

105TH CONGRESS
1ST SESSION

S. 994

To provide assistance to States and local communities to improve adult education and literacy, to help achieve the National Educational Goals for all citizens, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 8, 1997

Mr. KENNEDY (for himself and Mr. DODD) (by request) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To provide assistance to States and local communities to improve adult education and literacy, to help achieve the National Educational Goals for all citizens, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 TITLE I—AMENDMENT TO THE ADULT
4 EDUCATION ACT

5 AMENDMENT

6 SEC. 101. The Adult Education Act (20 U.S.C. 1201
7 et seq.; hereinafter referred to as “the Act”) is amended
8 in its entirety to read as follows:

1 “TITLE III—ADULT BASIC EDUCATION AND
2 LITERACY PROGRAMS

3 “SEC. 301. (a) SHORT TITLE.—This title may be
4 cited as the ‘Adult Basic Education and Literacy Act’.

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

 “TABLE OF CONTENTS

“Sec. 301. Short title; table of contents.

“Sec. 302. Findings; purpose.

“Sec. 303. Authorization of appropriations.

 “PART A—ADULT EDUCATION AND LITERACY

“Sec. 311. Program Authority; Priorities.

“Sec. 312. State Grants for Adult Education and Literacy.

“Sec. 313. State Leadership Activities.

“Sec. 314. State Administration.

“Sec. 315. State Plan.

“Sec. 316. Awards to Eligible Applicants.

“Sec. 317. Applications From Eligible Applicants.

“Sec. 318. State Performance Goals and Indicators.

“Sec. 319. Evaluation, Improvement, and Accountability.

“Sec. 320. Allotments; Reallotment.

 “PART B—NATIONAL LEADERSHIP

“Sec. 331. National Leadership Activities.

“Sec. 332. Awards for National Excellence.

“Sec. 333. National Institute for Literacy.

 “PART C—GENERAL PROVISIONS

“Sec. 341. Waivers.

“Sec. 342. Definitions.

7 “FINDINGS; PURPOSE

8 “SEC. 302. (a) FINDINGS.—The Congress finds that:

9 “(1) Our Nation’s well-being is dependent on
10 the knowledge and skills of all of its citizens.

11 “(2) Advances in technology and changes in the
12 workplace are rapidly increasing the knowledge and
13 skill requirements for workers.

1 “(3) Our social cohesion and success in combat-
2 ing poverty, crime, and disease also depend on the
3 Nation’s having an educated citizenry.

4 “(4) There is a strong relationship between par-
5 ents’ education and literacy and their children’s edu-
6 cational achievement. The success of State and local
7 educational reforms supported by the Goals 2000:
8 Educate America Act and other programs that State
9 and local communities are implementing requires
10 that parents be well educated and possess the ability
11 to be a child’s first and most continuous teacher.

12 “(5) There is a strong relationship between lit-
13 eracy and poverty. Data from the 1993 National
14 Adult Literacy Survey show that adults with very
15 low levels of literacy are ten times as likely to be
16 poor as those with high levels of literacy.

17 “(6) Studies, including the National Adult Lit-
18 eracy Survey, have found that more than one-fifth of
19 American adults demonstrate very low literacy skills
20 that make it difficult for them to be economically
21 self-sufficient, much less enter high-skill, high-wage
22 jobs, or to assist effectively in their children’s edu-
23 cation.

1 “(7) Many Americans desire English instruction
2 to help them exercise their rights and responsibilities
3 as citizens.

4 “(8) National studies have also shown that ex-
5 isting federally supported adult education programs
6 have assisted many adults in acquiring basic literacy
7 skills, learning English, or acquiring a high school
8 diploma (or its equivalent), and that family literacy
9 programs have shown great potential for breaking
10 the intergenerational cycle of low literacy and having
11 a positive effect on later school performance and
12 high school completion, especially for children from
13 low-income families.

14 “(9) Currently, the Adult Education Act lacks
15 adequate accountability requirements, and contains
16 set-asides and categorical programs that are often
17 narrowly focused on specific populations or methods
18 of service delivery, thus inhibiting the capacity of
19 State and local officials to implement programs that
20 meet the needs of individual States and localities.

21 “(10) The Federal Government, in partnership
22 with States and localities, can assist States and lo-
23 calities to improve and expand their adult education
24 and literacy programs through provision of clear
25 performance goals and indicators, increased State

1 and local flexibility, improved accountability, and in-
2 centives for performance.

3 “(11) The Federal Government can also assist
4 States and localities by supporting research, develop-
5 ment, demonstration, dissemination, evaluation, ca-
6 pacity-building, data collection, professional develop-
7 ment, and technical assistance activities that further
8 State and local efforts to improve student achieve-
9 ment in adult education and literacy programs.

10 “(b) PURPOSE.—(1) It is the purpose of this title to
11 create a performance partnership that includes the Fed-
12 eral Government, States, and localities to help provide for
13 adult education and literacy services so that, as called for
14 in the National Education Goals, all adults who need such
15 services will, as appropriate, be able to—

16 “(A) become literate and obtain the knowledge
17 and skills needed to compete in a global economy
18 and exercise the rights and responsibilities of citizen-
19 ship;

20 “(B) complete a high school education; and

21 “(C) become their children’s first teacher and
22 remain actively involved in their children’s education
23 in order to ensure their children’s readiness for, and
24 success in, school.

25 “(2) This purpose shall be pursued by—

1 “(A) building on State and local education re-
2 forms supported by the Goals 2000: Educate Amer-
3 ica Act and other Federal and State legislation;

4 “(B) consolidating numerous Federal adult edu-
5 cation and literacy programs into a single, flexible
6 State grant programs; and

7 “(C) tying local programs to challenging State-
8 developed performance goals that are consistent with
9 the purpose of this Act;

10 “(D) holding States and localities accountable
11 for achieving such goals;

12 “(E) building program quality through such
13 measures as improving instruction, encouraging
14 greater use of technology in adult education and lit-
15 eracy programs, and improving the professional de-
16 velopment of educators working in those programs;

17 “(F) integrating adult education and literacy
18 programs with States’ school-to-work opportunities
19 systems, secondary and postsecondary systems, job
20 training programs, welfare programs, early child-
21 hood and elementary school programs, and other re-
22 lated activities;

23 “(G) supporting State leadership and program
24 improvement efforts; and

1 “(H) supporting the improvement of State and
 2 local activities through nationally significant efforts
 3 in research, development, demonstration, dissemina-
 4 tion, evaluation, capacity-building, data collection,
 5 professional development, and technical assistance.

