating paragraph (3) as paragraph (7); and

(iv) by inserting after paragraph (2) the following:

“(3) review and comment on the plan submitted pursuant to section 356(h) and submit such comments to the Secretary;

“(4) measure progress on meeting the goals and objectives established pursuant to paragraph (2)(A);

“(5) recommend model systems for implementing and coordinating State literacy programs for replication at the local level;

“(6) develop reporting requirements, standards for outcomes, performance measures, and program effectiveness in State programs, that are consistent with those proposed by the Inter-agency Task Force on Literacy; and”.

(e) STATE PLAN.—Subsection (c) of section 342 of the Adult Education Act (20 U.S.C. 1206a) is amended—

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

“(1) describe and provide for the fulfillment of the literacy needs of individuals in the State;”;

(2) by striking paragraph (9);

(3) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

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

“(2) set forth measurable goals for improving literacy levels, retention in literacy programs, and long-term learning gains of individuals in the State and describe a comprehensive approach for achieving such goals, including the development of indicators of program quality as required by section 331(a)(2);”;

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

(A) by striking “the use of” and inserting “coordination by”;

(B) by striking “other than” and inserting “including”; and

(C) by striking “such as” the second place such term appears;

(6) by striking “and” at the end of paragraph (12);

(7) by striking the period at the end of paragraph (13) and inserting a semicolon; and

(8) by adding at the end the following:

“(14) report the amount of administrative funds spent on program improvements; and

“(15) contain assurances that financial assistance provided pursuant to this title shall be used to assist and expand existing programs and to develop new programs for adults whose lack of basic skills—

“(A) renders them unemployable;

“(B) keeps them, whether employed or unemployed, from functioning independently in society; and

“(C) severely reduces their ability to have a positive effect on the literacy of their children.”.

(f) EVALUATION.—Section 352 of the Adult Education Act (20 U.S.C. 1207a) is amended—

(1) in paragraph 1—

(A) by striking “data to the Secretary” and inserting the following: “to the Secretary and make public within the State data”;

(B) by inserting before the semicolon the following: “, including—

“(A) the number and percentage of local educational agencies, community-based organizations, volunteer groups, and other organizations that are grant recipients; and

“(B) results of the evaluations carried out as required by paragraph (2) in the year preceding the year for which the data is submitted”;

(2) in paragraph (2)—

(A) by striking “before the end” and all that follows through “shall consider” and inserting the following: “evaluate 20 percent of the grant recipients each year so that at the end of such period 80 percent of all grant recipients shall have been evaluated once and such evaluations shall consider, at a minimum”;

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

(C) by inserting before subparagraph (B) (as redesignated by subparagraph (B) of this paragraph) the following:

“(A) the projected goals of the grant recipient as described in its application pursuant to section 322(a)(3);”;

(D) by amending subparagraph (D) (as redesignated by subparagraph (B) of this paragraph) to read as follows:

“(D) the success of the grant recipient in meeting the State’s indicators of program quality after such indicators are developed as required by section 331(a)(2); and”;

(E) by striking “and” at the end.

(g) TEACHER TRAINING.—(1) Subsection (a) of section 353 of the Adult Education Act (20 U.S.C. 1208(a)) is amended—

(A) by striking “and” at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting “; and”;

(C) by adding at the end the following:

“(3) training professional teachers, volunteers, and administrators, with particular emphasis on—

“(A) training—

“(i) full-time professional adult educators;

“(ii) minority adult educators;

“(iii) educators of adults with limited English proficiency; and

“(B) training teachers to recognize and more effectively serve illiterate individuals with learning disabilities and individuals who have a reading ability below the fifth grade level.”.

(2) Section 353 of the Adult Education Act (as amended by paragraph (1) of this subsection) (20 U.S.C. 1208) is amended—

(A) in subsection (a), by striking “10” and inserting “15”; and

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

“(b) SPECIAL RULE.—At least $\frac{2}{3}$ of the 15 percent reserved pursuant to subsection (a) shall be used to carry out the provisions of paragraphs (2) and (3) of subsection (a).”

