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Section	Current Law	House	Senate	Council Position
SEC. 201. SHORT TITLE.	**This title may be cited as the 'Adult Education and Family Literacy Act'.**	`This title may be cited as the `Adult Education, Basic Skills, and Family Literacy Education Act'.	(a) SHORT TITLE- This title may be cited as the `Adult Education and Family Literacy Act Amendments of 2005'.	Prefer Senate
SEC. 202. PURPOSE.	It is the purpose of this title to create a partnership among the Federal Government, States, and localities to provide, on a voluntary basis, adult education and literacy services, in order to—	`It is the purpose of this title to provide instructional opportunities for adults seeking to improve their literacy skills, including their basic reading, writing, speaking, and math skills, and support States and local communities in providing, on a voluntary basis, adult education, basic skills, and family literacy education programs, in order to--	(b) PURPOSE- Section 202 of the Adult Education and Family Literacy Act (20 U.S.C. 9201) is amended--	Prefer House for Purpose
	(1) assist adults to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency;	`(1) increase the literacy of adults, including the basic reading, writing, speaking, and math skills, to a level of proficiency necessary for adults to obtain employment and self-sufficiency and to successfully advance in the workforce;	Retains current law	
	(3) assist adults in the completion of a secondary school education.	`(2) assist adults in the completion of a secondary school education (or its equivalent) and the transition to a postsecondary educational institution;	(2) in paragraph (3), by striking `education.' and inserting `education and in the transition to postsecondary education; and'; and	
	(3) assist adults who are parents to obtain the educational skills necessary to become full partners in the educational development of their children; and	`(3) assist adults who are parents to enable them to support the educational development of their children and make informed choices regarding their children's education including, through instruction in basic reading, writing, speaking, and math skills; and	Retains current law	

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	No comparable provision in current law	`(4) assist immigrants who are not proficient in English in improving their reading, writing, speaking, and math skills and acquiring an understanding of the American free enterprise system, individual freedom, and the responsibilities of citizenship.	`(4) assist immigrants and other individuals with limited English proficiency in improving their reading, writing, speaking, and mathematics skills and acquiring an understanding of the American free enterprise system, individual freedom, and the responsibilities of citizenship.'.	
SEC. 203. DEFINITIONS.				
Definition of Adult Education	(1) ADULT EDUCATION.—The term ‘‘adult education’’ means services or instruction below the postsecondary level for individuals-	`(1) ADULT EDUCATION, BASIC SKILLS, AND FAMILY LITERACY EDUCATION PROGRAMS- The term `adult education, basic skills, and family literacy education programs' means a sequence of academic instruction and educational services below the postsecondary level that increase an individual's ability to read, write, and speak in English and perform mathematical computations leading to a level of proficiency equivalent to at least a secondary school completion that is provided for individuals--	(A) in the matter preceding subparagraph (A), by striking `services or instruction below the postsecondary level' and inserting `academic instruction and education services below the postsecondary level that increase an individual's ability to read, write, and speak in English and perform mathematics'; and	Prefer House
	(A) who have attained 16 years of age;	`(A) who are at least 16 years of age;	Retains current law	
	(B) who are not enrolled or required to be enrolled in secondary school under State law; and	`(B) who are not enrolled or required to be enrolled in secondary school under State law; and	Retains current law	
	(C) who—	`(C) who--	Retains current law	
	(i) lack sufficient mastery of basic educational skills to enable the individuals to function effectively in society;	`(i) lack sufficient mastery of basic reading, writing, speaking, and math skills to enable the individuals to function effectively in society;	`(i) are basic skills deficient as defined in section 101;';	

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	(ii) do not have a secondary school diploma or its recognized equivalent, and have not achieved an equivalent level of education; or	(ii) do not have a secondary school diploma or the General Equivalency Diploma (GED) (Including recognized alternative standards for individuals with disabilities), and have not achieved an equivalent level of education; or	Retains current law	
			Retains current law	
			Retains current law	
	iii) are unable to speak, read or write the English language	`(iii) are unable to read, write, or speak the English language.	Retains current law	
Definition of Adult Education and Literacy Activities	The term 'adult education and literacy activities' means activities described in section 231 (b)	No comparable provisions.	(2) in paragraph (2), by striking `activities described in section 231(b)' and inserting `programs and services which include reading, writing, speaking, or mathematics skills, workplace literacy activities, family literacy activities, English language acquisition activities, or other activities necessary for the attainment of a secondary school diploma or its State recognized equivalent';	
Definition of Eligible Agency	4) ELIGIBLE AGENCY.—The term ''eligible agency'' means the sole entity or agency in a State or an outlying area responsible for administering or supervising policy for adult education and literacy in the State or outlying area, respectively, consistent with the law of the State or outlying area, respectively.	`(2) ELIGIBLE AGENCY- The term `eligible agency'--	Retains current law	
	No comparable provision	`(A) means the primary entity or agency in a State or an outlying area responsible for administering or supervising policy for adult education, basic skills, and family literacy education programs in the State or outlying area, respectively, consistent with the law of the State or outlying area, respectively; and	No comparable provision	

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	No comparable provision	`(B) may be the State educational agency, the State agency responsible for administering workforce investment activities, or the State agency responsible for administering community or technical colleges.	No comparable provision	Oppose
Definition of Eligible Provider	(5) ELIGIBLE PROVIDER.—The term ‘‘eligible provider’’ means—	`(3) ELIGIBLE PROVIDER- The term `eligible provider' means--	(A) by inserting `an organization that has demonstrated effectiveness in providing adult education, that may include' after `means';	Prefer Senate
	(A) a local educational agency;	`(A) a local educational agency;	No comparable provision	
	(B) a community –based organization of demonstrated effectiveness;	`(B) a community-based or faith-based organization of demonstrated effectiveness;	(B) in subparagraph (B), by striking `of demonstrated effectiveness';	
	(C) a volunteer literacy organization of demonstrated effectiveness;	`(C) a volunteer literacy organization of demonstrated effectiveness;	(C) in subparagraph (C), by striking `of demonstrated effectiveness'; and	
	(D) an institution of higher education;	`(D) an institution of higher education;	Retains current law	
	(E) a public or private nonprofit agency;	`(E) a public or private educational agency;	Retains current law	Prefer Senate
	(F) a library;	`(F) a library;	Retains current law	
	(G) a public housing authority;	`(G) a public housing authority;	Retains current law	
	(H) a nonprofit institution that is not described in any of subparagraphs (A) through (G) and has the ability to provide literacy services to adults and families; and	`(H) an institution that is not described in any of subparagraphs (A) through (G) and has the ability to provide adult education, basic skills, and family literacy education programs to adults and families; or	Retains current law	Prefer Senate
	(I) a consortium of the agencies, organizations, institutions, libraries, or authorities described in any of subparagraphs (A) through (H).	`(I) a consortium of the agencies, organizations, institutions, libraries, or authorities described in any of subparagraphs (A) through (H).	(D) in subparagraph (I), by inserting `or coalition' after `consortium';	
	(A) $100,000, in the case of an eligible agency serving an outlying area, and	(A) $100,000, in the case of an eligible agency serving an outlying area; and	Retains current law	

Section	Current Law	House	Senate	Council Position
	(B) $250,000, in the case of any other eligible agency.	(B) $250,000, in the case of any other eligible agency.	Retains current law	
	(2) ADDITIONAL ALLOTMENTS- From the sum appropriated under section 205, not reserved under subsection (a), and not allotted under paragraph (1), for a fiscal year, the Secretary shall allot to each eligible agency that receives an initial allotment under paragraph (1) an additional amount that bears the same relationship to such sum as the number of qualifying adults in the State or outlying area served by the eligible agency bears to the number of such adults in all States and outlying areas.	(2) ADDITIONAL ALLOTMENTS - From the sums appropriated under section 205, not reserved under subsection (a), and not allotted under paragraph (1), for a fiscal year, the Secretary shall allot to each eligible agency that receives an initial allotment under paragraph (1) an additional amount that bears the same relationship to such sums as the number of qualifying adults in the State or outlying area served by the eligible agency bears to the number of such adults in all States and outlying areas.	(A) by inserting `and the sole agency responsible for administering or supervising policy for adult education and literacy in the Republic of Palau' after `an initial allotment under paragraph (1)'; (B) by inserting `or served by the agency for the Republic of Palau' after `by the eligible agency'; and (C) by striking `States and outlying areas' and inserting `States, outlying areas, and the Republic of Palau';	
Definition of Qualifying Adult (To be used for Purposes of Allocating Funds Among States)	(d) QUALIFYING ADULT- For the purpose of subsection (c)(2), the term `qualifying adult' means an adult who--	`(d) Qualifying Adult- For the purpose of subsection (c)(2), the term `qualifying adult' means an adult who--	Retains current law	
	(1) is at least 16 years of age	`(1) is at least 16 years of age;	Retains current law	
	(2) is beyond the age of compulsory school attendance under the law of the State or outlying area;	`(2) is beyond the age of compulsory school attendance under the law of the State or outlying area;	Retains current law	
	(3) does not have a secondary school diploma or its recognized equivalent; and	(3) does not have a secondary school diploma, General Educational Development credential (GED), or other State-recognized equivalent; and	Retains current law	
	(4) is not enrolled in secondary school.	(4) is not enrolled in secondary school.	Retains current law	
Special Rule	e) SPECIAL RULE-	`(e) Special Rule-	Retains current law	

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Section	Current Law	House	Senate	Council Position
	(1) IN GENERAL- From amounts made available under subsection (c) for the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau, the Secretary shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau to carry out activities described in this subtitle in accordance with the provisions of this subtitle that the Secretary determines are not inconsistent with this subsection.	`(1) IN GENERAL- From amounts made available under subsection (c) for the Republic of Palau, the Secretary shall award grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or the Republic of Palau to carry out activities described in this title in accordance with the provisions of this title as determined by the Secretary.	(A) in paragraph (1)-- (i) by striking `the Republic of the Marshall Islands, the Federated States of Micronesia, and'; and (ii) by striking `the Republic of the Marshall Islands, the Federated States of Micronesia, or' and inserting `or'; and	
	(2) AWARD BASIS- The Secretary shall award grants pursuant to paragraph (1) on a competitive basis and pursuant to recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.	No comparable provisions.	Retains current law	
	(3) TERMINATION OF ELIGIBILITY- Notwithstanding any other provision of law, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall not receive any funds under this subtitle for any fiscal year that begins after September 30, 2001.	`(2) TERMINATION OF ELIGIBILITY- Notwithstanding any other provision of law, the Republic of Palau shall be eligible to receive a grant under this title until an agreement for the extension of United States education assistance under the Compact of Free Association for the Republic of Palau becomes effective.	(i) by striking `the Republic of the Marshall Islands, the Federated States of Micronesia, and'; and (ii) by striking `2001' and inserting `2007';	
	4) ADMINISTRATIVE COSTS- The Secretary may provide not more than 5 percent of the funds made available for grants under this subsection to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subsection.	`(3) ADMINISTRATIVE COSTS- The Secretary may provide not more than 5 percent of the funds made available for grants under this subsection to pay the administrative costs of the Pacific Region Educational Laboratory regarding activities assisted under this subsection.	Retains current law	
Hold Harmless	(f) HOLD-HARMLESS-	`(f) Hold-Harmless Provisions-	Retains current law	

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Section	Current Law	House	Senate	Council Position
	(1) IN GENERAL- Notwithstanding subsection (c)--	`(1) IN GENERAL- Notwithstanding subsection (c), and subject to paragraphs (2) and (3), for fiscal year 2006 and each succeeding fiscal year, no eligible agency shall receive an allotment under this title that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this title.	`(1) IN GENERAL- Notwithstanding subsection (c) and subject to paragraph (2), for fiscal year 2005 and each succeeding fiscal year, no eligible agency shall receive an allotment under this section that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this section.	
	(A) for fiscal year 1999, no eligible agency shall receive an allotment under this subtitle that is less than 90 percent of the payments made to the State or outlying area of the eligible agency for fiscal year 1998 for programs for which funds were authorized to be appropriated under section 313 of the Adult Education Act (as such Act was in effect on the day before the date of the enactment of the Workforce Investment Act of 1998); and	Deletes	Deletes	
	(B) for fiscal year 2000 and each succeeding fiscal year, no eligible agency shall receive an allotment under this subtitle that is less than 90 percent of the allotment the eligible agency received for the preceding fiscal year under this subtitle.	Deletes	Deletes	
	No comparable provision in current law.	`(2) EXCEPTION- An eligible agency that receives for the preceding fiscal year only an initial allotment under subsection (c)(1) (and no additional allotment under subsection (c)(2)) shall receive an allotment equal to 100 percent of the initial allotment.	`(2) 100 PERCENT ALLOTMENT- Notwithstanding paragraphs (1) and (2) of subsection (e), an eligible agency that receives only an initial allotment under subsection (c)(1) (and no additional allotment under subsection (c)(2)) shall receive an allotment under this section that is equal to 100 percent of the initial allotment under subsection (c)(1).	

Section	Current Law	House	Senate	Council Position
	(2)RATABLE REDUCTION- If for any fiscal year the amount available for allotment under this subtitle is insufficient to satisfy the provisions of paragraph (1), the Secretary shall ratably reduce the payments to all eligible agencies, as necessary.	`(3) RATABLE REDUCTION- If for any fiscal year the amount available for allotment under this title is insufficient to satisfy the provisions of paragraph (1), the Secretary shall ratably reduce the payments to all eligible agencies, as necessary.	`(3) RATABLE REDUCTION- If for any fiscal year the amount available for allotment under this subtitle is insufficient to satisfy the provisions of paragraphs (1) and (2), the Secretary shall ratably reduce the payments to all eligible agencies, as necessary.	
	No comparable provision	No comparable provision	`(4) ADDITIONAL ASSISTANCE-	
	No comparable provision	no comparable provision	`(A) IN GENERAL- From amounts reserved under subsection (a)(2), the Secretary shall make grants to eligible agencies described in subparagraph (B) to enable such agencies to provide activities authorized under chapter 2.	
	No comparable provision	No comparable provision	`(B) ELIGIBILITY- An eligible agency is eligible to receive a grant under this paragraph for a fiscal year if the amount of the allotment such agency receives under this section for the fiscal year is less than the amount such agency would have received for the fiscal year if the allotment formula under this section as in effect on September 30, 2003, were in effect for such year.	
	No comparable provision	No comparable provision	`(C) AMOUNT OF GRANT- The amount of a grant made to an eligible agency under this paragraph for a fiscal year shall be the difference between--	
	No comparable provision	No comparable provision	`(i) the amount of the allotment such agency would have received for the fiscal year if the allotment formula under this section as in effect on September 30, 2003, were in effect for such year; and	
	No comparable provision	No comparable provision	`(ii) the amount of the allotment such agency receives under this section for the fiscal year.';	

Section	Current Law	House	Senate	Council Position
	(g) REALLOTMENT- The portion of an eligible agency's allotment under this subtitle for a fiscal year that the Secretary determines will not be required for the period such allotment is available for carrying out activities under this subtitle, shall be available for reallotment from time to time, on such dates during such period as the Secretary shall fix, to other eligible agencies in proportion to the original allotments to such agencies under this subtitle for such year.	`(g) Reallotment- The portion of any eligible agency's allotment under this title for a fiscal year that the Secretary determines will not be required for the period such allotment is available for carrying out activities under this title, shall be available for reallotment from time to time, on such dates during such period as the Secretary shall fix, to other eligible agencies in proportion to the original allotments to such agencies under this title for such year.	Retains current law	
			`(h) STUDY AND REPORT-	
			`(1) STUDY- The Comptroller General of the United States shall conduct a study concerning the formula described in this section and, in conducting the study, shall at a minimum--	
	No comparable provision	No comparable provision	`(A) examine whether the formula results in a distribution of funds that sufficiently serves the entire population of individuals eligible for adult education and literacy activities under this subtitle;	
	No comparable provision	No comparable provision	`(B) examine whether the data used to count qualified adults, for purposes of the formula, accurately measure the population of individuals eligible for the activities; and	
	No comparable provision	No comparable provision	`(C) develop recommendations for improving the formula so that the formula results in a distribution of funds that better serves that population and the data used to count qualified adults accurately measure that population.	