6 “AUTHORIZATION OF APPROPRIATIONS

7 “SEC. 303. (a) STATE GRANTS FOR ADULT EDU-
 8 CATION AND LITERACY.—For the purpose of carrying out
 9 this title there are authorized to be appropriated
 10 \$394,000,000 for fiscal year 1998 and such sums as may
 11 be necessary for each of the fiscal years 1999 through
 12 2005.

13 “(b) RESERVATIONS.—From the amount appro-
 14 priated for any fiscal year under subsection (a), the Sec-
 15 retary shall reserve not more than 5 percent to carry out
 16 section 318(c)(2) and part B of this Act, of which not
 17 more than 3 percent of the amount appropriated for any
 18 fiscal year after 1999 under subsection (a) may be used
 19 for awards for national excellence under section 332.

20 “PART A—ADULT EDUCATION AND LITERACY

21 “PROGRAM AUTHORITY; PRIORITIES

22 “SEC. 311. (a) PROGRAM AUTHORIZED.—In order to
 23 provide adults with the skills they need as workers, citi-
 24 zens, and parents, funds under this part shall be used to
 25 support the development, implementation, and improve-

1 ment of adult education and literacy programs at the
 2 State and local levels.

3 “(b) PROGRAM PRIORITIES.—In using funds under this
 4 part, States and local recipients shall give priority to adult
 5 education and literacy programs that—

6 “(1) are built on a strong foundation of re-
 7 search and effective educational practice;

8 “(2) effectively employ advances in technology,
 9 as appropriate, such as using computers in the class-
 10 room and technology that brings learning into the
 11 home;

12 “(3) provide learning in ‘real life’ contexts, such
 13 as work, the family, and citizenship;

14 “(4) are staffed by well-trained instructors,
 15 counselors, and administrators;

16 “(5) are of sufficient intensity and duration for
 17 participants to achieve substantial learning gains,
 18 such as by earning a basic skills certificate that re-
 19 flects skills acquisition and has meaning to employ-
 20 ers;

21 “(6) establish measurable goals for client out-
 22 comes, such as levels of literacy achieved and attain-
 23 ment of a high school diploma or its equivalent, that
 24 are tied to challenging State performance standards
 25 for literacy proficiency;

1 “(7) coordinate with other available resources
2 in the community, such as by establishing strong
3 links with elementary and secondary schools, post-
4 secondary instructions, one-stop career centers, job
5 training programs, and social service agencies;

6 “(8) offer flexible schedules and support serv-
7 ices (such as child care and transportation) that are
8 necessary to enable individuals, including adults with
9 disabilities or other special needs, to attend and
10 complete programs; and

11 “(9) maintain a high-quality information man-
12 agement system that has the capacity to report cli-
13 ent outcomes and to monitor program performance
14 against the State goals and indicators.

15 “STATE GRANTS FOR ADULT EDUCATION AND LITERACY

16 “SEC. 312. (a) STATE GRANT.—From the funds
17 available for State grants under section 303 for each fiscal
18 year, the Secretary shall, in accordance with section 320,
19 make a grant to each State that has an approved State
20 plan under section 315, to assist that State in developing,
21 implementing, and improving adult education and literacy
22 programs within the State.

23 “(b) RESERVATION OF FUNDS.—(1) From the
24 amount awarded to a State for any fiscal year under sub-
25 section (a), a State may, subject to paragraph (2), use
26 up to 18 percent for State leadership activities under sec-

tion 313 and the cost of administering its program under this part.

“(2) A State may not use more than 5 percent of the amount awarded to it for any fiscal year under subsection (a), or \$80,000, whichever is greater, for the cost of administering its program under this part.

“(c) FEDERAL SHARE.—(1) The Federal share of expenditures to carry out a State plan under section 315 shall be paid from the State’s grant under subsection (a).

“(2) The Federal share shall be no greater than 75 percent of the cost of carrying out the State plan for each fiscal year, except that with respect to Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands the Federal share may be 100 percent.

“(3) The State’s share of expenditures to carry out a State plan submitted under section 315 may be in cash or in kind, fairly evaluated, and may include only non-Federal funds that are used for adult education and literacy activities in a manner that is consistent with the purposes of this title.

“(d) MAINTENANCE OF EFFORT.—(1) A State may receive funds under this part for any fiscal year only if the Secretary finds that the amount expended by the State for adult education and literacy, in the second preceding fiscal year, was not less than 90 percent of the amount

1 expended for adult education and literacy, in the third pre-
2 ceding fiscal year.

3 “(2) The Secretary shall reduce the amount of the
4 allocation of funds to a State under section 320 for any
5 fiscal year in the proportion to which the State fails to
6 meet the requirement of paragraph (1) by expending in
7 the second preceding fiscal year for adult education and
8 literacy less than 90 percent of the amount the State ex-
9 pended in the third preceding fiscal year for adult edu-
10 cation and literacy.

11 “(3) The Secretary may waive the requirements of
12 this subsection for one fiscal year only if the Secretary
13 determines that a waiver should be equitable due to excep-
14 tional or uncontrollable circumstances, such as a natural
15 disaster or an unforeseen and precipitous decline in the
16 financial resources of the State.

17 “(4) If the Secretary reduces a State’s allocation
18 under paragraph (2), or grants a waiver under paragraph
19 (3), the level of effort required under paragraph (1) shall
20 not be reduced in the subsequent fiscal year because of
21 the reduction or waiver.

22 “STATE LEADERSHIP ACTIVITIES

23 “SEC. 313. (a) STATE LEADERSHIP.—(1) Each State
24 that receives a grant under section 312(a) for any fiscal
25 year shall use funds reserved for State leadership under
26 section 312(b) to conduct activities of Statewide signifi-

1 cance that develop, implement, or improve programs of
 2 adult education and literacy, consistent with its State plan
 3 under section 315.

4 “(2) In using funds reserved for State leadership ac-
 5 tivities, each State shall, to the extent practicable, avoid
 6 duplicating research and development efforts conducted by
 7 other States.

8 “(b) USES OF FUNDS.—(1) States shall use funds
 9 under subsection (a) for one or more of the following—

10 “(A) professional development and training;

11 “(B) developing and disseminating curricula for
 12 adult education and literacy programs;

13 “(C) monitoring and evaluating the quality of,
 14 and improvement in, services and activities con-
 15 ducted with assistance under this part, including es-
 16 tablishing performance goals and indicators under
 17 section 318, in order to assess program quality and
 18 improvement;

19 “(D) establishing State content standards for
 20 adult education and literacy programs;

21 “(E) establishing challenging State performance
 22 standards for literacy proficiency;

23 “(F) promoting the integration of literacy in-
 24 struction and occupational skill training, and link-
 25 ages with employers;

1 “(G) promoting, and providing staff training in,
2 the use of instructional and management software
3 and technology;

4 “(H) establishing program and professional de-
5 velopment networks to assist in meeting the pur-
6 poses of this Act;

7 “(I) developing and participating in networks
8 and consortia of States, and in cooperative Federal-
9 State initiatives, that seek to establish and imple-
10 ment adult education and literacy programs that
11 have significance to the State, region, or Nation; and

12 “(J) other activities of Statewide significance
13 that promote the purposes of this title.