(h) FEDERAL RESPONSIBILITY.—Section 361 of the Adult Education Act (20 U.S.C. 1209) is amended by adding at the end the following:

“(c) FEDERAL RESPONSIBILITY.—Within 1 year after the enactment of the National Literacy Act of 1991, the Secretary, in consultation with appropriate experts, educators, and administrators, shall develop indicators of program quality that may be used by State and local programs receiving assistance under this title as models by which to judge the success of such programs, including success in recruitment and retention of students and improvement in the literacy skills of students. Such indicators shall take into account different conditions under which programs operate and shall be modified as better means of assessing program quality are developed.”

SEC. 302. TARGETED ASSISTANCE.

Section 1531(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2941) is amended by—

(1) redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively; and

(2) inserting the following new paragraph (5) after paragraph (4):

“(5) programs of training to enhance the ability of teachers and school counselors to identify, particularly in the early grades, students with reading and reading-related problems that place such students at risk for illiteracy in their adult years;”

SEC. 303. AMENDMENTS TO THE EVEN START PROGRAM.

(a) AMENDMENT TO PART HEADING.—The heading for part B of chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2741 et seq.) is amended to read as follows:

“PART B—EVEN START FAMILY LITERACY PROGRAMS”.

(b) STATE GRANT PROGRAM.—Section 1052 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2742) is amended—

(1) in subsection (a), by striking “local educational agencies or consortia of such agencies” and inserting “eligible entities”;

(2) in subsection (b)—

(A) by inserting “(1)” before “In”; and

(B) by adding at the end the following:

“(2) In any fiscal year in which this subsection applies, no State shall award a grant under this part for an amount less than \$75,000.

“(3) In any year in which this subsection applies, each State that receives a grant under this part may use not more than 5 percent of assistance provided under the grant for costs of—

“(A) administration; and

“(B) the provision, through grant or contract, of technical assistance for program improvement and replication to eligible entities that receive grants under this part.”;

(3) by redesignating subsection (c) as subsection (d);

(4) by inserting after subsection (b) the following new subsection:

“(c) **RESERVATION.**—From amounts appropriated for purposes of carrying out this part, the Secretary may reserve an amount equal to not more than 2 percent of such amounts or the amount reserved for such purposes in the fiscal year 1991, whichever is greater, for purposes of—

“(1) carrying out the evaluation required by section 1058; and

“(2) providing, through grant or contract, technical assistance for program improvement and replication to eligible entities that receive grants under this part.”; and

(5) by amending subsection (d) (as redesignated by paragraph (3)) to read as follows:

“(d) **DEFINITIONS.**—For the purpose of this part:

“(1) The term ‘eligible entity’ means—

“(A) a local educational agency applying in collaboration with a community-based organization, public agency, institution of higher education, or other nonprofit organization; or

“(B) a community-based organization, or other nonprofit organization of demonstrated quality applying in collaboration with a local educational agency.

“(2) The terms ‘Indian tribe’ and ‘tribal organization’ have the respective meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act.

“(3) The term ‘State’ includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.”.

(c) **ALLOCATION.**—Subsection (a) of section 1053 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2743) is amended to read as follows:

“(a) **RESERVATION FOR MIGRANT PROGRAMS AND TERRITORIES.**—(1) In each fiscal year in which section 1052(a) applies, the Secretary shall first reserve for programs consistent with the purpose of this part—

“(A) for programs for migrant children, which shall be conducted through the Office of Migrant Education, an amount equal to 3 percent of the amount appropriated for purposes of carrying out this part; and

“(B) for allocations to Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658), and to Indian tribes and tribal organizations, an amount comparable to their relative need.