Section	Current Law	House	Senate	Council Position
	No comparable provision	No comparable provision	`(2) REPORT- Not later than 3 years after the date of enactment of the Workforce Investment Act Amendments of 2005, the Comptroller General shall submit to Congress a report containing the results of the study described in paragraph (1).'.	
SEC. 212. PERFORMANCE ACCOUNTABILITY SYSTEM.	(a) PURPOSE- The purpose of this section is to establish a comprehensive performance accountability system, comprised of the activities described in this section, to assess the effectiveness of eligible agencies in achieving continuous improvement of adult education and literacy activities funded under this subtitle, in order to optimize the return on investment of Federal funds in adult education and literacy activities.	`(a) Purpose- The purpose of this section is to establish a comprehensive performance accountability system, composed of the activities described in this section, to assess the effectiveness of eligible agencies in achieving continuous improvement of adult education, basic skills, and family literacy education programs funded under this title, in order to optimize the return on investment of Federal funds in adult education, basic skills, and family literacy education programs.	Retains current law	
	(b) ELIGIBLE AGENCY PERFORMANCE MEASURES-	`(b) Eligible Agency Performance Measures-	Retains current law	
	(1) IN GENERAL- For each eligible agency, the eligible agency performance measures shall consist of--	`(1) IN GENERAL- For each eligible agency, the eligible agency performance measures shall consist of--	Retains current law	
	(A)(i) the core indicators of performance described in paragraph (2)(A); and	`(A)(i) the core indicators of performance described in paragraph (2)(A); and	Retains current law	
	(ii) additional indicators of performance (if any) identified by the eligible agency under paragraph (2)(B); and	No comparable provisions.	(A) in paragraph (1)(A)(ii), by striking `additional indicators of performance (if any)' and inserting `the employment performance indicators';	
	No comparable provisions.	`(ii) employment performance indicators identified by the eligible agency under paragraph (2)(B); and	Retains current law	

Section	Current Law	House	Senate	Council Position
	(B) an eligible agency adjusted level of performance for each indicator described in subparagraph (A).	(B) an eligible agency adjusted level of performance for each indicator described in subparagraph (A).	Retains current law	
	(2) INDICATORS OF PERFORMANCE-	`(2) INDICATORS OF PERFORMANCE-	`(2) INDICATORS OF PERFORMANCE-	
	(A) CORE INDICATORS OF PERFORMANCE- The core indicators of performance shall include the following:	`(A) CORE INDICATORS OF PERFORMANCE- The core indicators of performance shall include the following:	`(A) CORE INDICATORS OF PERFORMANCE- An eligible agency shall identify in the State plan individual academic performance indicators that include, at a minimum, the following:	Prefer House
	(i) Demonstrated improvements in literacy skill levels in reading, writing, and speaking the English language, numeracy, problem solving, English language acquisition, and other literacy skills.	`(i) Measurable improvements in literacy, including basic skill levels in reading, writing, and speaking the English language and basic math, leading to proficiency in each skill.	`(i) Measurable improvements in literacy skill levels in reading, writing, and speaking the English language, numeracy, problem solving, English language acquisition, and other literacy skills.	Prefer Senate. It includes basic skills but recognizes the broader range of skills needed by adult learners.
	(ii) Placement in, retention in, or completion of, postsecondary education, training, unsubsidized employment or career advancement.	`(iii) Placement in postsecondary education or other training programs.	`(ii) Placement in, retention in, or completion of, postsecondary education or other training programs.	Prefer House. Adult education shouldn't be held accountable for attainment of a bachelor's degree or other long-term degrees or certification after leaving adult education.
	(iii) Receipt of a secondary school diploma or its recognized equivalent.	`(ii) Receipt of a secondary school diploma, General Educational Development credential (GED), or other State-recognized equivalent.	`(iii) Completion of a secondary school diploma, its recognized equivalent, or a recognized alternative standard for individuals with disabilities.	Prefer House
	(B) ADDITIONAL INDICATORS- An eligible agency may identify in the State plan additional indicators for adult education and literacy activities authorized under this subtitle.	No comparable provisions.	Replaces provision	
	No comparable provisions.	(B) EMPLOYMENT PERFORMANCE INDICATORS - Consistent with applicable Federal and State privacy laws, an eligible agency shall identify in the State plan the following individual participant employment performance indicators:	`(B) EMPLOYMENT PERFORMANCE INDICATORS- `(i) IN GENERAL- An eligible agency shall identify in the State plan individual participant employment performance indicators that include, at a minimum, the following:	

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	No comparable provision	(i) Entry into employment.	`(I) Entry into unsubsidized employment.	
	No comparable provision	(ii) Retention in employment.	`(II) Retention in unsubsidized employment 6 months after entry into the employment.	Prefer House
	No comparable provision	(iii) Increase in earnings.	`(III) Increases in earnings from unsubsidized employment.	We are concerned over the inclusion of this language. Twenty (20) states by state policy do not collect Social Security Number and thus do not have access to UI records. It is unfair to require all states to collect earnings data or to include performance indicators related to employment in state by state comparisons. The documentation of increased earnings will be a great burden to programs when as many as twenty (20) states will have to require students to produce pay stubs on enrollment and use follow-up surveys to measure performance. We are concerned about the possible negative impact on enrollment as well as extremely poor survey response in follow-up efforts. Thirty (30) states will use data match and 20 using survey resulting in weak and incomparable data. States using surveys will be at a great disadvantage since curvey response is often limited and actual performance may not be captured. We recommend deleting this measure because the collection of the data in twenty states that cannot collect social security numbers is counterproductive and would produce noncomparable data to the other 30 states data.

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	No comparable provision	No comparable provision	`(ii) DATA COLLECTION- The State workforce investment board shall assist the eligible agency in obtaining and using quarterly wage records to collect data for each of the indicators described in clause (i), consistent with applicable Federal and State privacy laws.	(In some states (e.g., New York and California) state policy forbids collecting social security numbers. Thus this Senate provision is no help to two of the largest state programs.)
	No comparable provision	No comparable provision	`(C) INDICATORS FOR WORKPLACE LITERACY PROGRAMS- Special accountability measures may be negotiated for workplace literacy programs.';	Support Senate
	(3) LEVELS OF PERFORMANCE-	`(3) LEVELS OF PERFORMANCE-	Retains current law	
	(A) ELIGIBLE AGENCY ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS-	`(A) ELIGIBLE AGENCY ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS-	Retains current law	
	(i) IN GENERAL- For each eligible agency submitting a State plan, there shall be established, in accordance with this subparagraph, levels of performance for each of the core indicators of performance described in paragraph (2)(A) for adult education and literacy activities authorized under this subtitle. The levels of performance established under this subparagraph shall, at a minimum--	`(i) IN GENERAL- For each eligible agency submitting a State plan, there shall be established, in accordance with this subparagraph, levels of performance for each of the core indicators of performance described in paragraph (2)(A) for adult education, basic skills, and family literacy education programs authorized under this title. The levels of performance established under this subparagraph shall, at a minimum--	Retains current law	
	(I) be expressed in an objective, quantifiable, and measurable form; and	`(I) be expressed in an objective, quantifiable, and measurable form; and	Retains current law	

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	(II) show the progress of the eligible agency toward continuously improving in performance.	`(II) show the progress of the eligible agency toward continuously and significantly improving the agency's performance outcomes in an objective, quantifiable, and measurable form.	(I) in clause (i)(II), by striking `in performance' and inserting `the agency's performance outcomes in an objective, quantifiable, and measurable form';	Support Senate. House refers to "significantly " improving performance. This is not measurable.
	(ii) IDENTIFICATION IN STATE PLAN- Each eligible agency shall identify, in the State plan submitted under section 224, expected levels of performance for each of the core indicators of performance for the first 3 program years covered by the State plan.	`(ii) IDENTIFICATION IN STATE PLAN- Each eligible agency shall identify, in the State plan submitted under section 224, expected levels of performance for each of the core indicators of performance for the first 3 program years covered by the State plan.	(II) in clause (ii), by striking `3 program years' and inserting `2 program years'	Prefer Senate
	(iii) AGREEMENT ON ELIGIBLE AGENCY ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 3 YEARS- In order to ensure an optimal return on the investment of Federal funds in adult education and literacy activities authorized under this subtitle, the Secretary and each eligible agency shall reach agreement on levels of performance for each of the core indicators of performance, for the first 3 program years covered by the State plan, taking into account the levels identified in the State plan under clause (ii) and the factors described in clause (iv). The levels agreed to under this clause shall be considered to be the eligible agency adjusted levels of performance for the eligible agency for such years and shall be incorporated into the State plan prior to the approval of such plan.	`(iii) AGREEMENT ON ELIGIBLE AGENCY ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 3 YEARS- In order to ensure an optimal return on the investment of Federal funds in adult education, basic skills, and family literacy education programs authorized under this title, the Secretary and each eligible agency shall reach agreement on levels of student performance for each of the core indicators of performance, for the first 3 program years covered by the State plan, taking into account the levels identified in the State plan under clause (ii) and the factors described in clause (iv). The levels agreed to under this clause shall be considered to be the eligible agency adjusted levels of performance for the eligible agency for such years and shall be incorporated into the State plan prior to the approval of such plan.	(III) in clause (iii), by striking `FIRST 3 YEARS' and inserting `FIRST 2 YEARS'; (IV) in clause (iii), by striking `first 3 program years' and inserting `first 2 program years';	Prefer Senate

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	(iv) FACTORS- The agreement described in clause (iii) or (v) shall take into account--	`(iv) FACTORS- The agreement described in clause (iii) or (v) shall take into account--	Retains current law	
	(I) how the levels involved compare with the eligible agency adjusted levels of performance established for other eligible agencies, taking into account factors including the characteristics of participants when the participants entered the program, and the services or instruction to be provided; and	`(I) how the levels involved compare with the eligible agency's adjusted levels of performance, taking into account factors including the characteristics of participants when the participants entered the program; and	Retains current law	Support Senate as it includes "the services to be provided" which is key to performance.
	(II) the extent to which such levels involved promote continuous improvement in performance on the performance measures by such eligible agency and ensure optimal return on the investment of Federal funds.	`(II) the extent to which such levels promote continuous and significant improvement in performance on the student proficiency measures used by such eligible agency and ensure optimal return on the investment of Federal funds.	Retains current law	Support Senate
	(v) AGREEMENT ON ELIGIBLE AGENCY ADJUSTED LEVELS OF PERFORMANCE FOR 4TH AND 5TH YEARS- Prior to the fourth program year covered by the State plan, the Secretary and each eligible agency shall reach agreement on levels of performance for each of the core indicators of performance for the fourth and fifth program years covered by the State plan, taking into account the factors described in clause (iv). The levels agreed to under this clause shall be considered to be the eligible agency adjusted levels of performance for the eligible agency for such years and shall be incorporated into the State plan.	`(v) AGREEMENT ON ELIGIBLE AGENCY ADJUSTED LEVELS OF PERFORMANCE FOR SECOND 3 YEARS- Prior to the fourth program year covered by the State plan, the Secretary and each eligible agency shall reach agreement on levels of student performance for each of the core indicators of performance for the fourth, fifth, and sixth program years covered by the State plan, taking into account the factors described in clause (iv). The levels agreed to under this clause shall be considered to be the eligible agency adjusted levels of performance for the eligible agency for such years and shall be incorporated into the State plan.	(V) in clause (v), by striking `4TH AND 5TH' and inserting `3RD AND 4TH'; (VI) in clause (v), by striking `to the fourth' and inserting `to the third'; (VII) in clause (v), by striking `fourth and fifth' and inserting `third and fourth';	

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Section	Current Law	House	Senate	Council Position
	(vi) REVISIONS- If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (iv)(II), the eligible agency may request that the eligible agency adjusted levels of performance agreed to under clause (iii) or (v) be revised. The Secretary, after collaboration with the representatives described in section 136(j), shall issue objective criteria and methods for making such revisions.	`(vi) REVISIONS- If unanticipated circumstances arise in a State resulting in a significant change in the factors described in clause (iv)(I), the eligible agency may request that the eligible agency adjusted levels of performance agreed to under clause (iii) or (v) be revised.	(VIII) in clause (vi), by striking `(II)' and inserting `(I)	
	B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS- The eligible agency may identify, in the State plan, eligible agency levels of performance for each of the additional indicators described in paragraph (2)(B). Such levels shall be considered to be eligible agency adjusted levels of performance for purposes of this subtitle.	`(B) LEVELS OF EMPLOYMENT PERFORMANCE- The eligible agency shall identify, in the State plan, eligible agency levels of performance for each of the employment performance indicators described in paragraph (2)(B). Such levels shall be considered to be eligible agency adjusted levels of performance for purposes of this title.	(ii) in subparagraph (B)-- (I) by striking the heading and inserting `LEVELS OF EMPLOYMENT PERFORMANCE';(II) by striking `may' and inserting `shall'; and (III) by striking `additional' and inserting `employment performance';	
	No comparable provision	No comparable provision	`(C) ALTERNATIVE ASSESSMENT SYSTEMS- Eligible agencies may approve the use of assessment systems that are not commercially available standardized systems if such systems meet the Standards for Educational and Psychological Testing issued by the Joint Committee on Standards for Educational and Psychological Testing of the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education.';	Support Senate
	(c) REPORT-	`(c) Report-		

