

LITERACY INVOLVES FAMILIES TOGETHER ACT

FEBRUARY 29, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. GOODLING, from the Committee on Education and the Workforce, submitted the following

REPORT

together with

ADDITIONAL AND DISSENTING VIEWS

[To accompany H.R. 3222]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and the Workforce, to whom was referred the bill (H.R. 3222) to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Literacy Involves Families Together Act”.

TITLE I—FAMILY LITERACY

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 1002(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(b)) is amended—

- (1) by striking “\$118,000,000 for fiscal year 1995” and inserting “\$500,000,000 for fiscal year 2001”; and
- (2) by striking “four” and inserting “three”.

SEC. 102. IMPROVING BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES.

Section 1111(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(c)) is amended—

- (1) in paragraph (5), by striking “and” at the end;
- (2) in paragraph (6), by striking the period at the end and inserting “; and”;
- and
- (3) by adding at the end the following:
 “(7) the State educational agency will encourage local educational agencies and individual schools participating in a program assisted under this part to offer family literacy services (using funds under this part), if the agency or school determines that a substantial number of students served under this part by the agency or school have parents who do not have a high school diploma or its recognized equivalent or who have low levels of literacy.”.

SEC. 103. EVEN START FAMILY LITERACY PROGRAMS.

(a) STATEMENT OF PURPOSE.—Section 1201 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361) is amended—

- (1) in paragraph (1), by inserting “high quality” after “build on”; and
- (2) by amending paragraph (2) to read as follows:
 “(2) promote the academic achievement of children and adults;”;
- (3) by striking the period at the end of paragraph (3) and inserting “; and”;
- and
- (4) by adding at the end the following:
 “(4) use instructional programs based on scientifically based reading research (as defined in section 2252) and the prevention of reading difficulties for children and, to the extent such research is available, scientifically based reading research (as so defined) for adults.”.

(b) PROGRAM AUTHORIZED.—

(1) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—Section 1202(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(a)) is amended—

(A) in paragraph (1), in the matter preceding subparagraph (A), by inserting “(or, if such appropriated amount exceeds \$200,000,000, 6 percent of such amount)” after “1002(b)”; and

(B) in paragraph (2), by striking “If the amount of funds made available under this subsection exceeds \$4,600,000,” and inserting “After the date of the enactment of the Literacy Involves Families Together Act,”; and

(C) by adding at the end the following:

“(3) COORDINATION OF PROGRAMS FOR AMERICAN INDIANS.—The Secretary shall ensure that programs under paragraph (1)(C) are coordinated with family literacy programs operated by the Bureau of Indian Affairs in order to avoid duplication and to encourage the dissemination of information on high quality family literacy programs serving American Indians.”.

(2) RESERVATION FOR FEDERAL ACTIVITIES.—Section 1202(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(b)) is amended to read as follows:

“(b) RESERVATION FOR FEDERAL ACTIVITIES.—

“(1) EVALUATION, TECHNICAL ASSISTANCE, PROGRAM IMPROVEMENT, AND REPLICATION ACTIVITIES.—From amounts appropriated under section 1002(b), the Secretary may reserve not more than 3 percent of such amounts for purposes of—

“(A) carrying out the evaluation required by section 1209; and

“(B) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.

“(2) RESEARCH.—In the case of fiscal years 2001 through 2004, if the amounts appropriated under section 1002(b) for any of such years exceed such amounts appropriated for the preceding fiscal year, the Secretary shall reserve from such excess amount \$2,000,000 or 50 percent, whichever is less, to carry out section 1211(b).”.

(c) RESERVATION FOR GRANTS.—Section 1202(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(c)(1)) is amended—

(1) by striking “From funds reserved under section 2260(b)(3), the Secretary shall award grants,” and inserting “For any fiscal year for which at least one State applies and qualifies and for which the amount appropriated under section 1002(b) exceeds the amount appropriated under such section for the preceding fiscal year, the Secretary shall reserve, from the amount of such excess remaining after the application of subsection (b)(2), the amount of such remainder or \$1,000,000, whichever is less, to award grants,”; and

(2) by adding at the end “No State may receive more than one grant under this subsection.”.

(d) ALLOCATIONS.—Section 1202(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(d)(2)) is amended by striking “that section” and inserting “that part”.

(e) DEFINITIONS.—Section 1202(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(e)) is amended—

(1) in paragraph (1)(B), by striking “or” after “higher education,” and inserting “a religious organization, or”; and

(2) in paragraph (2), by striking “nonprofit organization” and inserting “non-profit organization, including a religious organization.”

(f) SUBGRANTS FOR LOCAL PROGRAMS.—Section 1203(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6363(b)(2)) is amended to read as follows:

“(2) MINIMUM SUBGRANT AMOUNTS.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no State shall award a subgrant under paragraph (1) in an amount less than \$75,000.

“(B) SUBGRANTEES IN NINTH AND SUCCEEDING YEARS.—No State shall award a subgrant under paragraph (1) in an amount less than \$52,500 to an eligible entity for a fiscal year to carry out an Even Start program that is receiving assistance under this part or its predecessor authority for the ninth (or any subsequent) fiscal year.

“(C) EXCEPTION FOR SINGLE SUBGRANT.—A State may award one subgrant in each fiscal year of sufficient size, scope, and quality to be effective in an amount less than \$75,000 if, after awarding subgrants under paragraph (1) for such fiscal year in accordance with subparagraphs (A) and (B), less than \$75,000 is available to the State to award such subgrants.”.

(g) USES OF FUNDS.—Section 1204 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6364) is amended—

(1) in subsection (a), by striking “family-centered education programs” and inserting “family literacy services”; and

(2) by adding at the end the following:

“(c) USE OF FUNDS FOR FAMILY LITERACY SERVICES.—

“(1) IN GENERAL.—States may use a portion of funds received under this part to assist eligible entities receiving a subgrant under section 1203(b) in improving the quality of family literacy services provided under Even Start programs under this part, except that in no case may a State’s use of funds for this purpose for a fiscal year result in a decrease from the level of activities and services provided to program participants in the preceding year.

“(2) PRIORITY.—In carrying out paragraph (1), a State shall give priority to programs that were of low quality, as evaluated based on the indicators of program quality developed by the State under section 1210.

“(3) TECHNICAL ASSISTANCE TO HELP LOCAL PROGRAMS RAISE ADDITIONAL FUNDS.—In carrying out paragraph (1), a State may use the funds referred to in such paragraph to provide technical assistance to help local programs of demonstrated effectiveness to access and leverage additional funds for the purpose of expanding services and reducing waiting lists.

“(4) TECHNICAL ASSISTANCE AND TRAINING.—Assistance under paragraph (1) shall be in the form of technical assistance and training, provided by a State through a grant, contract, or cooperative agreement with an entity that has experience in offering high quality training and technical assistance to family literacy providers.”.

(h) PROGRAM ELEMENTS.—Section 1205 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6365) is amended—

(1) by redesignating paragraphs (9) and (10) as paragraphs (12) and (13), respectively;

(2) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively;

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

“(5) with respect to the qualifications of staff the cost of whose salaries are paid, in whole or in part, with Federal funds provided under this part, ensure that—

“(A) not later than 4 years after the date of the enactment of the Literacy Involves Families Together Act—

“(i) a majority of academic instruction is provided by individuals who—

“(I) have obtained an associate’s, bachelor’s, or graduate degree in a field related to early childhood education, elementary school education, or adult education; or

- “(II) meet qualifications established by the State for early childhood education, elementary school education, or adult education provided as part of an Even Start program or another family literacy program;
- “(ii) the individual responsible for administration of family literacy services under this part has received training in the operation of a family literacy program; and
- “(iii) paraprofessionals who provide support for academic instruction have a high school diploma or its recognized equivalent; and
- “(B) beginning on the date of the enactment of the Literacy Involves Families Together Act, all new personnel hired to provide academic instruction—
- “(i) have obtained an associate’s, bachelor’s, or graduate degree in a field related to early childhood education, elementary school education, or adult education; or
- “(ii) meet qualifications established by the State for early childhood education, elementary school education, or adult education provided as part of an Even Start program or another family literacy program;”;
- (4) by inserting after paragraph (9) (as so redesignated by paragraph (2)) the following:
- “(10) use instructional programs based on scientifically based reading research (as defined in section 2252) for children and, to the extent such research is available, for adults;
- “(11) encourage participating families to attend regularly and to remain in the program a sufficient time to meet their program goals;”;
- (5) in paragraph (13) (as so redesignated), by striking “program.” and inserting “program to be used for program improvement.”.
- (i) ELIGIBLE PARTICIPANTS.—Section 1206 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6366) is amended—
- (1) in subsection (a)(1)(B) by striking “part;” and inserting “part, or who are attending secondary school;”;
- (2) in subsection (b), by adding at the end the following:
- “(3) CHILDREN 8 YEARS OF AGE OR OLDER.—If an Even Start program assisted under this part collaborates with a program under part A, and funds received under such part A program contribute to paying the cost of providing programs under this part to children 8 years of age or older, the Even Start program, notwithstanding subsection (a)(2), may permit the participation of children 8 years of age or older.”.
- (j) PLAN.—Section 1207(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6367(c)) is amended—
- (1) in paragraph (1)—
- (A) in the matter preceding subparagraph (A), by inserting “and continuous improvement” after “plan of operation”;
- (B) in subparagraph (A), by striking “goals;” and inserting “objectives, strategies to meet such objectives, and how they are consistent with the program indicators established by the State;”;
- (C) in subparagraph (E), by striking “and” at the end;
- (D) in subparagraph (F)—
- (i) by striking “Act, the Goals 2000: Educate America Act,” and inserting “Act”; and
- (ii) by striking the period at the end and inserting “; and”; and
- (E) by adding at the end the following:
- “(G) a description of how the plan provides for rigorous and objective evaluation of progress toward the program objectives described in subparagraph (A) and for continuing use of evaluation data for program improvement.”; and
- (2) in paragraph (2), in the matter preceding subparagraph (A), by striking “(1)(A)” and inserting “(1)”.
- (k) AWARD OF SUBGRANTS.—Section 1208 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6368) is amended—
- (1) in subsection (a)—
- (A) in paragraph (1)(F), by striking “Federal” and inserting “non-Federal”; and
- (B) in paragraph (1)(H), by inserting “family literacy projects and other” before “local educational agencies”; and
- (C) in paragraph (3), in the matter preceding subparagraph (A), by striking “one or more of the following individuals:” and inserting “one individual

with expertise in family literacy programs, and may include other individuals, such as one or more of the following;” and

(2) in subsection (b)—

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

“(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part after the first year, the State educational agency shall review the progress of each eligible entity in meeting the objectives of the program referred to in section 1207(c)(1)(A) and shall evaluate the program based on the indicators of program quality developed by the State under section 1210.”; and

(B) by amending paragraph (5)(B) to read as follows:

“(B) The Federal share of any subgrant renewed under subparagraph (A) shall be limited in accordance with section 1204(b).”

(I) RESEARCH.—Section 1211 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6369b) is amended—

(1) in subsection (b), by striking “subsection (a)” and inserting “subsections (a) and (b);”

(2) by redesignating subsection (b) as subsection (c); and

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

“(b) SCIENTIFICALLY BASED RESEARCH ON FAMILY LITERACY.—

“(1) IN GENERAL.—From amounts reserved under section 1202(b)(2), the National Institute for Literacy shall carry out research that—

“(A) is scientifically based reading research (as defined in section 2252); and

“(B) determines—

“(i) the most effective ways of improving the literacy skills of adults with reading difficulties; and

“(ii) how family literacy services can best provide parents with the knowledge and skills they need to support their children’s literacy development.

“(2) USE OF EXPERT ENTITY.—The National Institute for Literacy shall carry out the research under paragraph (1) through an entity, including a Federal agency, that has expertise in carrying out longitudinal studies of the development of literacy skills in children and has developed effective interventions to help children with reading difficulties.”.

(m) TREATMENT OF RELIGIOUS ORGANIZATIONS.—Part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.) is amended by adding at the end the following:

“SEC. 1213. RELIGIOUS ORGANIZATIONS.

“(a) RELIGIOUS ORGANIZATIONS INCLUDED AS PARTNERSHIP PARTICIPANTS.—In carrying out this part, the Secretary, and any grantee or subgrantee receiving assistance under this part, shall treat religious organizations the same as other non-governmental organizations, so long as this part is implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution. The Secretary, and any grantee or subgrantee receiving assistance under this part, shall not discriminate against an organization that participates in a partnership that is an eligible entity that is receiving assistance under this part or is applying to receive such assistance, on the basis that the organization has a religious character.

“(b) RELIGIOUS CHARACTER AND INDEPENDENCE.—

“(1) IN GENERAL.—A religious organization that participates in a partnership that is an eligible entity that is receiving assistance under this part or is applying to receive such assistance shall retain its religious character and control over the definition, development, practice, and expression of its religious beliefs.

“(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State or local government shall require a religious organization—

“(A) to alter its form of internal governance; or

“(B) to remove religious art, icons, scripture, or other symbols;

in order to be eligible to participate in a partnership that is an eligible entity that is receiving assistance under this part or is applying to receive such assistance.

“(3) EMPLOYMENT PRACTICES.—A religious organization’s exemption provided under section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1) regarding employment practices shall not be affected by its participation in, or receipt of funds from, a program under this part.

“(c) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided to a religious organization under this part or section 1002(b) shall be expended for sectarian worship or instruction or proselytization.

“(d) PROHIBITION ON SERVING AS FISCAL AGENT.—A religious organization may not serve as a fiscal agent for a partnership that is an eligible entity receiving a subgrant under this part.

“(e) NONDISCRIMINATION AGAINST BENEFICIARIES.—Except as otherwise provided in law, a religious organization shall not discriminate against an individual in regard to rendering services under this part on the basis of religion, a religious belief, or refusal actively to participate in a religious practice.

“(f) FEDERAL FINANCIAL ASSISTANCE.—For purposes of any Federal, State, or local law, receipt of financial assistance under this part or section 1002(b) shall constitute receipt of Federal financial assistance or aid.

“(g) TREATMENT OF PROGRAM PARTICIPANTS.—An eligible entity may not subject a participant, during an Even Start program assisted under this part, to sectarian worship or instruction or proselytization.

“SEC. 1214. PROHIBITION ON VOUCHERS OR CERTIFICATES.

“Notwithstanding any other provision of this Act, no services under this part may be provided through voucher or certificate.”.

SEC. 104. EDUCATION OF MIGRATORY CHILDREN.

