

108TH CONGRESS
1ST SESSION

S. 1543

To amend and improve provisions relating to the workforce investment and adult education systems of the Nation.

IN THE SENATE OF THE UNITED STATES

JULY 31 (legislative day, JULY 21), 2003

Mrs. CLINTON (for herself, Mr. ENSIGN, and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend and improve provisions relating to the workforce investment and adult education systems of the Nation.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Access to Employment
5 and English Acquisition Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Approximately 17,800,000 adults in the
9 United States have limited English proficiency.

1 (2) Approximately 90,000,000 adults in the
2 United States are reading at levels that are insuffi-
3 cient to allow the adults to participate fully in the
4 economy and to obtain new skills necessary for suc-
5 cess.

6 (3) A significant contributor to low literacy is
7 limited English speaking and reading ability.

8 (4) Individuals with limited English proficiency
9 are the fastest growing segment of the individuals
10 participating in the adult education, language, and
11 literacy system.

12 (5) Programs that provide simultaneous courses
13 in English language instruction go a long way to-
14 ward meeting the needs of English language learn-
15 ers.

16 (6) Lack of English proficiency is a significant
17 barrier to obtaining training and employment.

18 (7) English language learners make up nearly
19 50 percent of persons enrolled in federally funded
20 adult education programs.

21 (8) The concentration of English language
22 learners across the United States is not uniform,
23 leaving some States with a far greater need to pro-
24 vide English as a second language services than oth-
25 ers.

1 (9) New immigrants accounted for nearly half
2 of the growth in the civilian labor force between
3 1990 and 2000. Immigrants are projected to ac-
4 count for all of the growth in the prime-age labor
5 force between 2000 and 2020.

6 (10) Immigrants who are fluent in oral and
7 written English earn approximately 24 percent more
8 than immigrants who lack that fluency, regardless of
9 vocational qualifications.

10 (11) Current workforce development policies
11 and programs have been ineffective in serving immi-
12 grants and persons who are limited English pro-
13 ficient.

14 (12) Programs that integrate skills acquisition,
15 training, and language acquisition have dem-
16 onstrated remarkable employment outcomes.

17 **TITLE I—AMENDMENTS CON-**
18 **CERNING WORKFORCE IN-**
19 **VESTMENT SYSTEMS**

20 **SEC. 101. DEFINITIONS.**

21 Section 101 of the Workforce Investment Act of 1998
22 (29 U.S.C. 2801) is amended—

23 (1) by redesignating paragraphs (18) through
24 (53) as paragraphs (19) through (54), respectively;
25 and

1 (2) by inserting after paragraph (17) the fol-
2 lowing:

3 “(18) INTEGRATED TRAINING.—The term ‘inte-
4 grated training’ means training that integrates occu-
5 pational skills training with language acquisition.”.

6 **SEC. 102. SERVICES FOR INDIVIDUALS WHO ARE LIMITED**
7 **ENGLISH PROFICIENT.**

8 (a) STATE PLAN.—Section 112(b)(17)(A)(iv) of the
9 Workforce Investment Act of 1998 (29 U.S.C.
10 2822(b)(17)(A)(iv)) is amended by inserting “individuals
11 who are Limited English Proficient” between “non-tradi-
12 tional employment” and “and other individuals with mul-
13 tiple barriers to employment”.

14 (b) INTERPRETATION AND TRANSLATION SERV-
15 ICES.—Section 188(a) of the Workforce Investment Act
16 of 1998 (29 U.S.C. 2938(a)) is amended by adding at the
17 end the following:

18 “(6) INTERPRETATION AND TRANSLATION
19 SERVICES.—One-stop centers referred to in section
20 134(c) shall provide appropriate interpretation and
21 translation services to individuals who are limited
22 English proficient, as required by title VI of the
23 Civil Rights Act of 1964 (42 U.S.C. 2000d et
24 seq.).”.