Section	Current Law	House	Senate	Council Position
	(1) IN GENERAL- Each eligible agency that receives a grant under section 211(b) shall annually prepare and submit to the Secretary a report on the progress of the eligible agency in achieving eligible agency performance measures, including information on the levels of performance achieved by the eligible agency with respect to the core indicators of performance.	`(1) IN GENERAL- Each eligible agency that receives a grant under section 211(b) shall annually prepare and submit to the Secretary, the Governor, the State legislature, and eligible providers a report on the progress of the eligible agency in achieving eligible agency performance measures, including the following:	(2) in subsection (c)-- (A) in paragraph (1)--(i) by inserting `, the Governor, the State legislature, and the State workforce investment board' after `Secretary'; and (ii) by striking `including' and all that follows through the period and inserting `including the following:	
	Comparable language found in (1) above.	`(A) Information on the levels of performance achieved by the eligible agency with respect to the core indicators of performance and employment performance indicators.	`(A) Information on the levels of performance achieved by the eligible agency with respect to the core indicators of performance, and employment performance indicators.	
	No comparable provision	No comparable provision	`(B) Information on the number or percentage of qualifying adults (as defined in section 211(d)) who are participants in adult education programs under this subtitle and making satisfactory progress toward 1 or more of each of the following:`(i) Core indicators of performance.`(ii) Employment performance indicators.`(iii) Other long-term objectives.	
	No comparable provision	`(B) The number and type of each eligible provider that receives funding under such grant.	`(C) The number and type of each eligible provider that receives funding under such grant.	
	No comparable provision	No comparable provision	`(D) The number of enrollees 16 to 18 years of age who enrolled in adult education not later than 1 year after participating in secondary school education.';	Oppose Senate. Push-outs from public schools are a growing burden for adult education programs. Even so, burdening adult education with a labor intensive data collection process is not the answer.
	(2) INFORMATION DISSEMINATION- The Secretary--	`(2) INFORMATION DISSEMINATION- The Secretary--	Retains current law	

Section	Current Law	House	Senate	Council Position
	(A) shall make the information contained in such reports available to the general public through publication and other appropriate methods;	`(A) shall make the information contained in such reports available to the general public through publication (including on the Internet site of the Department of Education) and other appropriate methods;	(B) in paragraph (2)(A), by inserting `eligible providers and' after `available to';	
	(B) shall disseminate State-by-State comparisons of the information; and	`(B) shall disseminate State-by-State comparisons of the information; and	Retains current law	
	(C) shall provide the appropriate committees of Congress with copies of such reports.	`(C) shall provide the appropriate committees of the Congress with copies of such reports.	Retains current law	
	No comparable provision	No comparable provision	`(3) DATA ACCESS- The report made available under paragraph (2) shall indicate which eligible agencies did not have access to State unemployment insurance wage data in measuring employment performance indicators.';	Support Senate
	No comparable provision	No comparable provision	`(d) PROGRAM IMPROVEMENT-	Support Senate provision
	No comparable provision	No comparable provision	`(1) IN GENERAL- If the Secretary determines that an eligible agency did not meet its adjusted levels of performance for the core indicators of performance described in subsection (b)(2)(A) for any program year, the eligible agency shall--	
	No comparable provision	No comparable provision	`(A) work with the Secretary to develop and implement a program improvement plan for the 2 program years succeeding the program year in which the eligible agency did not meet its adjusted levels of performance; and	

Section	Current Law	House	Senate	Council Position
	No comparable provision	No comparable provision	`(B) revise its State plan under section 224, if necessary, to reflect the changes agreed to in the program improvement plan.	
			`(2) FURTHER ASSISTANCE- If, after the period described in paragraph (1)(A), the Secretary has provided technical assistance to the eligible agency but determines that the eligible agency did not meet its adjusted levels of performance for the core indicators of performance described in subsection (b)(2)(A), the Secretary may require the eligible agency to make further revisions to the program improvement plan described in paragraph (1). Such further revisions shall be accompanied by further technical assistance from the Secretary.'.	

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Section	Current Law	House	Senate	Council Position
SEC. 213.INCENTIVE GRANTS FOR STATES	Contained in Title I	`(a) In General- From funds appropriated under section 211(a)(1), the Secretary may award grants to States for exemplary performance in carrying out programs under this title. Such awards shall be based on States exceeding the core indicators of performance established under section 212(b)(2)(A) and may be based on the performance of the State in serving populations, such as those described in section 224(b)(10), including the levels of service provided and the performance outcomes, and such other factors relating to the performance of the State under this title as the Secretary determines appropriate.	Contained in Title I	Support House. In 2004-2005, of the 37 adult education programs that qualified for incentive funds, fourteen (14) were not able to benefit because one or more of their partners did not. As a result, fourteen (14) state adult education programs are performing but are not being rewarded. Adult education programs cannot intercede in Title I programs to help them meet their standards. WIA provisions should reward state programs that do well. Even in states where both Title I and Title II programs meet their performance standards, adult education does not always receive its fair share of any incentive grant award. Considering adult education is currently serving only 3 million (with federal, state and local funds combined) of the 93 million individuals eligible to receive services, funds should not be taken from adult education unless there is a good opportunity for those services to be returned to the program.
		`(b) Use of Funds- The funds awarded to a State under this paragraph may be used to carry out any activities authorized under this title, including demonstrations and innovative programs for hard-to-serve populations.		
SEC. 221.STATE ADMINISTRATION	Each eligible agency shall be responsible for the State or outlying area administration of activities under this subtitle, including—	`Each eligible agency shall be responsible for the following activities under this title:	Retains current law	

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Section	Current Law	House	Senate	Council Position
	(1) the development, submission, and implementation of the State plan;	`(1) The development, submission, implementation, and monitoring of the State plan.	Section 221(1) of the Adult Education and Family Literacy Act (20 U.S.C. 9221(1)) is amended by striking `and implementation' and inserting `implementation, and monitoring'.	
	(2) consultation with other appropriate agencies, groups, and individuals that are involved in, or interested in, the development and implementation of activities assisted under this subtitle; and	`(2) Consultation with other appropriate agencies, groups, and individuals that are involved in, or interested in, the development and implementation of activities assisted under this title.	Retains current law	
SEC. 222. STATE DISTRIBUTION OF FUNDS	(3) coordination and nonduplication with other Federal and State education, training, corrections, public housing, and social service programs.	`(3) Coordination and avoidance of duplication with other Federal and State education, training, corrections, public housing, and social service programs.	Retains current law	
	(a) STATE DISTRIBUTION OF FUNDS- Each eligible agency receiving a grant under this subtitle for a fiscal year—	`(a) State Distribution of Funds- Each eligible agency receiving a grant under this title for a fiscal year--	Retains current law	
	(1) shall use not less than 82.5 percent of the grant funds to award grants and contracts under section 231 and to carry out section 225, of which not more than 10 percent of the 82.5 percent shall be available to carry out section 225;	`(1) shall use an amount not less than 82.5 percent of the grant funds to award grants and contracts under section 231 and to carry out section 225, of which not more than 10 percent of such amount shall be available to carry out section 225;	(A) in paragraph (1)--(i) by striking `82.5' the first place such term appears and inserting `80'; and (ii) by striking `the 82.5 percent' and inserting `such amount';	Prefer Senate
	(2) shall use not more than 12.5 percent of the grant funds to carry out State leadership activities under section 223; and	`(2) shall use not more than 12.5 percent of the grant funds to carry out State leadership activities under section 223; and	(B) in paragraph (2), by striking `not more than 12.5 percent' and inserting `not more than 15 percent';	Support Senate, allowing the use of 15 percent of grant funds for state leadership activities.
Matching Requirement	(3) shall use not more than 5 percent of the grant funds, or $65,000, whichever is greater, for the administrative expenses of the eligible agency.	`(3) shall use not more than 5 percent of the grant funds, or $75,000, whichever is greater, for the administrative expenses of the eligible agency.	(C) in paragraph (3), by striking `$65,000' and inserting `$75,000';	Support Senate, providing an increase in administrative funds.
	(b) MATCHING REQUIREMENT-	`(b) Matching Requirement-	Retains current law	

Section	Current Law	House	Senate	Council Position
	(1) IN GENERAL- In order to receive a grant from the Secretary under section 211(b) each eligible agency shall provide, for the costs to be incurred by the eligible agency in carrying out the adult education and literacy activities for which the grant is awarded, a non-Federal contribution in an amount equal to—	`(1) IN GENERAL- In order to receive a grant from the Secretary under section 211(b), each eligible agency shall provide, for the costs to be incurred by the eligible agency in carrying out the adult education, basic skills, and family literacy education programs for which the grant is awarded, a non-Federal contribution in an amount at least equal to--	(2) in subsection (b)(1), by striking `equal to' and inserting `that is not less than'.	
	(A) in the case of an eligible agency serving an outlying area, 12 percent of the total amount of funds expended for adult education and literacy activities in the outlying area, except that the Secretary may decrease the amount of funds required under this subparagraph for an eligible agency; and	`(A) in the case of an eligible agency serving an outlying area, 12 percent of the total amount of funds expended for adult education, basic skills, and family literacy education programs in the outlying area, except that the Secretary may decrease the amount of funds required under this subparagraph for an eligible agency; and	Retains current law	
SEC. 223. STATE LEADERSHIP ACTIVITIES.	(B) in the case of an eligible agency serving a State, 25 percent of the total amount of funds expended for adult education and literacy activities in the State.	`(B) in the case of an eligible agency serving a State, 25 percent of the total amount of funds expended for adult education, basic skills, and family literacy education programs in the State.	Retains current law	
	(2) NON-FEDERAL CONTRIBUTION- An eligible agency's non-Federal contribution required under paragraph (1) may be provided in cash or in kind, fairly evaluated, and shall include only non-Federal funds that are used for adult education and literacy activities in a manner that is consistent with the purpose of this subtitle.	`(2) NON-FEDERAL CONTRIBUTION- An eligible agency's non-Federal contribution required under paragraph (1) may be provided in cash or in kind, fairly evaluated, and shall include only non-Federal funds that are used for adult education, basic skills, and family literacy education programs in a manner that is consistent with the purpose of this title.	Retains current law	

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Section	Current Law	House	Senate	Council Position
	(a) IN GENERAL- Each eligible agency shall use funds made available under section 222(a)(2) for one or more of the following adult education and literacy activities:	`(a) In General- Each eligible agency may use funds made available under section 222(a)(2) for any of the following adult education, basic skills, and family literacy education programs:	(1) in subsection (a)--(A) in the matter preceding paragraph (1), by inserting `to develop or enhance the adult education system of the State or outlying area' after `activities';	
	(1) The establishment or operation of professional development programs to improve the quality of instruction provided pursuant to local activities required under section 231(b), including instruction incorporating phonemic awareness, systematic phonics, fluency, and reading comprehension, and instruction provided by volunteers or by personnel of a State or outlying area.	`(1) The establishment or operation of professional development programs to improve the quality of instruction provided pursuant to local activities required under section 231(b), including instruction incorporating the essential components of reading instruction and instruction provided by volunteers or by personnel of a State or outlying area.	(B) in paragraph (1), by striking `instruction incorporating' and all that follows through the period and inserting `instruction incorporating the essential components of reading instruction and instruction provided by volunteers or by personnel of a State or outlying area.'	
	(2) The provision of technical assistance to eligible providers of adult education and literacy activities.	`(2) The provision of technical assistance to eligible providers of adult education, basic skills, and family literacy education programs, including for the development and dissemination of scientifically based research instructional practices in reading, writing, speaking, math, and English language acquisition programs.	(C) in paragraph (2), by inserting `, including development and dissemination of instructional and programmatic practices based on the most rigorous research available and appropriate, including scientifically based research that is available and appropriate, in reading, writing, speaking, mathematics, English language acquisition programs, distance learning, and staff training' after `activities';	Prefer Senate. At the present time, the availability of scientific research-based instructional practices is limited, primarily because there has not been the same investment in research for adult education as there has been for K-12. Although we support such research-based instructional practices, the Senate best reflects current status.
	(3) The provision of technology assistance, including staff training, to eligible providers of adult education and literacy activities to enable the eligible providers to improve the quality of such activities.	`(4) The provision of technology assistance, including staff training, to eligible providers of adult education, basic skills, and family literacy education programs, including distance learning activities, to enable the eligible providers to improve the quality of such activities.	Retains current law	
	(4) The support of State or regional networks of literacy resource centers.	No comparable provision	Retains current law	Support Senate. Many states still operate such centers and it should be an option.

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Section	Current Law	House	Senate	Council Position
	(5) The monitoring and evaluation of the quality of, and the improvement in, adult education and literacy activities.	No comparable provision	(D) in paragraph (5), by striking `monitoring	
	No comparable provision in current law.	`(3) The provision of assistance to eligible providers in developing, implementing, and reporting measurable progress in achieving the objectives of this title.	`(9) The provision of assistance to eligible providers in developing, implementing, and reporting measurable progress in achieving the objectives of this subtitle.	
	6) Incentives for--	No comparable provision	Deletes provision	
	(A) program coordination and integration; and	No comparable provision	Deletes provision	
	(B) performance awards.	No comparable provision	Deletes provision	
	(7) Developing and disseminating curricula, including curricula incorporating phonemic awareness, systematic phonics, fluency, and reading comprehension.	No comparable provision	`(8) Developing and disseminating curricula, including curricula incorporating the essential components of reading instruction as such components relate to adults.	Support Senate
	8) Other activities of statewide significance that promote the purpose of this title.	`(11) Other activities of statewide significance, including assisting eligible providers in achieving progress in improving the skill levels of adults who participate in programs under this title.	Retains current law	
	(9) Coordination with existing support services, such as transportation, child care, and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and literacy activities, to adults enrolled in such activities.	`(7) Coordination with existing support services, such as transportation, child care, and other assistance designed to increase rates of enrollment in, and successful completion of, adult education, basic skills, and family literacy education programs, for adults enrolled in such activities.	`(7) Coordination with--`(A) other partners carrying out activities authorized under this Act; and`(B) existing support services, such as transportation, child care, mental health services, and other assistance designed to increase rates of enrollment in, and successful completion of, adult education and literacy activities, for adults enrolled in such activities.	
	10) Integration of literacy instruction and occupational skill training, and promoting linkages with employers.	`(12) Integration of literacy, instructional, and occupational skill training and promotion of linkages with employees.	Retains current law	