14 “(2)(A) beginning in fiscal year 2000, States may use
15 funds under subsection (a) for financial incentives or
16 awards to one or more eligible recipients in recognition
17 of—

18 “(i) exemplary quality or innovation in adult
19 education or literacy services and activities, or

20 “(ii) exemplary services and activities for indi-
21 viduals who are most in need of such services and
22 activities, or are hardest to serve, such as education-
23 ally disadvantaged adults and families, immigrants,
24 individuals with limited English proficiency, incar-
25 cerated individuals, homeless individuals, recipients

1 of public assistance, and individuals with disabilities;
 2 or

3 “(iii) both.

4 “(B) The incentives or awards made under subpara-
 5 graph (A) shall be determined by the State using the per-
 6 formance goals and indicators described in section 318
 7 and, if appropriate, other criteria that are consistent with
 8 the purposes of this Act.

9 “STATE ADMINISTRATION

10 “SEC. 314. (a) STATE EDUCATIONAL AGENCY.—The
 11 State educational agency shall be responsible for the ad-
 12 ministration of services and activities under this part, in-
 13 cluding—

14 “(1) the development, submission, and imple-
 15 mentation of the State plan;

16 “(2) consultation with other appropriate agen-
 17 cies, groups, and individuals that are involved in, or
 18 interested in, the development and implementation
 19 of programs assisted under this title, such as busi-
 20 ness, industry, labor organizations, corrections agen-
 21 cies, public housing agencies, and social service
 22 agencies; and

23 “(3) coordination with other State and Federal
 24 education, training, employment, corrections, public
 25 housing, and social service programs, and one-stop
 26 career centers.

1 “(b) STATE-IMPOSED REQUIREMENTS.—Whenever a
 2 State imposes any rule or policy relating to the adminis-
 3 tration and operation of programs funded by this part (in-
 4 cluding any rule or policy based on State interpretation
 5 of any Federal law, regulation, or guideline), it shall iden-
 6 tify the rule or policy as a State-imposed requirement.

7 “STATE PLAN

8 “SEC. 315. (a) FOUR-YEAR PLANS.—(1) Each State
 9 desiring to receive a grant under this part for any fiscal
 10 year shall have the State educational agency submit to,
 11 or have on file with, the Secretary a four-year State plan
 12 in accordance with this section.

13 “(2) The State educational agency may submit the
 14 State plan as part of a comprehensive plan that includes
 15 State plan provisions under one or more of the following
 16 statutes: section 14302 of the Elementary and Secondary
 17 Education Act of 1965; the Carl D. Perkins Career Prepa-
 18 ration Education Act of 1997; the Goals 2000: Educate
 19 America Act; the Job Training Partnership Act; and the
 20 School-to-Work Opportunities Act of 1994.

21 “(b) PLAN ASSESSMENT.—(1) In developing the
 22 State plan, and any revisions to the State plan under sub-
 23 section (e), the State educational agency shall base its
 24 plan or revisions on a recent, objective assessment of—

25 “(A) the needs of individuals in the State for
 26 adult education and literacy programs, including in-

1 individuals most in need or hardest to serve (such as
 2 educationally disadvantaged adults and families, im-
 3 migrants, individuals with limited English pro-
 4 ficiency, incarcerated individuals, homeless individ-
 5 uals, recipients of public assistance, and individuals
 6 with disabilities); and

7 “(B) the capacity of programs and providers to
 8 meet those needs, taking into account the priorities
 9 under section 311(b) and the State’s performance
 10 goals under section 318(a).

11 “(2) In its second 4-year State plan, the State edu-
 12 cational agency shall also include in its assessment—

13 “(A) an analysis of the State’s performance in
 14 progressing toward its performance goals under the
 15 preceding 4-year State plan; and

16 “(B) any changes in the second 4-year State
 17 plan that have been made based on that analysis.

18 “(c) PUBLIC PARTICIPATION.—In developing the
 19 State plan, and any revisions under subsection (e), the
 20 State educational agency shall consult widely with individ-
 21 uals, agencies, organizations, and institutions in the State
 22 that have an interest in the provision and quality of adult
 23 education and literacy, including—

1 “(1) individuals who currently participate, or
2 who want to participate, in adult education and lit-
3 eracy programs;

4 “(2) practitioners and experts in adult edu-
5 cation and literacy, social services, and workforce de-
6 velopment;

7 “(3) representatives of business and labor orga-
8 nizations; and

9 “(4) other agencies, such as volunteer and com-
10 munity-based organizations, State and local health,
11 social service, public housing, public assistance, job
12 training, and corrections agencies, and public librar-
13 ies.

14 “(d) PLAN CONTENTS.—The plan shall be in such
15 form and contain such information and assurances as the
16 Secretary may require, and shall include—

17 “(1) a summary of the methods used to conduct
18 the assessment under subsection (b) and the find-
19 ings of that assessment;

20 “(2) a description of how, in addressing the
21 needs identified in the State’s assessment, funds
22 under this title will be used to establish adult edu-
23 cation and literacy programs, or improve or expand
24 current programs, that will lead to high-quality

1 learning outcomes, including measurable learning
2 gains, for individuals in such programs;

3 “(3) a statement, expressed in terms of the per-
4 formance indicators published by the Secretary
5 under section 318(b), and any other performance in-
6 dicators the State may choose, of the State’s per-
7 formance goals established under section 318(a) and
8 the level of performance the State expects to achieve
9 in progressing toward its performance goals during
10 the life of the State plan;

11 “(4) a description of the criteria the State will
12 use to award funds under this title to eligible appli-
13 cants under section 316, including how the State
14 will ensure that its selection of applicants to operate
15 programs assisted under this Part will reflect the
16 program priorities under section 311(b) and the
17 findings of program evaluations carried out under
18 section 319(a);

19 “(5) a description of how the State will inte-
20 grate services and activities under this title, includ-
21 ing planning and coordination of programs, with
22 those of other agencies, institutions, and organiza-
23 tions involved in adult education and literacy, such
24 as the public school system, early childhood and spe-
25 cial education programs, institutions of higher edu-