(2) In each fiscal year in which section 1052(b) applies, the Secretary shall first reserve for programs consistent with the purpose of this part, an amount equal to 5 percent of the amount appropriated for purposes of carrying out this part, of which—

“(A) amounts shall be allocated for programs for migrant children, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658), and Indian tribes and tribal organizations, according to their relative need; but

“(B) in no case shall the amount reserved for programs for migrant children be less than the amount reserved for such programs in the preceding fiscal year.”

(d) **FEDERAL SHARE LIMITATION.**—Section 1054 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2744) is amended—

(1) in subsection (a), by striking “local educational agencies” and all that follows through “nonprofit organizations,” and inserting “an eligible entity”;

(2) in paragraph (2) of subsection (b), by inserting after “counseling,” the following: “other developmental and support services,”; and

(3) in subsection (c)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively;

(B) by inserting “(1)” before “The Federal share”;

(C) in subparagraph (A) (as redesignated by subparagraph (A) of this paragraph), by striking “local educational agency” and inserting “eligible entity”;

(D) by striking the last sentence and inserting the following: “The remaining cost may be provided in cash or in kind, fairly evaluated, and may be obtained from any source other than funds made available for programs under this chapter.”; and

(E) by adding at the end the following:

“(2) The Secretary (in any fiscal year in which section 1052(a) applies) or the State educational agency (in any fiscal year in which section 1052(b) applies) may waive, in whole or in part, the requirement that all or part of the remaining cost described in paragraph (1) be obtained from sources other than funds made available under this chapter if an eligible entity—

“(A) demonstrates that it otherwise would not be able to participate in the program under this part; and

“(B) negotiates an agreement with the Secretary or the State educational agency, as appropriate, with respect to the amount of the remaining cost to which the waiver would be applicable.”.

(e) **ELIGIBLE PARTICIPANTS.**—Section 1055 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2745) is amended—

(1) by striking “Eligible” and inserting the following: “(a) IN GENERAL.—Except as provided in subsection (b), eligible”;

(2) in paragraph (2) of subsection (a) (as designated by paragraph (1)), by striking “(aged 1 to 7,” and inserting “(from birth to age 7,”; and

(3) by adding at the end the following:

“(b) **CONTINUATION OF ELIGIBILITY FOR CERTAIN PARTICIPANTS.**—Any family participating in the program under this part that becomes ineligible for such participation as a result of 1 or more members of the family becoming ineligible for such participation, may continue to participate in the program until all members of the family become ineligible for participation, which—

“(1) in the case of a family in which ineligibility was due to the child or children of such family attaining the age of 8, shall be when the parent or parents become ineligible due to educational advancement; and

“(2) in the case of a family in which ineligibility was due to the educational advancement of the parent or parents of such family, shall be when all children in the family attain the age of 8.”.

(f) APPLICATIONS.—Section 1056 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2746) is amended—

(1) in subsection (a), by striking “a local educational agency” and inserting “an eligible entity”; and

(2) in subsection (b), by striking “the local educational agency” and inserting “the eligible entity”.

(g) SELECTION PROCESS.—Section 1057 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2747) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively;

(B) by inserting “(1)” before “The”;

(C) in paragraph (1) (as designated by subparagraph (B) of this paragraph)—

(i) by amending subparagraph (B) (as redesignated by subparagraph (A) of this paragraph) to read as follows:
“(B) demonstrate that the area to be served by such program has a high percentage or a large number of children and adults who are in need of such services as indicated by high levels of poverty, illiteracy, unemployment, limited English proficiency, or other need-related indicators;”;

(ii) in subparagraph (E) (as redesignated by subparagraph (A) of this paragraph), by striking “the local educational agency’s” and inserting “the eligible entity’s”; and

(iii) by adding at the end the following:

“(2) The review panel shall give priority for grants under this subsection to proposals which—

“(A) make the demonstration described in paragraph (1)(B); and

“(B) demonstrate an ability to operate an effective program.”;

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

“(c) DISTRIBUTION OF ASSISTANCE.—(1) In approving grants under this part pursuant to section 1052(a), the Secretary shall ensure a representative distribution of assistance among the States and among urban and rural areas of the United States.