Section	Current Law	House	Senate	Council Position
	(11) Linkages with postsecondary educational institutions.	`(8) The development and implementation of a system to assist in the transition from adult basic education to postsecondary education.	`(10) The development and implementation of a system to assist in the transition from adult basic education to postsecondary education, including linkages with postsecondary educational institutions.	
	No comparable provision	`(5) The development and implementation of technology applications or distance learning, including professional development to support the use of instructional technology.	`(6) The development and implementation of technology applications, translation technology, or distance learning, including professional development to support the use of instructional technology.';	
	No comparable provision	`(6) Coordination with other public programs, including welfare-to-work, workforce development, and job training programs.	No comparable provision	
	No comparable provision	`(9) Activities to promote workplace literacy programs.	`(12) Activities to promote workplace literacy programs.	
	No comparable provision	`(10) Activities to promote and complement local outreach initiatives described in section 243(7).	`(13) Activities to promote and complement local outreach initiatives described in section 243(b)(3)(F).	
	No comparable provision	No comparable provision	`(11) Integration of literacy and English language instruction with occupational skill training, and promoting linkages with employers.	Support Senate
	No comparable provision	No comparable provision	`(14) In cooperation with efforts funded under sections 242 and 243, the development of curriculum frameworks and rigorous content standards that--	Support Senate. This provision is optional. A number of states are interested in developing content standards and are seeking technical assistance that the Department of Education can facilitate.
	No comparable provision	No comparable provision	`(A) specify what adult learners should know and be able to do in the areas of reading and language arts, mathematics, and English language acquisition; and	
	No comparable provision	No comparable provision	`(B) take into consideration the following:	

Section	Current Law	House	Senate	Council Position
	No comparable provision	No comparable provision	`(i) State academic standards established under section 1111(b) of the Elementary and Secondary Education Act of 1965.	
	No comparable provision	No comparable provision	`(ii) The current adult skills and literacy assessments used in the State or outlying area.	
	No comparable provision	No comparable provision	`(iii) The core indicators of performance established under section 212(b)(2)(A).	
	No comparable provision	No comparable provision	`(iv) Standards and academic requirements for enrollment in non-remedial, for-credit, courses in postsecondary education institutions supported by the State or outlying area.	
	No comparable provision	No comparable provision	`(v) Where appropriate, the basic and literacy skill content of occupational and industry skill standards widely used by business and industry in the State or outlying area.	
	No comparable provision	No comparable provision	`(15) In cooperation with efforts funded under sections 242 and 243, development and piloting of--	Support Senate. Many of the existing assessment instruments are not suitable for use with the listed populations. We need to make an investment in better instruments if we are to operate a truly performance based program.
	No comparable provision	No comparable provision	`(A) new assessment tools and strategies that--	
	No comparable provision	No comparable provision	`(i) are based on scientifically based research, where available and appropriate; and	
	No comparable provision	No comparable provision	`(ii) identify the needs and capture the gains of students at all levels, with particular emphasis on--	
	No comparable provision	No comparable provision	`(I) students at the lowest achievement level;	

Section	Current Law	House	Senate	Council Position
	No comparable provision	No comparable provision	`(II) students who have limited English proficiency; and	
	No comparable provision	No comparable provision	`(III) adults with learning disabilities;	
	No comparable provision	No comparable provision	`(B) options for improving teacher quality and retention; and	
	No comparable provision	No comparable provision	`(C) assistance in converting research into practice.	
	No comparable provision	No comparable provision	`(16) The development and implementation of programs and services to meet the needs of adult learners with learning disabilities or limited English proficiency.	Support Senate
	No comparable provision	No comparable provision	`(17) Other activities of statewide significance that promote the purpose of this title.'	
SEC. 224. STATE PLAN	(b) COLLABORATION- In carrying out this section, eligible agencies shall collaborate where possible, and avoid duplicating efforts, in order to maximize the impact of the activities described in subsection (a).	`(b) Coordination- In carrying out this section, eligible agencies shall coordinate where possible, and avoid duplicating efforts, in order to maximize the impact of the activities described in subsection (a).	Retains current law	
	(c) STATE-IMPOSED REQUIREMENTS- Whenever a State or outlying area implements any rule or policy relating to the administration or operation of a program authorized under this subtitle that has the effect of imposing a requirement that is not imposed under Federal law (including any rule or policy based on a State or outlying area interpretation of a Federal statute, regulation, or guideline), the State or outlying area shall identify, to eligible providers, the rule or policy as being State- or outlying area-imposed.	`(c) State-Imposed Requirements- Whenever a State or outlying area implements any rule or policy relating to the administration or operation of a program authorized under this title that has the effect of imposing a requirement that is not imposed under Federal law (including any rule or policy based on a State or outlying area interpretation of a Federal statute, regulation, or guideline), the State or outlying area shall identify, to eligible providers, the rule or policy as being imposed by the State or outlying area.	(2) in subsection (c), by striking `being State- or outlying area-imposed' and inserting `being imposed by the State or outlying area'.	
	(a) 5-YEAR PLANS-	`(a) 6-Year Plans-	(A) by striking the heading and inserting `4-YEAR PLANS';	Support House

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Section	Current Law	House	Senate	Council Position
	(1) IN GENERAL- Each eligible agency desiring a grant under this subtitle for any fiscal year shall submit to, or have on file with, the Secretary a 5-year State plan.	`(1) IN GENERAL- Each eligible agency desiring a grant under this title for any fiscal year shall submit to, or have on file with, the Secretary a 6-year State plan.	(B) in paragraph (1), by striking `5' and inserting `4';	
	(2) COMPREHENSIVE PLAN OR APPLICATION- The eligible agency may submit the State plan as part of a comprehensive plan or application for Federal education assistance.	`(2) COMPREHENSIVE PLAN OR APPLICATION- The eligible agency may submit the State plan as part of a comprehensive plan or application for Federal education assistance.	Retains current law	
	(b) PLAN CONTENTS- In developing the State plan, and any revisions to the State plan, the eligible agency shall include in the State plan or revisions--	`(b) Plan Contents- The eligible agency shall include in the State plan or any revisions to the State plan--	Retains current law	
	(1) an objective assessment of the needs of individuals in the State or outlying area for adult education and literacy activities, including individuals most in need or hardest to serve;	`(1) an objective assessment of the needs of individuals in the State or outlying area for adult education, basic skills, and family literacy education programs, including individuals most in need or hardest to serve;	(A) in paragraph (1), by inserting `and the role of provider and cooperating agencies in preparing the assessment' after `serve';	

Section	Current Law	House	Senate	Council Position
	(2) a description of the adult education and literacy activities that will be carried out with any funds received under this subtitle;	`(2) a description of the adult education, basic skills, and family literacy education programs that will be carried out with funds received under this title;	`(2) a description of how the eligible agency will address the adult education and literacy needs identified under paragraph (1) in each workforce development area of the State, using funds received under this subtitle, as well as other Federal, State, or local funds received in partnership with other agencies for the purpose of adult literacy as applicable;	Prefer the House language. Senate language impractical, burdensome and limits state flexibility. One interpretation of the Senate provision is to require local plans to be organized to coincide with the LWIB regions. Rearranging every adult education service delivery area to coincide would be chaotic and unfundable with the five percent local administration caps. States develop geographical regions to deliver adult education and literacy services. It is not possible to draw those regions to match the various regional designations drawn by all of our partners: the LWIBs, the state library regions, the social services regions, the public health regions, and other partner agencies. Seldom are all of those regional designations the same. The regional designations reflect the needs of the target population and the staffing budgets of the service provider. Thus the regions often overlap each other. One way to strengthen collaboration is to ensure that Title II adult education providers are members of the LWIB.
	(3) a description of how the eligible agency will evaluate annually the effectiveness of the adult education and literacy activities based on the performance measures described in section 212;	`(3) a description of how the eligible agency will evaluate and measure annually the effectiveness and improvement of the adult education, basic skills, and family literacy education programs based on the performance measures described in section 212 including--	(C) in paragraph (3)--(i) by inserting `and measure' after `evaluate';(ii) by inserting `and improvement' after `effectiveness'; and (iii) by striking `212' and inserting `212, including--	

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Section	Current Law	House	Senate	Council Position
	No comparable provision	(A) how the eligible agency will evaluate and measure annually such effectiveness on a grant-by-grant basis; and	`(A) how the eligible agency will evaluate and measure annually such effectiveness on a grant-by-grant basis;	
	No comparable provision	(B) how the eligible agency--	`(B) how the eligible agency--	
	No comparable provision	(i) will hold eligible providers accountable regarding the progress of such providers in improving the academic achievement of participants in adult education programs under this title and regarding the core indicators of performance described in section 212 (b) (2) (A); and	`(i) will hold eligible providers accountable regarding the progress of such providers in improving the academic achievement of participants in adult education programs under this subtitle and regarding the core indicators of performance described in section 212(b)(2)(A); and	
	No comparable provision	(ii) will use technical assistance, sanctions, and rewards (including allocation of grant funds based on performance and termination of grant funds based on nonperformance);	`(ii) will use technical assistance, sanctions, and rewards (including allocation of grant funds based on performance and termination of grant funds based on performance)';	
	(4) a description of the performance measures described in section 212 and how such performance measures will ensure the improvement of adult education and literacy activities in the State or outlying area;	`(4) a description of the performance measures described in section 212 and how such performance measures have significantly improved adult education, basic skills, and family literacy education programs in the State or outlying area;	Retains current law	Support Senate. (House uses word “significantly” which is not defined or measurable.)
	No comparable provision	No comparable provision	`(5) a description of how the eligible agency will improve teacher quality, the professional development of eligible providers, and instruction;';	

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Section	Current Law	House	Senate	Council Position
	(5) an assurance that the eligible agency will award not less than one grant under this subtitle to an eligible provider who offers flexible schedules and necessary support services (such as child care and transportation) to enable individuals, including individuals with disabilities, or individuals with other special needs, to participate in adult education and literacy activities, which eligible provider shall attempt to coordinate with support services that are not provided under this subtitle prior to using funds for adult education and literacy activities provided under this subtitle for support services;	`(5) an assurance that the eligible agency will, in addition to meeting all of the other requirements of this title, award not less than one grant under this title to an eligible provider that--	(F) in paragraph (6) (as redesignated by subparagraph (D)), by striking `who' and all that follows through the semicolon and inserting `that--	
	No comparable provision	(A) offers flexible schedules and necessary support services (such as child care and transportation) to enable individuals, including individuals with disabilities, or individuals with other special needs, to participate in adult education, basic skills, and family literacy education programs; and	`(A) offers flexible schedules and coordinates with necessary Federal, State, and local support services (such as child care, transportation, mental health services, and case management) to enable individuals, including individuals with disabilities or individuals with other special needs, to participate in adult education and literacy activities; and	
	No comparable provision	(B) attempts to coordinate with support services that are not provided under this title prior to using funds for adult education, basic skills, and family literacy education programs provided under this title for support services;	`(B) attempts to coordinate with support services that are not provided under this subtitle prior to using funds for adult education and literacy activities provided under this subtitle for support services;';	
	6) an assurance that the funds received under this subtitle will not be expended for any purpose other than for activities under this subtitle;	`(6) an assurance that the funds received under this title will not be expended for any purpose other than for activities under this title;	Retains current law	

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Section	Current Law	House	Senate	Council Position
	(7) a description of how the eligible agency will fund local activities in accordance with the considerations described in section 231(e);	`(7) a description of how the eligible agency will fund local activities in accordance with the measurable goals described in section 231(d);	Retains current law	Prefer Senate. The House bill assumes that each consideration is applicable to each local project seeking funds. The Senate bill reflects current practice and applies such considerations as appropriate to individual grantees.
	(8) an assurance that the eligible agency will expend the funds under this subtitle only in a manner consistent with fiscal requirements in section 241;	`(8) an assurance that the eligible agency will expend the funds under this title only in a manner consistent with fiscal requirements in section 241;	Retains current law	
	(9) a description of the process that will be used for public participation and comment with respect to the State plan;	`(9) a description of the process that will be used for public participation and comment with respect to the State plan, which process--	(G) in paragraph (10) (as redesignated by subparagraph (D)), by striking `plan;' and inserting `plan, which process--	
	No comparable provision	`(A) shall include consultation with the State workforce investment board, the State board responsible for administering community or technical colleges, the Governor, the State educational agency, the State board or agency responsible for administering block grants for temporary assistance to needy families under title IV of the Social Security Act, the State council on disabilities, the State vocational rehabilitation agency, other State agencies that promote the improvement of adult education, basic skills, and family literacy education programs, and direct providers of such programs; and	`(A) shall include the State workforce investment board, the Governor, State officials representing public schools, community colleges, welfare agencies, agencies that provide services to individuals with disabilities, other State agencies that promote or operate adult education and literacy activities, and direct providers of such adult literacy services; and	Prefer Senate

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Section	Current Law	House	Senate	Council Position
	No comparable provision	`(B) may include consultation with the State agency on higher education, institutions responsible for professional development of adult education, basic skills, and family literacy education programs instructors, representatives of business and industry, refugee assistance programs, and faith-based organizations;	`(B) may include consultation with the State agency for higher education, institutions responsible for professional development of adult education and literacy education program instructors, institutions of higher education, representatives of business and industry, refugee assistance programs, and community-based organizations (as such term is defined in section 101);';	Prefer Senate
	(10) a description of how the eligible agency will develop program strategies for populations that include, at a minimum—	`(10) a description of the eligible agency's strategies for serving populations that include, at a minimum--	(H) in paragraph (11) (as redesignated by subparagraph (D))--(i) by inserting `assess potential population needs and' after `will';	
	(A) low-income students;	`(A) low-income individuals;	(ii) in subparagraph (A), by striking `students' and inserting `individuals';	
	(B) individuals with disabilities;	`(B) individuals with disabilities;	Retains current law	
	(C) single parents and displaced homemakers; and		Retains current law	Prefer Senate. This is an at-risk population.
	(D) individuals with multiple barriers to educational enhancement, including individuals with limited English proficiency;	`(E) individuals with multiple barriers to educational enhancement, including individuals with limited English proficiency;	Retains current law	
	No comparable provision	`(C) the unemployed;	`(E) the unemployed; and	
	No comparable provision	`(D) the underemployed; and	`(F) those individuals who are employed, but at levels below self-sufficiency, as defined in section 101;'	