1 cation, vocational education programs, libraries,
2 business and labor organizations, vocational rehabili-
3 tation programs, one-stop career centers, employ-
4 ment and training programs, and health, social serv-
5 ices, public assistance, public housing, and correc-
6 tions agencies, in order to ensure effective use of
7 funds and to avoid duplication of services;

8 “(6) a description of how the State will ensure
9 that the data reported to it from its recipients of
10 funds under this part and the data it reports to the
11 Secretary are complete, accurate, and reliable;

12 “(7) a State-wide plan for the leadership activi-
13 ties the State will carry out under section 313;

14 “(8) a description of how the State will provide
15 incentives or rewards for exemplary services and ac-
16 tivities under this part, if the State elects to imple-
17 ment the authority authorized under section
18 313(b)(2);

19 “(9) any comments the Governor may have on
20 the State plan; and

21 “(10) assurances that—

22 “(A) the State will comply with the re-
23 quirements of this part and the provisions of
24 the State plan; and

1 “(B) the State will use such fiscal control
2 and accounting procedures as are necessary for
3 the proper and efficient administration of funds
4 under this part.

5 “(e) PLAN REVISIONS.—When changes in conditions
6 or other factors require substantial modifications to an ap-
7 proved State plan, the State educational agency shall sub-
8 mit a revision to the plan to the Secretary.

9 “(f) CONSULTATION.—The State educational agency
10 shall—

11 “(1) submit the State plan, and any revision to
12 the State plan, to the Governor for review and com-
13 ment; and

14 “(2) ensure that any comments the Governor
15 may have are included with the State plan, or revi-
16 sion, when the State plan, or revision, is submitted
17 to the Secretary.

18 “(g) PLAN APPROVAL.—(1) The Secretary shall ap-
19 prove a State plan, or a revision to an approved State
20 plan, only if the Secretary determines that it meets the
21 requirements of this section and the State’s performance
22 goals and expected level of performance under subsection
23 (d)(3) are sufficiently rigorous as to meet the purposes
24 of this title and to allow the Department of Education to
25 make progress toward its performance objectives and indi-

1 cators established pursuant to the Government Perform-
 2 ance and Results Act. The Secretary shall not finally dis-
 3 approve a State plan, or a revision to an approved State
 4 plan, except after giving the State responsible notice and
 5 an opportunity for a hearing.

6 “(2) The Secretary shall establish a peer review proc-
 7 ess to make recommendations regarding approval of State
 8 plans and revisions to the State plans.

9 “AWARDS TO ELIGIBLE APPLICANTS

10 “SEC. 316. (a). AWARDS.—(1) From funds available
 11 under section 312, States shall make subgrants and con-
 12 tracts, as appropriate, to eligible applicants under sub-
 13 section (b) to develop, implement, and improve adult edu-
 14 cation and literacy programs within the State.

15 “(2) To the extent practicable, States shall make
 16 multi-year awards under this section.

17 “(b) ELIGIBILITY.—(1) The following entities shall
 18 be eligible to apply to the State for an award under this
 19 section:

20 “(A) local educational agencies;

21 “(B) community-based organizations;

22 “(C) institutions of higher education;

23 “(D) public and private nonprofit agencies (in-
 24 cluding State and local health, social service, public
 25 housing, public assistance, job training, and correc-
 26 tions agencies and public libraries); and

1 “(E) consortia of such agencies, organizations,
2 institutions, or partnerships, including consortia that
3 include one or more for-profit agencies, organiza-
4 tions, or institutions, if such agencies, organizations,
5 or institutions can make a significant contribution to
6 attaining the purposes of this title.

7 “(2) Each State receiving funds under this part shall
8 ensure that all eligible applicants described under sub-
9 section (b)(1) receive direct and equitable access to awards
10 under this section.

11 “APPLICATIONS FROM ELIGIBLE APPLICANTS

12 “SEC. 317. (a) APPLICATION.—Any eligible applicant
13 under section 316(b)(1) that desires a subgrant or con-
14 tract under this part shall submit an application to the
15 State containing such information and assurances as the
16 State may reasonably require, including—

17 “(1) a description of the applicant’s current
18 adult education and literacy programs, if any;

19 “(2) a description of how funds awarded under
20 this part will be spent;

21 “(3) a description of how the applicant’s pro-
22 gram will help the State address the needs identified
23 in the State’s assessment under section 315(b);

24 “(4) the projected goals of the applicant with
25 respect to participant recruitment, retention, and
26 educational achievement, and how the applicant will

1 measure and report to the State regarding the infor-
 2 mation required in section 319(a); and

3 “(5) any cooperative arrangements the appli-
 4 cant has with others (including arrangements with
 5 health, social services, public assistance, public hous-
 6 ing, and corrections agencies, libraries, one-stop ca-
 7 reer centers, business, industry, labor, and volunteer
 8 literacy organizations) for the delivery of adult edu-
 9 cation and literacy programs.

10 “(b) FUNDING.—In determining which applicants re-
 11 ceive funds under this part, the State, in addition to ad-
 12 dressing the program priorities under section 311(b),
 13 shall—

14 “(1) give preference to those applicants that
 15 serve local areas with high concentrations of individ-
 16 uals in poverty or with low levels of literacy (includ-
 17 ing English language proficiency), or both; and

18 “(2) consider—

19 “(A) the results, if any, of the evaluations
 20 required under section 319(a); and

21 “(B) the degree to which the applicant will
 22 coordinate with and utilize other literacy and
 23 social services available in the community.

24 “PERFORMANCE GOALS AND INDICATORS

25 “SEC. 318. (a) PERFORMANCE GOALS.—Any State
 26 desiring to receive a grant under section 312(a), in con-

1 sultation with individuals, agencies, organizations, and in-
 2 stitutions described in section 315(c), shall identify per-
 3 formance goals that define the level of student achieve-
 4 ment to be attained by adult education and literacy pro-
 5 grams, and express such goals in an objective, quantifi-
 6 able, and measurable form.

7 “(b) PERFORMANCE INDICATORS.—(1) After con-
 8 sultation with States, local educational agencies, service
 9 providers, representatives of business and industry, insti-
 10 tutions of higher education, and other interested parties,
 11 the Secretary shall publish in the Federal Register per-
 12 formance indicators (including the definition of relevant
 13 terms) described in paragraph (2) that States and local
 14 recipients shall use in measuring or assessing progress to-
 15 ward achieving the State’s performance goals under sub-
 16 section (a).