Section 1304(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6394(b)) is amended—

- (1) in paragraph (5), by striking “and” at the end;
- (2) in paragraph (6), by striking the period at the end and inserting “; and”;

and

- (3) by adding at the end the following:

“(7) a description of how the State will encourage programs and projects assisted under this part to offer family literacy services if the program or project serves a substantial number of migratory children who have parents who do not have a high school diploma or its recognized equivalent or who have low levels of literacy.”.

SEC. 105. DEFINITIONS.

(a) IN GENERAL.—Section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801) is amended—

- (1) by redesignating paragraphs (15) through (29) as paragraphs (16) through (30), respectively; and

- (2) by inserting after paragraph (14) the following:

“(15) FAMILY LITERACY SERVICES.—The term ‘family literacy services’ means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

“(A) Interactive literacy activities between parents and their children.

“(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

“(C) Parent literacy training that leads to economic self-sufficiency.

“(D) An age-appropriate education to prepare children for success in school and life experiences.”.

- (b) CONFORMING AMENDMENTS.—

(1) EVEN START FAMILY LITERACY PROGRAMS.—Section 1202(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6362(e)) is amended—

- (A) by striking paragraph (3); and

- (B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(2) READING AND LITERACY GRANTS.—Section 2252 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6661a) is amended—

- (A) by striking paragraph (2); and

- (B) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

SEC. 106. INDIAN EDUCATION.

(a) EARLY CHILDHOOD DEVELOPMENT PROGRAM.—Section 1143 of the Education Amendments of 1978 (25 U.S.C. 2023) is amended—

- (1) in subsection (b)(1), in the matter preceding subparagraph (A)—

- (A) by striking “(f)” and inserting “(g)”; and

- (B) by striking “(e)” and inserting “(f)”; and

- (2) in subsection (d)(1)—

- (A) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and
- (B) by inserting after subparagraph (C) the following:
 - “(D) family literacy services,”;
- (3) in subsection (e), by striking “(f),” and inserting “(g),”;
- (4) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and
- (5) by inserting after subsection (d) the following:
 - “(e) Family literacy programs operated under this section, and other family literacy programs operated by the Bureau of Indian Affairs, shall be coordinated with family literacy programs for American Indian children under part B of title I of the Elementary and Secondary Education Act of 1965 in order to avoid duplication and to encourage the dissemination of information on quality family literacy programs serving American Indians.”.
- (b) DEFINITIONS.—Section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026) is amended—
 - (1) by redesignating paragraphs (7) through (14) as paragraphs (8) through (15), respectively; and
 - (2) by inserting after paragraph (6) the following:
 - “(7) the term ‘family literacy services’ has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801);”.

TITLE II—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

SEC. 201. INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.

(a) AUTHORIZATION.—Section 10501(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8131(a)) is amended by striking “books to students, that motivate children to read.” and inserting “books to young and school-aged children that motivate them to read.”.

(b) REQUIREMENTS OF CONTRACT.—Section 10501(b)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8131(b)(4)) is amended by inserting “training and” before “technical assistance”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10501(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8131(e)) is amended by striking “\$10,300,000 for fiscal year 1995” and inserting “\$20,000,000 for fiscal year 2000”.

(d) STATEMENT OF PURPOSE.—Section 10501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8131) is amended—

- (1) by redesignating subsections (d) and (e) as subsections (g) and (h), respectively;
- (2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively; and
- (3) by inserting after the section heading the following:

“(a) PURPOSE.—The purpose of this program is to establish and implement a model partnership between a governmental entity and a private entity, to help prepare young children for reading, and motivate older children to read, through the distribution of inexpensive books. Local reading motivation programs assisted under this section shall use such assistance to provide books, training for volunteers, motivational activities, and other essential literacy resources, and shall assign the highest priority to serving the youngest and neediest children in the United States.”.

(e) NEW PROVISIONS.—Section 10501 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8131) is amended by inserting before subsection (g) (as so redesignated by subsection (d)) the following:

“(e) SPECIAL RULES FOR CERTAIN SUBCONTRACTORS.—

“(1) FUNDS FROM OTHER FEDERAL SOURCES.—Subcontractors operating programs under this section in low-income communities with a substantial number or percentage of children with special needs, as described in subsection (c)(3), may use funds from other Federal sources to pay the non-Federal share of the cost of the program, if those funds do not comprise more than 50 percent of the non-Federal share of the funds used for the cost of acquiring and distributing books.

“(2) WAIVER AUTHORITY.—Notwithstanding subsection (c), the contractor may waive, in whole or in part, the requirement in subsection (c)(1) for a subcontractor, if the subcontractor demonstrates that it would otherwise not be able to participate in the program, and enters into an agreement with the contractor

with respect to the amount of the non-Federal share to which the waiver will apply. In a case in which such a waiver is granted, the requirement in subsection (c)(2) shall not apply.

“(f) MULTI-YEAR CONTRACTS.—The contractor may enter into a multi-year subcontract under this section, if—

“(1) the contractor believes that such subcontract will provide the subcontractor with additional leverage in seeking local commitments; and

“(2) the subcontract does not undermine the finances of the national program.”.

SEC. 202. EFFECTIVE DATE.

The amendments made by section 201 shall take effect on October 1, 2000.

Amend the title so as to read:

A bill to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects and to reauthorize the inexpensive book distribution program.

COMMITTEE ACTION

The Committee on Education and the Workforce held one hearing in Washington, DC, on family literacy on May 12, 1999. The Committee received testimony from Ms. Sharon Darling, President, National Center for Family Literacy, Louisville, Kentucky; Dr. Andrew Hartman, Director, National Institute for Literacy, Washington, DC; Ms. Cheryl Keenan, Director, Bureau of Adult Basic and Literacy Education, Pennsylvania Department of Education, Harrisburg, Pennsylvania; Ms. Dayle Bailey, Education/Parenting Educator, Richmond County Family Literacy Project, Rockingham, North Carolina; Ms. Mary Brown, Program Supervisor, Even Start Family Education Program, Oklahoma City Public Schools, Oklahoma City, Oklahoma; and Sister Barbara Ann English, Notre Dame Mission AmeriCorp, Volunteer Program, Baltimore, Maryland.

Introduction of Literacy Involves Families Together Act

On November 4, 1999, Mr. William F. Goodling (R-PA) and 24 other bipartisan Members introduced H.R. 3222, the Literacy Involves Families Together Act.

Legislative action

On February 16, 2000, the Committee on Education and the Workforce assembled to consider H.R. 3222, the Literacy Involves Families Together Act. The Committee, on open markup session, ordered the bill, as amended, favorably reported to the House of Representatives. The Committee adopted five amendments, each amendment adopted by voice vote: an amendment in the Nature of a Substitute, offered by Chairman Goodling, an amendment offered by Mr. Souder and amended by an amendment offered by Mr. Kildee regarding “charitable choice”, and two amendments offered by Mr. Scott clarifying the charitable choice provisions.

PURPOSE

The purpose of the Literacy Involves Families Together Act (LIFT) is to reauthorize and amend the Even Start Family Literacy Program. The legislation provides quality improvements to Even Start and other federal education programs that allow the use of funds to provide family literacy services. In addition, the bill would

extend and modify the Inexpensive Book Distribution Program (Reading is Fundamental—RIF).

SUMMARY

The Literacy Involves Families Together Act extends and enhances the Even Start Family Literacy Program and other federal education programs providing family literacy services. The bill takes strides to improve the quality of Even Start Family Literacy programs. H.R. 3222 would require Even Start projects to use instructional programs based on scientifically based research on reading, establish qualifications for program instructors, tie local program objectives to state indicators of program quality, strengthen evaluation of local programs and its use in program improvement, and authorize research to find the most effective way of improving literacy among adults with reading difficulties. Title II of H.R. 3222 provides for minor changes to the Inexpensive Book Distribution Program, commonly referred to as RIF (Reading is Fundamental), which are intended to enhance the ability of programs to operate within low-income areas.

COMMITTEE VIEWS

TITLE I—LITERACY INVOLVES FAMILIES TOGETHER ACT BACKGROUND AND NEED FOR LEGISLATION

The Even Start Family Literacy Program, Part B of Title I of the Elementary and Secondary Education Act, was originally enacted into law in 1988. It provides educational and related services jointly to parents lacking a high school diploma (or equivalent) and their young children. Even Start services include basic academic and parenting skills instruction for adults and early childhood education for their children. It also includes necessary supplementary services such as child care or transportation. Rather than providing direct services, the concept behind Even Start is to coordinate existing community resources to provide family literacy services. For example, Even Start programs could coordinate existing adult education programs with Head Start or other existing preschool programs in order to create a comprehensive family literacy program. The need for such legislation was based upon evidence that parental involvement is a key determinant in the academic achievement of children. Research has pointed out the significance of early learning that occurs in the home upon the later development of literacy skills. Additional evidence exists as to the high number of parents nationally who themselves cannot read. A major focus of the Even Start Family Literacy program is to provide skills to parents to empower them to be their child's first and most important teacher.

The Even Start Family Literacy Program was modified in 1994 as part of the Improving America's Schools Act to: (1) authorize services for parents within the compulsory school-age range for their state; (2) require programs to provide services to children over at least a 3-year age range; (3) authorize a demonstration grant to operate an Even Start program in a women's prison; (4) authorize the use of up to \$1 million per year to support statewide

family literacy initiatives; and, (5) authorize states to make start-up grants covering a 3–6 month period for new programs.

The program was further modified as part of the Reading Excellence Act in 1998. Changes contained in this legislation include: (1) competitive, matching grants to states for statewide family literacy initiatives; and, (2) requiring all states receiving Even Start grants to develop “indicators of program quality,” to be used to monitor and improve Even Start programs in the state and to determine whether to continue funding local programs.

Since its original enactment in 1988, the program has grown tremendously. Funding for Even Start increased from \$14,820,000 in fiscal year 1989 to \$150 million in fiscal year 2000. Consistent with this increase, the number of program participants has grown as well. In 1989–90, the program served approximately 2,500 families. By 1995–96, the program was serving approximately 31,500 families.

According to the most recent information available, Even Start programs tend to serve adults with very low levels of education. For example, 44 percent of parents have a 9th grade or less level of education upon entering the program. Further, the income of participating families is typically quite low. Eighty-three percent of families have an income below \$15,000 and 42 percent have an income below \$6,000. Only 23 percent of participating parents are employed.

Three kinds of results were measured for the most recent Even Start evaluation: cognitive development of children, adult education, and parenting skills. In each area, scores for participants at the end of 1995–96 were compared to those at the beginning of that year, with Even Start participants showing significant improvement in each area. The cognitive skills of children improved dramatically, based on school readiness tests. Gains were also reported on the basic education skills of adult participants. In addition, the HOME Screening Questionnaire was employed to measure the effects of Even Start participation. In this instance, gains were reported on measures of parental support of the child’s learning at home.

Another recent study, which considered only participants in high-quality, intensive Even Start programs, found very positive results in educational achievement and a series of non-academic factors (such as classroom behavior among children or reliance on public assistance for adults) for participants. This study (reported in 1996) was conducted by Dr. Andrew Hayes, University of North Carolina (Wilmington) for the National Center for Family Literacy.

Discussing this study in her testimony before the Committee on Education and the Workforce on May 12, 1999, Sharon Darling, President, National Center for Family Literacy, Louisville, Kentucky, stated:

In 1997 there was a study of 534 children * * * looking at them when they enrolled as 3- and 4-year old children, and now they are in the K–5 system * * * What we found was that they were ranked very, very high above average on almost all skills contributing to school success, and 90 percent of those children showed satisfactory grades as they moved through the K–5 system. Their parents, also,

54 percent of them got a GED; 45 percent of them who were on public assistance were removed from public assistance * * * We also found that things changed in the homes. Parents started talking to their children about school, visiting their children's school, and were highly involved in their children's education.

The Committee believes that all Even Start programs can achieve these successes if they are of high quality. The Literacy Involves Families Together Act takes several important steps to ensure that current and future family literacy programs provide participants with the high quality services necessary to break cycles of illiteracy and improve the quality of their lives. For example, H.R. 3222 would require Even Start projects to use instructional programs based on scientifically based research on reading, establish qualifications for program instructors and authorize research to find the most effective way to improve literacy among adults with reading difficulties.

Improving the quality of Even Start programs

One of the major goals of the Literacy Involves Families Together Act (LIFT) is to improve the quality of services provided under the Even Start Family Literacy Program and other federal programs providing family literacy services.

Family literacy programs serve some of our nation's neediest families. The Committee believes the only way to break cycles of illiteracy is to provide children and adults with high quality, intensive services.

LIFT would require Even Start programs to provide instruction to children based on scientifically based reading research as defined in the Reading Excellence Act. It is the view of the Committee that all literacy programs, particularly those serving highly disadvantaged populations should base instruction on scientifically based reading research. The National Institute for Child Health and Human Development has conducted extensive research in this area. The Committee encourages Even Start programs to utilize the model program developed using this research and other models based on scientifically based reading research.

The Committee also requires projects to use such research for instructional programs for adults to the extent such instructional programs are available. While the National Institute for Child Health and Human Development developed high quality scientific research on the best method for teaching children to read, there is no comparable body of research on teaching reading to adults.

H.R. 3222 would authorize and provide funding for research to find the most effective ways to improve literacy among adults with reading difficulties. Statistics on adult illiteracy in this country are staggering. According to the National Adult Literacy Survey, 40 million adults, or 20 percent of the U.S. adult population, scored at the lowest of five levels of literacy. In real terms, this means that 40 million adults struggle to maintain good jobs, have a difficult time supporting their children's education, and have poor participation rates in community activities. In order to have high quality family literacy programs, we need to ensure the instruction provided to both adult and child participants are based on sound

scientific research on reading. By authorizing research on how adults learn to read, we are taking a positive step in this direction. Other programs providing family literacy services or adult education services are expected to benefit from this provision as well.

Funding for this research would be provided to the National Institute for Literacy. The Committee expects the Institute to carry out the project through an entity, including a federal agency, that has expertise in carrying out longitudinal studies on the development of literacy skills in children. Such entity should also have developed effective interventions to help children with reading difficulties based on such studies.

While there is not a great deal of research available on how adults learn to read, there are several institutions that have a solid track record in carrying out research and development on related adult education issues. For example, the Institute for the Study of Adult Literacy (ISAL) at Pennsylvania State University has been doing high quality work for over fifteen years. ISAL has worked with many Even Start grantees in Pennsylvania to design and carry out their program evaluations. The Institute is providing statewide evaluations of family literacy programs in Pennsylvania. In so doing, they have a recognized expertise in developing program quality in family literacy. Plans are underway to enhance professional development through Pennsylvania State University's web based world campus that recently launched a Master's Degree program in adult education. In addition, they have a national reputation in the area of workforce literacy, having worked with states, employers, and organized labor to design and implement effective services. As family literacy increasingly focuses on helping parents succeed in the workplace, ISAL's expertise can be used to improve program impact. Under the direction of Dr. Eunice Askov, the University and ISAL specifically, has become one of the leading postsecondary institutions supporting research and development in adult and family literacy.