Section	Current Law	House	Senate	Council Position
	(11) a description of how the adult education and literacy activities that will be carried out with any funds received under this subtitle will be integrated with other adult education, career development, and employment and training activities in the State or outlying area served by the eligible agency; and	`(11) a description of how the adult education, basic skills, and family literacy education programs that will be carried out with any funds received under this title will be integrated with other adult education, career development, and employment and training activities in the State or outlying area served by the eligible agency;	(I) in paragraph (12) (as redesignated by subparagraph (D))--(i) by inserting `and how the plan submitted under this subtitle is coordinated with the plan submitted by the State under title I' after `eligible agency';	Prefer House
	(12) a description of the steps the eligible agency will take to ensure direct and equitable access, as required in section 231(c)(1).	`(12) a description of the steps the eligible agency will take to ensure direct and equitable access, as required in section 231(c)(1), including--	(J) in paragraph (13) (as redesignated by subparagraph (D)), by striking `231(c)(1).' and inserting `231(c)(1), including--	
	No comparable provision in current law.	(A) how the State will build the capacity of community-based and faith-based organizations to provide adult education, basic skills, and family literacy education programs; and	`(A) how the State will build the capacity of organizations that provide adult education and literacy activities; and	Prefer Senate with a change after "organization" delete "that" and insert "to." The Senate language appears to apply to current providers only. The State Directors want to build the capacity of potential as well as current providers.
	No comparable provision in current law.	(B) how the State will increase the participation of business and industry in adult education, basic skills, and family literacy education programs;	`(B) how the State will increase the participation of business and industry in adult education and literacy activities;';	
	No comparable provision	`(13) an assessment of the adequacy of the system of the State or outlying area to ensure teacher quality and a description of how the State or outlying area will use funds received under this subtitle to improve teacher quality, including professional development on the use of scientifically based research to improve instruction; and	`(16) a description of how the eligible agency will improve the professional development of eligible providers of adult education and literacy activities.';	Prefer Senate

Section	Current Law	House	Senate	Council Position
	No comparable provision	`(14) a description of how the eligible agency will consult with any State agency responsible for postsecondary education to develop adult education that prepares students to enter postsecondary education without the need for remediation upon completion of secondary school equivalency programs.	`(14) a description of how the eligible agency will consult with any State agency responsible for postsecondary education to develop adult education programs and services (including academic skill development and support services) that prepare students to enter postsecondary education upon the attainment of a secondary school diploma or its recognized equivalent;	Prefer Senate
	No comparable provision	No comparable provision	`(15) a description of how the eligible agency will consult with the State agency responsible for workforce development to develop adult education programs and services that are designed to prepare students to enter the workforce;	
	(c) PLAN REVISIONS- When changes in conditions or other factors require substantial revisions to an approved State plan, the eligible agency shall submit the revisions to the State plan to the Secretary.	`(c) Plan Revisions- When changes in conditions or other factors require substantial revisions to an approved State plan, the eligible agency shall submit the revisions of the State plan to the Secretary.	(3) in subsection (c), by adding at the end the following: `At the end of the first 2-year period of the 4-year State plan, the eligible agency shall review and, as needed, revise the 4-year State plan.';	Prefer House. Plan revisions are very labor intensive. They should be filed as needed rather than according to a preset schedule.
	d) CONSULTATION- The eligible agency shall—	`(d) Consultation- The eligible agency shall--	Retains current law	
	(1) submit the State plan, and any revisions to the State plan, to the Governor of the State or outlying area for review and comment; and	`(1) submit the State plan, and any revisions to the State plan, to the Governor, the chief State school officer, or the State officer responsible for administering community or technical colleges, or outlying area for review and comment; and	(A) in paragraph (1), by inserting `, the chief State school officer, the State officer responsible for administering community and technical colleges, and the State workforce investment board' after `Governor';	Prefer House

Section	Current Law	House	Senate	Council Position
	(2) ensure that any comments by the Governor regarding the State plan, and any revision to the State plan, are submitted to the Secretary.	`(2) ensure that any comments regarding the State plan by the Governor, the chief State school officer, or the State officer responsible for administering community or technical colleges, and any revision to the State plan, are submitted to the Secretary.	(B) in paragraph (2), by striking `comments' and all that follows through the period and inserting `comments regarding the State plan by the Governor, the chief State school officer, the State officer responsible for administering community and technical colleges, and the State workforce investment board, and any revision to the State plan, are submitted to the Secretary.'.	Prefer House
	(e) PEER REVIEW- The Secretary shall establish a peer review process to make recommendations regarding the approval of State plans.	No comparable provision	Retains current law	
SEC. 225. PROGRAMS FOR CORRECTIONS EDUCATION AND OTHER INSTITU-TIONALIZED INDIVIDUALS	(f) PLAN APPROVAL- A State plan submitted to the Secretary shall be approved by the Secretary unless the Secretary makes a written determination, within 90 days after receiving the plan, that the plan is inconsistent with the specific provisions of this subtitle.	`(e) Plan Approval- A State plan submitted to the Secretary shall be approved by the Secretary only if the plan is consistent with the specific provisions of this title.	Retains current law	Support Senate. It ensures states receive timely feedback and approval.
	(a) PROGRAM AUTHORIZED- From funds made available under section 222(a)(1) for a fiscal year, each eligible agency shall carry out corrections education or education for other institutionalized individuals.	`(a) Program Authorized- From funds made available under section 222(a)(1) for a fiscal year, each eligible agency shall carry out corrections education and education for other institutionalized individuals.	Retains current law	Support Senate.
	(b) USES OF FUNDS- The funds described in subsection (a) shall be used for the cost of educational programs for criminal offenders in correctional institutions and for other institutionalized individuals, including academic programs for—	`(b) Uses of Funds- The funds described in subsection (a) shall be used for the cost of educational programs for criminal offenders in correctional institutions and for other institutionalized individuals, including academic programs for--	Retains current law	
	(1) basic education;	`(1) basic skills education;	(A) in paragraph (1), by striking `basic education' and inserting `adult education and literacy activities';	Support Senate

Section	Current Law	House	Senate	Council Position
	(2) special education programs as determined by the eligible agency;	`(2) special education programs as determined by the eligible agency;	Retains current law	
	(3) English literacy programs; and	`(3) reading, writing, speaking, and math programs; and	(C) by striking paragraph (3);	We support current law. There should be continued opportunities for English as a Second language instruction.
	(4) secondary school credit programs.	`(4) secondary school credit or diploma programs or their recognized equivalent.	Retains current law	
	(c) PRIORITY- Each eligible agency that is using assistance provided under this section to carry out a program for criminal offenders in a correctional institution shall give priority to serving individuals who are likely to leave the correctional institution with 5 years of participation in the program.	`(c) Priority- Each eligible agency that is using assistance provided under this section to carry out a program for criminal offenders within a correctional institution shall give priority to serving individuals who are likely to leave the correctional institution within 5 years of participation in the program.	Retains current law	
	(d) DEFINITION OF CRIMINAL OFFENDER-	`(d) Definitions- For purposes of this section:	(2) in subsection (d), by striking `DEFINITION OF CRIMINAL OFFENDER- ' and inserting `DEFINITIONS- In this section:'.	
	(1) CRIMINAL OFFENDER - The term 'criminal offender' means any individual who is charged with or convicted of any criminal offense.	(2) CRIMINAL OFFENDER - The term 'criminal offender' means any individual who is charged with, or convicted of, any criminal offense.	Retains current law	
	(2) CORRECTIONAL INSTITUTION- The term `correctional institution' means any--	(1) CORRECTIONAL INSTITUTION- The term 'correctional institution' means any--	Retains current law	
	(A) prison;	(A) prison;	Retains current law	
	(B) jail;	(B) jail;	Retains current law	
	(C) reformatory;	(C) reformatory;	Retains current law	
	(D) work farm;	(D) work farm;	Retains current law	
SEC. 231. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS	(E) detention center; or	(E) detention center; or	Retains current law	

Section	Current Law	House	Senate	Council Position
	(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.	(F) halfway house, community-based rehabilitation center, or any other similar institution designed for the confinement or rehabilitation of criminal offenders.	Retains current law	
SEC. 231. GRANTS AND CONTRACTS FOR ELIGIBLE PROVIDERS CONT..	(a) GRANTS AND CONTRACTS- From grant funds made available under section 211(b), each eligible agency shall award multiyear grants or contracts, on a competitive basis, to eligible providers within the State or outlying area to enable the eligible providers to develop, implement, and improve adult education and literacy activities within the State.	`(a) Grants and Contracts- From grant funds made available under section 211(b), each eligible agency shall award multiyear grants or contracts, on a competitive basis, to eligible providers within the State or outlying area that meet the conditions and requirements of this title to enable the eligible providers to develop, implement, and improve adult education, basic skills, and family literacy education programs within the State.	Retains current law	
	(b) REQUIRED LOCAL ACTIVITIES- The eligible agency shall require that each eligible provider receiving a grant or contract under subsection (a) use the grant or contract to establish or operate one or more programs that provide services or instruction in one or more of the following categories:	`(b) Local Activities- The eligible agency shall require eligible providers receiving a grant or contract under subsection (a) to establish or operate one or more programs of instruction that provide services or instruction in one or more of the following categories:	Retains current law	
	(1) Adult education and literacy services, including workplace literacy services.	`(1) Adult education, basic skills, and family literacy education programs (including proficiency in reading, writing, speaking, and math).	(A) in paragraph (1), by striking `workplace literacy services' and inserting `workplace literacy programs'	Prefer Senate with the addition of language including family literacy.
	Current law includes workplace literacy in (l)	`(2) Workplace literacy programs.	No comparable provision - See (1)	
	(2) Family literacy services.	`(4) Family literacy education programs.	Retains current law	
	(3) English literacy programs.	`(3) English language acquisition programs.	(B) in paragraph (3), by striking `literacy' and inserting `language acquisition';	

Section	Current Law	House	Senate	Council Position
	(c) DIRECT AND EQUITABLE ACCESS; SAME PROCESS- Each eligible agency receiving funds under this subtitle shall ensure that--	`(c) Direct and Equitable Access; Same Process- Each eligible agency receiving funds under this title shall ensure that--	Retains current law	
	(1) all eligible providers have direct and equitable access to apply for grants or contracts under this section; and	`(1) all eligible providers have direct and equitable access to apply for grants or contracts under this section; and	Retains current law	
	(2) the same grant or contract announcement process and application process is used for all eligible providers in the State or outlying area.	`(2) the same grant or contract announcement process and application process is used for all eligible providers in the State or outlying area.	Retains current law	
	(d) SPECIAL RULE- Each eligible agency awarding a grant or contract under this section shall not use any funds made available under this subtitle for adult education and literacy activities for the purpose of supporting or providing programs, services, or activities for individuals who are not individuals described in subparagraphs (A) and (B) of section 203(1), except that such agency may use such funds for such purpose if such programs, services, or activities are related to family literacy services. In providing family literacy services under this subtitle, an eligible provider shall attempt to coordinate with programs and services that are not assisted under this subtitle prior to using funds for adult education and literacy activities under this subtitle for activities other than adult education activities.	`(e) Special Rule- Eligible providers may use grant funds under this title to serve children participating in family literacy programs assisted under this part, provided that other sources of funds available to provide similar services for such children are used first.	Retains current law	
	(e) CONSIDERATIONS- In awarding grants or contracts under this section, the eligible agency shall consider—	`(d) Measurable Goals- The eligible agency shall require eligible providers receiving a grant or contract under subsection (a) to demonstrate--	Retains current law	Prefer Senate. Not all considerations apply to all grantees. The Senate bill reflects current practice and applies such considerations as appropriate to individual grantees.

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	(1) the degree to which the eligible provider will establish measurable goals for participant outcomes;	`(1) the eligible provider's measurable goals for participant outcomes to be achieved annually on the core indicators of performance and employment performance indicators described in section 212(b)(2);	(A) in paragraph (1), by inserting `to be achieved annually on the core indicators of performance and employment performance indicators described in section 212(b)(2)' after `outcomes';	
	(2) the past effectiveness of an eligible provider in improving the literacy skills of adults and families, and, after the 1-year period beginning with the adoption of an eligible agency's performance measures under section 212, the success of an eligible provider receiving funding under this subtitle in meeting or exceeding such performance measures, especially with respect to those adults with the lowest levels of literacy;	`(2) the past effectiveness of the eligible provider in improving the basic academic skills of adults and, for eligible providers receiving grants in the prior year, the success of the eligible provider receiving funding under this title in exceeding its performance goals in the prior year;	Retains current law	Support Senate. We need to keep a focus on those individuals with the lowest levels of literacy.
	(3) the commitment of the eligible provider to serve individuals in the community who are most in need of literacy services, including individuals who are low-income or have minimal literacy skills;	`(3) the commitment of the eligible provider to serve individuals in the community who are the most in need of basic academic skills instruction services, including individuals who are low-income or have minimal reading, writing, speaking, and math skills, or limited English proficiency;	`(3) the commitment of the eligible provider to be responsive to local needs and to serve individuals in the community who were identified by the assessment as most in need of adult literacy services, including individuals who are low-income, have minimal literacy skills, have learning disabilities, or have limited English proficiency;';	Prefer Senate. It includes individuals with learning disabilities.
	(4) whether or not the program—	`(4) the program--	Retains current law	
	(A) is of sufficient intensity and duration for participants to achieve substantial learning gains; and	`(A) is of sufficient intensity and duration for participants to achieve substantial learning gains; and	Retains current law	
	(B) uses instructional practices, such as phonemic awareness, systematic phonics, fluency, and reading comprehension that research has proven to be effective in teaching individuals to read;	`(B) uses instructional practices that include the essential components of reading instruction;	(C) in paragraph (4)(B), by striking `, such as' and all that follows through the semicolon and inserting `that include the essential components of reading instruction;'	

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Section	Current Law	House	Senate	Council Position
	(5) whether the activities are built on a strong foundation of research and effective educational practice;	5) educational practices are based on scientifically based research;	(D) in paragraph (5), by striking `research' and inserting `the most rigorous research available, including scientifically based research,';	Support Senate. Due to the limited investment in adult education research, and the episodic nature of adult education enrollment and attendance, few longitudinal studies of randomized trial, research and control groups have been conducted. We must base our practices upon the most rigorous research available until such investment can be made and its resulted translated into improved practices.
	(6) whether the activities effectively employ advances in technology, as appropriate, including the use of computers;	`(6) the activities of the eligible provider effectively employ advances in technology, as appropriate, including the use of computers;	Retains current law	
	(7) whether the activities provide learning in real life contexts to ensure that an individual has the skills needed to compete in the workplace and exercise the rights and responsibilities of citizenship;	`(7) the activities provide instruction in real-life contexts, when appropriate, to ensure that an individual has the skills needed to compete in the workplace and exercise the rights and responsibilities of citizenship;	Retains current law	Support Senate
	(8) whether the activities are staffed by well-trained instructors, counselors, and administrators;	`(8) the activities are staffed by well-trained instructors, counselors, and administrators;	Retains current law	
	(9) whether the activities coordinate with other available resources in the community, such as by establishing strong links with elementary schools and secondary schools, postsecondary educational institutions, one-stop centers, job training programs, and social service agencies;	`(9) the activities are coordinated with other available resources in the community, such as through strong links with elementary schools and secondary schools, postsecondary educational institutions, one-stop centers, job training programs, community-based and faith-based organizations, and social service agencies;	(E) in paragraph (9), by inserting `education, job training, and social service' after `other available'	Support Senate

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Section	Current Law	House	Senate	Council Position
	(10) whether the activities offer flexible schedules and support services (such as child care and transportation) that are necessary to enable individuals, including individuals with disabilities or other special needs, to attend and complete programs;	`(10) the activities offer flexible schedules and support services (such as child care and transportation) that are necessary to enable individuals, including individuals with disabilities or other special needs, to attend and complete programs;	(F) in paragraph (10)--(i) by inserting `coordination with Federal, State, and local' after `schedules and'; and (ii) by striking `and transportation' and inserting `, transportation, mental health services, and case management';	Prefer House
	(11) whether the activities maintain a high-quality information management system that has the capacity to report participant outcomes and to monitor program performance against the eligible agency performance measures; and	`(11) the activities include a high-quality information management system that has the capacity to report measurable participant outcomes and to monitor program performance against the performance measures established by the eligible agency;	(G) in paragraph (11)--(i) by inserting `measurable' after `report';(ii) by striking `eligible agency';(iii) by inserting `established by the eligible agency' after `performance measures'; and (iv) by striking `and' after the semicolon;	
	(12) whether the local communities have a demonstrated need for additional English literacy programs.	`(12) the local communities have a demonstrated need for additional English language acquisition programs;	(H) in paragraph (12), by striking `literacy programs.' and inserting `language acquisition programs and civics education programs;';	
	No comparable provision in current law	`(13) the capacity of the eligible provider to produce valid information on performance results, including enrollments and measurable participant outcomes;	`(13) the capacity of the eligible provider to produce information on performance results, including enrollments and measurable participant outcomes;	
	No comparable provision	`(14) adult education, basic skills, and family literacy education programs offer rigorous reading, writing, speaking, and math content that are based on scientifically based research; and	`(14) whether reading, writing, speaking, mathematics, and English language acquisition instruction provided by the eligible provider are based on the best practices derived from the most rigorous research available and appropriate, including scientifically based research that is available and appropriate;	Support Senate. Per our earlier note, there is not the research base for adult education to inform practice at this time. We agree the most rigorous research available should be used.