17 “(2) The Secretary shall publish performance indica-
 18 tors for programs assisted under this part in the following
 19 areas:

20 “(A) achievement in the areas of reading, Eng-
 21 lish language acquisition, and numeracy;

22 “(B) receipt of a high school diploma or its
 23 equivalent;

1 “(C) entry into a postsecondary school, job
2 training program, employment, or career advance-
3 ment; and

4 “(D) such other indicators as are determined by
5 the Secretary.

6 “(c) TECHNICAL ASSISTANCE.—(1) The Secretary
7 shall provide technical assistance to States regarding the
8 development of—

9 “(A) the State’s performance goals under sub-
10 section (a); and

11 “(B) uniform national performance data.

12 “(2) The Secretary may use funds reserved under
13 section 303(b) to provide technical assistance under this
14 section.

15 “EVALUATION, IMPROVEMENT, AND ACCOUNTABILITY

16 “SEC. 319. (a) LOCAL EVALUATION.—The adult edu-
17 cation and literacy programs of each recipient of a
18 subgrant or contract under this part shall be evaluated
19 biennially, using the performance goals and indicators es-
20 tablished under section 318, and the recipient shall report
21 to the State regarding the effectiveness of its programs
22 in addressing the priorities under section 311 and the
23 needs identified in the State assessment under section
24 315(b).

25 “(b) IMPROVEMENT ACTIVITIES.—If, after reviewing
26 the reports required in subsection (a), a State determines,

1 based on the performance goals and indicators and ex-
2 pected level of performance included in its State plan
3 under section 315(d)(3), and the evaluations under sub-
4 section (a), that a recipient is not making substantial
5 progress in achieving the purposes of this title, the State
6 may work jointly with the recipient to develop an improve-
7 ment plan. If, after not more than two years of implemen-
8 tation of the improvement plan, the State determines that
9 the recipient is not making substantial progress, the State
10 shall take whatever corrective action it deems necessary,
11 which may include termination of funding or the imple-
12 mentation of alternative service arrangements, consistent
13 with State law. The State shall take corrective action
14 under the preceding sentence only after it has provided
15 technical assistance to the recipient and shall ensure, to
16 the extent practicable, that any corrective action it takes
17 allows for continued services to and activities for the re-
18 cipient's students.

19 “(c) STATE REPORT.—(1) The State educational
20 agency shall report annually to the Secretary on—

21 “(A) the quality and effectiveness of the adult
22 education and literacy programs funded through its
23 subgrants and contracts under this part, based on
24 the performance goals and indicators and the ex-
25 pected level of performance included in its State

1 plan under section 315(d)(3), and the needs identi-
2 fied in the State assessment under section 315(b);
3 and

4 “(B) its State leadership activities under sec-
5 tion 313.

6 “(2) The State educational agency shall include in
7 such reports such information, and in such form, as the
8 Secretary may reasonably require, in order to ensure the
9 collection of uniform national data.

10 “(3) The State educational agency shall make avail-
11 able to the public its State plan under section 315 and
12 its annual report under this subsection.

13 “(d) TECHNICAL ASSISTANCE.—If the Secretary de-
14 termines that the State is not properly implementing its
15 responsibilities under subsection (b), or is not making sub-
16 stantial progress in meeting the purposes of this title,
17 based on the performance goals and indicators and ex-
18 pected level of performance included in its State plan
19 under section 315(d)(3), the Secretary shall work with the
20 State to implement improvement activities.

21 “(e) WITHHOLDING OF FEDERAL FUNDS.—If, after
22 a reasonable time, but not earlier than one year after im-
23 plementing activities described in subsection (d), the Sec-
24 retary determines that the State is not making sufficient
25 progress, based on its performance goals and indicators

1 and expected level of performance included in its State
 2 plan under section 315(d)(3), the Secretary shall, after no-
 3 tice and opportunity for a hearing, withhold from the
 4 State all, or a portion, of the State's allotment under this
 5 part. The Secretary may use funds withheld under the
 6 preceding sentence to provide, through alternative ar-
 7 rangements, services and activities within the State that
 8 meet the purposes of this title.

9 "ALLOTMENTS; REALLOTMENT

10 "SEC. 320. (a) ALLOTMENT TO STATES.—(1) From
 11 the funds available under section 312(a) for each fiscal
 12 year, the Secretary shall allot to the Commonwealth of
 13 Puerto Rico, Guam, American Samoa, the Northern Mari-
 14 ana Islands, and the Virgin Islands, the amount that each
 15 would have been allotted under section 313(b) of the Adult
 16 Education Act as it was in effect the day before the enact-
 17 ment of the Adult Basic Education and Literacy for the
 18 Twenty-First Century Act.

19 "(2) From the remainder of such sums, the Secretary
 20 shall allot—

21 "(A) \$250,000 to each of the States; and

22 "(B) from the remainder—

23 "(i) 95 percent of such remainder to each
 24 of the States in an amount that bears the same
 25 ratio to such amount as the number of adults
 26 in the State who are 16 years of age or older

1 and not enrolled, or required to be enrolled, in
 2 secondary school and who do not possess a high
 3 school diploma or its equivalent, bears to the
 4 number of such adults in all the States; and

5 “(ii) 5 percent of such remainder to each
 6 of the States in an amount that bears the same
 7 ratio to such amount as the number of adults
 8 with limited English proficiency in the State
 9 bears to the number of such adults in all the
 10 States.

11 “(3) The numbers of adults specified in paragraph
 12 (2)(B) shall be determined by the Secretary, using the lat-
 13 est estimates, satisfactory to the Secretary, that are based
 14 on the U.S. population demographic data produced and
 15 published by the Bureau of the Census.

16 “(b) HOLD-HARMLESS.—(1) Notwithstanding sub-
 17 section (a)—

18 “(A) for fiscal year 1998, no State shall receive
 19 under this part an allotment that is less than 90
 20 percent of the payments made to the State for the
 21 fiscal year 1997 for programs authorized by section
 22 313 of the Adult Education Act as it was in effect
 23 prior to the enactment of the Adult Basic Education
 24 and Literacy for the Twenty-First Century Act; and

1 “(B) for fiscal year 1999 and each succeeding
 2 fiscal year, no State shall receive under this part an
 3 allotment that is less than 90 percent of the amount
 4 it received for the preceding fiscal year for programs
 5 under this part.

6 “(2) If for any fiscal year the amount available for
 7 allotment under this section is insufficient to satisfy the
 8 provisions of paragraph (1), the Secretary shall ratably
 9 reduce the payments to all States for such services and
 10 activities as necessary.

