

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;

(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

(iv) the extent to which eligible agencies have distributed funds under section 9241 of this title to meet the needs of adults through community-based organizations;

(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 part;

(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

(H) other activities designed to enhance the quality of adult education and literacy activities nationwide.

(Pub. L. 105-220, title II, §243, Aug. 7, 1998, 112 Stat. 1078; Pub. L. 105-277, div. A, §101(f) [title VIII, §404(e)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-417; Pub. L. 110-154, §1(c)(2), Dec. 21, 2007, 121 Stat. 1827.)

#### AMENDMENTS

2007—Par. (2)(A). Pub. L. 110-154 substituted “Eunice Kennedy Shriver National Institute of Child Health and Human Development” for “National Institute of Child Health and Human Development”.

1998—Par. (2)(B). Pub. L. 105-277 substituted “quality” for “qualify”.

#### SUBCHAPTER II—GENERAL PROVISIONS

### § 9271. State unified plan

#### (a) “Appropriate Secretary” defined

In this section, the term “appropriate Secretary” means the head of the Federal agency who exercises administrative authority over an activity or program described in subsection (b) of this section.

#### (b) State unified plan

##### (1) In general

A State may develop and submit to the appropriate Secretaries a State unified plan for

2 or more of the activities or programs set forth in paragraph (2), except that the State may include in the plan the activities described in paragraph (2)(A) only with the prior approval of the legislature of the State. The State unified plan shall cover one or more of the activities set forth in subparagraphs (A) through (D) of paragraph (2) and may cover one or more of the activities set forth in subparagraphs (E) through (O) of paragraph (2). For purposes of this paragraph, the activities and programs described in subparagraphs (A) and (B) of paragraph (2) shall not be considered to be 2 or more activities or programs for purposes of the unified plan. Such activities or programs shall be considered to be 1 activity or program.

#### (2) Activities

The activities and programs referred to in paragraph (1) are as follows:

(A) career<sup>1</sup> and technical education programs at the secondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

(B) career<sup>1</sup> and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

(C) Activities authorized under title I [29 U.S.C. 2801 et seq.].

(D) Activities authorized under title II [20 U.S.C. 9201 et seq.].

(E) Programs authorized under section 6(d) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(d)).

(F) Work programs authorized under section 6(o) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)).

(G) Activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(H) Programs authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

(I) Programs authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), other than section 112 of such Act (29 U.S.C. 732).

(J) Activities authorized under chapter 41 of title 38.

(K) Programs authorized under State unemployment compensation laws (in accordance with applicable Federal law).

(L) Programs authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

(M) Programs authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.).

(N) Training activities carried out by the Department of Housing and Urban Development.

(O) Programs authorized under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.).

<sup>1</sup> So in original. Probably should be capitalized.

**(c) Requirements****(1) In general**

The portion of a State unified plan covering an activity or program described in subsection (b) of this section shall be subject to the requirements, if any, applicable to a plan or application for assistance under the Federal statute authorizing the activity or program.

**(2) Additional submission not required**

A State that submits a State unified plan covering an activity or program described in subsection (b) of this section that is approved under subsection (d) of this section shall not be required to submit any other plan or application in order to receive Federal funds to carry out the activity or program.

**(3) Coordination**

A State unified plan shall include—

(A) a description of the methods used for joint planning and coordination of the programs and activities included in the unified plan; and

(B) an assurance that the methods included an opportunity for the entities responsible for planning or administering such programs and activities to review and comment on all portions of the unified plan.

**(d) Approval by appropriate Secretaries****(1) Jurisdiction**

The appropriate Secretary shall have the authority to approve the portion of the State unified plan relating to the activity or program over which the appropriate Secretary exercises administrative authority. On the approval of the appropriate Secretary, the portion of the plan relating to the activity or program shall be implemented by the State pursuant to the applicable portion of the State unified plan.