In addition, the LIFT Act would help raise the quality of family literacy programs by allowing states to use a portion of their Even Start dollars to provide training and technical assistance to Even Start providers. A priority would be placed on the provision of technical assistance to low performing programs. States would also be permitted to provide technical assistance to programs to help them leverage additional funds to expand services and reduce waiting lists. States would provide such training through a grant, contract, or other agreement with an organization experienced in providing quality training and technical assistance to family literacy instructors. States could not, however, reduce the level of services to program participants in order to provide such training and technical assistance. While the Committee believes it is important that Even Start providers have the best possible training, it does not believe this should be done by reducing the number of individuals participating in Even Start programs.

Additionally, the LIFT Act will require local programs to establish program objectives that are consistent with indicators of program quality established by the state. The bill will also ensure that program evaluations are independent and rigorous and used to improve program performance. Both of these measures will enable

Even Start to produce measurable outcome data so program performance can be objectively tracked and evaluated.

It is the view of the Committee that these key changes will help ensure that Even Start programs will offer the highest quality services to program participants.

Serving children over the age of eight

Currently the Even Start Family Literacy Program serves children until they turn eight years of age. H.R. 3222 would allow projects to serve older children as long as schools use Title I funds to pay a portion of the cost of those services. While the Committee believes that family literacy programs benefit children at all ages, funding levels currently do not even cover all eligible children under the age of eight. The Committee believes this current expansion will enable programs to serve older children, but not at the expense of younger participants. In addition, the Committee encourages programs to seek funds under other programs such as Title I and the Adult Education and Family Literacy Act to serve older children and their families.

Additional assistance for migrant and Native American families

Migrant and Native Americans are some of our nation's most vulnerable citizens. Many of them do not have a high school diploma or its equivalent and their children often drop out of school at an early age. The bill would increase the number of Even Start programs that specifically serve these populations. Current law sets aside five percent of appropriated funds for migrants, Native Americans and outlying areas. The LIFT bill would increase the set aside amount to six percent once appropriations for Even Start reach \$200 million a year, thus allowing for the expansion of the number of programs serving these populations. In the meantime, the Committee would encourage Even Start programs operating in local communities to reach out and serve migrant and Native American families.

Coordination of family literacy programs serving Native Americans

The Bureau of Indian Affairs (BIA), Department of Interior has been operating a very successful program to provide family literacy services for Native American families (FACE). This program is not currently authorized. Language included in this legislation makes it clear that family literacy is a use of funds in BIA operated programs. The Committee encourages the BIA to use this provision to expand the number of family literacy programs in order to ensure positive outcomes for children and their parents. In addition, there is a set aside in the Even Start program for serving migrant and Native American families. It is the view of the Committee that these two programs should be working together to avoid program duplication and to share information on successful strategies for serving Native American families in family literacy programs. H.R. 3222 directs Even Start and BIA programs to work together in order to provide the best possible services to participating families.

Qualifications for Even Start instructors

To address the importance of quality instruction in Even Start, H.R. 3222 includes provisions to ensure these programs focus on hiring and retaining qualified staff.

Under H.R. 3222 Even Start grantees will have four years to have at least half of all instructional staff whose salaries are paid, in whole or in part, with federal Even Start funds, meet one of two criteria. Specifically, they must have either obtained an associate's, bachelor's, or graduate degree in a field related to early childhood education, elementary school education, or adult education; or they must meet qualifications established by the state. Beginning on the date of enactment, all new instructional staff funded under this part must meet one of these criteria.

Similarly, Even Start grantees must ensure that within four years all paraprofessionals, whose salaries are paid with any federal Even Start funds, have at least a high school diploma or its recognized equivalent.

These provisions follow similar efforts by this Committee to strengthen the quality of instructional staff under the Head Start program and for K-12 education in general. This focus on quality instruction has grown over the years as more has been learned about the impact quality teachers have on academic success.

For example, Dr. William Sanders, Director of the Value Added Research and Assessment Center at the University of Tennessee—Knoxville, recently completed an extensive examination of factors that impact student success in schools. His research found that in every case, the effect of the teacher was far and away the most important determinant of student achievement.

Although Even Start serves a much broader population than elementary and secondary students, it would be wrong to ignore these findings and assume they don't apply to family literacy programs as well.

Based upon evidence showing that well-implemented Even Start programs have very positive impacts, H.R. 3222 also includes language to strengthen program administration. Specifically, within four years, the primary individual responsible for the administration of each local Even Start program must have received training in the operation of a family literacy program.

Encouraging migrant and Title I, Part A programs to operate family literacy programs

Because Even Start is not currently able to serve all eligible families in need of services, the Committee has included language in H.R. 3222 to help encourage other federal education programs to use funds for family literacy programs. The bill requires states to encourage Title I, Part A and the Migrant Education programs serving large numbers of children whose parents do not have a high school diploma or its equivalent to use funds to provide family literacy services. Family literacy services are a use of funds in these and other federal education programs.

Coordination grants

Current Even Start law provides grants to states to develop statewide family literacy initiatives. The purpose of these projects

is to coordinate existing federal, state and local programs to increase the number of family literacy programs within a state. While a total of \$20 million has been appropriated for this purpose, not all states wishing to receive such grants have done so. The Committee believes it is important that all states seeking to receive a grant to coordinate family literacy services should have an opportunity to do so. H.R. 3222 would require the Secretary to use \$1 million of appropriated funds for coordination grants in any year states apply and qualify to receive grants under this section of the law. In any year that a state does not apply and qualify to receive a grant, the Secretary would not have to reserve funds for this purpose. The Committee bill only permits states to receive one grant for purposes of developing a statewide family literacy initiative.

Participations by religious organizations

H.R. 3222 amends the definitions of eligible organization and eligible entity to clarify that religious organizations are eligible service providers under the Even Start Program. According to the Department of Education, such organizations are already providing services under this Act. However, the Committee thought it was important to amend current definitions to clarify that such providers may not be barred from providing services in the future, because of their religious nature.

During Committee consideration of H.R. 3222, Rep. Mark Souder (R-IN) offered an amendment instituting “charitable choice”—a concept designed to ensure that all levels of government give consideration to religious organizations, on the same basis as other nongovernmental organizations, in carrying out the Even Start program, and that such consideration be consistent with the Establishment Clause of the Constitution.

It is important to note, however, that under Even Start the grant recipient at the local level is a partnership, not an individual religious organization or other nonprofit organization. By law the partnership must consist of a local educational agency and a nonprofit community-based organization, a public agency other than a local educational agency, an institution of higher education, or a public or private nonprofit organization (such as a religious organization) other than a local educational agency. The language of charitable choice should be read in the context of a religious organization as a partnership member.

In addition to providing that religious organizations be considered on the same basis as other nongovernmental organizations, the amendment states that religious organizations may not be discriminated against on the basis of their religious character. The amendment would: (1) clarify that a religious organization that provides assistance retains its religious character and control over the definition, development, practice and expression of its religious beliefs; (2) clarify that neither the federal, state or local governments may require the religious organization to alter its form of governance or remove religious art, icons, scripture or other symbols in order to be eligible for assistance; (3) clarify that religious organizations are exempt from employment nondiscrimination requirements of Title VII of the Civil Rights Act as is true under the current Title VII civil rights law; (4) clarify that no government

funds may be used for sectarian worship, instruction or proselytization; (5) clarify that a religious organization may not serve as the fiscal agent for the partnership; and (6) protect beneficiaries of the Even Start program from discrimination on the basis of religion, a religious belief, or refusal actively to participate in a religious practice.

The charitable choice language is substantially similar to language that is already a part of current law in the Community Services Block Grant (P.L. 105–285), the welfare reform law (P.L. 104–193), the House-passed version of the Fathers Count Act of 1999 (H.R. 3073), and the House-passed version of the Juvenile Justice legislation (H.R. 1501). Each of these two laws as well as the fatherhood bill passed the House with broad bipartisan support. Additionally, with respect to the Juvenile Justice bill, on June 17, 1999, the House passed a specific charitable choice amendment offered by Rep. Souder by a vote of 346–83. Furthermore, in prior years we enacted child care legislation whereby the federal government funds child care services, in many cases, through private faith-based organizations. Pell grants, too, are funded by the government and may be used by students who attend private church-supported colleges. In short, Congress is clearly on record as supporting more choices across the board that involve religiously-affiliated entities. The language of the Souder amendment extends charitable choice to the family literacy arena.

The executive branch is also an advocate for charitable choice. The Clinton Administration has been a strong advocate for allowing religious organizations to compete with traditional non-religious organizations in providing social and other services to the needy. In fact, on May 24, 1999 during a speech in Atlanta, Georgia, Vice President Gore said,

I have seen the transformative power of faith-based approaches through the national coalition I have led to help people move from welfare to work—the Coalition to Sustain Success * * * I believe government should play a greater role in sustaining this quiet transformation—not by dictating solutions from above, but by supporting the effective new policies that are rising up from below. And I believe the lesson for our nation is clear: in those specific instances where this approach can help us meet crushing social challenges that are otherwise impossible to meet—such as drug addiction and gang violence—we should explore carefully-tailored partnerships with our faith community, so we can use the approaches that are working best.

Similarly, President Clinton has stated “Common sense says that faith and faith-based organizations from all religious backgrounds can play an important role in helping children to reach their fullest potential * * *”

The Committee notes that under the Souder amendment no religious organization is required to participate in Even Start. Rather, under the amendment, the government may not discriminate against religious organizations that seek to participate in the local partnership and may not require those religious organizations to

“secularize” or eliminate their religious character in order to participate.

A second-degree amendment to the Souder amendment was offered by Rep. Dale Kildee (D-MI) and was accepted by a voice vote. The amendment stated that no services under Even Start may be provided by a voucher or certificate. This amendment clarifies that both in current law and under the bill, there is no authority for Even Start services to be offered through a voucher or certificate program.

Another amendment that was adopted during mark-up prohibited an eligible entity from subjecting a participant in an Even Start program and during the conduct of such program to sectarian worship or instruction or proselytization. This amendment was offered by Rep. Bobby Scott (D-VA). The Souder amendment already prohibited Even Start funds from being used for worship, instruction or proselytization. The Scott amendment goes one step further to include a prohibition in the program regardless of the funding source. While the language provides a safeguard, First Amendment jurisprudence in any event would likely prohibit such activities as a part of an Even Start program.

A second amendment of Rep. Scott was accepted which states that receipt of financial assistance under Even Start constitutes receipt of federal financial assistance. The Committee views the amendment as nothing more than restating current law and what is patently obvious. Regardless of whether the entity is a school district or a nonprofit organization, if you receive federal money under Even Start, it is considered federal financial assistance. In no way, however, does the Committee view the Scott language as otherwise extending any new rights or extending civil rights protections beyond current law.

Finally, some argue that continuing to include charitable choice in federal programs will lead to endless litigation. However, charitable choice has been in the welfare law for a little over three years and has not produced endless litigation over the separation of church and state. In fact, the Committee is informed that no federal district court or appellate court has published any court decision litigating this matter.

Focusing on areas in greatest need

The Even Start law focuses funding on local projects that serve areas with a high percentage or large number of children and families in need of services. Indicators of need include high levels of poverty, illiteracy, unemployment, or Limited-English proficiency. Having a high percentage of children who live in a school attendance area eligible to receive services under Title I would be another indicator of need.

The Committee believes there are other indicators of need that states can use when reviewing applications for funding. For example, there are areas where a large number of parents are receiving government assistance. In many instances, their primary barrier to employment or higher paying jobs is a poor education. In addition, the Committee believes that states should take into account whether or not applicants are serving a large number of parents who are being physically abused by a spouse or other person with whom

they live. Many times individuals stay with an abusive spouse because they have low levels of literacy and little or non-existent job skills. Providing assistance to such parents could help them to remove themselves and their children from abusive circumstances.

The Committee does not intend to place a priority on funding projects that serve these populations, rather to clarify that they should be considered as indicators of need.

Defining family literacy services

Since the term “family literacy services” can be found in a variety of elementary and secondary education programs, the Committee has amended the definitions section of the Elementary and Secondary Education Act to include a definition of family literacy services. This is the same definition found in Head Start and the Adult Education and Family Literacy Program. The Committee expects that the inclusion of this definition will help insure consistency in the provision of family literacy services across programs.

TITLE II—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

BACKGROUND AND NEED FOR LEGISLATION

The Inexpensive Book Distribution Program is operated under a single, noncompetitive award to Reading is Fundamental, Inc. (RIF). It supports, through subcontracts, local private nonprofit groups or organizations, or public agencies that distribute inexpensive books to children with the objective of motivating children to read. Federal funds pay for up to 75 percent of the cost of books, except that the federal share for programs serving children of migrant and seasonal farmworkers is 100 percent. Contractors are to give priority to programs that serve a substantial number or percent of children with special needs, such as children with disabilities, low-income children, and children at risk of school failure.

Since this program provides books that are used to encourage children to read, the Committee felt it was most appropriate to include changes to this program as part of the Literacy Involves Families Together Act. While the Inexpensive Book Distribution Program remains a separate program, modest changes to this program are made in Title II of this Act.

Inexpensive Book Distribution Program (Reading is Fundamental—RIF)

The Committee has made several minor changes to the Inexpensive Book Distribution Program to improve its ability to operate in low-income and rural communities where it is often difficult to obtain local support.

The first change to the program would allow subcontractors operating programs in low-income communities to use other federal dollars in order to meet the non-federal share of the cost of the program. However, federal dollars could not be used for more than 50 percent of the non-federal share used to meet the cost of acquiring and distributing books. The Committee believes it is important that local communities demonstrate their support of the Inexpensive Book Distribution Program by paying a portion of the cost of the program. The Committee acknowledges there may be instances

where local communities support the Inexpensive Book Distribution Program, but have limited resources. In such instances this legislation would permit Reading is Fundamental (the federal grantee) to waive, in whole or in part, the cost sharing requirement for a local program if the subcontractor demonstrates that it would not otherwise be able to participate in the program.