Section	Current Law	House	Senate	Council Position
	No comparable provision	`(15) applications of technology, and services to be provided by the eligible providers, are of sufficient intensity and duration to increase the amount and quality of learning and lead to measurable learning gains within specified time periods.	`(15) whether the eligible provider's applications of technology and services to be provided are sufficient to increase the amount and quality of learning and lead to measurable learning gains within specified time periods;	
	No comparable provision	No comparable provision	`(16) the capacity of the eligible provider to serve adult learners with learning disabilities.'.	
SEC. 232. LOCAL APPLICATION	Each eligible provider desiring a grant or contract under this subtitle shall submit an application to the eligible agency containing such information and assurances as the eligible agency may require, including—	`Each eligible provider desiring a grant or contract under this title shall submit an application to the eligible agency containing such information and assurances as the eligible agency may require, including--		
	(1) a description of how funds awarded under this subtitle will be spent; and	`(1) a description of how funds awarded under this title will be spent consistent with the requirements of this title;	(1) in paragraph (1)-- (A) by inserting `consistent with the requirements of this subtitle' after `spent'; and (B) by striking `and' after the semicolon;	
	(2) a description of any cooperative arrangements the eligible provider has with other agencies, institutions, or organizations for the delivery of adult education and literacy activities.	`(2) a description of any cooperative arrangements the eligible provider has with other agencies, institutions, or organizations for the delivery of adult education, basic skills, and family literacy education programs; and	(2) in paragraph (2), by striking the period at the end and inserting `; and';	
SEC. 233. LOCAL ADMINISTRATIVE COST LIMITS	No comparable provision in current law	`(3) each of the demonstrations required by section 231(d).	`(3) information that addresses each of the considerations required under section 231(e).'	Prefer Senate. Not all considerations apply to all grantees. The Senate bill reflects current practice and applies such considerations as appropriate to individual grantees.
	(a) IN GENERAL- Subject to subsection (b), of the amount that is made available under this subtitle to an eligible provider—	`(a) In General- Subject to subsection (b), of the amount that is made available under this title to an eligible provider--	Retains current law	

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Section	Current Law	House	Senate	Council Position
	(1) not less than 95 percent shall be expended for carrying out adult education and literacy activities; and	`(1) at least 95 percent shall be expended for carrying out adult education, basic skills, and family literacy education programs; and	Retains current law	
SEC. 233. LOCAL ADMINISTRATIVE COST LIMITS CONT…	(2) the remaining amount, not to exceed 5 percent, shall be used for planning, administration, personnel development, and interagency coordination.	`(2) the remaining amount shall be used for planning, administration, personnel and professional development, development of measurable goals in reading, writing, speaking, and math, and interagency coordination.	(1) in subsection (a)(2)--(A) by inserting `and professional' after `personnel'; and (B) by inserting `development of measurable goals in reading, writing, and speaking the English language, and in mathematical computation,' after `development,';	
SEC. 241. ADMINISTRATIVE PROVISIONS	(b) SPECIAL RULE- In cases where the cost limits described in subsection (a) are too restrictive to allow for adequate planning, administration, personnel development, and interagency coordination, the eligible provider shall negotiate with the eligible agency in order to determine an adequate level of funds to be used for noninstructional purposes.	`(b) Special Rule- In cases where the cost limits described in subsection (a) are too restrictive to allow for adequate planning, administration, personnel development, and interagency coordination, the eligible provider may negotiate with the eligible agency in order to determine an adequate level of funds to be used for noninstructional purposes.	(2) in subsection (b)-- (A) by inserting `and professional' after `personnel'; and (B) by inserting `development of measurable goals in reading, writing, and speaking the English language, and in mathematical computation,' after `development,'.	Prefer Senate. Local programs are at different levels of development. Some need more infrastructure. This provision insures the state will take that into account and negotiate appropriately.
	(a) SUPPLEMENT NOT SUPPLANT- Funds made available for adult education and literacy activities under this subtitle shall supplement and not supplant other State or local public funds expended for adult education and literacy activities.	`(a) Supplement not Supplant- Funds made available for adult education, basic skills, and family literacy education programs under this title shall supplement and not supplant other State or local public funds expended for adult education, basic skills, and family literacy education programs.	Retains current law	
	(b) MAINTENANCE OF EFFORT-	`(b) Maintenance of Effort-	Retains current law	
	(1) IN GENERAL-	`(1) IN GENERAL-	Retains current law	

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Section	Current Law	House	Senate	Council Position
	(A) DETERMINATION- An eligible agency may receive funds under this subtitle for any fiscal year if the Secretary finds that the fiscal effort per student or the aggregate expenditures of such eligible agency for adult education and literacy activities, in the second preceding fiscal year, was not less than 90 percent of the fiscal effort per student or the aggregate expenditures of such eligible agency for adult education and literacy activities, in the third preceding fiscal year.	`(A) DETERMINATION- An eligible agency may receive funds under this title for any fiscal year if the Secretary finds that the fiscal effort per student or the aggregate expenditures of such eligible agency for activities under this title, in the second preceding fiscal year, were not less than 90 percent of the fiscal effort per student or the aggregate expenditures of such eligible agency for adult education, basic skills, and family literacy education programs, in the third preceding fiscal year.	(1) in paragraph (1)(A)--(A) by striking `adult education and literacy activities' each place the term appears and inserting `activities under this subtitle'; and (B) by striking `was' and inserting `were'; and	
	(B) PROPORTIONATE REDUCTION- Subject to paragraphs (2), (3), and (4), for any fiscal year with respect to which the Secretary determines under subparagraph (A) that the fiscal effort or the aggregate expenditures of an eligible agency for the preceding program year were less than such effort or expenditures for the second preceding program year, the Secretary—	`(B) PROPORTIONATE REDUCTION- Subject to paragraphs (2), (3), and (4), for any fiscal year with respect to which the Secretary determines under subparagraph (A) that the fiscal effort or the aggregate expenditures of an eligible agency for the preceding program year were less than such effort or expenditures for the second preceding program year, the Secretary--	Retains current law	
	(i) shall determine the percentage decreases in such effort or in such expenditures; and	`(i) shall determine the percentage decreases in such effort or in such expenditures; and	Retains current law	
	(ii) shall decrease the payment made under this subtitle for such program year to the agency for adult education and literacy activities by the lesser of such percentages.	`(ii) shall decrease the payment made under this title for such program year to the agency for adult education, basic skills, and family literacy education programs by the lesser of such percentages.	Retains current law	

Section	Current Law	House	Senate	Council Position
	(2) COMPUTATION- In computing the fiscal effort and aggregate expenditures under paragraph (1), the Secretary shall exclude capital expenditures and special one-time project costs.	`(2) COMPUTATION- In computing the fiscal effort and aggregate expenditures under paragraph (1), the Secretary shall exclude capital expenditures and special one-time project costs.	Retains current law	
	3) DECREASE IN FEDERAL SUPPORT- If the amount made available for adult education and literacy activities under this subtitle for a fiscal year is less than the amount made available for adult education and literacy activities under this subtitle for the preceding fiscal year, then the fiscal effort per student and the aggregate expenditures of an eligible agency required in order to avoid a reduction under paragraph (1)(B) shall be decreased by the same percentage as the percentage decrease in the amount so made available	`(3) DECREASE IN FEDERAL SUPPORT- If the amount made available for adult education, basic skills, and family literacy education programs under this title for a fiscal year is less than the amount made available for adult education, basic skills, and family literacy education programs under this title for the preceding fiscal year, then the fiscal effort per student and the aggregate expenditures of an eligible agency required in order to avoid a reduction under paragraph (1)(B) shall be decreased by the same percentage as the percentage decrease in the amount so made available.	Retains current law	

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Section	Current Law	House	Senate	Council Position
SEC. 242 NATIONAL INSTITUTE FOR LITERACY	(4) WAIVER- The Secretary may waive the requirements of this subsection for 1 fiscal year only, if the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or an unforeseen and precipitous decline in the financial resources of the State or outlying area of the eligible agency. If the Secretary grants a waiver under the preceding sentence for a fiscal year, the level of effort required under paragraph (1) shall not be reduced in the subsequent fiscal year because of the waiver.	`(4) WAIVER- The Secretary may waive the requirements of this subsection for not more than 1 fiscal year, if the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or an unforeseen and precipitous decline in the financial resources of the State or outlying area of the eligible agency. If the Secretary grants a waiver under the preceding sentence for a fiscal year, the level of effort required under paragraph (1) shall not be reduced in the subsequent fiscal year because of the waiver.	(2) in paragraph (4)--(A) by inserting `not more than' after `this subsection for'; and (B) by striking `only'.	We prefer the Senate provisions in their entirety for the National Institute for Literacy as they retain a strong focus on adult education. NIFL is one of the few resources for adult education and it's loss of focus would be a great loss for the field.
	No comparable provision.	`(a) In General-	No comparable provision	
	(a) PURPOSE- The purpose of this section is to establish a National Institute for Literacy that—	`(1) PURPOSE- The purpose of the National Institute for Literacy is to promote the improvement of literacy, including skills in reading, writing, and English language acquisition for children, youth, and adults, through practices derived from the findings of scientifically based research.	Retains current law	
	(1) provides national leadership regarding literacy;	No comparable provision	(1) in subsection (a)-- (A) in paragraph (1), by striking `literacy' and inserting `effective literacy programs for children, youth, adults, and families'	
	(2) coordinates literacy; services and policy; and	No comparable provision	(B) in paragraph (2), by inserting `and disseminates information on' after `coordinates';	
	(3) serves as a national resource for adult education and literacy programs by—	No comparable provision	Retains current law	

Section	Current Law	House	Senate	Council Position
	(A) providing the best and most current information available, including the work of the National Institute of Child Health and Human Development in the area of phonemic awareness, systematic phonics, fluency, and reading comprehension, to all recipients of Federal assistance that focuses on reading, including programs under titles I and VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq. and 7401 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and this Act; and	No comparable provision	`(A) coordinating and participating in the Federal effort to identify and disseminate information on literacy that is derived from scientifically based research, or the most rigorous research available, and effective programs that serve children, youth, adults, and families; and'	
	(B) supporting the creation of new ways to offer services of proven effectiveness.	No comparable provision	Retains current law	
	(b) ESTABLISHMENT-(1) IN GENERAL- There is established the National Institute for Literacy (in this section referred to as the `Institute'). The Institute shall be administered under the terms of an interagency agreement entered into by the Secretary of Education with the Secretary of Labor and the Secretary of Health and Human Services (in this section referred to as the `Interagency Group'). The Interagency Group may include in the Institute any research and development center, institute, or clearinghouse established within the Department of Education, the Department of Labor, or the Department of Health and Human Services the purpose of which is determined by the Interagency Group to be related to the purpose of the Institute.	`(2) ESTABLISHMENT- There is established a National Institute for Literacy (in this section referred to as the `Institute'). The Institute shall be administered under the terms of an interagency agreement (entered into, reviewed annually, and modified as needed by the Secretary of Education) with the Secretary of Health and Human Services and the Secretary of Labor (in this section referred to as the `Interagency Group').	Retains current law	
	(2) OFFICES- The Institute shall have offices separate from the offices of the Department of Education, the Department of Labor, and the Department of Health and Human Services.	`(3) OFFICES- The Institute shall have offices separate from the offices of the Department of Education, the Department of Health and Human Services, and the Department of Labor.	Retains current law	

Section	Current Law	House	Senate	Council Position
	(3) RECOMMENDATIONS- The Interagency Group shall consider the recommendations of the National Institute for Literacy Advisory Board (in this section referred to as the `Board') established under subsection (e) in planning the goals of the Institute and in the implementation of any programs to achieve the goals. If the Board's recommendations are not followed, the Interagency Group shall provide a written explanation to the Board concerning actions the Interagency Group takes that are inconsistent with the Board's recommendations, including the reasons for not following the Board's recommendations with to the actions. The Board may also request a meeting of the Interagency Group to discuss the Board's recommendations.	`(4) ADMINISTRATIVE SUPPORT- The Department of Education shall provide administrative support for the Institute.	`(3) RECOMMENDATIONS- The Interagency Group, in consultation with the National Institute for Literacy Advisory Board (in this section referred to as the `Board') established under subsection (e), shall plan the goals of the Institute and the implementation of any programs to achieve the goals. The Board may also request a meeting of the Interagency Group to discuss any recommendations the Board may make.	
	(4) DAILY OPERATIONS- The daily operations of the Institute shall be administered by the Director of the Institute	`(5) DAILY OPERATIONS- The Director of the Institute shall administer the daily operations of the Institute.	Retains current law	
	(c) DUTIES-	`(b) Duties-	Retains current law	
	(1) IN GENERAL- In order to provide leadership for the improvement and expansion of the system for delivery of literacy services, the Institute is authorized--	`(1) IN GENERAL- To carry out its purpose, the Institute may--	Retains current law	
	(A) to establish a national electronic data base of information that disseminates information to the broadest possible audience within the literacy and basic skills field, and that includes—	No comparable provision	(A) in paragraph (1)-- (i) in subparagraph (A)-- (I) by striking `to establish' and inserting `to maintain'	
	(i) effective practices in the provision of literacy and basic skills instruction, including instruction in phonemic awareness, systematic phonics, fluency, and reading comprehension, and the integration of literacy and basic skills instruction with occupational skills training;	No comparable provision	(II) in clause (i), by striking `phonemic awareness, systematic phonics, fluency, and reading comprehension' and inserting `the essential components of reading instruction';	