11 “(c) REALLOTMENT.—If the Secretary determines
 12 that any amount of a State’s allotment under this section
 13 for any fiscal year will not be required for carrying out
 14 the program for which such amount has been allotted, the
 15 Secretary shall make such amount available for reallocot-
 16 ment to one or more other States on the basis that the
 17 Secretary determines would best serve the purposes of this
 18 title. Any amount reallocated to a State under this sub-
 19 section shall be deemed to be part of its allotment for the
 20 fiscal year in which is is obligated.

21 “PART B—NATIONAL LEADERSHIP

22 “NATIONAL LEADERSHIP ACTIVITIES

23 “SEC. 331. (a) AUTHORITY.—From the amount re-
 24 served under section 303(b) for any fiscal year, the Sec-
 25 retary is authorized to establish a program of national

1 leadership and evaluation activities to enhance the quality
2 of adult education and literacy nationwide.

3 “(b) METHOD OF FUNDING.—The Secretary may
4 carry out national leadership and evaluation activities di-
5 rectly or through grants, contracts, and cooperative agree-
6 ments.

7 “(c) USES OF FUNDS.—Funds reserved under this
8 section may be used for—

9 “(1) research and development, such as esti-
10 mates of the numbers of adults functioning at the
11 lowest levels of literacy proficiency;

12 “(2) demonstration of model and innovative
13 programs, such as the development of models for
14 basic skill certificates, identification of effective
15 strategies for working with adults with learning dis-
16 abilities and with limited English proficient adults,
17 and development of case studies of family literacy
18 and workplace literacy programs;

19 “(3) dissemination, such as information on
20 promising practices resulting from federally funded
21 demonstration programs;

22 “(4) evaluations and assessments, such as peri-
23 odic independent evaluations of services and activi-
24 ties assisted under this title and assessments of the

1 condition and progress of literacy in the United
2 States;

3 “(5) efforts to support capacity building at the
4 State and local levels, such as technical assistance in
5 program planning, assessment, evaluation, and mon-
6 itoring of programs under this title;

7 “(6) data collection, such as improvement of
8 both local and State data systems through technical
9 assistance and development of model performance
10 data collection systems;

11 “(7) professional development, such as technical
12 assistance activities to advance effective training
13 practices, identify professional development projects,
14 and disseminate new findings in adult education
15 training;

16 “(8) technical assistance, such as endeavors
17 that aid distance learning, promote and improve the
18 use of technology in the classroom, and assist States
19 in meeting the purposes of this title; and

20 “(9) other activities designed to enhance the
21 quality of adult education and literacy nationwide.

22 “AWARDS FOR NATIONAL EXCELLENCE

23 “SEC. 332. The Secretary may, from the amount re-
24 served under section 303(b) for any fiscal year after fiscal
25 year 1999, and through a peer review process, make per-
26 formance awards to one or more States that have—

1 “(1) exceeded in an outstanding manner their
2 performance goals or expected level of performance
3 under section 315(d)(3);

4 “(2) made exemplary progress in developing,
5 implementing or improving their adult education and
6 literacy programs in accordance with the priorities
7 described in section 311; or

8 “(3) provided exemplary services and activities
9 for those individuals within the State who are most
10 in need of adult education and literacy services, or
11 are hardest to serve.

12 “NATIONAL INSTITUTE FOR LITERACY

13 “SEC. 333. (a) PURPOSE.—The National Institute
14 for Literacy shall—

15 “(1) provide national leadership;

16 “(2) coordinate literacy services; and

17 “(3) be a national resource for adult education
18 and family literacy, by providing the best and most
19 current information available and supporting the
20 creation of new ways to offer improved services.

21 “(b) ESTABLISHMENT.—(1) There shall be a Na-
22 tional Institute for Literacy (in this section referred to as
23 the ‘Institute’). The Institute shall be administered under
24 the terms of an interagency agreement entered into by the
25 Secretary with the Secretary of Labor and the Secretary
26 of Health and Human Services (in this section referred

1 to as the ‘Interagency Group’). The Secretary may include
 2 in the Institute any research and development center, in-
 3 stitute, or clearinghouse established within the Depart-
 4 ment of Education whose purpose is determined by the
 5 Secretary to be related to the purpose of the Institute.

6 “(2) The Interagency Group shall consider the rec-
 7 ommendations of the National Institute for Literacy Advi-
 8 sory Board (the ‘Board’) under subsection (e) in planning
 9 the goals of the Institute and in the implementation of
 10 any programs to achieve such goals. The daily operations
 11 of the Institute shall be carried out by the Director.

12 “(c) DUTIES.—(1) In order to provide leadership for
 13 the improvement and expansion of the system for delivery
 14 of literacy services, the Institute is authorized to—

15 “(A) establish a national electronic data base of
 16 information that disseminates information to the
 17 broadest possible audience within the literacy and
 18 basic skills field, and that includes—

19 “(i) effective practices in the provision of
 20 literacy and basic skills instruction, including
 21 the integration of such instruction with occupa-
 22 tional skills training;

23 “(ii) public and private literacy and basic
 24 skills programs and Federal, State, and local

1 policies affecting the provision of literacy serv-
2 ices at the national, State, and local levels;

3 “(iii) opportunities for technical assistance,
4 meetings, conferences, and other opportunities
5 that lead to the improvement of literacy and
6 basic skills services; and

7 “(iv) a communication network for literacy
8 programs, providers, social service agencies, and
9 students;

10 “(B) coordinate support for the provision of lit-
11 eracy and basic skills services across Federal agen-
12 cies and at the State and local levels;

13 “(C) coordinate the support of research and de-
14 velopment on literacy and basic skills in families and
15 adults across Federal agencies, especially with the
16 Office of Educational Research and Improvement in
17 the Department of Education, and carry out basic
18 and applied research and development on topics that
19 are not being investigated by other organizations or
20 agencies;

21 “(D) collect and disseminate information on
22 methods of advancing literacy that show great prom-
23 ise;

24 “(E) work with the National Education Goals
25 Panel, assist local, State, and national organizations

1 and agencies in making and measuring progress to-
2 wards the National Education Goal, as established
3 by P.L. 103–227;

4 “(F) coordinate and share information with na-
5 tional organizations and associations that are inter-
6 ested in literacy and workforce development;

7 “(G) inform the development of policy with re-
8 spect to literacy and basic skills; and

9 “(H) undertake other activities that lead to the
10 improvement of the Nation’s literacy delivery system
11 and that complement other such efforts being under-
12 taken by public and private agencies and organiza-
13 tions.