In addition, the Committee understands that there are instances where local private nonprofit groups or organizations operating local programs have difficulty in obtaining local financial support for the Inexpensive Book Distribution Program. This generally happens because there is only a small amount of funding available for a limited period of time. The Committee bill allows Reading is Fundamental to enter into multi-year subcontracts with small local subgrantees in order to provide them with additional leverage in seeking local commitments. This legislation would not permit such agreements in instances where it would undermine the finances of the national program. It is the hope of the Committee that this provision will help ensure the operation of the Inexpensive Book Distribution Program in small, rural communities or other communities that have difficulty obtaining support for the program.

SECTION-BY-SECTION ANALYSIS

Section 1 states the short title as the “Literacy Involves Families Together Act”.

TITLE I—FAMILY LITERACY

Section 101 sets the authorization of appropriations.

Section 102 establishes means of improving basic programs operated by local educational agencies.

Section 103(a) establishes and amends the purpose.

Section 103(b) authorizes and amends the reservation for migrant programs, outlying areas, Indian tribes, and federal activities; and adds a coordination requirement for Even Start programs for American Indians and family literacy programs operated by the Bureau of Indian Affairs.

“Section 1202(b) amends the reservation for federal activities.”

Section 103(c) establishes and amends a reservation for grants.

Section 103(d) amends allocations.

Section 103(e) amends definitions.

Section 103(f) establishes and amends subgrants for local programs.

Section 103(g) establishes and amends the uses of funds.

“Section 1204(c) establishes and describes the use of funds for family literacy services.”

Section 103(h) establishes and amends program elements.

Section 103(i) establishes and amends eligible participants.

Section 103(j) establishes and amends the required plan of operation.

Section 103(k) establishes and the awarding of subgrants.

Section 103(l) establishes and amends research for components of successful family literacy services.

“Section 1211(b) establishes a system of scientifically based research.”

Section 103(m) makes clear that religious organizations are eligible to participate as a part of local partnerships via “charitable choice;”

“Section 1213(a) clarifies that religious organizations are able to serve as partnership participants.”

“Section 1213(b) clarifies that religious organizations may maintain their religious character and independence and may maintain their internal governance and religious icons and other symbols while participating in the partnership. This section also makes clear that a religious organization’s exemption under section 702 of the Civil Rights Act of 1964 regarding employment practices shall not be affected by the organization’s participation in or receipt of funds from Even Start.”

“Section 1213(c) establishes that no funds under this section shall be expended for sectarian worship, instruction, or proselytization.”

“Section 1213(d) establishes a prohibition on a religious organization serving as a fiscal agent for a partnership that is an eligible entity receiving a subgrant under this part.”

“Section 1213(e) prohibits discrimination against Even Start participants on the basis of religion, a religious belief, or refusal actively to participate in a religious practice.”

“Section 1213(f) clarifies that the receipt of financial assistance under this part or section 1002(b) shall constitute receipt of federal financial assistance or aid.”

“Section 1213(g) clarifies that an eligible entity may not subject a participant, during the course of an Even Start program, to sectarian worship or instruction or proselytization.”

“Section 1214 establishes a prohibition on vouchers or certificates.”

Section 104 establishes and amends a program for the education of migratory children.

Section 105(a) establishes and amends definitions.

Section 105(b) establishes and amends conforming amendments.

Section 106 establishes a program of Indian education.

Section 106(a) establishes and amends an early childhood development program.

“Section 1143(e) requires coordination of family literacy programs operated under Section 1143 of the Education Amendments of 1978 and those operated by the Bureau of Indian Affairs.”

Section 106(b) establishes and amends definitions.

TITLE II—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

Section 201(a) establishes and amends the authorization.

Section 201(b) establishes and amends the requirements of the contract.

Section 201(c) establishes and amends the authorization of appropriations.

Section 201(d) establishes and amends the statement of purpose.

“Section 10501 establishes the purpose.”

Section 201(e) establishes new provisions.”

“Section 10501(e) establishes a special rule for certain sub-contractors.”

“Section 10501(f) establishes multi-year contracts.”

Section 202 establishes the effective date as October 1, 2000.

EXPLANATION OF AMENDMENTS

The Amendment in the Nature of a Substitute is explained in the body of this report.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104–1 requires a description of the application of this bill to the legislative branch. This bill, H.R. 3222, the “Literacy Involves Families Together Act,” reauthorizes and amends the Even Start Family Literacy Program. The legislation provides quality improvements to Even Start and other federal education programs that allow the use of funds to provide family literacy services. In addition, the bill would extend and modify the Inexpensive Book Distribution Program (Reading is Fundamental—RIF). The bill does not prevent legislative branch employees from receiving the benefits of this legislation.

UNFUNDED MANDATE STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104–4) requires a statement of whether the provisions of the reported bill include unfunded mandates. H.R. 3222 reauthorizes and amends the Even Start Family Literacy Program. The legislation provides quality improvements to Even Start and other federal education programs that allow the use of funds to provide family literacy services. In addition, the bill would extend and modify the Inexpensive Book Distribution Program (Reading is Fundamental—RIF). As such, the bill does not contain any unfunded mandates.

ROLLCALL VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee Report to include for each record vote on a motion to report the measure or matter and on any amendments offered to the measure or matter the total number of votes for and against and the names of the Members voting for and against.

COMMITTEE ON EDUCATION AND THE WORKFORCE

ROLL CALL 1 BILL H.R. 3222 DATE February 16, 2000
 AMENDMENT NUMBER 4 DEFEATED 15 - 23
 SPONSOR/AMENDMENT Mr. Scott / amendment regarding the treatment of religious organizations

MEMBER	AYE	NO	PRESENT	NOT VOTING
Mr. GOODLING, Chairman		X		
Mr. PETRI, Vice Chairman		X		
Mrs. ROUKEMA		X		
Mr. BALLENGER		X		
Mr. BARRETT		X		
Mr. BOEHNER				X
Mr. HOEKSTRA		X		
Mr. McKEON		X		
Mr. CASTLE		X		
Mr. JOHNSON		X		
Mr. TALENT		X		
Mr. GREENWOOD		X		
Mr. GRAHAM				X
Mr. SOUDER		X		
Mr. McINTOSH		X		
Mr. NORWOOD				X
Mr. PAUL		X		
Mr. SCHAFER		X		
Mr. UPTON		X		
Mr. DEAL				X
Mr. HILLEARY		X		
Mr. EHLERS				X
Mr. SALMON		X		
Mr. TANCREDI		X		
Mr. FLETCHER		X		
Mr. DEMINT		X		
Mr. ISAKSON		X		
Mr. CLAY				X
Mr. MILLER	X			
Mr. KILDEE				X
Mr. MARTINEZ				X
Mr. OWENS	X			
Mr. PAYNE	X			
Mrs. MINK	X			
Mr. ANDREWS	X			
Mr. ROEMER		X		
Mr. SCOTT	X			
Ms. WOOLSEY	X			
Mr. ROMERO-BARCELO	X			
Mr. FATTAH				X
Mr. HINOJOSA				X
Mrs. McCARTHY	X			
Mr. TIERNEY				X
Mr. KIND	X			
Ms. SANCHEZ	X			
Mr. FORD	X			
Mr. KUCINICH	X			
Mr. WU	X			
Mr. HOLT	X			
TOTALS	15	23		11

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF
THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the body of this report.

NEW BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of 3(c)(3) of rule XIII of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 3222 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 28, 2000.

Hon. WILLIAM F. GOODLING,
*Chairman, Committee on Education and the Workforce, House of
Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3222, the Literacy Involves Families Together Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Audra Millen (for federal costs), and Susan Sieg (for the state and local impact).

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 3222—Literacy Involves Families Together Act

Summary: H.R. 3222 would reauthorize and revise two programs under the Elementary and Secondary Education Act (ESEA): the Even Start Literacy Program under part B of title I of ESEA and the Inexpensive Book Distribution Program under part B of title X of that act. Under current law, the authorization for both programs expires in 2000. H.R. 3222 would extend the authorization through 2004. Under the General Education Provisions Act (GEPA), programs funded at the Department of Education receive an automatic one-year authorization extension. Therefore, the bill would effectively reauthorize the programs through 2005. The bill would require programs funded under Even Start to incorporate scientifically based research and would set aside funds to support such research. It also would expand the flexibility of the program to allow participation by older children and religious organizations. The bill would significantly increase authorized funding to support these changes and would increase the program's scope. The Inexpensive

Book Distribution Program would be revised to allow part of the matching requirement to come from other federal sources.

CBO estimates that implementing the bill would require appropriations of \$2.7 billion over the 2001–2005 period, assuming adjustments for inflation. CBO estimates that appropriating the authorized levels would result in additional outlays of \$2.0 billion over the 2001–2005 period. Enacting H.R. 3222 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply.

H.R. 3222 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Any costs to state or local governments resulting from enactment of this bill would be incurred voluntarily.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3222 is shown in Table 1. The costs of this legislation fall within budget function 500 (education, training, employment, and social services). (An alternative funding path, excluding annual inflation adjustments, is shown in Table 2.)

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 3222, WITH ADJUSTMENTS FOR INFLATION

	By fiscal year, in millions of dollars—					
	2000	2001	2002	2003	2004	2005
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Budget Authority ¹	170	0	0	0	0	0
Estimated Outlays	147	156	45	16	0	0
Proposed Changes:						
Title I—Even Start Family Literacy:						
Estimated Authorization Level	0	500	508	517	526	534
Estimated Outlays	0	15	365	456	514	523
Title II—Inexpensive Book Distribution:						
Estimated Authorization Level	0	20	21	21	21	22
Estimated Outlays	0	3	14	20	21	21
Total Proposed Changes:						
Estimated Authorization Level	0	520	529	538	547	556
Estimated Outlays	0	18	380	476	535	544
Total Spending Under H.R. 3222:						
Estimated Authorization Level ¹	170	520	529	538	547	556
Estimated Outlays	147	175	424	492	535	544

¹ The 2000 level is the amount appropriated for that year for the Even Start Literacy and Inexpensive Book Distribution Programs.

Note.—Components may not sum to totals because of rounding.

TABLE 2.—ESTIMATED BUDGETARY EFFECTS OF H.R. 3222, WITHOUT ADJUSTMENTS FOR INFLATION

	By fiscal year, in millions of dollars—					
	2000	2001	2002	2003	2004	2005
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Budget Authority ¹	170	0	0	0	0	0
Estimated Outlays	147	156	45	16	0	0
Proposed Changes:						
Title I—Even Start Family Literacy:						
Estimated Authorization Level	0	500	500	500	500	500
Estimated Outlays	0	15	365	450	500	500
Title II—Inexpensive Book Distribution:						
Estimated Authorization Level	0	20	20	20	20	20
Estimated Outlays	0	3	14	19	20	20

TABLE 2.—ESTIMATED BUDGETARY EFFECTS OF H.R. 3222, WITHOUT ADJUSTMENTS FOR INFLATION—Continued

	By fiscal year, in millions of dollars—					
	2000	2001	2002	2003	2004	2005
Total Proposed Changes:						
Estimated Authorization Level	0	520	520	520	520	520
Estimated Outlays	0	18	379	469	520	520
Total Spending Under H.R. 3222:						
Estimated Authorization Level ¹	170	520	520	520	520	520
Estimated Outlays	147	174	424	485	520	520

¹The 2000 level is the amount appropriated for that year for the Even Start Literacy and Inexpensive Book Distribution Programs.

Note.—Components may not sum to totals because of rounding.

Basis of estimate: The current authorization of the Even Start Family Literacy and the Inexpensive Book Distribution programs expires in 2000 under GEPA. The bill would reauthorize funding starting in 2000 for the Inexpensive Book Program and in 2001 for Even Start; however, programmatic changes would not be implemented until 2001 for either program and both would be authorized through 2004. As both programs qualify for an automatic one-year extension of authorization under GEPA, CBO estimates costs through 2005.

As shown in Table 1, CBO estimates total authorizations of \$520 million for 2001 increasing to \$556 million in 2005, for a total of \$2.7 billion over the 2001–2005 period. Assuming appropriation of the authorized amounts, H.R. 3222 would increase outlays relative to current law by \$18 million in 2001 and by \$2.0 billion over the 2001–2005 period. Without inflationary adjustments, CBO estimates five-year funding to total \$2.6 billion, with corresponding outlays of \$1.9 billion (see Table 2).

Title I—Family literacy

The Even Start Family Literacy Program under part B of title I of ESEA funds programs that provide educational services for families with children who are 8 years old or younger. Grants are made to states based on their relative share of basic payments under part A of title I of ESEA. Part A of title I is the largest federal education program and makes grants to Local Education Agencies (LEAs) based on their relative population of low-income students. States then award subgrants on a competitive basis to partnerships comprising LEAs, community organizations, or other educational agencies. The partnerships must assume an increasing percentage of project costs each year with the maximum matching requirement set at 50 percent after four years. Current law also authorizes statement programs but these are funded through the Reading Excellence Program.

Of the total appropriation, 3 percent is set aside for evaluation and 5 percent is reserved for specific programs serving migrant and Indian children and a program located at a women's prison. States are allowed to retain 5 percent for administration.

H.R. 3222 would significantly increase funding for the Even Start program. It would authorize \$500 million for 2001, compared to the 2000 funding amount of \$150 million. It would require that \$2 million be set aside for a research project through the National Institute for Literacy if funding levels increase from the previous year.

Once this project is funded, it would also set aside maximum of \$1 million for states to implement statewide programs. In addition, the bill would require that programs funded under Even Start incorporate scientifically based research in this design, allow certain programs to include children over the age of 8, allow religious organizations to participate in project partnerships, and require coordination with literacy programs funded under other provisions.

Title II—Inexpensive Book Distribution Program

Funds for the Inexpensive Book Distribution Program authorized under part B of title X of ESEA are awarded through an annual contract to Reading is Fundamental, Inc. (RIF). RIF uses this money to provide books and other reading assistance materials to nonproject organizations that serve primarily low-income children and families. Federal funding may cover 75 percent of the total cost of books with the remainder being assumed by private sources.

H.R. 3222 would authorize \$20 million for 2000 which is equal to the amount already appropriated. It would introduce minor changes to the program, which would not take effect until 2001, such as allowing part of the matching requirement to be covered by other federal sources and altering the definition of books which may be purchased with funds. CBO estimates that these changes will not affect program costs and therefore estimates funding in 2001 as the 2000 amount adjusted for inflation.

Pay-as-you-go consideration: None.

Intergovernmental and private-sector impact: H.R. 3222 contains no intergovernmental or private-sector mandates as defined in UMRA. Any costs to state or local governments resulting from enactment of this bill would be incurred voluntarily.