Section	Current Law	House	Senate	Council Position
	No comparable provision	`(A) identify and disseminate rigorous scientific research on the effectiveness of instructional practices and organizational strategies relating to programs on the acquisition of skills in reading, writing, and English language acquisition for children, youth, and adults;	No comparable provision	
	No comparable provision	`(B) create and widely disseminate materials about the acquisition and application of skills in reading, writing, and English language acquisition for children, youth, and adults based on scientifically based research;	No comparable provision	
	(ii) public and private literacy and basic skills programs, and Federal, State, and local policies, affecting the provision of literacy services at the national, State, and local levels;	No comparable provision	Retains current law	
	No comparable provision	`(C) ensure a broad understanding of scientifically based research on reading, writing, and English language acquisition for children, youth, and adults among Federal agencies with responsibilities for administering programs that provide related services, including State and local educational agencies;	No comparable provision	
	(iii) opportunities for technical assistance, meetings, conferences, and other opportunities that lead to the improvement of literacy and basic skills services; and	No comparable provision	Retains current law	

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Section	Current Law	House	Senate	Council Position
	No comparable provision	`(D) facilitate coordination and information sharing among national organizations and associations interested in programs that provide services to improve skills in reading, writing, and English language acquisition for children, youth, and adults;	No comparable provision	
	(iv) a communication network for literacy programs, providers, social service agencies, and students;	No comparable provision	Retains current law	
	No comparable provision	No comparable provision	`(v) a list of local adult education and literacy programs	
	No comparable provision	`(E) coordinate with the appropriate offices in the Department of Education, the Department of Health and Human Services, the Department of Labor, and other Federal agencies to apply the findings of scientifically based research related to programs on reading, writing, and English language acquisition for children, youth, and adults;	No comparable provision	
	No comparable provision	`(F) establish a national electronic database and Internet site describing and fostering communication on scientifically based programs in reading, writing, and English language acquisition for children, youth, and adults, including professional development programs; and	No comparable provision	

Section	Current Law	House	Senate	Council Position
	(B) to coordinate support for the provision of literacy and basic skills services across Federal agencies and at the State and local levels;	`(G) provide opportunities for technical assistance, meetings, and conferences that will foster increased coordination among Federal, State, and local agencies and entities and improvement of reading, writing, and English language acquisition skills for children, youth, and adults.	Retains current law	
	(C) to coordinate the support of reliable and replicable research and development on literacy and basic skills in families and adults across Federal agencies, especially with the Office of Educational Research and Improvement in the Department of Education, and to carry out basic and applied research and development on topics that are not being investigated by other organizations or agencies, such as the special literacy needs of individuals with learning disabilities;	No comparable provision	(ii) in subparagraph (C)--(I) by striking `reliable and replicable research' and inserting `reliable and replicable research as defined by the Institute of Education Sciences'; and (II) by striking `especially with the Office of Educational Research and Improvement in the Department of Education,';	
	(D) to collect and disseminate information on methods of advancing literacy that show great promise, including phonemic awareness, systematic phonics, fluency, and reading comprehension based on the work of the National Institute of Child Health and Human Development;	No comparable provision	(iii) in subparagraph (D), by striking `phonemic awareness, systematic phonics, fluency, and reading comprehension based on' and inserting `the essential components of reading instruction	
	(E) to provide policy and technical assistance to Federal, State, and local entities for the improvement of policy and programs relating to literacy;	No comparable provision	Retains current law	
	(F) to fund a network of State or regional adult literacy resource centers to assist State and local public and private nonprofit efforts to improve literacy by—	No comparable provision	Retains current law	
	(i) encouraging the coordination of literacy services;	No comparable provision	Retains current law	
	(ii) enhancing the capacity of State and local organizations to provide literacy services; and	No comparable provision	Retains current law	

Section	Current Law	House	Senate	Council Position
	(iii) serving as a link between the Institute and providers of adult education and literacy activities for the purpose of sharing information, data, research, expertise, and literacy resources	No comparable provision	Retains current law	
	(G) to coordinate and share information with national organizations and associations that are interested in literacy and workforce investment activities;	No comparable provision	Retains current law	
	(H) to advise Congress and Federal departments and agencies regarding the development of policy with respect to literacy and basic skills; and	No comparable provision	Retains current law	
	(I) to undertake other activities that lead to the improvement of the Nation's literacy delivery system and that complement other such efforts being undertaken by public and private agencies and organizations.	No comparable provision	Retains current law	
	No comparable provision	No comparable provision	`(J) to work cooperatively with the Department of Education to assist States that are pursuing the implementation of standards-based educational improvements for adults through the dissemination of training, technical assistance, and related support and through the development and dissemination of related standards-based assessment instruments; and	
	No comparable provision	No comparable provision	`(K) to identify scientifically based research where available and appropriate, or the most rigorous research available and appropriate, on the effectiveness of instructional practices and organizational strategies relating to literacy programs on the acquisition of skills in reading, writing, English acquisition, and mathematics.';	

Section	Current Law	House	Senate	Council Position
		(3) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS-		
	(2) GRANTS, CONTRACTS, AND COOPERATIVE AGREEMENTS- The Institute may award grants to, or enter into contracts or cooperative agreements with, individuals, public or private institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Institute.	(A) IN GENERAL - The Institute may award grants to, or enter into contracts or cooperative agreements with, individuals, public or private institutions, agencies, organizations, or consortia of such individuals, institutions, agencies, or organizations, to carry out the activities of the Institute.	Retains current law	
	No comparable provision	(B) REGULATIONS - The Director may adopt the general administrative regulations of the Department of Education, as applicable, for use by the Institute.	No comparable provision	
	No comparable provision	(C) RELATION TO OTHER LAWS - The duties and powers of the Institute under this title are in addition to the duties and powers of the Institute under subparts 1, 2, and 3 of part B of the Elementary and Secondary Education Act of 1965 (commonly referred to as Reading First, Early Reading First, and the William F. Goodling Even Start Family Literacy Program, respectively).	No comparable provision	
	No comparable provision	`(2) COORDINATION- In identifying scientifically based research on reading, writing, and English language acquisition for children, youth, and adults, the Institute shall use standards for research quality that are consistent with those established by the Institute of Education Sciences.	`(3) COORDINATION- In identifying the reliable and replicable research the Institute will support, the Institute shall use standards for research quality that are consistent with those of the Institute of Education Sciences.';	
	(d) LITERACY LEADERSHIP-			

Section	Current Law	House	Senate	Council Position
	(1) IN GENERAL- The Institute, in consultation with the Board, may award fellowships, with such stipends and allowances that the Director considers necessary, to outstanding individuals pursuing careers in adult education or literacy in the areas of instruction, management, research, or innovation.	`(c) Visiting Scholars- The Institute may establish a visiting scholars program, with such stipends and allowances as the Director considers necessary, for outstanding researchers, scholars, and individuals who--	Retain current law	
	No comparable provision	`(1) have careers in adult education, workforce development, or scientifically based reading, writing, or English language acquisition; and	No comparable provision	
	No comparable provision	`(2) can assist the Institute in translating research into practice and providing analysis that advances instruction in the fields of reading, writing, and English language acquisition for children, youth, and adults.	No comparable provision	
	(2) FELLOWSHIPS- Fellowships awarded under this subsection shall be used, under the auspices of the Institute, to engage in research, education, training, technical assistance, or other activities to advance the field of adult education or literacy, including the training of volunteer literacy providers at the national, State, or local level.	No comparable provision	Retains current law	
	(3) INTERNS AND VOLUNTEERS- The Institute, in consultation with the Board, may award paid and unpaid internships to individuals seeking to assist the Institute in carrying out its mission. Notwithstanding section 1342 of title 31, United States Code, the Institute may accept and use voluntary and uncompensated services as the Institute determines necessary.	`(d) Interns and Volunteers- The Institute, in consultation with the National Institute for Literacy Advisory Board, may award paid and unpaid internships to individuals seeking to assist the Institute in carrying out its purpose. Notwithstanding section 1342 of title 31, United States Code, the Institute may accept and use voluntary and uncompensated services as the Institute determines necessary.	Retains current law	
	(e) NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD-	`(e) National Institute for Literacy Advisory Board-	Retains current law	
	(1) ESTABLISHMENT-	`(1) ESTABLISHMENT	Retains current law	

Section	Current Law	House	Senate	Council Position
	(A) IN GENERAL- There shall be a National Institute for Literacy Advisory Board (in this section referred to as the `Board'), which shall consist of 10 individuals appointed by the President with the advice and consent of the Senate.	`(A) IN GENERAL- There shall be a National Institute for Literacy Advisory Board (in this section referred to as the `Board'), which shall consist of 10 individuals appointed by the President with the advice and consent of the Senate.	Retains current law	
	No comparable provision	(B) QUALIFICATIONS - The Board shall be composed of individuals who--	No comparable provision	
	No comparable provision	(i) are not otherwise officers or employees of the Federal Government; and	No comparable provision	
	No comparable provision	`(ii) are knowledgeable about current effective scientifically based research findings on instruction in reading, writing, and English language acquisition for children, youth, and adults.	No comparable provision	
	(B) COMPOSITION- The Board shall be comprised of individuals who are not otherwise officers or employees of the Federal Government and who are representative of entities such as--	`(C) COMPOSITION- The Board may include--	Retains current law	
	(i) literacy organizations and providers of literacy services, including nonprofit providers, providers of English literacy programs and services, social service organizations, and eligible providers receiving assistance under this subtitle;	`(ii) individuals who, and representatives of entities that, have been successful in improving skills in reading, writing, and English language acquisition for children, youth, and adults.	(A) in paragraph (1)(B)-- (i) in clause (i), by striking `literacy programs' and inserting `language acquisition programs'	
	(ii) businesses that have demonstrated interest in literacy programs;	`(i) representatives of business, industry, labor, literacy organizations, adult education providers, community colleges, students with disabilities, and State agencies, including State directors of adult education; and	(ii) in clause (ii), by striking `literacy programs' and inserting `or have participated in or partnered with workplace literacy programs'	
	(iii) literacy students, including literacy students with disabilities;	No comparable provision	Retains current law	

Section	Current Law	House	Senate	Council Position
	(iv) experts in the area of literacy research;	No comparable provision	(iii) in clause (iv), by inserting `, including adult literacy research' after `research';	
	(v) State and local governments;	No comparable provision	Retains current law	
	(vi) State Directors of adult education; and	No comparable provision	Retains current law	
	(vii) representatives of employees, including representatives of labor organizations.	No comparable provision	Retain current law	
	No comparable provision	No comparable provision	`(viii) institutions of higher education.	
	(2) DUTIES- The Board shall--	`(2) DUTIES- The Board shall--	Retains current law	
	(A) make recommendations concerning the appointment of the Director and staff of the Institute;	`(A) make recommendations concerning the appointment of the Director of the Institute;	Retains current law	
	(B) provide independent advice on the operation of the Institute; and	`(B) provide independent advice on the operation of the Institute;	Retains current law	
	(C) receive reports from the Interagency Group and the Director.	`(C) receive reports from the Interagency Group and the Director; and	Retains current law	
		(D) review the biennial report to the Congress under subsection (k).	`(D) review the biennial report submitted to Congress pursuant to subsection (k).	
	(3) FEDERAL ADVISORY COMMITTEE ACT- Except as otherwise provided, the Board established by this subsection shall be subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).	`(3) FEDERAL ADVISORY COMMITTEE ACT- Except as otherwise provided, the Board shall be subject to the provisions of the Federal Advisory Committee Act.	Retains current law	
	(4) APPOINTMENTS-	`(4) APPOINTMENTS-	Retains current law	
	(A) IN GENERAL- Each member of the Board shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation in which one-third of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.	`(A) IN GENERAL- Each member of the Board shall be appointed for a term of 3 years, except that the initial terms for members may be 1, 2, or 3 years in order to establish a rotation in which one-third of the members are selected each year. Any such member may be appointed for not more than 2 consecutive terms.	Retains current law	

Section	Current Law	House	Senate	Council Position
	(B) VACANCIES- Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.	`(B) VACANCIES- Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has taken office.	Retains current law	
	(5) QUORUM- A majority of the members of the Board shall constitute a quorum but a lesser number may hold hearings. Any recommendation of the Board may be passed only by a majority of the Board's members present.	`(5) QUORUM- A majority of the members of the Board shall constitute a quorum, but a lesser number may hold hearings. A recommendation of the Board may be passed only by a majority of the Board's members present at a meeting for which there is a quorum.	(C) in paragraph (5), by striking the second sentence and inserting the following: `A recommendation of the Board may be passed only by a majority of the Board's members present at a meeting for which there is a quorum	
	(6) ELECTION OF OFFICERS- The Chairperson and Vice Chairperson of the Board shall be elected by the members of the Board. The term of office of the Chairperson and Vice Chairperson shall be 2 years.	`(6) ELECTION OF OFFICERS- The Chairperson and Vice Chairperson of the Board shall be elected by the members of the Board. The term of office of the Chairperson and Vice Chairperson shall be 2 years.	Retains current law	
	(7) MEETINGS- The Board shall meet at the call of the Chairperson or a majority of the members of the Board.	`(7) MEETINGS- The Board shall meet at the call of the Chairperson or a majority of the members of the Board.	Retains current law	
	(f) GIFTS, BEQUESTS, AND DEVISES-	`(f) Gifts, Bequests, and Devises-	Retains current law	
	(1) IN GENERAL- The Institute may accept, administer, and use gifts or donations of services, money, or property, whether real or personal, tangible or intangible.	`(1) IN GENERAL- The Institute may accept, administer, and use gifts or donations of services, money, or property, whether real or personal, tangible or intangible.	Retains current law	