“(2) In approving grants under this part pursuant to section 1052(b), the review panel shall ensure a representative distribution of assistance between urban and rural areas of the State.”; and

(3) in paragraph (1) of subsection (d)—

(A) by striking “a local educational agency” and inserting “an eligible entity”; and

(B) by striking “such local educational agency” and inserting “such eligible entity”.

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 1059 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2749) is amended to read as follows:

“SEC. 1059. AUTHORIZATION OF APPROPRIATIONS.

“There are authorized to be appropriated for purposes of carrying out this part such sums as may be necessary for the fiscal year 1991, \$100,000,000 for the fiscal year 1992, and such sums as may be necessary for the fiscal year 1993.”.

SEC. 304. FAMILY LITERACY PUBLIC BROADCASTING PROGRAM.

(a) PROGRAM AUTHORIZED.—(1) The Secretary is authorized, subject to the availability of appropriations, to enter into a contract

Rural and
urban areas.

20 USC 1213c
note.
Contracts.

with the Corporation for Public Broadcasting to arrange for the production and dissemination of family literacy programming and accompanying materials which would assist parents in improving family literacy skills and language development. In producing and developing such programming, the Corporation for Public Broadcasting shall work in cooperation with local public broadcasting stations to avoid duplication of efforts.

(2) After the program described in paragraph (1) is produced, the Corporation for Public Broadcasting shall arrange to have audio and video instructional media materials for distribution at sites chosen from among—

(A) State and local libraries operating literacy programs, and

(B) nonprofit entities serving hard-to-serve populations as defined in section 304(b)(2), including community-based organizations, volunteer organizations and other nongovernmental entities.

(3) The audio and video instructional media materials described in paragraph (2) shall be used at sites described in paragraph (2), and on a loan basis, distributed to families.

(4) One year after distribution of the audio and video instructional media materials, the Corporation for Public Broadcasting shall report to the Congress on the distribution and use of the audio and video instructional media materials produced pursuant to this subsection and such audio and video instructional media materials' contribution in promoting literacy.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated \$2,000,000 for fiscal year 1992 to carry out the provisions of subsection (i), of which \$100,000 shall be reserved for reproducing and distributing programming or audio and video instructional media materials.

TITLE IV—BUSINESS LEADERSHIP FOR EMPLOYMENT SKILLS

SEC. 401. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

(a) **IN GENERAL.**—Part C of the Adult Education Act (20 U.S.C. 1211 et seq.) is amended by adding at the end the following:

“SEC. 373. EDUCATION PROGRAMS FOR COMMERCIAL DRIVERS.

“(a) **PROGRAM AUTHORIZED.**—The Secretary is authorized to make grants on a competitive basis to pay the Federal share of the costs of establishing and operating adult education programs which increase the literacy skills of eligible commercial drivers so that such drivers may successfully complete the knowledge test requirements under the Commercial Motor Vehicle Safety Act of 1986.

“(b) **FEDERAL SHARE.**—The Federal share of the costs of the adult education programs authorized under subsection (a) shall be 50 percent. Nothing in this subsection shall be construed to require States to meet the non-Federal share from State funds.

“(c) **ELIGIBLE ENTITIES.**—Entities eligible to receive a grant under this section include—

“(1) private employers employing commercial drivers in partnership with agencies, colleges, or universities described in paragraph (2);

20 USC 1211b.
Grants.

“(2) local educational agencies, State educational agencies, colleges, universities, or community colleges;

“(3) approved apprentice training programs; and

“(4) labor organizations, the memberships of which include commercial drivers.