Estimate prepared by: Federal Costs: Audra Millen; Impact on State, Local, and Tribal Governments: Susan Sieg.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

STATEMENT OF OVERSIGHT FINDINGS OF THE COMMITTEE ON
GOVERNMENT REFORM

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform on the subject of H.R. 3222.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee believes that the amendments made by this bill to the Elementary and Secondary Education Act and related Acts are within Congress's authority under Article I, section 8, clause 1 of the Constitution.

COMMITTEE ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out H.R. 3222. However, clause 3(d)(3)(B) of that rule provides that this re-

quirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

TITLE I—HELPING DISADVANTAGED CHILDREN MEET HIGH STANDARDS

* * * * *

SEC. 1002. AUTHORIZATION OF APPROPRIATIONS.

(a) * * *

(b) EVEN START.—For the purpose of carrying out part B, there are authorized to be appropriated **[\$118,000,000 for fiscal year 1995]** *\$500,000,000 for fiscal year 2001* and such sums as may be necessary for each of the **[four]** *three* succeeding fiscal years.

* * * * *

PART A—IMPROVING BASIC PROGRAMS OPER- ATED BY LOCAL EDUCATIONAL AGENCIES

Subpart 1—Basic Program Requirements

SEC. 1111. STATE PLANS.

(a) * * *

* * * * *

(c) OTHER PROVISIONS TO SUPPORT TEACHING AND LEARNING.—Each State plan shall contain assurances that—

(1) * * *

* * * * *

(5) the Committee of Practitioners established under section 1603(b) will be substantially involved in the development of the plan and will continue to be involved in monitoring the plan's implementation by the State; **[and]**

(6) the State will coordinate activities funded under this part with school-to-work, vocational education, cooperative education and mentoring programs, and apprenticeship programs involving business, labor, and industry, as appropriate**[.]**; and

(7) *the State educational agency will encourage local educational agencies and individual schools participating in a program assisted under this part to offer family literacy services*

(using funds under this part), if the agency or school determines that a substantial number of students served under this part by the agency or school have parents who do not have a high school diploma or its recognized equivalent or who have low levels of literacy.

* * * * *

PART B—EVEN START FAMILY LITERACY PROGRAMS

SEC. 1201. STATEMENT OF PURPOSE.

It is the purpose of this part to help break the cycle of poverty and illiteracy by improving the educational opportunities of the Nation's low-income families by integrating early childhood education, adult literacy or adult basic education, and parenting education into a unified family literacy program, to be referred to as "Even Start". The program shall—

(1) be implemented through cooperative projects that build on *high quality* existing community resources to create a new range of services;

[(2) promote achievement of the National Education Goals; and]

(2) promote the academic achievement of children and adults;

(3) assist children and adults from low-income families to achieve to challenging State content standards and challenging State student performance standards[.]; and

(4) use instructional programs based on scientifically based reading research (as defined in section 2252) and the prevention of reading difficulties for children and, to the extent such research is available, scientifically based reading research (as so defined) for adults.

SEC. 1202. PROGRAM AUTHORIZED.

(a) RESERVATION FOR MIGRANT PROGRAMS, OUTLYING AREAS, AND INDIAN TRIBES.—

(1) IN GENERAL.—For each fiscal year, the Secretary shall reserve 5 percent of the amount appropriated under section 1002(b) *(or, if such appropriated amount exceeds \$200,000,000, 6 percent of such amount)* for programs, under such terms and conditions as the Secretary shall establish, that are consistent with the purpose of this part, and according to their relative needs, for—

(A) children of migratory workers;

(B) the outlying areas; and

(C) Indian tribes and tribal organizations.

(2) SPECIAL RULE.—[If the amount of funds made available under this subsection exceeds \$4,600,000,] *After the date of the enactment of the Literacy Involves Families Together Act,* the Secretary shall award a grant, on a competitive basis, of sufficient size and for a period of sufficient duration to demonstrate the effectiveness of a family literacy program in a prison that houses women and their preschool age children and that has the capability of developing a program of high quality.

(3) *COORDINATION OF PROGRAMS FOR AMERICAN INDIANS.*—*The Secretary shall ensure that programs under paragraph (1)(C) are coordinated with family literacy programs operated by the Bureau of Indian Affairs in order to avoid duplication and to encourage the dissemination of information on high quality family literacy programs serving American Indians.*

[(b) *RESERVATION FOR FEDERAL ACTIVITIES.*—From amounts appropriated under section 1002(b), the Secretary may reserve not more than three percent of such amounts or the amount reserved to carry out the activities described in paragraphs (1) and (2) of subsection (a) for the fiscal year 1994, whichever is greater, for purposes of—

[(1) carrying out the evaluation required by section 1209; and

[(2) providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.]]

(b) *RESERVATION FOR FEDERAL ACTIVITIES.*—

(1) *EVALUATION, TECHNICAL ASSISTANCE, PROGRAM IMPROVEMENT, AND REPLICATION ACTIVITIES.*—*From amounts appropriated under section 1002(b), the Secretary may reserve not more than 3 percent of such amounts for purposes of—*

(A) *carrying out the evaluation required by section 1209; and*

(B) *providing, through grants or contracts with eligible organizations, technical assistance, program improvement, and replication activities.*

(2) *RESEARCH.*—*In the case of fiscal years 2001 through 2004, if the amounts appropriated under section 1002(b) for any of such years exceed such amounts appropriated for the preceding fiscal year, the Secretary shall reserve from such excess amount \$2,000,000 or 50 percent, whichever is less, to carry out section 1211(b).*

(c) *RESERVATION FOR GRANTS.*—

(1) *GRANTS AUTHORIZED.*—[[From funds reserved under section 2260(b)(3), the Secretary shall award grants,] *For any fiscal year for which at least one State applies and qualifies and for which the amount appropriated under section 1002(b) exceeds the amount appropriated under such section for the preceding fiscal year, the Secretary shall reserve, from the amount of such excess remaining after the application of subsection (b)(2), the amount of such remainder or \$1,000,000, whichever is less, to award grants, on a competitive basis, to States to enable such States to plan and implement statewide family literacy initiatives to coordinate and, where appropriate, integrate existing Federal, State, and local literacy resources consistent with the purposes of this part. Such coordination and integration shall include funds available under the Adult Education and Family Literacy Act, the Head Start Act, this part, part A of this title, and part A of title IV of the Social Security Act. No State may receive more than one grant under this subsection.*

* * * * *

(d) *STATE ALLOCATION.*—

(1) * * *

(2) ALLOCATIONS.—Except as provided in paragraph (3), from the total amount available for allocation to States in any fiscal year, each State shall be eligible to receive a grant under paragraph (1) in an amount that bears the same ratio to such total amount as the amount allocated under part A to that State bears to the total amount allocated under [that section] *that part* to all the States.

(e) DEFINITIONS.—For the purpose of this part—

(1) the term “eligible entity” means a partnership composed of both—

(A) a local educational agency; and

(B) a nonprofit community-based organization, a public agency other than a local educational agency, an institution of higher education, [or] *a religious organization*, or a public or private nonprofit organization other than a local educational agency, of demonstrated quality;

(2) the term “eligible organization” means any public or private [nonprofit organization] *nonprofit organization, including a religious organization*, with a record of providing effective services to family literacy providers, such as the National Center for Family Literacy, Parents as Teachers, Inc., the Home Instruction Program for Preschool Youngsters, and the Home and School Institute, Inc.;

[(3) the term “family literacy services” means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

[(A) Interactive literacy activities between parents and their children.

[(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

[(C) Parent literacy training that leads to economic self-sufficiency.

[(D) An age-appropriate education to prepare children for success in school and life experiences.]

[(4)] (3) the terms “Indian tribe” and “tribal organization” have the meanings given such terms in section 4 of the Indian Self-Determination and Education Assistance Act; and

[(5)] (4) the term “State” includes each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 1203. STATE PROGRAMS.

(a) * * *

(b) SUBGRANTS FOR LOCAL PROGRAMS.—

(1) * * *

[(2) MINIMUM.—No State shall award a subgrant under paragraph (1) in an amount less than \$75,000, except that a State may award one subgrant in each fiscal year of sufficient size, scope, and quality to be effective in an amount less than \$75,000 if, after awarding subgrants under paragraph (1) for such fiscal year in amounts of \$75,000 or greater, less than \$75,000 is available to the State to award such subgrants.]

(2) *MINIMUM SUBGRANT AMOUNTS.*—

(A) *IN GENERAL.*—Except as provided in subparagraphs (B) and (C), no State shall award a subgrant under paragraph (1) in an amount less than \$75,000.

(B) *SUBGRANTEES IN NINTH AND SUCCEEDING YEARS.*—No State shall award a subgrant under paragraph (1) in an amount less than \$52,500 to an eligible entity for a fiscal year to carry out an Even Start program that is receiving assistance under this part or its predecessor authority for the ninth (or any subsequent) fiscal year.

(C) *EXCEPTION FOR SINGLE SUBGRANT.*—A State may award one subgrant in each fiscal year of sufficient size, scope, and quality to be effective in an amount less than \$75,000 if, after awarding subgrants under paragraph (1) for such fiscal year in accordance with subparagraphs (A) and (B), less than \$75,000 is available to the State to award such subgrants.

SEC. 1204. USES OF FUNDS.

(a) *IN GENERAL.*—In carrying out an Even Start program under this part, a recipient of funds under this part shall use such funds to pay the Federal share of the cost of providing intensive [family-centered education programs] *family literacy services* that involve parents and children, from birth through age seven, in a cooperative effort to help parents become full partners in the education of their children and to assist children in reaching their full potential as learners.

* * * * *

(c) *USE OF FUNDS FOR FAMILY LITERACY SERVICES.*—

(1) *IN GENERAL.*—States may use a portion of funds received under this part to assist eligible entities receiving a subgrant under section 1203(b) in improving the quality of family literacy services provided under Even Start programs under this part, except that in no case may a State's use of funds for this purpose for a fiscal year result in a decrease from the level of activities and services provided to program participants in the preceding year.

(2) *PRIORITY.*—In carrying out paragraph (1), a State shall give priority to programs that were of low quality, as evaluated based on the indicators of program quality developed by the State under section 1210.

(3) *TECHNICAL ASSISTANCE TO HELP LOCAL PROGRAMS RAISE ADDITIONAL FUNDS.*—In carrying out paragraph (1), a State may use the funds referred to in such paragraph to provide technical assistance to help local programs of demonstrated effectiveness to access and leverage additional funds for the purpose of expanding services and reducing waiting lists.

(4) *TECHNICAL ASSISTANCE AND TRAINING.*—Assistance under paragraph (1) shall be in the form of technical assistance and training, provided by a State through a grant, contract, or cooperative agreement with an entity that has experience in offering high quality training and technical assistance to family literacy providers.

SEC. 1205. PROGRAM ELEMENTS.

Each program assisted under this part shall—

(1) * * *

* * * * *

(5) *with respect to the qualifications of staff the cost of whose salaries are paid, in whole or in part, with Federal funds provided under this part, ensure that—*

(A) *not later than 4 years after the date of the enactment of the Literacy Involves Families Together Act—*

(i) *a majority of academic instruction is provided by individuals who—*

(I) *have obtained an associate's, bachelor's, or graduate degree in a field related to early childhood education, elementary school education, or adult education; or*

(II) *meet qualifications established by the State for early childhood education, elementary school education, or adult education provided as part of an Even Start program or another family literacy program;*

(ii) *the individual responsible for administration of family literacy services under this part has received training in the operation of a family literacy program; and*

(iii) *paraprofessionals who provide support for academic instruction have a high school diploma or its recognized equivalent; and*

(B) *beginning on the date of the enactment of the Literacy Involves Families Together Act, all new personnel hired to provide academic instruction—*

(i) *have obtained an associate's, bachelor's, or graduate degree in a field related to early childhood education, elementary school education, or adult education; or*

(ii) *meet qualifications established by the State for early childhood education, elementary school education, or adult education provided as part of an Even Start program or another family literacy program;*

[(5)] (6) *include special training of staff, including child care staff, to develop the skills necessary to work with parents and young children in the full range of instructional services offered through this part;*

[(6)] (7) *provide and monitor integrated instructional services to participating parents and children through home-based programs;*

[(7)] (8) *operate on a year-round basis, including the provision of some program services, instructional or enrichment, during the summer months;*

[(8)] (9) *be coordinated with—*

(A) *programs assisted under other parts of this title and this Act;*

(B) *any relevant programs under the Adult Education and Family Literacy Act, the Individuals with Disabilities*

Education Act, and the Job Training Partnership Act and title I of the Workforce Investment Act of 1998; and

(C) the Head Start program, volunteer literacy programs, and other relevant programs;

(10) *use instructional programs based on scientifically based reading research (as defined in section 2252) for children and, to the extent such research is available, for adults;*

(11) *encourage participating families to attend regularly and to remain in the program a sufficient time to meet their program goals;*

[(9)] (12) ensure that the programs will serve those families most in need of the activities and services provided by this part; and

[(10)] (13) provide for an independent evaluation of the [program.] *program to be used for program improvement.*

SEC. 1206. ELIGIBLE PARTICIPANTS.

(a) IN GENERAL.—Except as provided in subsection (b), eligible participants in an Even Start program are—

(1) a parent or parents—

(A) * * *

(B) who are within the State's compulsory school attendance age range, so long as a local educational agency provides (or ensures the availability of) the basic education component required under this [part;] *part, or who are attending secondary school;* and

(2) the child or children, from birth through age seven, of any individual described in paragraph (1).

(b) ELIGIBILITY FOR CERTAIN OTHER PARTICIPANTS.—

(1) * * *

* * * * *

(3) *CHILDREN 8 YEARS OF AGE OR OLDER.—If an Even Start program assisted under this part collaborates with a program under part A, and funds received under such part A program contribute to paying the cost of providing programs under this part to children 8 years of age or older, the Even Start program, notwithstanding subsection (a)(2), may permit the participation of children 8 years of age or older.*

SEC. 1207. APPLICATIONS.

(a) * * *

* * * * *

(c) PLAN.—

(1) IN GENERAL.—Such application shall also include a plan of operation *and continuous improvement* for the program which shall include—

(A) a description of the program [goals;] *objectives, strategies to meet such objectives, and how they are consistent with the program indicators established by the State;*

* * * * *

(E) a statement of the methods that will be used—

(i) * * *

* * * * *

(iii) to encourage participants to remain in the program for a time sufficient to meet the program's purpose; [and]

(F) a description of how the plan is integrated with other programs under this [Act, the Goals 2000: Educate America Act,] Act or other Acts, as appropriate, consistent with section 14306[.]; and

(G) a description of how the plan provides for rigorous and objective evaluation of progress toward the program objectives described in subparagraph (A) and for continuing use of evaluation data for program improvement.