14 “(2) The Institute may enter into contracts or coop-
15 erative agreements with, or make grants to, individuals,
16 public or private institutions, agencies, organizations, or
17 consortia of such institutions, agencies, or organizations
18 to carry out the activities of the Institute. Such grants,
19 contracts, or agreements shall be subject to the laws and
20 regulations that generally apply to grants, contracts, or
21 agreements entered into by Federal agencies.

22 “(d) LITERACY LEADERSHIP.—(1) The Institute
23 may, in consultation with the Board, award fellowships,
24 with such stipends and allowances that the Director con-
25 sider necessary, to outstanding individuals pursuing ca-

1 reers in adult education or literacy in the areas of instruc-
 2 tion, management, research, or innovation.

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

9 “(3) The Institute, in consultation with the Board,
 10 is authorized to award paid and unpaid internships to in-
 11 dividuals seeking to assist in carrying out the Institute’s
 12 mission and to accept assistance from volunteers.

13 “(e) NATIONAL INSTITUTE FOR LITERACY ADVISORY
 14 BOARD.—(1)(A) There shall be a National Institute for
 15 Literacy Advisory Board, which shall consist of 10 individ-
 16 uals appointed by the President.

17 “(B) The Board shall comprise individuals who are
 18 not otherwise officers or employees of the Federal Govern-
 19 ment and who are representative of such entities as—

20 “(i) literacy organizations and providers of lit-
 21 eracy services, including nonprofit providers, provid-
 22 ers of English as a second language programs and
 23 services, social service organizations, and providers
 24 receiving assistance under this title;

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

3 “(iii) literacy students, including those with dis-
4 abilities;

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

6 “(v) State and local governments;

7 “(vi) State Directors of adult education; and

8 “(vii) labor organizations.

9 “(2) The Board shall—

10 “(A) make recommendations concerning the ap-
11 pointment of the Director and staff of the Institute;
12 and

13 “(B) provide independent advice on the oper-
14 ation of the Institute.

15 “(3)(A) Appointments to the Board made after the
16 date of enactment of the Adult Basic Education and Lit-
17 eracy for the Twenty-First Century Act shall be for three-
18 year terms, except that the initial terms for members may
19 be established at one, two, or three years in order to estab-
20 lish a rotation in which one-third of the members are se-
21 lected each year.

22 “(B) Any member appointed to fill a vacancy occur-
23 ring before the expiration of the term for which the mem-
24 ber’s predecessor was appointed shall be appointed only
25 for the remainder of that term. A member may serve after

1 the expiration of that members' term until a successor has
2 taken office.

3 “(4) The Chairperson and Vice Chairperson of the
4 Board shall be elected by the members.

5 “(5) The Board shall meet at the call of the Chair-
6 person or a majority of its members.

7 “(f) GIFTS, BEQUESTS, AND DEVISES.—(1) The In-
8 stitute may accept, administer, and use gifts or donations
9 of services, money, or property, whether real or personal,
10 tangible or intangible.

11 “(2) The responsible official shall establish written
12 rules setting forth the criteria to be used by the Institute
13 in determining whether the acceptance of contributions of
14 services, money, or property whether real or personal, tan-
15 gible or intangible, would reflect unfavorably upon the
16 ability of the Institute or any employee to carry out its
17 responsibilities or official duties in a fair and objective
18 manner, or would compromise the integrity or the appear-
19 ance of the integrity of its programs or any official in-
20 volved in those programs.

21 “(g) MAILS.—The Board and the Institute may use
22 the United States mails in the same manner and under
23 the same conditions as other departments and agencies of
24 the United States.

1 “(h) STAFF.—The Interagency Group, after consid-
2 ering recommendations made by the Board, shall appoint
3 and fix the pay of a Director.

4 “(i) APPLICABILITY OF CERTAIN CIVIL SERVICE
5 LAWS.—The Director and staff of the Institute may be
6 appointed without regard to the provisions of title 5, Unit-
7 ed States Code, governing appointments in the competitive
8 service, and may be paid without regard to the provisions
9 of chapter 51 and subchapter III of Chapter 53 of that
10 title relating to classification and General Schedule pay
11 rates, except that an individual so appointed may not re-
12 ceive pay in excess of the annual rate of basic pay payable
13 for level IV of the Executive Schedule.

14 “(j) EXPERTS AND CONSULTANTS.—The Institute
15 may procure temporary and intermittent services under
16 section 3109(b) of title 5, United States Code.

17 “(k) REPORT.—The Institute shall submit a biennial
18 report to the Interagency Group and the Congress.

19 “(1) NONDUPLICATION.—The Institute shall not du-
20 plicate any functions carried out by the Secretaries of
21 Education, Labor, and Health and Human Services under
22 this title. This subsection shall not be construed to pro-
23 hibit the Secretaries from delegating such functions to the
24 Institute.

1 “(m) FUNDING.—Any amounts appropriated to the
 2 Secretary, the Secretary of Labor, the Secretary of Health
 3 and Human Services, or any other department that par-
 4 ticipates in the Institute for purposes that the Institute
 5 is authorized to perform under this section may be pro-
 6 vided to the Institute for such purposes.

7 “PART C—GENERAL PROVISIONS

8 “WAIVERS

9 “SEC. 341. (a) REQUEST FOR WAIVER.—A State
 10 educational agency may request, on its own behalf or on
 11 behalf of a local recipient, a waiver by the Secretary on
 12 one or more statutory or regulatory provisions described
 13 in subsection (c) in order to carry out adult education and
 14 literacy programs under part A more effectively.

15 “(b) GENERAL AUTHORITY.—(1) Except as provided
 16 in subsection (d), the Secretary may waive any require-
 17 ment of a statute listed in subsection (c), or of the regula-
 18 tions issued under that statute, for a State that requests
 19 such a waiver—

20 “(A) if, and only to the extent that, the Sec-
 21 retary determines that such requirement impedes the
 22 ability of the State or a subgrant or contract recipi-
 23 ent under part A to carry out adult education and
 24 literacy programs or activities in an effective man-
 25 ner;

1 “(B) if the State waives, or agrees to waive,
2 any similar requirements of State law;

3 “(C) if, in the case of a statewide waiver, the
4 State—

5 “(i) has provided all subgrant or contract
6 recipients under part A in the State with notice
7 of, and an opportunity to comment on, the
8 State’s proposal to request a waiver; and

9 “(ii) has submitted the comments of such
10 recipients to the Secretary; and

11 “(D) if the State provides such information as
12 the Secretary reasonably requires in order to make
13 such determinations.

14 “(2) The Secretary shall act promptly on any request
15 submitted under paragraph (1).