“(d) REFERRAL PROGRAM.—Grantees shall refer to appropriate adult education programs as authorized under this title individuals who are identified as having literacy skill problems other than or beyond those which prevent them from successfully completing the knowledge test requirements under the Commercial Motor Vehicle Safety Act of 1986.

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

“(1) The term ‘approved apprentice training programs’ has the meaning given such term in the National Apprenticeship Act of 1937.

“(2) The term ‘eligible commercial driver’ means a driver licensed prior to the requirements of the Commercial Motor Vehicle Safety Act of 1986.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for purposes of carrying out this section \$3,000,000 for each of the fiscal years 1991, 1992, and 1993.”

(b) AVOIDANCE OF DUPLICATE ENACTMENT.—The amendment made by subsection (a) shall not take effect if the Higher Education Amendments of 1991 are enacted before the enactment of this Act.

TITLE V—BOOKS FOR FAMILIES

SEC. 501. INEXPENSIVE BOOK DISTRIBUTION PROGRAM.

(a) PRIORITY.—Section 1563(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2963) is amended by—

(1) striking “and” at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

“(3) in the fiscal year 1991 and each succeeding fiscal year, the contractor will give priority in the selection of additional local programs to programs and projects which serve children and students with special needs including, at a minimum—

Children and youth.

“(A) low-income children (particularly such children in high poverty areas);

“(B) children at risk for school failure;

“(C) children with disabilities;

“(D) emotionally disturbed children;

“(E) foster children;

“(F) homeless children;

“(G) migrant children;

“(H) children without access to libraries;

“(I) institutionalized or incarcerated children; and

“(J) children whose parents are institutionalized or incarcerated; and”.

(b) STUDY.—The contractor shall report to the Secretary of Education annually regarding the number and description of the additional programs funded under subsection 1563(a)(3) of the Elementary and Secondary Education Act of 1965.

20 USC 2963 note.

SEC. 502. LIBRARY LITERACY PROGRAMS.

Section 601 of the Library Services and Construction Act (20 U.S.C. 375) is amended by inserting at the end thereof the following new subsection:

“(f) In awarding grants under this section the Secretary shall give priority to programs and services which—

“(1) will be delivered in areas of greatest need which have highest concentrations of adults who do not have a secondary education or its equivalent, and which—

“(A) have few community or financial resources to establish the program described under this section without Federal assistance, or

“(B) have low per capita income, unemployment or underemployment; and

“(2) coordinate with literacy organizations and community based organizations providing literacy services.”.

TITLE VI—LITERACY FOR INCARCERATED INDIVIDUALS

20 USC 1211-2.

SEC. 601. MANDATORY LITERACY PROGRAM.

(a) **ESTABLISHMENT.**—The chief correctional officer of each State correctional system may establish a demonstration or system-wide functional literacy program.

(b) **PROGRAM REQUIREMENTS.**—(1) To qualify for funding under subsection (d), each functional literacy program shall—

(A) to the extent possible, make use of advanced technologies;

and

(B) include—

(i) a requirement that each person incarcerated in the system, jail, or detention center who is not functionally literate, except a person described in paragraph (2), shall participate in the program until the person—

(I) achieves functional literacy or in the case of an individual with a disability, achieves a level of functional literacy commensurate with his or her ability;

(II) is granted parole;

(III) completes his or her sentence; or

(IV) is released pursuant to court order;

(ii) a prohibition on granting parole to any person described in clause (i) who refuses to participate in the program, unless the State parole board determines that the prohibition should be waived in a particular case; and

(iii) adequate opportunities for appropriate education services and the screening and testing of all inmates for functional literacy and disabilities affecting functional literacy, including learning disabilities, upon arrival in the system or at the jail or detention center.

(2) The requirement of paragraph (1)(B) shall not apply to a person who—

(A) is serving a life sentence without possibility of parole;

(B) is terminally ill; or

(C) is under a sentence of death.