(2) DURATION OF THE PLAN.—Each plan submitted under paragraph [(1)(A)] (1) shall—

(A) * * *

* * * * *

SEC. 1208. AWARD OF SUBGRANTS.

(a) SELECTION PROCESS.—

(1) IN GENERAL.—The State educational agency shall establish a review panel in accordance with paragraph (3) that will approve applications that—

(A) * * *

* * * * *

(F) demonstrate the applicant's ability to provide the [Federal] non-Federal share required by section 1204(b);

(G) are representative of urban and rural regions of the State; and

(H) show the greatest promise for providing models that may be adopted by other family literacy projects and other local educational agencies.

(3) REVIEW PANEL.—A review panel shall consist of at least three members, including one early childhood professional, one adult education professional, and [one or more of the following individuals:] one individual with expertise in family literacy programs, and may include other individuals, such as one or more of the following:

(A) * * *

* * * * *

(b) DURATION.—

(1) * * *

* * * * *

[(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part after the first year, the State educational agency shall review the progress of each eligible entity in meeting the goals of the program referred to in section 1207(c)(1)(A) and shall evaluate the program based on the indicators of program quality developed by the State under section 1210.]

(3) CONTINUING ELIGIBILITY.—In awarding subgrant funds to continue a program under this part after the first year, the

State educational agency shall review the progress of each eligible entity in meeting the objectives of the program referred to in section 1207(c)(1)(A) and shall evaluate the program based on the indicators of program quality developed by the State under section 1210.

* * * * *

(5) GRANT RENEWAL.—(A) An eligible entity that has previously received a subgrant under this part may reapply under this part for additional subgrants.

[(B) The Federal share of any subgrant renewed under subparagraph (A) shall not exceed 50 percent in any fiscal year.]

(B) The Federal share of any subgrant renewed under subparagraph (A) shall be limited in accordance with section 1204(b).

* * * * *

SEC. 1211. RESEARCH.

(a) * * *

(b) SCIENTIFICALLY BASED RESEARCH ON FAMILY LITERACY.—

(1) IN GENERAL.—From amounts reserved under section 1202(b)(2), the National Institute for Literacy shall carry out research that—

(A) is scientifically based reading research (as defined in section 2252); and

(B) determines—

(i) the most effective ways of improving the literacy skills of adults with reading difficulties; and

(ii) how family literacy services can best provide parents with the knowledge and skills they need to support their children's literacy development.

(2) USE OF EXPERT ENTITY.—The National Institute for Literacy shall carry out the research under paragraph (1) through an entity, including a Federal agency, that has expertise in carrying out longitudinal studies of the development of literacy skills in children and has developed effective interventions to help children with reading difficulties.

[(b)] (c) DISSEMINATION.—The National Institute for Literacy shall disseminate, pursuant to section 2258, the results of the research described in [subsection (a)] subsections (a) and (b) to States and recipients of subgrants under this part.

* * * * *

SEC. 1213. RELIGIOUS ORGANIZATIONS.

(a) RELIGIOUS ORGANIZATIONS INCLUDED AS PARTNERSHIP PARTICIPANTS.—In carrying out this part, the Secretary, and any grantee or subgrantee receiving assistance under this part, shall treat religious organizations the same as other nongovernmental organizations, so long as this part is implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution. The Secretary, and any grantee or subgrantee receiving assistance under this part, shall not discriminate against an organization that participates in a partnership that is an eligible entity that is receiving assistance under this part or is applying to receive

such assistance, on the basis that the organization has a religious character.

(b) RELIGIOUS CHARACTER AND INDEPENDENCE.—

(1) IN GENERAL.—A religious organization that participates in a partnership that is an eligible entity that is receiving assistance under this part or is applying to receive such assistance shall retain its religious character and control over the definition, development, practice, and expression of its religious beliefs.

(2) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State or local government shall require a religious organization—

(A) to alter its form of internal governance; or

(B) to remove religious art, icons, scripture, or other symbols;

in order to be eligible to participate in a partnership that is an eligible entity that is receiving assistance under this part or is applying to receive such assistance.

(3) EMPLOYMENT PRACTICES.—A religious organization's exemption provided under section 702 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1) regarding employment practices shall not be affected by its participation in, or receipt of funds from, a program under this part.

(c) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided to a religious organization under this part or section 1002(b) shall be expended for sectarian worship or instruction or proselytization.

(d) PROHIBITION ON SERVING AS FISCAL AGENT.—A religious organization may not serve as a fiscal agent for a partnership that is an eligible entity receiving a subgrant under this part.

(e) NONDISCRIMINATION AGAINST BENEFICIARIES.—Except as otherwise provided in law, a religious organization shall not discriminate against an individual in regard to rendering services under this part on the basis of religion, a religious belief, or refusal actively to participate in a religious practice.

(f) FEDERAL FINANCIAL ASSISTANCE.—For purposes of any Federal, State, or local law, receipt of financial assistance under this part or section 1002(b) shall constitute receipt of Federal financial assistance or aid.

(g) TREATMENT OF PROGRAM PARTICIPANTS.—An eligible entity may not subject a participant, during an Even Start program assisted under this part, to sectarian worship or instruction or proselytization.

SEC. 1214. PROHIBITION ON VOUCHERS OR CERTIFICATES.

Notwithstanding any other provision of this Act, no services under this part may be provided through voucher or certificate.

PART C—EDUCATION OF MIGRATORY CHILDREN

* * * * *

SEC. 1304. STATE APPLICATIONS; SERVICES.

(a) APPLICATION REQUIRED.—Any State desiring to receive a grant under this part for any fiscal year shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

(b) PROGRAM INFORMATION.—Each such application shall include—

(1) * * *

* * * * *

(5) a description of how the State will determine the amount of any subgrants the State will award to local operating agencies, taking into account the requirements of paragraph (1); **[and]**

(6) such budgetary and other information as the Secretary may require**[.]**; and

(7) *a description of how the State will encourage programs and projects assisted under this part to offer family literacy services if the program or project serves a substantial number of migratory children who have parents who do not have a high school diploma or its recognized equivalent or who have low levels of literacy.*

* * * * *

TITLE II—DWIGHT D. EISENHOWER PROFESSIONAL DEVELOPMENT PROGRAM

* * * * *

SEC. 2252. DEFINITIONS.

For purposes of this part:

(1) * * *

[(2) FAMILY LITERACY SERVICES.—The term “family literacy services” means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

[(A) Interactive literacy activities between parents and their children.

[(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

[(C) Parent literacy training that leads to economic self-sufficiency.

[(D) An age-appropriate education to prepare children for success in school and life experiences.**]**

[(3)] (2) INSTRUCTIONAL STAFF.—The term “instructional staff”—

(A) means individuals who have responsibility for teaching children to read; and

(B) includes principals, teachers, supervisors of instruction, librarians, library school media specialists, teachers

of academic subjects other than reading, and other individuals who have responsibility for assisting children to learn to read.

[(4)] (3) READING.—The term “reading” means a complex system of deriving meaning from print that requires all of the following:

(A) * * *

* * * * *

[(5)] (4) SCIENTIFICALLY BASED READING RESEARCH.—The term “scientifically based reading research”—

(A) * * *

* * * * *

TITLE X—PROGRAMS OF NATIONAL SIGNIFICANCE

* * * * *

PART E—INEXPENSIVE BOOK DISTRIBUTION PROGRAM

SEC. 10501. INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION.

(a) *PURPOSE.*—The purpose of this program is to establish and implement a model partnership between a governmental entity and a private entity, to help prepare young children for reading, and motivate older children to read, through the distribution of inexpensive books. Local reading motivation programs assisted under this section shall use such assistance to provide books, training for volunteers, motivational activities, and other essential literacy resources, and shall assign the highest priority to serving the youngest and neediest children in the United States.

[(a)] (b) *AUTHORIZATION.*—The Secretary is authorized to enter into a contract with Reading is Fundamental (RIF) (hereafter in this section referred to as “the contractor”) to support and promote programs, which include the distribution of inexpensive [books to students, that motivate children to read.] *books to young and school-aged children that motivate them to read.*

[(b)] (c) *REQUIREMENTS OF CONTRACT.*—Any contract entered into under subsection (a) shall—

(1) * * *

* * * * *

(4) provide that the contractor will provide such *training and* technical assistance to subcontractors as may be necessary to carry out the purpose of this section;

* * * * *

[(c)] (d) *RESTRICTION ON PAYMENTS.*—The Secretary shall make no payment of the Federal share of the cost of acquiring and distributing books under any contract under this section unless the Secretary determines that the contractor or subcontractor, as the case may be, has made arrangements with book publishers or dis-

tributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

(e) *SPECIAL RULES FOR CERTAIN SUBCONTRACTORS.*—

(1) *FUNDS FROM OTHER FEDERAL SOURCES.*—*Subcontractors operating programs under this section in low-income communities with a substantial number or percentage of children with special needs, as described in subsection (c)(3), may use funds from other Federal sources to pay the non-Federal share of the cost of the program, if those funds do not comprise more than 50 percent of the non-Federal share of the funds used for the cost of acquiring and distributing books.*

(2) *WAIVER AUTHORITY.*—*Notwithstanding subsection (c), the contractor may waive, in whole or in part, the requirement in subsection (c)(1) for a subcontractor, if the subcontractor demonstrates that it would otherwise not be able to participate in the program, and enters into an agreement with the contractor with respect to the amount of the non-Federal share to which the waiver will apply. In a case in which such a waiver is granted, the requirement in subsection (c)(2) shall not apply.*

(f) *MULTI-YEAR CONTRACTS.*—*The contractor may enter into a multi-year subcontract under this section, if—*

(1) *the contractor believes that such subcontract will provide the subcontractor with additional leverage in seeking local commitments; and*

(2) *the subcontract does not undermine the finances of the national program.*

[(d)] (g) *DEFINITION OF “FEDERAL SHARE”.*—*For the purpose of this section, the term “Federal share” means, with respect to the cost to a subcontractor of purchasing books to be paid under this section, 75 percent of such costs to the subcontractor, except that the Federal share for programs serving children of migrant or seasonal farmworkers shall be 100 percent of such costs to the subcontractor.*

[(e)] (h) *AUTHORIZATION OF APPROPRIATIONS.*—*For the purpose of carrying out this section, there are authorized to be appropriated [\$10,300,000 for fiscal year 1995] \$20,000,000 for fiscal year 2000 and such sums as may be necessary for each of the four succeeding fiscal years.*

* * * * *

TITLE XIV—GENERAL PROVISIONS

PART A—DEFINITIONS

SEC. 14101. DEFINITIONS.

Except as otherwise provided, for the purposes of this Act, the following terms have the following meanings:

(1) * * *

* * * * *

(15) *FAMILY LITERACY SERVICES.*—The term “family literacy services” means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

(A) *Interactive literacy activities between parents and their children.*

(B) *Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.*

(C) *Parent literacy training that leads to economic self-sufficiency.*

(D) *An age-appropriate education to prepare children for success in school and life experiences.*

[(15)] (16) *FREE PUBLIC EDUCATION.*—The term “free public education” means education that is provided—

(A) at public expense, under public supervision and direction, and without tuition charge; and

(B) as elementary or secondary school education as determined under applicable State law, except that such term does not include any education provided beyond grade 12.

[(16)] (17) *GIFTED AND TALENTED.*—The term “gifted and talented”, when used with respect to students, children or youth, means students, children or youth who give evidence of high performance capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who require services or activities not ordinarily provided by the school in order to fully develop such capabilities.

[(17)] (18) *INSTITUTION OF HIGHER EDUCATION.*—The term “institution of higher education” has the meaning given that term in section 101 of the Higher Education Act of 1965.

[(18)] (19) *LOCAL EDUCATIONAL AGENCY.*—(A) * * *

* * * * *

[(19)] (20) *MENTORING.*—The term “mentoring” means a program in which an adult works with a child or youth on a 1-to-1 basis, establishing a supportive relationship, providing academic assistance, and introducing the child or youth to new experiences that enhance the child or youth’s ability to excel in school and become a responsible citizen.

[(20)] (21) *OTHER STAFF.*—The term “other staff” means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

[(21)] (22) *OUTLYING AREA.*—The term “outlying area” means the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and for the purpose of section 1121 and any other discretionary grant program under this Act, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau.

[(22)] (23) *PARENT.*—The term “parent” includes a legal guardian or other person standing in loco parentis.

[(23)] (24) *PUBLIC TELECOMMUNICATION ENTITY.*—The term “public telecommunication entity” has the same meaning given

to such term in section 397(12) of the Communications Act of 1934.

[(24)] (25) PUPIL SERVICES PERSONNEL; PUPIL SERVICES.—(A) The term “pupil services personnel” means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as such term is defined in section 602(a)(17) of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

(B) The term “pupil services” means the services provided by pupil services personnel.

[(25)] (26) SECONDARY SCHOOL.—The term “secondary school” means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that such term does not include any education beyond grade 12.

[(26)] (27) SECRETARY.—The term “Secretary” means the Secretary of Education.

[(27)] (28) STATE.—The term “State” means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

[(28)] (29) STATE EDUCATIONAL AGENCY.—The term “State educational agency” means the agency primarily responsible for the State supervision of public elementary and secondary schools.

[(29)] (30) TECHNOLOGY.—The term “technology” means the latest state-of-the-art technology products and services, such as closed circuit television systems, educational television or radio programs and services, cable television, satellite, copper fiber optic transmission, computer hardware and software, video and audio laser and CD-ROM disks, video and audio tapes, including interactive forms of such products and services, or other technologies.

* * * * *

EDUCATION AMENDMENTS OF 1978

* * * * *

TITLE XI—INDIAN EDUCATION

* * * * *

PART B—BUREAU OF INDIAN AFFAIRS PROGRAMS

* * * * *

SEC. 1143. EARLY CHILDHOOD DEVELOPMENT PROGRAM.

(a) * * *

(b)(1) The total amount of the grants provided under subsection (a) with respect to each tribe, tribal organization, or consortium of tribes or tribal organizations for each fiscal year shall be equal to

the amount which bears the same relationship to the total amount appropriated under the authority of subsection **[(f)] (g)** for such fiscal year (less amounts provided under subsection **[(e)]] (f)**) as—

(A) * * *

* * * * *

(d) The early childhood development programs that are funded by grants provided under subsection (a)—

(1) shall coordinate existing programs and may provide services that meet identified needs of parents and children under 6 years of age which are not being met by existing programs, including—

(A) * * *

* * * * *

(D) *family literacy services,*

[(D)] (E) educational testing, and

[(E)] (F) other educational services,

* * * * *

(e) *Family literacy programs operated under this section, and other family literacy programs operated by the Bureau of Indian Affairs, shall be coordinated with family literacy programs for American Indian children under part B of title I of the Elementary and Secondary Education Act of 1965 in order to avoid duplication and to encourage the dissemination of information on quality family literacy programs serving American Indians.*

[(e)] (f) The Secretary shall, out of funds appropriated under the authority of subsection **[(f),] (g)**, include in the grants provided under subsection (a) amounts for administrative costs incurred by the tribe or tribal organization in establishing and maintaining the early childhood development program.

