



REVIEW OF H.R. 27

The following is a brief comparison of H.R. 27 to last year's House-passed bill. Aside from the definition of literacy and a rewritten provision, the changes are limited to a rewrite of last year's NIFL provisions.

I. Definition of Literacy: There is a change in the definition of literacy. The change brings the definition closer to current law, but still does not capture the broad purposes of the law.

- **Current law:** The term literacy means an individual's ability to read, write and speak in English, compute and solve problems at levels of proficiency necessary to function on the job, in the family of the individual, and in society.
- **House bill from 108th Congress:** The term literacy means the ability to ready, write and speak the English language with competence knowledge and comprehension.
- **H.R. 27 definition:** The term literacy means an individual's ability to read, write and speak in English, compute and solve problems proficiently.

II. Rewritten provision: Section 231 (d)(11) (measurable goals section - under the section dealing with grants and contracts for eligible providers), is rewritten. The only real difference appears to be the addition of the word "measurable" prior to participant. I believe this is more for the sake of consistency than a change in meaning or intent.

- **Current law:** (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;
- **Rewritten provision:** (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.

III. National Institute for Literacy: The majority of the changes are to the section of the bill dealing with the National Institute for Literacy. Attached is a comparison of those provisions to current law provisions in order to determine how enactment of this legislation would change the purpose of NIFL and its day to day operations, management, etc. ***Page numbers refer to the pages in the side by side comparison.***

Page 1.....Purpose - the purpose is very different and changes the entire focus of NIFL. The purpose in H.R. 27 is limited to promoting the improvement of literacy. Current law purposes include providing leadership in literacy, coordinating literacy services and policy and serving as a national resource for adult education and literacy programs.

Page 2 - Establishment - a section of this provision allowing the Interagency group to include in the Institute any research and development center, institute or clearinghouse established by any of the three departments if it is related to the purpose of the Institute is eliminated.

Recommendations - the H.R. 27 provision states that DOE is to provide administrative support for the Institute. Current law requires the Interagency Group to consider recommendations of the Board in planning the goals of the institute and implement programs to achieve its goals. It requires the interagency group to provide a written explanation if the group doesn't following the Board's recommendations.

Pages 4 - 6 - Duties of the Institute - The duties, particularly in how they related to scientific research are different from current law. Only one of the duties in H.R. 27 (D) fails to be related to the identity, use, dissemination or promotion of scientifically based research on reading, writing and English language acquisition.....math is totally lost in the equation even though the most recent NAEP indicated that 36 percent of the nation's high school seniors are proficient in reading but only 17 percent of the nation's 12th-graders are proficient in math. The focus on adult education is lost...all refer to children, youth and adults.

Page 7 - H.R. 27 includes a provision regarding Regulations under the section on Grants, Contracts and Cooperative Agreements. It allows the Director to adopt the general administrative regulations of DOE, as applicable, for use by the Institute. This is a new provision and to me signals a move towards DOE control of NIFL. There is also a new provision regarding the relation to other laws but this doesn't appear to me to be a problem.

Page 8 - there is a new provision on Coordination which calls for the Institute to use standards for research quality consistent with those established by the Institute of Education Sciences in identifying scientifically based research. I do not know the implications of this provision for adult education....

Visiting scholars...there is also a new provision with respect to visiting scholars as compared to the fellowship section in current law....while it allows for individual with careers in adult education, it also allows for those with careers in workforce development or scientifically based reading, writing, etc. The focus has changed.

Page 9 - NIFL Advisory Board - the new law changes the number of board members from 10 to 7 and qualifications tend to limit eligible to those knowledgeable about current successful scientifically research findings on instruction in reading, writing, and English language acquisition for children, you and adults. H.R. 27 also modifies the composition of the board and eliminates some of those on the current list. For example, it no longer lists literacy students, including literacy students with disabilities....it now only speaks of students with disabilities.

Page 10 - Under Duties of the board, there is a change with respect to the appointment of the director of NIFL. Current law requires the board to make recommendations regarding the appointment of the Director....but H.R. 27 requires the board to make recommendations to the Secretary of Education concerning the appointment of the Director....another move towards more control by DOE.

Page 11 - H.R. 27 adds a line to the section related to a "Quorum" requiring a recommendation can only be passed by a majority of the Board's members present "at a meeting for which there is a quorum." I think this is just a clarification...

Page 12 - Item (h) dealing with the appointment of the Director of NIFL is changed. Current law has the Interagency Group appointing and fixing the pay of the Director. H.R. 27 has the Secretary of Education, after considering recommendations by the Board and the Interagency Group, appointing and fixing the pay of the director.... this is a major move towards control by DOE.

Pages 13-14 - There is a change in the information contained in the report consistent with the new focus of NIFL....instead of reporting on NIFL's accomplishments in the field of literacy, the report focuses on their accomplishments in identifying and describing programs on reading, writing, and English language acquisition for children, youth and adults. In (B), the new legislation drops language dealing with achievement of the goals of the literacy programs within DOE, DOL and HHS. Instead it focuses on the achievement of the purpose of the Institute which, as noted earlier, has changed considerably.

While the section on funding has been changed, it is really just a rewrite.