(c) **ANNUAL REPORT.**—(1) Within 90 days after the close of the first calendar year in which a literacy program authorized by subsection

(a) is placed in operation, and annually for each of the 4 years thereafter, the chief correction officer of each State correctional system shall submit a report to the Attorney General with respect to its literacy program.

(2) A report under paragraph (1) shall disclose—

(A) the number of persons who were tested for eligibility during the preceding year;

(B) the number of persons who were eligible for the literacy program during the preceding year;

(C) the number of persons who participated in the literacy program during the preceding year;

(D) the names and types of tests that were used to determine functional literacy and the names and types of testing that were used to determine disabilities affecting functional literacy;

(E) the average number of hours of instruction that were provided per week and the average number per student during the preceding year;

(F) sample data on achievement of participants in the program, including the number of participants who achieved functional literacy;

(G) data on all direct and indirect costs of the program; and

(H) a plan for implementing a system-wide mandatory functional literacy program, as required by subsection (b), and, if appropriate, information on progress toward such a program.

(d) COMPLIANCE GRANTS.—(1) The Attorney General shall make grants to State correctional agencies who elect to establish a program described in subsection (a) for the purpose of assisting in carrying out the programs, developing the plans, and submitting the reports required by this section.

(2) A State corrections agency is eligible to receive a grant under this subsection if the agency agrees to provide to the Attorney General—

(A) such data as the Attorney General may request concerning the cost and feasibility of operating the mandatory functional literacy programs required by subsections (a) and (b); and

(B) a detailed plan outlining the methods by which the requirements of subsections (a) and (b) will be met, including specific goals and timetables.

(3) There are authorized to be appropriated for purposes of carrying out this section \$10,000,000 for fiscal year 1992, \$15,000,000 for fiscal year 1993, \$20,000,000 for fiscal year 1994, and \$25,000,000 for fiscal year 1995.

Appropriation authorization.

(e) DEFINITION.—For the purposes of this section, the term “functional literacy” means at least an eighth grade equivalence in reading on a nationally recognized standardized test.

SEC. 602. BLUE RIBBON AWARDS FOR CORRECTIONAL EDUCATION PROGRAMS.

(a) IN GENERAL.—Section 1566 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2966) is amended—

(1) in subsection (a), by striking “The” and inserting “Subject to subsection (d), the”; and

(2) by adding at the end the following:

“(d) BLUE RIBBON AWARDS FOR CORRECTIONAL EDUCATION PROGRAMS.—The Secretary, through nominations provided by the Office on Correctional Education after consultation with representatives of correctional education organizations and others active in literacy

education, shall annually make 1 or more awards under this section to effective and innovative programs for inmate education and literacy.”.

20 USC 2966
note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 1992.

TITLE VII—VOLUNTEERS FOR LITERACY

SEC. 701. LITERACY CHALLENGE GRANTS.

(a) GENERAL AUTHORITY.—

(1) **PROGRAM AUTHORIZED.**—Part C of title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4991 et seq.) is amended by adding at the end the following:

“LITERACY CHALLENGE GRANTS

42 USC 4995.

“SEC. 125. (a) The Director is authorized to award challenge grants to eligible public agencies and private organizations to pay the Federal share of the costs of establishing, operating or expanding community or employee literacy programs or projects that include the use of full-time or part-time volunteers as one method of addressing illiteracy.

“(b) Each eligible organization desiring a grant under this section shall submit to the ACTION Agency an application in such form and accompanied by such information as the Director may reasonably require. Each such application shall—

“(1) describe the activities for which assistance is sought,

“(2) contain assurances that the eligible organization will provide from non-Federal sources the non-Federal share of the cost of the program or project,

“(3) provide assurances, satisfactory to the Director, that the literacy project will be operated in cooperation with other public and private agencies and organizations interested in, and qualified to, combat illiteracy in the community where the project is to be conducted, and

“(4) contain such other information and assurances as the Director may reasonably require.