[(f)] (g) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated \$10,000,000 for fiscal year 1995 and such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, and 1999.

* * * * *

SEC. 1146. DEFINITIONS.

For the purpose of this part, unless otherwise specified—

(1) * * *

* * * * *

(7) *the term “family literacy services” has the meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801);*

[(7)] (8) the term “financial plan” means a plan of services to be provided by each Bureau school;

[(8)] (9) the term “Indian organization” means any group, association, partnership, corporation, or other legal entity owned or controlled by a federally recognized Indian tribe or tribes, or a majority of whose members are members of federally recognized Indian tribes;

[(9)] (10) the term “local educational agency” means a board of education or other legally constituted local school authority having administrative control and direction of free public edu-

cation in a county, township, independent, or other school district located within a State, and includes any State agency which directly operates and maintains facilities for providing free public education;

[(10)] (11) the term “local school board”, when used with respect to a Bureau school, means a body chosen in accordance with the laws of the tribe to be served or, in the absence of such laws, elected by the parents of the Indian children attending the school, except that in schools serving a substantial number of students from different tribes, the members shall be appointed by the governing bodies of the tribes affected, and the number of such members shall be determined by the Secretary in consultation with the affected tribes;

[(11)] (12) the term “Office” means the Office of Indian Education Programs within the Bureau;

[(12)] (13) the term “Secretary” means the Secretary of the Interior;

[(13)] (14) the term “supervisor” means the individual in the position of ultimate authority at a Bureau school; and

[(14)] (15) the term “tribe” means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1801 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

* * * * *

ADDITIONAL VIEWS

I continue to have grave concerns about the constitutional and policy implications of the “charitable choice” provision added to H.R. 3222, the “Literacy Involves Families together Act”, by an amendment offered by Representative Mark Souder. The amendment offered by Rep. Souder and adopted by the Committee seeks to provide that religious organizations may retain their exemption from the prohibition against religious discrimination in title VII of the 1964 Civil Rights Act, regardless of the receipt of federal funds, and therefore are permitted to discriminate with those funds on the basis of religion.

The idea that religious bigotry may take place with federal funds is not speculative. During several debates on this issue and reaffirmed during the consideration in committee, it has been established that a religious organization using federal funds under charitable choice could fire or refuse to hire a perfectly qualified employee because of that person’s religion. (“* * * [A] Jewish organization can fire a Protestant if they choose,” 145 CONG. REG. H4687 (daily ed. June 22, 1999)). Unfortunately, the Committee failed to adopt my amendment which would have ensured that the exemption under Title VII should not apply to any employment position funded by an Even Start grant.

The current exemption provided under Title VII is a common sense provision which allows religious organizations to discriminate based on religion when, for example, a Catholic church hires a priest. They can, of course, require that require that the job applicant be Catholic. This exemption was intended to apply to the use of private funds for the religious organization and it was never expected to be applied to the use of federal funds. It is an incorrect assertion that the extension of the Title VII exemption is consistent with current law. I specifically disagree with the Committee that “[t]he amendment would: * * * (3) clarify that religious organizations are exempt from employment nondiscrimination requirements of Title VII of the Civil Rights Act as is true under the current Title VII civil rights law.” In fact, the Supreme Court has never addressed the issue with respect to the Title VII exemptions for religious organizations in which public funds were involved. Past court cases have only dealt with the Title VII exemption for religious organizations in which private funds were at stake. Furthermore, the only court to consider this issue, a Federal District Court in Mississippi, held (in an unpublished case) that the funds “constituted direct financial support in the form of a substantial subsidy, and therefore, to allow the Salvation Army to discriminate on the basis of religion, * * * would violate the Establishment Clause of the First Amendment.” *Dodge v. Salvation Army*, 1989 WL 53857 (S.D. Miss.)

There are broader implications for extending the Title VII exemption than merely the hiring or firing of an individual on the sole basis of that person's religion. An excerpt from a Congressional Research Service memorandum best illuminates the potential consequences of including such a provision: "If a religious provider's faith mandates or ordains observance of precepts based on race or gender or sexual orientation or marital status or behavior, the * * * provision allows the provider to discriminate against employees and potential employees on that basis." While the Supreme Court would, I hope, find racial discrimination constitutionally suspect even if it were to be motivated by a religious belief, it should, nonetheless, cause concern that there are questions about the interplay between charitable choice and other nondiscrimination provisions.

It is a result of these very questions that made it necessary to offer an amendment to make it clear that any receipt of Even Start grant funds constituted receipt of federal financial assistance. For the purposes of establishing legislative history, my intent with this amendment is that religious organizations operating with federal funds must abide by anti-discrimination laws. I agree with the Committee that this amendment does not extend "civil rights protections beyond current law" but I would note that these laws can be enforced if a religious organization is found to have violated any anti-discrimination laws. One of the traditional enforcement mechanisms includes the withholding of federal funds from entities found in violation of federal law. This option would be available to any agency in its oversight over religious organizations' participation in the Even Start program.

The second of my amendments that was adopted with modifications improves the likelihood that religious organizations operating with Even Start funds would do so without being in violation of the Constitution. Without my amendment, the charitable choice provision prohibited only the public funds from being used for "sectarian worship, instruction, or proselytization". This would not, of course, cover the privately paid employee or volunteer from engaging in such activity. The concern here is that you have vulnerable families with very young children who are seeking to improve their lives by attending a federally funded literacy program. In essence, they are a captive audience. For purposes of establishing legislative history, the amendment I offered which was accepted provided that a grant recipient could not subject a participant in an Even Start program to sectarian worship or instruction or proselytization, through any means regardless of whether it is paid for with federal funds, provided through a volunteer, or in any other way. Again, my amendment improves the charitable choice provision and increases the possibility that it could be implemented consistent with the Constitution.

It is important to note that charitable choice has not been enacted without its controversies or without questions about its constitutionality. When signing charitable choice into law as part of S. 2206, the Community Services Block Grant reauthorization, President Clinton included the following statement:

The Department of Justice advises, however, that the provision that allows religiously affiliated organizations to

be providers under CSBG would be unconstitutional if and to the extent it were construed to permit governmental funding of “pervasively sectarian” organizations, as that term has been defined by the courts. Accordingly, I construe the Act as forbidding the funding of pervasively sectarian organizations and as permitting Federal, State, and local governments involved in disbursing CSBG funds to take into account the structure and operations of a religious organization in determining whether such an organization is pervasively sectarian.

In various cases, the Supreme Court lists several criteria to be used to determine if an institution is “pervasively sectarian”: (1) location near a house of worship; (2) an abundance of religious symbols on the premises; (3) religious discrimination in the institution’s hiring practices; (4) the presence of religious activities; and (5) the purposeful articulation of a religious mission.

Yet, the legislative history of charitable choice is very clear—its purpose is to provide government funding to “pervasively sectarian” religious organizations. During the debate on an amendment offered by Rep. Chet Edwards to H.R. 3073, “The Fathers Count Act of 1999”, proponents of charitable choice argued that to not allow funding of pervasively sectarian organizations would “gut” the bill. Unfortunately, Rep. Edwards’ amendment to prohibit federal funding of “pervasively sectarian” organizations was defeated on a vote of 184 to 238.

In a Congressional Research Service report entitled “Charitable Choice: Background and Selected Legal Issues” (RL30388), it contemplates the difficulty of implementing all of the seemingly contradictory elements of charitable choice in a manner consistent with the Constitution.

As noted above, one of the issues that has been raised about charitable choice measures is whether it is possible to implement all of their provisions or whether some necessarily have to be ignored, i.e., whether the various provisions of charitable choice are internally contradictory. But that issue of the administrative feasibility of implementing charitable choice is, in fact, a question of its constitutionality. All of the charitable choice provisions enacted or approved to date require that they be implemented “consistent with the Establishment Clause of the United States Constitution.” But they also allow the religious organizations that receive grants or administer contracts under the pertinent programs to hire only adherents of their own faith, to display religious symbols and scripture on the premises where services are provided, to practice and express their religious beliefs “independent” of any government restrictions, and apparently, to invite the participants in the publicly funded programs to take part in religious activities funded with the organizations’ own funds. Such organizations also need not, although they may, be incorporated separately from a sponsoring religious entity. Administratively, the question is whether the programs can be implemented in full compliance with all of these

provisions. But more fundamentally, the question is whether it is “consistent with the Establishment Clause” for the government to fund religious organizations with these characteristics. * * * That means for purposes of direct public aid a religious organization’s secular functions and activities must be able to be separated from its religious functions and activities. If they are separable, government can directly subsidize those functions. However, if the entity is so permeated by a religious purpose and character that its secular functions and religious functions are “inextricably intertwined,” i.e., if the entity is “pervasively sectarian,” the Court has held the establishment clause generally to forbid direct assistance.

The premise of charitable choice seems to suggest that religious organizations participating in Even Start may operate without regard to providing a religiously neutral atmosphere. Their constitutional requirement to provide services in a neutral environment which is not “pervasively sectarian” is not lessened by the provisions in charitable choice. It is unfortunate that the language in charitable choice, specifically subsection (b), may lead some religious organizations to operate in a manner that violates the Constitution and subject them to unwanted lawsuits.

Charitable choice presents a myriad of constitutional and policy implications. Unfortunately, we have failed to fully investigate these issues because it is not a serious attempt by its proponents to set appropriate, responsible policy for religious organizations’ participation in federally funded grant programs. Rather, it is nothing but political window dressing for those who have continually sought in this Congress and the previous one to intrude upon the religious liberties and protections afforded by the First Amendment of our Constitution.

A copy of the Congressional Research Service Memorandum entitled “Questions Concerning Possible Charitable Choice Amendment to the Even Start Program,” is submitted for the record as part of my additional views.

ROBERT C. “BOBBY” SCOTT.

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, February 15, 2000.

MEMORANDUM

To: Honorable Robert C. Scott. Attention: Theresa Thompson.
From: David M. Ackerman, Legislative Attorney, American Law Division.
Subject: Questions Concerning Possible Charitable Choice Amendment to the Even Start Program.

This is in response to your request for a brief analysis of the possible legal implications of the employment discrimination provision of a charitable choice amendment that may be proposed to the Even Start program and for information on the constitutional

standards governing direct public assistance to religious organizations. This memorandum responds to these inquiries in order.

Employment discrimination

The text of the charitable choice amendment has not been made available to us. But previous charitable choice proposals have included one or both of the following provisions regarding employment discrimination:

(1) TITLE VII EXEMPTION.—The exemption of a religious organization provided under section 702(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–1) regarding employment practices shall not be affected by the religious organization’s provision of services under, or receipt of funds from, [name of program].

(2) TENETS AND TEACHINGS.—A religious organization that provides services under [name of program] may require that its employees providing services under such program adhere to the religious tenets and teachings of such organization, and such organization may require that those employees adhere to rules forbidding the use of drugs or alcohol.

Time limitations prevent a thorough analysis of these provisions, but several observations might be made.

First, with the exception of the part concerning the use of drugs and alcohol in the second provision, it appears doubtful that there is any significant difference in the scope of the two provisions. Both provisions appear to allow religious organizations receiving funds under the pertinent program to discriminate on religious grounds in their employment practices. Title VII of the Civil Rights Act of 1964 generally prohibits public and private employers from discriminating in their employment practices on the basis of race, color, religion, sex, or national origin. But § 702(a) of that statute exempts religious organizations from the ban on religious discrimination, as follows:

Section 702(a): This subchapter shall not apply to * * * a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

That exemption, it might be noted, applies not only to the religious activities of a religious organization but also to its secular activities.¹

Title VII, of course, applies without regard to whether an organization receives public funds. The provision in the first charitable choice amendment noted above, thus, would extend the Title VII exemption for religious organizations to situations in which the organizations receive public funds under the pertinent program and allow them to discriminate on religious grounds in their employ-

¹ *Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints v. Amos*, 483 U.S. 327 (1987).

ment practices to the same extent as is currently allowed by Title VII.

The language in the second provision allowing a religious organization that receives funds under the pertinent program to require its employees “to adhere to the religious tenets and teachings of such organization” appears congruent with the Title VII exemptions. Under both provisions a religious organization can restrict its hiring not only to members of its own faith but to those who abide by its precepts and otherwise give preference to such persons in their other employment practices.

Second, the scope of each exemption appears to be quite broad. The Title VII exemption, for instance, has been held to protect employment discrimination by religious organizations in a variety of circumstances:

- the Church of Jesus Christ of Latter-Day Saints when it fired several employees because they failed to qualify for a “temple recommend,” *i.e.*, a certificate that they were Mormons who abided by the Church’s standards in such matters as regular church attendance, tithing, and abstinence from coffee, tea, alcohol, and tobacco (*Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints v. Amos*, 483 U.S. 327 (1987));
- a Christian school that fired a teacher for having an affair with the father of three children at the school and breaking up his marriage (*Gosche v. Calvert High School*, 997 F.Supp. 867 (N.D. Ohio 1998), *aff’d mem.*, 181 F.3d 101 (6th Cir. 1999));
- a Baptist university that barred a professor from teaching at its divinity school because his theological views differed from those of the dean (*Killinger v. Samford University*, 113 F.3d 196 (11th Cir. 1997));
- a number of Christian schools that fired female teachers for having extramarital sex or committing adultery (*Boyd v. Harding Academy of Memphis, Inc.*, 88 F.3d 410 (6th Cir. 1996) and *Dolter v. Wahlert High School*, 483 F.Supp. 266 (N.D. Iowa 1980);
- a Christian college that refused to hire a Jewish professor (*Siegel v. Truett-McConnell College, Inc.*, 13 F.Supp.2d 1335 (N.D. Ga. 1994), *aff’d mem.*, 73 F.3d 1108 (11th Cir. 1995));
- a Catholic school for firing a teacher who remarried without seeking an annulment of her first marriage in accord with Catholic doctrine (*Little v. Wuerl*, 929 F.2d 944 (3d Cir. 1991));
- a Catholic university that refused to hire a female professor because her views on abortion were not in accord with Catholic teaching (*Maguire v. Marquette University*, 814 F.2d 1213 (7th Cir. 1987));
- a Baptist nursing school that fired a student services specialist after she was ordained a minister in a gay and lesbian church that advocated views on homosexuality “which were inconsistent with the [school’s] perception of its purpose and mission” (*Hall v. Baptist Memorial Health Care Corporation*, 27 F.Supp.2d 1029, 1038–39 (W.D. Tenn. 1998));
- a Presbyterian college for dismissing a Catholic professor (*Wirth v. College of the Ozarks*, 26 F.Supp.2d 1185 (W.D. Mo. 1998));

- a Christian retirement home that fired a Muslim receptionist after she insisted on wearing a head covering as required by her faith (*EEOC v. Presbyterian Ministries, Inc.*, 788 F.Supp. 1154 (W.D. Wash. 1992));
- the Christian Science Monitor when it refused to hire a non-Christian Scientist (*Feldstein v. Christian Science Monitor*, 555 F.Supp. 974 (D. Mass. 1983)); and
- a Catholic school when it fired a teacher for marrying a divorced man (*Bishop Leonard Regional Catholic School v. Unemployment Compensation Board of Review*, 140 Pa.Cmwlth. 428, 593 A.2d 28 (1991)).