1 **SEC. 103. ELIGIBILITY AND PERFORMANCE MEASURES.**

2 (a) PERFORMANCE AND COST INFORMATION.—Sec-
3 tion 122(d)(3) of the Workforce Investment Act of 1998
4 (29 U.S.C. 2842(d)(3)) is amended by adding at the end
5 the following:

6 “(C) ADULT EDUCATION AND FAMILY LIT-
7 ERACY ACT REQUIREMENTS.—The local board
8 and the designated State agency described in
9 subsection (i) may accept program-specific per-
10 formance information consistent with the re-
11 quirements for eligibility under the Adult Edu-
12 cation and Family Literacy Act (20 U.S.C.
13 9201 et seq.) from a provider for the purpose
14 of enabling the provider to fulfill the applicable
15 requirements of this subsection, if such infor-
16 mation is substantially similar to the informa-
17 tion otherwise required under this subsection.”.

18 (b) INTEGRATED TRAINING PROGRAMS.—Section
19 122(h) of the Workforce Investment Act of 1998 (29
20 U.S.C. 2842(h)) is amended—

21 (1) in the heading, by striking “OR CUS-
22 TOMIZED TRAINING” and inserting “, CUSTOMIZED
23 TRAINING, OR INTEGRATED TRAINING”;

24 (2) in paragraph (1), by striking “or cus-
25 tomized training” and inserting “, customized train-
26 ing, or integrated training”; and

1 (3) in paragraph (2), by striking “and cus-
2 tomized training” and inserting “, customized train-
3 ing, and integrated training”.

4 (c) LEVELS OF PERFORMANCE.—Section
5 136(b)(3)(A)(iv)(II) of the Workforce Investment Act of
6 1998 (29 U.S.C. 2871(b)(3)(A)(iv)(II)) is amended by in-
7 serting “, including their indicators of poor work history,
8 lack of work experience, low levels of literacy or English
9 proficiency, disability status, and welfare dependency,”
10 after “entered the program”.

11 (d) INCENTIVE GRANTS.—

12 (1) IN GENERAL.—Section 136 (29 U.S.C.
13 2871) is amended by adding at the end the fol-
14 lowing:

15 “(j) INCENTIVE GRANTS FOR STATES.—

16 “(1) IN GENERAL.—From funds appropriated
17 under section 174(b), the Secretary may award in-
18 centive grants to States for exemplary performance
19 in carrying out programs under chapters 4 and 5.

20 “(2) BASIS.—The Secretary may award the
21 grants on the basis—

22 “(A) that the States met or exceeded the
23 performance measures established under sub-
24 section (b);

1 “(B) of exemplary performance of the
2 States in serving special participant populations
3 defined in section 134(d)(4)(G)(iv) (including
4 performance relating to the levels of service
5 provided and the performance outcomes on such
6 performance measures with respect to the popu-
7 lations); and

8 “(C) of such other factors relating to the
9 performance of the States under this title as
10 the Secretary determines are appropriate.

11 “(3) USE OF FUNDS.—The funds awarded to a
12 State under this subsection may be used to carry out
13 any activities authorized under chapters 4 and 5, in-
14 cluding demonstration projects and innovative pro-
15 grams for the special participant populations.”.

16 (2) AUTHORIZATION OF APPROPRIATIONS.—
17 Section 174(b) of the Workforce Investment Act of
18 1998 (29 U.S.C. 2919(b)) is amended—

19 (A) in paragraph (1), by inserting “, sec-
20 tion 136(j),” after “172”; and

21 (B) in paragraph (2)(D)(iii), by striking
22 “section 503” and inserting “sections 136(j)
23 and 503”.

1 **SEC. 104. STATE DISCRETIONARY FUNDING.**

2 Section 134(a)(3)(A)(vi) of the Workforce Invest-
3 ment Act of 1998 (29 U.S.C. 2864(a)(3)(A)(vi)) is amend-
4 ed—

5 (1) in subelause (I), by striking “and” at the
6 end; and

7 (2) by adding at the end the following:

8 “(III) implementation of innova-
9 tive programs for special participant
10 populations defined in section
11 134(d)(4)(G)(iv) to increase the num-
12 ber of individuals offered occupational
13 training in growth industries; and”.