“(c)(1)(A) The Federal share of the cost of a program or project authorized by this section administered by a public agency, a non-profit organization other than an organization described in paragraph (2), or a private, for-profit organization shall not exceed—

“(i) 80 percent in the first fiscal year;

“(ii) 70 percent in the second fiscal year; and

“(iii) 60 percent in the third fiscal year.

“(B) The non-Federal share paid by a private, for-profit organization shall be in cash.

“(2) The Federal share of the cost of a program or project administered by a nonprofit or community-based organization shall not exceed—

“(A) 90 percent in the first fiscal year;

“(B) 80 percent in the second fiscal year; and

“(C) 70 percent in the third fiscal year.

“(3) The non-Federal share provided by a public agency or a nonprofit or community-based organization may be provided in cash, or in kind, fairly evaluated, and may include the use of plant, equipment, and services.”.

(2) **CONFORMING AMENDMENT.**—The table of contents contained in the first section of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 note) is amended by inserting after the item relating to section 124 the following new item.

“Sec. 125. Literacy challenge grants.”

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 501(c) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5081(c)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting “(1)” after the subsection designation; and

(3) by inserting at the end the following:

“(2) Except as provided in paragraph (3) and in addition to the amounts authorized to be appropriated pursuant to paragraph (1) there is authorized to be appropriated \$2,500,000 for the fiscal year 1992 and such sums as may be necessary for 1993 for Literacy Challenge Grants under section 125.

“(3) No funds shall be appropriated pursuant to paragraph (2) in any fiscal year unless—

“(A) the funds available in such fiscal year for the VISTA Program under part A of title I are sufficient to provide the years of volunteer service specified for such fiscal year under section 501(d)(1) for the VISTA Program; and

“(B) the funds available in such fiscal year for the VISTA Literacy Corps under part A of title I are sufficient to provide at least the same years of volunteer service as were provided in the fiscal year preceding such fiscal year.”

TITLE VIII—AMENDMENTS AFFECTING THE TERRITORIES AND THE FREELY ASSOCIATED STATES

SEC. 801. ELIGIBILITY FOR EDUCATION PROGRAMS.

(a) **HIGHER EDUCATION.**—Section 484 of the Act (20 U.S.C. 1091) is amended by adding at the end thereof the following new subsection:

“(k) **STUDENTS ATTENDING INSTITUTIONS IN THE FREELY ASSOCIATED STATES AND ELIGIBILITY FOR TRIO PROGRAMS.**—Notwithstanding any other provision of law, a student who meets the requirements of paragraph (a)(5) of this section or who is a resident of the freely associated states, and who attends a public or nonprofit institution of higher education located in any of the freely associated states rather than a State, shall be eligible, if otherwise qualified, for assistance under subpart 1, 2, or 4 of part A or part C of this title.”

(b) **TERRITORIAL TEACHER TRAINING ASSISTANCE PROGRAM.**—Section 4502 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3142) is amended by striking “the Northern Mariana Islands, and the Trust Territory of the Pacific Islands” each place it appears and inserting in lieu thereof “the Commonwealth of the Northern Mariana Islands, Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.”

(c) TREATMENT OF TERRITORIES AND TERRITORIAL STUDENT ASSISTANCE.—Section 1204 of the Act (20 U.S.C. 1144a) is amended by adding at the end thereof the following new subsection:

“(d) Notwithstanding any other provision of law, an institution of higher education that is located in any of the freely associated states, rather than a State, shall be eligible, if otherwise qualified, for assistance under subpart 4 of part A of title IV of this Act.”.

SEC. 802. TREATMENT OF TERRITORIES AND FREELY ASSOCIATED STATES.

(a) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Subsection (a) of section 1005 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2711) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

“(3) COMPETITIVE GRANTS.—(A) From amounts appropriated for purposes of carrying out this section, the Secretary shall reserve an amount equal to the amount described in subparagraph (B) for purposes of making competitive grants to local educational agencies in Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands. The Secretary shall make such grants according to the recommendations of the Pacific Regional Laboratory in Honolulu, Hawaii, which shall conduct a competition for such grants.