**(2) Approval****(A) In general**

A portion of the State unified plan covering an activity or program described in subsection (b) of this section that is submitted to the appropriate Secretary under this section shall be considered to be approved by the appropriate Secretary at the end of the 90-day period beginning on the day the appropriate Secretary receives the portion, unless the appropriate Secretary makes a written determination, during the 90-day period, that the portion is not consistent with the requirements of the Federal statute authorizing the activity or program including the criteria for approval of a plan or application, if any, under such statute or the plan is not consistent with the requirements of subsection (c)(3) of this section.

**(B) Special rule**

In subparagraph (A), the term “criteria for approval of a State plan”, relating to activities carried out under title I [29 U.S.C. 2801 et seq.] or II [20 U.S.C. 9201 et seq.] or under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), includes a requirement for agreement be-

tween the State and the appropriate Secretary regarding State performance measures, including levels of performance.

(Pub. L. 105-220, title V, § 501, Aug. 7, 1998, 112 Stat. 1242; Pub. L. 105-277, div. A, § 101(f) [title VIII, § 401(17)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-412; Pub. L. 109-270, § 2(h)(7)-(9), Aug. 12, 2006, 120 Stat. 748; Pub. L. 110-234, title IV, § 4002(b)(1)(B), (2)(R), May 22, 2008, 122 Stat. 1096, 1097; Pub. L. 110-246, § 4(a), title IV, § 4002(b)(1)(B), (2)(R), June 18, 2008, 122 Stat. 1664, 1857, 1858.)

## REFERENCES IN TEXT

The Carl D. Perkins Career and Technical Education Act of 2006, referred to in subssecs. (b)(2)(A), (B) and (d)(2)(B), is Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, as amended generally by Pub. L. 109-270, § 1(b), Aug. 12, 2006, 120 Stat. 683, which is classified generally to chapter 44 (§ 2301 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of this title and Tables.

Title I, referred to in subsec. (b)(2)(C), is title I of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 939, which is classified principally to chapter 30 (§ 2801 et seq.) of Title 29, Labor. For complete classification of title I to the Code, see Tables.

Title II, referred to in subsec. (b)(2)(D), is title II of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 1059, known as the Adult Education and Family Literacy Act, which is classified principally to subchapter I (§ 9201 et seq.) of this chapter. For complete classification of title II to the Code, see Short Title note set out under section 9201 of this title and Tables.

The Trade Act of 1974, referred to in subsec. (b)(2)(G), is Pub. L. 93-618, Jan. 3, 1975, 88 Stat. 1978. Chapter 2 of title II of the Act is classified generally to part 2 (§ 2271 et seq.) of subchapter II of chapter 12 of Title 19, Customs Duties. For complete classification of this Act to the Code, see section 2101 of Title 19 and Tables.

The Wagner-Peyser Act, referred to in subsec. (b)(2)(H), is act June 6, 1933, ch. 49, 48 Stat. 113, which is classified generally to chapter 4B (§ 49 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 49 of Title 29 and Tables.

The Rehabilitation Act of 1973, referred to in subsec. (b)(2)(I), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 357. Title I of the Act is classified generally to subchapter I (§ 720 et seq.) of chapter 16 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

The Social Security Act, referred to in subsec. (b)(2)(L), is act Aug. 14, 1935, ch. 531, 49 Stat. 620. Part A of title IV of the Act is classified generally to part A (§ 601 et seq.) of subchapter IV of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1305 of Title 42 and Tables.

The Older Americans Act of 1965, referred to in subsec. (b)(2)(M), is Pub. L. 89-73, July 14, 1965, 79 Stat. 218. Title V of the Act, known as the “Older Americans Community Services Employment Act”, is classified generally to subchapter IX (§ 3056 et seq.) of chapter 35 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of Title 42 and Tables.

The Community Services Block Grant Act, referred to in subsec. (b)(2)(O), is subtitle B (§ 671 et seq.) of title VI of Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 511, which is classified generally to chapter 106 (§ 9901 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 9901 of Title 42 and Tables.

## CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

## AMENDMENTS

2008—Subsec. (b)(2). Pub. L. 110-246, §4002(b)(1)(B), (2)(R), substituted “Food and Nutrition Act of 2008” for “Food Stamp Act of 1977” in subpars. (E) and (F).