14 **SEC. 105. INTENSIVE AND TRAINING SERVICES.**

15 (a) IN GENERAL.—Section 134(d) of the Workforce
16 Investment Act of 1998 (29 U.S.C. 2864(d)) is amend-
17 ed—

18 (1) in paragraph (3)—

19 (A) by amending subparagraph (A)(i) to
20 read as follows:

21 “(i) who have been determined by a
22 one-stop operator to be in need of intensive
23 services in order to meet the individual’s
24 employment goal; or”; and

25 (B) by amending subparagraph (C)(vi) to
26 read as follows:

1 “(vi) Short-term prevocational serv-
2 ices, including development of learning
3 skills, communication skills, English lit-
4 eracy skills, interviewing skills, punctuality,
5 personal maintenance skills, and profes-
6 sional conduct, to prepare individuals for
7 unsubsidized employment or training.”;
8 and

9 (2) in paragraph (4)—

10 (A) in subparagraph (A)—

11 (i) by striking clause (i); and

12 (ii) by redesignating clauses (ii)
13 through (v) as clauses (i) through (iv), re-
14 spectively; and

15 (B) in subparagraph (D)—

16 (i) by amending clause (i) to read as
17 follows:

18 “(i) occupational skills training, in-
19 cluding training for nontraditional employ-
20 ment and training designed for individuals
21 with Limited English Proficiency;” and

22 (ii) by amending clause (viii) to read
23 as follows:

24 “(viii) activities that are—

1 “(I) adult education and literacy
2 activities, or English as a Second
3 Language activities; and

4 “(II) provided in combination
5 with services described in any of
6 clauses (i) through (vii); and”.

7 (b) SPECIALIZED ASSESSMENTS.—Section
8 134(d)(3)(C)(i) of the Workforce Investment Act of 1998
9 (29 U.S.C. 2864(d)(3)(C)(i)) is amended in the matter
10 preceding subclause (I) to read as follows:

11 “(i) Comprehensive and specialized
12 assessments of the skill levels, English pro-
13 ficiency, and service needs of adults and
14 dislocated workers, which may include—”.

15 **SEC. 106. DEMONSTRATION, PILOT, MULTISERVICE, RE-**
16 **SEARCH, AND MULTISTATE PROJECTS.**

17 (a) DEMONSTRATION AND PILOT PROJECTS.—Sec-
18 tion 171(b)(1) of the Workforce Investment Act of 1998
19 (29 U.S.C. 2916(b)(1)) is amended—

20 (1) in subparagraph (G), by striking “and” at
21 the end;

22 (2) in subparagraph (H), by striking the period
23 and inserting “; and”; and

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

1 “(I) projects that provide train-
2 ing to establish or upgrade the job
3 and related skills of special partici-
4 pant populations defined in section
5 134(d)(4)(G)(iv).”.

6 (b) MULTISERVICE PROJECTS.—Section 171(c)(1) of
7 the Workforce Investment Act of 1998 (29 U.S.C.
8 2916(c)(1)) is amended—

9 (1) in subparagraph (A), by inserting “and spe-
10 cial participant populations defined in section
11 134(d)(4)(G)(iv)” after “targeted populations”;

12 (2) in subparagraph (B), by inserting “and spe-
13 cial participant populations defined in section
14 134(d)(4)(G)(iv)” after “disability community”; and

15 (3) in subparagraph (C), by inserting “and spe-
16 cial participant populations defined in section
17 134(d)(4)(G)(iv)” after “targeted populations”.

18 (c) STUDY AND REPORT.—Section 171(c)(2)(B) of
19 the Workforce Investment Act of 1998 (29 U.S.C.
20 2916(c)(2)(B)) is amended to read as follows:

21 “(B) STUDY AND REPORT ON INTEGRATED
22 TRAINING PROGRAMS.—The Secretary shall
23 conduct a 2-year study on best practices for
24 programs that integrate English language ac-
25 quisition with job training programs. The Sec-

1 retary shall prepare and submit to Congress a
2 report containing the results of the study, in-
3 cluding policy recommendations.”.