“(B) The amount described in this subparagraph is the portion of the aggregate amount reserved in the fiscal year 1989 under sections 1005(a), 1291, 1404, 1405(a)(2)(A), and 1405(a)(2)(B) for the Trust Territory of the Pacific Islands that was attributable to the Republic of the Marshall Islands and the Federated States of Micronesia.

“(C) Subject to subparagraph (D), grants awarded under this paragraph may only be used for—

“(i) activities consistent with the purposes of—

“(I) title I;

“(II) the Adult Education Act;

“(III) the Education of the Handicapped Act;

“(IV) the Library Services and Construction Act; or

“(V) the Dwight D. Eisenhower Mathematics and Science Education Act;

“(ii) teacher training;

“(iii) curriculum development;

“(iv) instructional materials; or

“(v) general school improvement and reform.

“(D) Grants awarded under this paragraph may only be used to provide direct educational services.

“(E) The Secretary shall provide 5 percent of amounts made available for grants under this paragraph to pay the administrative costs of the Pacific Regional Laboratory with respect to the program under this paragraph.”.

(b) **ADULT EDUCATION ACT.**—The Adult Education Act is amended—

(1) in sections 312(7) and 371(b)(7)(B)(i) (20 U.S.C. 1201a(7) and 1211(b)(7)(B)(i)) by striking “the Trust Territory of the Pacific Islands” and inserting “Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)”; and

(2) in sections 313(b) and 361(a) (20 U.S.C. 1201b(b) and 1209a(a)) by striking “and the Trust Territory of the Pacific Islands” and inserting “the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau”.

(c) **STAR SCHOOLS PROGRAM.**—Section 907(8) of the Star Schools Program Assistance Act (20 U.S.C. 4086(7)) is amended by striking “the Trust Territory of the Pacific Islands” and inserting “the Federated States of Micronesia, the Republic of the Marshall Islands, Palau”.

(d) **EDUCATION OF THE HANDICAPPED.**—The Education of the Handicapped Act is amended in—

(1) section 602(a)(6) (20 U.S.C. 1401(a)(6)) by striking “or the Trust Territory of the Pacific Islands” and inserting “or Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)”; and

(2) section 611(a)(2) (20 U.S.C. 1411(a)(2)) by striking “and the Trust Territory of the Pacific Islands” and inserting “the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau”; and

(3) section 611(e)(1) (20 U.S.C. 1411(e)(1)) by striking “and the Trust Territory of the Pacific Islands” and inserting “the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)”.

(e) **LIBRARY SERVICES AND CONSTRUCTION ACT.**—The Library Services and Construction Act is amended in—

(1) section 3(g) (20 U.S.C. 351a(g)) by striking “or the Trust Territory of the Pacific Islands” and inserting “Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)”; and

(2) section 5(a)(3) (20 U.S.C. 351c(a)(3)) by striking “and the Trust Territory of the Pacific Islands” each place such term appears and inserting “Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)”; and

(3) section 7(a) (20 U.S.C. 351e(a)) by striking “the Trust Territory of the Pacific Islands” and inserting “Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)”; and

(4) section 7(b) (20 U.S.C. 351e(b)) by striking “and the Trust Territory of the Pacific Islands” each place such term appears and inserting “the Commonwealth of the Northern Mariana Islands and Palau (until the Compact of Free Association with Palau takes effect pursuant to section 101(a) of Public Law 99-658)”.

Approved July 25, 1991.

LEGISLATIVE HISTORY—H.R. 751:

HOUSE REPORTS: No. 102-23 (Comm. on Education and Labor).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Mar. 19, considered and passed House.

June 26, considered and passed Senate, amended.

July 11, House concurred in Senate amendment, in others with amendments.

July 15, Senate concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

July 25, Presidential remarks and statement.