16 “(3) Each waiver approved under this subsection
17 shall be for a period not to exceed five years, except that
18 the Secretary may extend such period if the Secretary de-
19 termines that the waiver has been effective in enabling the
20 State to carry out the purposes of this title.

21 “(c) EDUCATION PROGRAMS.—The statutes subject
22 to the waiver authority of the Secretary under this section
23 are—

24 “(1) this title;

1 “(2) part A of title I of the Elementary and
 2 Secondary Education Act of 1965 (authorizing pro-
 3 grams and activities to help disadvantaged children
 4 meet high standards);

5 “(3) part B of title II of the Elementary and
 6 Secondary Education Act of 1965 (Dwight D. Eisen-
 7 hower Professional Development Program);

8 “(4) title VI of the Elementary and Secondary
 9 Education Act of 1965 (Innovative Education Pro-
 10 gram Strategies);

11 “(5) part C of title VII of the Elementary and
 12 Secondary Education Act of 1965 (Emergency Im-
 13 migrant Education Program);

14 “(6) the School-to-Work Opportunities Act of
 15 1994, but only with the concurrence of the Secretary
 16 of Labor; and

17 “(7) the Carl D. Perkins Career Preparation
 18 Education Act of 1997.

19 “(d) WAIVERS NOT AUTHORIZED.—The Secretary
 20 may not waive any statutory or regulatory requirement of
 21 the programs listed in subsection (c) relating to—

22 “(1) the basic purposes or goals of the affected
 23 programs;

24 “(2) maintenance of effort;

25 “(3) comparability of services;

“(e) TERMINATION OF WAIVERS.—The Secretary shall periodically review the performance of any State or local recipient for which the Secretary has granted a waiver under this section and shall terminate such waiver if the Secretary determines that the performance of the State affected by the waiver has been inadequate to justify a continuation of the waiver, or the State fails to waive similar requirements of State law in accordance with subsection (b)(1)(B).

22 “DEFINITIONS

23 “SEC. 342. For the purposes of this title—

24 “(1) except under section 320(a)(2)(B)(ii), the
25 term ‘adult’ means an individual who is 16 years of
26 age, or beyond the age of compulsory school attend-

1 ance under State law, and who is not enrolled, or re-
2 quired to be enrolled, in secondary school;

3 “(2) the term ‘adult education’ means services
4 or instruction below the college level for adults
5 who—

6 “(A) lack sufficient education or literacy
7 skills to enable them to function effectively in
8 society; or

9 “(B) do not have a certificate of gradua-
10 tion from a school providing secondary edu-
11 cation and who have not achieved an equivalent
12 level of education;

13 “(3) the term ‘community-based organization’
14 means a private nonprofit organization that is rep-
15 resentative of a community or significant segments
16 of a community and that provides education, voca-
17 tional rehabilitation, job training, or internship serv-
18 ices and programs;

19 “(4) the term ‘individual of limited English pro-
20 ficiency’ means an adult or out-of-school youth who
21 has limited ability in speaking, reading, writing, or
22 understanding the English language and—

23 “(A) whose native language is a language
24 other than English; or

1 “(B) who lives in a family or community
2 environment where a language other than Eng-
3 lish is the dominant language;

4 “(5) the term ‘institution of higher education’
5 means any such institution as defined by section
6 1201(a) of the Higher Education Act of 1965;

7 “(6) the term ‘literacy’ means an individual’s
8 ability to read, write, and speak in English, and
9 compute and solve problems at levels of proficiency
10 necessary to function on the job and in society, to
11 achieve one’s goals, and develop one’s knowledge and
12 potential;

13 “(7) the term ‘local educational agency’ means
14 a public board of education or other public authority
15 legally constituted within a State for either adminis-
16 trative control or direction of, or to perform a serv-
17 ice function for, public elementary or secondary
18 schools in a city, county, township, school district, or
19 other political subdivision of a State, or such com-
20 bination of school districts or counties as are recog-
21 nized in a State as an administrative agency for its
22 public elementary or secondary schools, except that,
23 if there is a separate board or other legally con-
24 stituted local authority having administrative control
25 and direction of adult education in public schools

1 therein, such term means such other board or au-
 2 thority;

3 “(8) the term ‘public housing agency’ means a
 4 public housing agency as defined in section 3(b)(6)
 5 of the United States Housing Act of 1937 (42
 6 U.S.C. 1437a(b)(6));

7 “(9) the term ‘Secretary’ means the Secretary
 8 of Education;

9 “(10) the term ‘State’ means each of the 50
 10 States and the District of Columbia, the Common-
 11 wealth of Puerto Rico, Guam, American Samoa, the
 12 Northern Mariana Islands, and the Virgin Islands,
 13 except that for purposes of section 320(a)(2) the
 14 term shall not include the Commonwealth of Puerto
 15 Rico, Guam, American Samoa, the Northern Mari-
 16 ana Islands, and the Virgin Islands; and

17 “(11) the term ‘State educational agency’
 18 means the State board of education or other agency
 19 or officer primarily responsible for the State super-
 20 vision of public elementary and secondary schools,
 21 or, if there is a separate State agency or officer pri-
 22 marily responsible for supervision of adult education
 23 in public schools, then such agency or officer may be
 24 designated for the purposes of this title by the Gov-
 25 ernor or by State law. If no agency or officer quali-

1 fies under the preceding sentence, such term shall
 2 mean an appropriate agency or officer designated for
 3 the purposes of this title by the Governor.”.

4 **TITLE II—EFFECTIVE DATE; TRANSITION**

5 EFFECTIVE DATE

6 SEC. 201. This Act shall take effect on July 1, 1998.

7 TRANSITION

8 SEC. 202. Notwithstanding any other provisions of
 9 law—

10 (1) upon enactment of the Adult Basic Edu-
 11 cation and Literacy for the Twenty-First Century
 12 Act, a State or local recipient of funds under the
 13 Adult Education Act as it was in effect prior to the
 14 enactment of the Adult Basic Education and Lit-
 15 eracy for the Twenty-First Century Act, may use
 16 any such unexpended funds to carry out services and
 17 activities that are authorized by the Adult Education
 18 Act or part A of the Adult Basic Education and Lit-
 19 eracy Act; and

20 (2) a State or local recipient of funds under
 21 part A of the Adult Basic Education and Literacy
 22 Act for the fiscal year 1998 may use such funds to
 23 carry out services and activities that are authorized
 24 either by such part or were authorized by the Adult
 25 Education Act as it was in effect prior to the enact-

4 REPEALS

(b) GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.—Part E of title X of the Higher Education Act of 1965 (20 U.S.C. 1135g) is repealed.

S 994 IS