4 (d) MULTISTATE PROJECTS.—Section 171(c)(3)(A)
5 of the Workforce Investment Act of 1998 (29 U.S.C.
6 2916(c)(3)(A)) is amended—

7 (1) in clause (i), by inserting “and special par-
8 ticipant populations defined in section
9 134(d)(4)(G)(iv)” after “particular service popu-
10 lations”; and

11 (2) in clause (ii), by inserting “and special par-
12 ticipant populations defined in section
13 134(d)(4)(G)(iv)” after “demographic groups”.

14 **SEC. 107. ASSESSMENTS.**

15 (a) PARTNERSHIPS.—Section 171(b)(1) of the Work-
16 force Investment Act of 1998 (29 U.S.C. 2916(b)(1)), as
17 amended by section 106(a), is further amended—

18 (1) in subparagraph (H), by striking “and” at
19 the end;

20 (2) in subparagraph (I), by striking the period
21 and inserting “; and”; and

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

23 “(J) the establishment of partnerships be-
24 tween States and national organizations with
25 special expertise, to assist the States to develop

1 and implement accurate assessment mecha-
 2 nisms to evaluate the skill levels of special par-
 3 ticipant populations defined in section
 4 134(d)(4)(G)(iv).”.

5 (b) CONSIDERATIONS.—Section 172(a)(6) of the
 6 Workforce Investment Act of 1998 (29 U.S.C. 2917(a)(6))
 7 is amended to read as follows:

8 “(6) the extent to which such programs and ac-
 9 tivities meet the needs of various demographic
 10 groups, including special participant populations de-
 11 fined in section 134(d)(4)(G)(iv); and”.

12 **TITLE II—AMENDMENTS TO**
 13 **ADULT EDUCATION AND LIT-**
 14 **ERACY**

15 **SEC. 201. PURPOSE.**

16 Section 202 of the Adult Education and Family Lit-
 17 eracy Act (20 U.S.C. 9201) is amended—

18 (1) in paragraph (2), by striking “and” after
 19 the semicolon;

20 (2) in paragraph (3), by striking the period at
 21 the end and inserting “; and”; and

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

23 “(4) assist immigrants who are not proficient in
 24 English in improving such immigrants’ reading,
 25 writing, speaking, and mathematics skills and ac-

1 quiring an understanding of the American free en-
2 terprise system, individual freedom, and the respon-
3 sibilities of citizenship.”.

4 **SEC. 202. ADULT BASIC EDUCATION FUNDING FORMULA.**

5 Section 211 of the Adult Education and Family Lit-
6 eracy Act (20 U.S.C. 9211) is amended—

7 (1) in subsection (d)(3), by inserting “or is of
8 limited English proficiency” after “its recognized
9 equivalent”; and

10 (2) in subsection (f)(1)—

11 (A) in subparagraph (A), by striking “fis-
12 cal year 1999” and inserting “fiscal year
13 2004”; and

14 (B) in subparagraph (B), by striking “fis-
15 cal year 2000” and inserting “fiscal year
16 2005”.

17 **SEC. 203. STATE LEADERSHIP ACTIVITIES.**

18 Section 223(a) of the Adult Education and Family
19 Literacy Act (20 U.S.C. 9223(a)) is amended by adding
20 at the end the following:

21 “(12) The provision of technical assistance to
22 eligible providers of adult basic skills and family lit-
23 eracy education programs for the development and
24 dissemination of scientific research-based instruc-
25 tional practices drawn from research on adults in

1 reading, writing, speaking, mathematics, and
2 English language acquisition programs.”.