Third, the language in the second provision allowing religious providers to “require that * * * employees adhere to rules forbidding the use of drugs or alcohol” potentially has an application broader than the discrimination permitted by the Title VII provision. Rules forbidding the use of drugs and alcohol are an integral part of some religious faiths and in those cases would be legitimate grounds for discrimination under both the tenets and teachings language and the exemption based on Title VII. But not all faiths forbid the use of drugs or alcohol, and in some religions such use is even part of the rituals of the faith. For those faiths the discrimination authorized by the foregoing language would not duplicate either the tenets and teachings language or the exemption based on Title VII. Such organizations could discriminate not only on the basis of the religious character of their employees or applicants for employment but also on the basis of their use of drugs or alcohol. To that extent, then, the second employment discrimination provision is slightly broader than the first.

Finally, under both provisions there may be some question about their interplay with other nondiscrimination provisions. Title VII, for instance, allows religious organizations to discriminate on religious grounds but not on grounds of race, color, sex, or national origin. What happens, then, when religious doctrine mandates discrimination that may also implicate the other prohibited bases for discrimination? A number of cases for example have involved the legality of Christian schools firing unmarried female teachers after they became pregnant. At least two courts have said that the Title VII exemption would allow the schools to dismiss a female teacher for adultery under these circumstances but that a dismissal simply for pregnancy would raise a possibility of prohibited sex discrimination.² Similarly, Title VII’s ban on sex discrimination was held to apply to a Christian school’s policy of extending health insurance benefits to men and single persons that were not available to married women in its employ, notwithstanding the school’s contention that its religious beliefs regarded husbands as the head of the household in any marriage and as the primary provider for that household.³

Although there does not appear to be any dispositive case law, some question may also exist if an organization whose religious tenets mandate racial separation or differential treatment on the basis of race discriminates on racial grounds in its employment

²See *Vigars v. Valley Christian Center of Dublin, California*, 805 F.Supp. 802 (N.D. Cal. 1992) and *Ganzy v. Allen Christian School*, 995 F.Supp. 340 (E.D. N.Y. 1998).

³*EEOC v. Fremont Christian School*, 781 F.2d 1362 (9th Cir. 1986).

practices. One case involving a charge of racial discrimination by a religious institution violative of Title VII, at least, held that “if a religious institution * * * presents convincing evidence that the challenged employment practice resulted from discrimination on the basis of religion, § 702 deprives the EEOC of jurisdiction to investigate further to determine whether the religious discrimination was a pretext for some other form of discrimination.”⁴ In the context of a program that receives public funds, of course, racial discrimination is constitutionally dubious even if it is motivated by religious belief.⁵

Similar questions would seem to be raised by either of the employment discrimination provisions.

Constitutional standards governing public aid to religious organizations

With respect to public aid provided directly to a religious organization in the form of a grant or contract, a basic tenet of the Supreme Court’s interpretation of the establishment of religion clause of the First Amendment⁶ is that the clause “absolutely prohibit[s] government-financed or government-sponsored indoctrination into the beliefs of a particular religious faith.”⁷ Thus, the Court has held that such public assistance must be limited to aid that is “secular, neutral, and nonideological * * *.”⁸ That is, under the establishment clause government can provide direct support to secular programs and services sponsored or provided by religious entities but it cannot directly subsidize such organizations’ religious activities or proselytizing.⁹ Direct assistance must be limited to secular use.

Thus, religious organizations are not automatically disqualified from participating in publicly funded programs, and numerous religious organizations do so. But they must carry out the programs in a secular manner. That means that for purposes of direct public

⁴*EEOC v. Mississippi College*, 626 F.2d 477 (1980), cert. denied, 453 U.S. 912 (1981).

⁵*Cf. Bob Jones University v. United States*, 461 U.S. 574 (1983) (holding in part that the federal government has an interest in eliminating racial segregation sufficiently compelling to override the university’s claim that its policies of racial discrimination are protected by the free exercise of religion clause).

⁶The clause provides in pertinent part that “Congress shall make no law respecting an establishment of religion * * *.”

⁷*Grand Rapids School District v. Ball*, 473 U.S. 373, 385 (1985).

⁸*Committee for Public Education v. Nyquist*, 413 U.S. 756, 780 (1973).

⁹In most of the cases involving aid to religious institutions, the Court has used what is known as the *Lemon* test to determine whether a particular aid program violates the establishment clause: “First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion * * *; finally, the statute must not foster “an excessive entanglement with religion.” *Lemon v. Kurtzman*, 403 U.S. 602, 612–13 (1971).

The secular purpose prong of this test has rarely posed an obstacle to public aid programs benefiting sectarian entities, but the primary effect and entanglement prongs have operated, in Chief Justice Rehnquist’s term, as a “Catch-22” for such programs. That is, under the primary effect test a direct aid program benefiting religious organizations but not limited to secular use has generally been held unconstitutional because the aid can be used for the organizations’ religious activities and proselytizing. But if a program is limited to secular use, it has often still foundered on the entanglement test because the government’s monitoring of the secular use restriction has intruded it too much into the affairs of the religious organizations. See *Lemon v. Kurtzman*, *supra*. The Court has for some time been sharply divided on the utility and applicability of the tripartite test and particularly of the entanglement prong. Nonetheless, the Court still uses the *Lemon* test, although it is no longer the exclusive test for establishment clause cases. Moreover, in *Agostini v. Felton*, 521 U.S. 203 (1997) the Court eliminated excessive entanglement as a separate element of the tripartite *Lemon* test and held it to be part of the inquiry into primary effect. As reformulated, the entanglement inquiry now asks whether government monitoring of a program would have the effect of inhibiting religion.

aid a religious organization's secular functions and activities must be able to be separated from its religious functions and activities. If they are separable, government can directly subsidize those functions. However, if the entity is so permeated by a religious purpose and character that its secular functions and religious functions are "inextricably intertwined," i.e., if the entity is "pervasively sectarian," the Court has held the establishment clause generally to forbid direct public assistance.¹⁰

The Court has not articulated precise rules for determining what makes a religious organization "pervasively sectarian." It has looked at such factors as the proximity of the organization in question to a sponsoring church; the presence of religious symbols and paintings on the premises; formal church or denominational control over the organization; whether a religious criterion is applied in the hiring of employees or in the selection of trustees or, in the case of a school, to the admission of students; statements in the organization's charter or other publications that its purpose is the propagation and promotion of religious faith; whether the organization engages in religious services or other religious activities; its devotion, in the case of schools, to academic freedom; etc.¹¹ But the Court has also made clear that "it is not enough to show that the recipient of a * * * grant is affiliated with a religious institution or that it is 'religiously inspired.'" ¹² Indeed, none of these factors, by itself, has been held sufficient to make an institution pervasively sectarian and therefore ineligible for direct aid.¹³ Such a finding has always rested on a combination of factors.

As a practical matter the Court has generally found religious elementary and secondary schools to be pervasively sectarian. In contrast, it has generally held religiously affiliated hospitals, social welfare agencies, and colleges not to be pervasively sectarian. But in its most recent decision involving public aid to religious social welfare agencies, the Court held open the possibility that some agencies might be pervasively sectarian.¹⁴

Thus, the secular use limitation on direct public aid under the establishment clause has two dimensions. The aid cannot be used for religious purposes, nor can it flow to institutions that are pervasively sectarian. As the Court summarized in *Hunt v. McNair* ¹⁵:

Aid normally may be thought to have a primary effect of advancing religion when it flows to an institution in which religion is so pervasive that a substantial portion of its functions are subsumed in the religious mission or when it funds a specifically religious activity in an otherwise substantially secular setting.

¹⁰*Committee for Public Education v. Nyquist*, *supra*; *Lemon v. Kurtzman*, *supra*; *Bowen v. Kendrick*, *supra*.

¹¹See e.g., *Bradfield v. Roberts*, 175 U.S. 291 (1989); *Lemon v. Kurtzman*, *supra*; *Tilton v. Richardson*, 403 U.S. 672 (1971); *Committee for Public Education v. Nyquist*, *supra*; *Meek v. Pittenger*, 421 U.S. 349 (1975); *Roemer v. Maryland Board of Public Works*, 426 U.S. 736 (1976); and *Bowen v. Kendrick*, 487 U.S. 589 (1988).

¹²*Bowen v. Kendrick*, *supra*, at 621.

¹³For helpful lower federal court discussions of the criteria bearing on whether an institution is pervasively sectarian or not, see *Minnesota Federation of Teachers v. Nelson*, 740 F.Supp. 694 (D. Minn. 1990) and *Columbia Union College v. Clark*, 159 F.3d 151 (4th Cir. 1998), *cert. denied*, 119 S.Ct. 2357 (1999).

¹⁴*Id.*

¹⁵413 U.S. 734, 743 (1973).

I hope the foregoing is responsive to your request. If we may be of additional assistance, please call on us.

DISSENTING VIEWS

Congress should reject the Literacy Involves Families Together (LIFT) Act (H.R. 3222), which aims to increase “family literacy” by directing money from the American taxpayer to Washington and funneling a small percentage of it back to the states and localities to spend on education programs that meet the specifications of D.C.-based bureaucrats. While all support the goal of promoting adult literacy, especially among parents with young children, Congress should not endorse or support the unconstitutional and ineffective means included in this bill. If Congress were serious about meaningful education reform, we would not even be debating bills like H.R. 3222. Rather, we would be discussing the best way to return control over the education dollar to the people so they can develop the education programs that best suit their needs.

Several members of my colleagues on the Committee have expressed opposition to the LIFT Act’s dramatic increase in authorized expenditures for the Even Start family literacy programs. Of course, I share their opposition to the increased expenditure, however, any opposition to this bill is based not as much on the authorized amount but on the bill’s underlying premise: that the American people either cannot or will not provide educational services to those who need them unless they are forced to do so by the federal government.

In contrast to the drafters of the LIFT bill, I do not trust the Congress to develop an education program that can match the needs of every community in the United States. Instead, I trust the American people to provide the type of education system that best suits their needs, and the needs of their fellow citizens, provided Congress gives them back control over the education dollar.

The drafters of the United States Constitution understood that the federal government was incapable of effectively providing services such as education. This is why they carefully limited the federal government’s powers to a few narrowly defined areas. This understanding of the proper role of the federal government was reinforced by the tenth amendment which forbids the Federal Government from controlling education, instead leaving authority over education in the hands of states, local communities and parents.

Reinforcing that the scariest words in the English language are “I’m from the federal government and I am here to help you,” the American education system has deteriorated in the years since Congress disregarded the constitutional limitations on centralizing education in order to “improve the schools.” One could argue that if the federally-controlled schools did a better job of educating children to read, perhaps there would not be a great demand for “adult literacy programs!”

Of course, family literacy programs do serve a vital purpose in society, but I would suggest that not only would family literacy pro-

grams exist, they would better serve those families in need of assistance if they were not controlled by the federal government. Because of the generosity of the American people, the issue is not whether family literacy programs will be funded but who should control the education dollars; the American people or the federal government?

Rather than give more control over education to the people, H.R. 322 actually further centralizes education by attaching new requirements to those communities receiving taxpayer dollars for adult literacy programs. For example, under this bill, federally-funded Even Start programs must use instruction methods based on "scientific research." While none question the value of research into various educational methodologies, it is doubtful that the best way to teach reading can be totally determined through laboratory experiments. Learning to read is a complex process, involving many variable, not the least of which are the skills and abilities of the individual.

Many effective techniques may not be readily supported by "scientific research." Therefore, this program may end up preventing the use of many effective means of reading instruction. The requirement that recipients of federal funds use only those reading techniques based on "scientific research," (which in practice means those methods approved by the federally-funded "experts") ensures that a limited number of reading methodologies will, in essence, be "stamped with federal approval."

In addition to violating the United States Constitution, the LIFT bill raises some serious questions regarding the relationship between the state and the family. Promoting family literacy is a noble goal but programs such as these may promote undue governmental interference in family life. Many people around the country have expressed concern that "parenting improvement" programs have become excuses for the government bureaucrats to intimidate parents into ceding effective control over child-rearing to the government. While none of these complaints are directly related to the Even Start program Even Start does rest on the premise that it is legitimate for the federal government to interfere with the parent-child relationship to "improve" parenting. Once one accepts that premise, it is a short jump to interfering in all aspects of family life in order to promote the federal government's vision of "quality parenting."

In order give control over education back to the American people, I have introduced several pieces of legislation that improve education by giving the American people control over their education dollar. For instance, my Family Education Freedom Act (H.R. 935), provides parents with a \$3,000 per child tax credit for K-12 education expenses incurred in sending their children to public, private, or home school. I have also introduced the Education Improvement Tax Cut Act (H.R. 936), which provides a tax donation of up to \$3,000 for cash or in-kind donations to public or private schools as well as for donations to elementary and secondary scholarships, I am also cosponsoring legislation (H.R. 969) to increase the tax donations for charitable contributions, as well as several bills to provide tax credits for adult job training and education.

Unleashing the charitable impulses of the American people is the most effective means of ensuring that all Americans have access to the quality education programs they need, and to make sure that those programs are tailored to meet the particular needs of the local communities and the individuals they serve.

In conclusion, I call on my colleagues to reject the LIFT Act and instead embrace a program of education and charitable tax credits that will give the American people the ability to provide for the education needs of their children and families in the way that best suits the unique circumstances of their own communities.

RON PAUL.