Section	Current Law	House	Senate	Council Position
	(2) RULES- The Board shall establish written rules setting forth the criteria to be used by the Institute in determining whether the acceptance of contributions of services, money, or property whether real or personal, tangible or intangible, would reflect unfavorably upon the ability of the Institute or any employee to carry out the responsibilities of the Institute or employee, or official duties, in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of the Institute's programs or any official involved in those programs.	`(2) RULES- The Board shall establish written rules setting forth the criteria to be used by the Institute in determining whether the acceptance of contributions of services, money, or property whether real or personal, tangible or intangible, would reflect unfavorably upon the ability of the Institute or any employee to carry out the responsibilities of the Institute or employee, or official duties, in a fair and objective manner, or would compromise the integrity, or the appearance of the integrity, of the Institute's programs or any official involved in those programs.	Retains current law	
	(g) MAILS- The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.	`(g) Mails- The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.	Retains current law	
	(h) STAFF- The Interagency Group, after considering recommendations made by the Board, shall appoint and fix the pay of a Director.	`(h) Director- The Secretary of Education, after considering recommendations made by the Board and consulting with the Interagency Group, shall appoint and fix the pay of the Director of the Institute and, when necessary, shall appoint an Interim Director of the Institute.	Retains current law	

Section	Current Law	House	Senate	Council Position
	(i) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS- The Director and staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for level IV of the Executive Schedule.	`(i) Applicability of Certain Civil Service Laws- The Director and staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for level IV of the Executive Schedule.	Retains current law	
	(j) EXPERTS AND CONSULTANTS- The Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.	`(j) Experts and Consultants- The Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.	Retains current law	
		`(k) Biennial Report-		
	(k) REPORT- The Institute shall submit a report biennially to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate. Each report submitted under this subsection shall include—	`(1) IN GENERAL- The Institute shall submit a report biennially to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate. Each report submitted under this subsection shall include--	(5) in subsection (k)--(A) by striking `Labor and Human Resources' and inserting `Health, Education, Labor, and Pensions'; and (B) by striking `The Institute shall submit a report biennially to' and inserting `Not later than 1 year after the date of enactment of the Adult Education and Family Literacy Act Amendments of 2005, and biennially thereafter, the Institute shall submit a report to'	

Section	Current Law	House	Senate	Council Position
	(1) a comprehensive and detailed description of the Institute's operations, activities, financial condition, and accomplishments in the field of literacy for the period covered by the report;	`(A) a comprehensive and detailed description of the Institute's operations, activities, financial condition, and accomplishments in identifying and describing programs on reading, writing, and English language acquisition for children, youth, and adults for the period covered by the report; and	Retains current law	
	(2) a description of how plans for the operation of the Institute for the succeeding 2 fiscal years will facilitate achievement of the goals of the Institute and the goals of the literacy programs within the Department of Education, the Department of Labor, and the Department of Health and Human Services; and	`(B) a description of how plans for the operation of the Institute for the succeeding 2 fiscal years will facilitate achievement of the purpose of the Institute.	Retains current law	
	(3) any additional minority, or dissenting views submitted by members of the Board.	No comparable provision	Retains current law	
	No comparable provision	`(2) FIRST REPORT- The Institute shall submit its first report under this subsection to the Congress not later than 1 year after the date of the enactment of the Job Training Improvement Act of 2005.	No comparable provision	
	(l) FUNDING- Any amounts appropriated to the Secretary, the Secretary of Labor, the Secretary of Health and Human Services, or any other department that participates in the Institute for purposes that the Institute is authorized to perform under this section may be provided to the Institute for such purposes.	`(l) Additional Funding- In addition to the funds authorized under section 205 and reserved for the Institute under section 211, the Secretary of Education, the Secretary of Health and Human Services, the Secretary of Labor, or the head of any other Federal agency or department that participates in the activities of the Institute may provide funds to the Institute for activities that the Institute is authorized to perform under this section.	Retains current law	

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Section	Current Law	House	Senate	Council Position
SEC. 243. NATIONAL LEADERSHIP ACTIVITIES	The Secretary shall establish and carry out a program of national leadership activities to enhance the quality of adult education and literacy programs nationwide. Such activities may include the following:	`The Secretary shall establish and carry out a program of national leadership activities that may include the following:	`(a) IN GENERAL- The Secretary shall establish and carry out a program of national leadership activities to enhance the quality of adult education and literacy programs nationwide.	
	No comparable provision	No comparable provision	`(b) PERMISSIVE ACTIVITIES- The national leadership activities described in subsection (a) may include the following:	
	(1) Technical assistance, including--	`(1) Technical assistance, on request, including assistance--	`(1) Technical assistance, including--	
	(A) assistance provided to eligible providers in developing and using performance measures for the improvement of adult education and literacy activities, including family literacy services;	No comparable provision	`(A) assistance provided to eligible providers in developing and using performance measures for the improvement of adult education and literacy activities, including family literacy services;	
	No comparable provision	`(A) on request to volunteer community- and faith-based organizations, including but not limited to, improving their fiscal management, research-based instruction, and reporting requirements, and the development of measurable objectives to carry out the requirements of this title;	No comparable provision	
	(B) assistance related to professional development activities, and assistance for the purposes of developing, improving, identifying, and disseminating the most successful methods and techniques for providing adult education and literacy activities, including family literacy services, based on scientific evidence where available; and	`(B) in developing valid, measurable, and reliable performance data, and using performance information for the improvement of adult education basic skills, English language acquisition, and family literacy education programs;	`(D) assistance in developing valid, measurable, and reliable performance data, including data about employment and employment outcome, and using performance information for the improvement of adult education and literacy programs; and	
	(C) assistance in distance learning and promoting and improving the use of technology in the classroom.	`(D) in using distance learning and improving the application of technology in the classroom, including instruction in English language acquisition for individuals who have limited English proficiency.	`(C) assistance in distance learning and promoting and improving the use of technology in the classroom;	

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Section	Current Law	House	Senate	Council Position
	No comparable provision in current law.	`(C) on adult education professional development; and	`(B) assistance related to professional development activities, and assistance for the purposes of developing, improving, identifying, and disseminating the most successful methods and techniques for providing adult education and literacy activities, including family literacy services, based on scientific evidence where available;	
	No comparable provision	No comparable provision	`(E) assistance to help States, particularly low-performing States, meet the requirements of section 212.	
	No comparable provision	`(2) Providing for the conduct of research on national literacy basic skill acquisition levels among adults, including the number of limited English proficient adults functioning at different levels of reading proficiency.	No comparable provision	
	No comparable provision	`(6) Identifying model integrated basic and workplace skills education programs, including programs for individuals with limited English proficiency coordinated literacy and employment services, and effective strategies for serving adults with disabilities.	No comparable provision	

Section	Current Law	House	Senate	Council Position
	No comparable provision	No comparable provision	`(2) A program of grants, contracts, or cooperative agreements awarded on a competitive basis to national, regional, or local networks of private nonprofit organizations, public libraries, or institutions of higher education to build the capacity of such networks' members to meet the performance requirements of eligible providers under this title and involve adult learners in program improvement.	Support Senate with an amendment to include "other non-profit federally funded adult education programs."
	(2) Funding national leadership activities that are not described in paragraph (1), either directly or through grants, contracts, or cooperative agreements awarded on a competitive basis to or with postsecondary educational institutions, public or private organizations or agencies, or consortia of such institutions, organizations, or agencies, such as—	No comparable provision	`(3) Funding national leadership activities that are not described in paragraph (1), either directly or through grants, contracts, or cooperative agreements awarded on a competitive basis to or with postsecondary educational institutions, public or private organizations or agencies, or consortia of such institutions, organizations, or agencies, such as--	
	(A) developing, improving, and identifying the most successful methods and techniques for addressing the education needs of adults, including instructional practices using phonemic awareness, systematic phonics, fluency, and reading comprehension, based on the work of the National Institute of Child Health and Human Development;	No comparable provision	`(A) developing, improving, and identifying the most successful methods and techniques for addressing the education needs of adults, including instructional practices using the essential components of reading instruction based on the work of the National Institute of Child Health and Human Development;	
	(B) increasing the effectiveness of, and improving the qualify of, adult education and literacy activities, including family literacy services;	No comparable provision	`(B) increasing the effectiveness of, and improving the quality of, adult education and literacy activities, including family literacy services;	

Section	Current Law	House	Senate	Council Position
	No comparable provision	`(4) Determining how participation in adult education basic skills, English language acquisition, and family literacy education programs prepares individuals for entry into and success in postsecondary education and employment, and in the case of prison-based services, the effect on recidivism.	`(I) determining how participation in adult education and literacy activities prepares individuals for entry into postsecondary education and employment and, in the case of prison-based services, has an effect on recidivism; and	
	C) carrying out research, such as estimating the number of adults functioning at the lowest levels of literacy proficiency;	No comparable provision	`(C) carrying out rigorous research, including scientifically based research where appropriate, on national literacy basic skill acquisition for adult learning, including estimating the number of adults functioning at the lowest levels of literacy proficiency;	
	(D)(i) carrying out demonstration programs;	No comparable provision	`(D)(i) carrying out demonstration programs;	
	(ii) developing and replicating model and innovative programs, such as the development of models for basic skill certificates, identification of effective strategies for working with adults with learning disabilities and with individuals with limited English proficiency who are adults, and workplace literacy programs; and	No comparable provision	`(iii) developing and replicating best practices and innovative programs, including--	
	No comparable provision	No comparable provision	`(I) the development of models for basic skill certificates;	
	No comparable provision	No comparable provision	`(II) the identification of effective strategies for working with adults with learning disabilities and with adults with limited English proficiency;	
	No comparable provision	No comparable provision	`(III) integrated basic and workplace skills education programs;	
	No comparable provision	No comparable provision	`(IV) coordinated literacy and employment services; and	
	No comparable provision	No comparable provision	`(V) postsecondary education transition programs;	

Section	Current Law	House	Senate	Council Position
	(iii) disseminating best practices information, including information regarding promising practices resulting from federally funded demonstration programs;	No comparable provision	`(ii) disseminating best practices information, including information regarding promising practices resulting from federally funded demonstration programs;	
	(E) providing for the conduct of an independent evaluation and assessment of adult education and literacy activities through studies and analyses conducted independently through grants and contracts awarded on a competitive basis, which evaluation and assessment shall include descriptions of—	No comparable provision	`(E) providing for the conduct of an independent evaluation and assessment of adult education and literacy activities through studies and analyses conducted independently through grants and contracts awarded on a competitive basis, which evaluation and assessment shall include descriptions of--	
	(i) the effect of performance measures and other measures of accountability on the delivery of adult education and literacy activities, including family literacy services;	No comparable provision	No comparable provision	
	(ii) the extent to which the adult education and literacy activities, including family literacy services, increase the literacy skills of adults (and of children, in the case of family literacy services), lead the participants in such activities to involvement in further education and training, enhance the employment and earnings of such participants, and, if applicable, lead to other positive outcomes, such as reductions in recidivism in the case of prison-based adult education and literacy activities;	No comparable provision	`(ii) the extent to which the adult education and literacy activities, including family literacy services, increase the literacy skills of adults (and of children, in the case of family literacy services), lead the participants in such activities to involvement in further education and training, enhance the employment and earnings of such participants, and, if applicable, lead to other positive outcomes, such as reductions in recidivism in the case of prison-based adult education and literacy activities	
	(iii) the extent to which the provision of support services to adults enrolled in adult education and family literacy programs increase the rate of enrollment in, and successful completion of, such programs; and	No comparable provision	`(iii) the extent to which the provision of support services to adults enrolled in adult education and family literacy programs increase the rate of enrollment in, and successful completion of, such programs;	

Section	Current Law	House	Senate	Council Position
	No comparable provision	`(3) Improving the coordination, efficiency, and effectiveness of adult education and workforce development services at the national, State, and local levels.	No comparable provision	
	(iv) the extent to which eligible agencies have distributed funds under section 231 to meet the needs of adults through community-based organizations;	No comparable provision	Replaces provision with (iv) below.	
	No comparable provision	`(5) Evaluating how different types of providers, including community and faith-based organizations or private for-profit agencies measurably improve the skills of participants in adult education basic skills, English language acquisition, and family literacy education programs.	`(iv) the extent to which different types of providers measurably improve the skills of participants in adult education and literacy programs	
	(F) supporting efforts aimed at capacity building at the State and local levels, such as technical assistance in program planning, assessment, evaluation, and monitoring of activities carried out under this subtitle;	No comparable provision	`(F) supporting efforts aimed at capacity building of programs at the State and local levels such as technical assistance in program planning, assessment, evaluation, and monitoring of activities carried out under this subtitle	
	(G) collecting data, such as data regarding the improvement of both local and State data systems, through technical assistance and development of model performance data collection systems; and	No comparable provision	`(G) collecting data, such as data regarding the improvement of both local and State data systems, through technical assistance and development of model performance data collection systems;	

Section	Current Law	House	Senate	Council Position
	No comparable provision	No comparable provision	`(H) supporting the development of an entity that would produce and distribute technology-based programs and materials for adult education and literacy programs using an interconnection system (as defined in section 397 of the Communications Act of 1934 (47 U.S.C. 397)) and expand the effective outreach and use of such programs and materials to adult education eligible providers;	
	No comparable provision	No comparable provision	`(I) determining how participation in adult education and literacy activities prepares individuals for entry into postsecondary education and employment and, in the case of prison-based services, has an effect on recidivism;	
	(H) other activities designed to enhance the quality of adult education and literacy activities nationwide	`(8) Initiating other activities designed to improve the measurable quality and effectiveness of adult education basic skills, English language acquisition, and family literacy education programs nationwide.'	`(J) other activities designed to enhance the quality of adult education and literacy activities nationwide.	
SEC. 218. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.				
			Chapter 4 of subtitle A of title II (29 U.S.C. 9251 et seq.) is amended by adding at the end the following:	Support Senate…with an amendment adding a new (b)(3) as follows: (3) Fund Distribution - Funds under this section shall be distributed in accordance with the provisions of 222(a) and an amendment to make outlying areas eligible for funds under this section.

Section	Current Law	House	Senate	Council Position
			SEC. 244. INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION.	
			`(a) IN GENERAL- From funds made available under section 211(a)(4) for each fiscal year, the Secretary shall award grants to States, from allotments under subsection (b), for integrated English literacy and civics education.	
			`(b) ALLOTMENT-	
			`(1) IN GENERAL- Subject to paragraph (2), from amounts made available under section 211(a)(4) for a fiscal year, the Secretary shall allocate--	
			`(A) 65 percent to the States on the basis of a State's need for integrated English literacy and civics education, as determined by calculating each State's share of a 10-year average of the data of the Office of Immigration Statistics of the Department of Homeland Security for immigrants admitted for legal permanent residence for the 10 most recent years; and	
			`(B) 35 percent to the States on the basis of whether the State experienced growth, as measured by the average of the 3 most recent years for which the data of the Office of Immigration Statistics of the Department of Homeland Security for immigrants admitted for legal permanent residence are available.	

Section	Current Law	House	Senate	Council Position
			`(2) MINIMUM- No State shall receive an allotment under paragraph (1) in an amount that is less than $60,000.'.	