3 **SEC. 204. STATE PLAN CONTENTS.**

4 Section 224(b) of the Adult Education and Family
5 Literacy Act (20 U.S.C. 9224(b)) is amended—

6 (1) in paragraph (1), by striking “including in-
7 dividuals most in need or hardest to serve;” and in-
8 serting “including—

9 “(A) individuals most in need or hardest to
10 serve; and

11 “(B) individuals with limited English pro-
12 ficiency;”;

13 (2) in paragraph (11), by striking “and” after
14 the semicolon;

15 (3) in paragraph (12), by striking the period at
16 the end and inserting “; and”; and

17 (4) by adding at the end the following:

18 “(13) a description of the steps the eligible
19 agency will take to ensure that all eligible providers
20 have direct and equitable access to apply for grants
21 or contracts under section 231, as required under
22 section 231(c)(1), including how the State will build
23 the capacity of community-based and faith-based or-
24 ganizations to provide adult basic skills and family

1 literacy education programs and English language
2 acquisition.”.

3 **SEC. 205. DIRECT AND EQUITABLE ACCESS IN GRANTS AND**
4 **CONTRACTS.**

5 Section 231(e) of the Adult Education and Family
6 Literacy Act (20 U.S.C. 9241(e)) is amended—

7 (1) in paragraph (9), by inserting “community-
8 based organizations,” after “job training pro-
9 grams,”;

10 (2) in paragraph (11), by striking “and” after
11 the semicolon;

12 (3) in paragraph (12)—

13 (A) by inserting “and civics education”
14 after “additional English literacy”; and

15 (B) by striking the period at the end and
16 inserting “; and”; and

17 (4) by adding at the end the following:

18 “(13) whether the activities are located in com-
19 munities with high populations of individuals with
20 limited English proficiency.”.

21 **SEC. 206. REPORTS ON INDIVIDUALS 16 TO 18 YEARS OF**
22 **AGE.**

23 Section 241 of the Adult Education and Family Lit-
24 eracy Act (20 U.S.C. 9251) is amended by adding at the
25 end the following:

1 “(c) REPORTS.—

2 “(1) REPORTS TO SECRETARY.—An eligible
3 agency receiving funds under this title shall annually
4 provide the Secretary with a report on the number
5 of participants in the programs and services pro-
6 vided under section 231 who are 16, 17, or 18 years
7 of age, disaggregated by race, ethnicity, gender, lim-
8 ited English proficiency status, disability, and socio-
9 economic status.

10 “(2) REPORTS TO CONGRESS.—Not later than
11 June 30, 2005, and not later than June 30 annually
12 thereafter, the Secretary shall submit a report to
13 Congress containing the results of the eligible agen-
14 cy reports required under paragraph (1).”.

15 **SEC. 207. NATIONAL INSTITUTE FOR LITERACY.**

16 Section 242(c)(1)(C) of the Adult Education and
17 Family Literacy Act (20 U.S.C. 9252(c)(1)(C)) is amend-
18 ed—

19 (1) by striking “the Office of Educational Re-
20 search and Improvement” and inserting “the Insti-
21 tute of Education Sciences”;

22 (2) by inserting “and the Office of Employment
23 and Training in the Department of Labor” after
24 “the Department of Education”; and

1 (3) by inserting “and the effectiveness of pro-
2 grams that integrate occupational skills training and
3 language acquisition” after “with learning disabil-
4 ities”.

5 **SEC. 208. NATIONAL LEADERSHIP ACTIVITIES.**

6 Section 243(2) of the Adult Education and Family
7 Literacy Act (20 U.S.C. 9253(2)) is amended—

8 (1) in subparagraph (G), by striking “and”
9 after the semicolon;

10 (2) by redesignating subparagraph (H) as sub-
11 paragraph (I); and

12 (3) by inserting after subparagraph (G) the fol-
13 lowing:

14 “(H) awarding grants to communities ex-
15 periencing large increases of individuals with
16 limited English proficiency who were not ac-
17 counted for in making State allocations under
18 section 211(c)(2), for the purpose of providing
19 English language and civics education pro-
20 grams; and”.

○