2006—Subsec. (b)(2)(A). Pub. L. 109-270, §2(h)(7)(B), substituted “Carl D. Perkins Career and Technical Education Act of 2006” for “Carl D. Perkins Vocational and Applied Technology Education Act”.

Pub. L. 109-270, §2(h)(7)(A), which directed the substitution of “career and technical education programs at the secondary level” for “secondary vocational education programs”, was executed by making the substitution for “Secondary vocational education programs” to reflect the probable intent of Congress.

Subsec. (b)(2)(B). Pub. L. 109-270, §2(h)(8)(B), substituted “Carl D. Perkins Career and Technical Education Act of 2006” for “Carl D. Perkins Vocational and Applied Technology Education Act”.

Pub. L. 109-270, §2(h)(8)(A), which directed the substitution of “career and technical education programs at the postsecondary level” for “postsecondary vocational education programs”, was executed by making the substitution for “Postsecondary vocational education programs” to reflect the probable intent of Congress.

Subsec. (d)(2)(B). Pub. L. 109-270, §2(h)(9), substituted “Carl D. Perkins Career and Technical Education Act of 2006” for “Carl D. Perkins Vocational and Applied Technology Education Act”.

1998—Subsec. (b)(1). Pub. L. 105-277 inserted at end “For purposes of this paragraph, the activities and programs described in subparagraphs (A) and (B) of paragraph (2) shall not be considered to be 2 or more activities or programs for purposes of the unified plan. Such activities or programs shall be considered to be 1 activity or program.”

## EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Amendment by section 4002(b)(1)(B), (2)(R) of Pub. L. 110-246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as a note under section 1161 of Title 2, The Congress.

**§ 9272. Definitions for indicators of performance****(a) In general**

In order to ensure nationwide comparability of performance data, the Secretary of Labor and the Secretary of Education, after consultation with the representatives described in subsection (b) of this section, shall issue definitions for indicators of performance and levels of performance established under titles I [29 U.S.C. 2801 et seq.] and II [20 U.S.C. 9201 et seq.].

**(b) Representatives**

The representatives referred to in subsection (a) of this section are representatives of States (as defined in section 2801 of title 29) and political subdivisions, business and industry, employees, eligible providers of employment and training activities (as defined in section 2801 of title 29), educators, participants in activities carried out under this Act, State Directors of adult education, providers of adult education, providers of literacy services, individuals with expertise in

serving the employment and training needs of eligible youth (as defined in section 2801 of title 29), parents, and other interested parties, with expertise regarding activities authorized under this Act.

(Pub. L. 105-220, title V, §502, Aug. 7, 1998, 112 Stat. 1244.)

## REFERENCES IN TEXT

Title I, referred to in subsec. (a), is title I of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 939, which is classified principally to chapter 30 (§2801 et seq.) of Title 29, Labor. For complete classification of title I to the Code, see Tables.

Title II, referred to in subsec. (a), is title II of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 1059, as amended, known as the Adult Education and Family Literacy Act, which is classified principally to subchapter I (§9201 et seq.) of this chapter. For complete classification of title II to the Code, see Short Title note set out under section 9201 of this title and Tables.

This Act, referred to in subsec. (b), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended, known as the Workforce Investment Act of 1998. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

**§ 9273. Incentive grants****(a) In general**

Beginning on July 1, 2000, the Secretary shall award a grant to each State that exceeds the State adjusted levels of performance for title I [29 U.S.C. 2801 et seq.], the adjusted levels of performance for title II [20 U.S.C. 9201 et seq.], and the levels of performance for programs under Public Law 105-332 (20 U.S.C. 2301 et seq.),<sup>1</sup> for the purpose of carrying out an innovative program consistent with the requirements of any one or more of the programs within title I, title II, or such Public Law, respectively.

**(b) Application****(1) In general**

The Secretary may provide a grant to a State under subsection (a) of this section only if the State submits an application to the Secretary for the grant that meets the requirements of paragraph (2).

**(2) Requirements**

The Secretary may review an application described in paragraph (1) only to ensure that the application contains the following assurances:

(A) The legislature of the State was consulted with respect to the development of the application.

(B) The application was approved by the Governor, the eligible agency (as defined in section 9202 of this title), and the State agency responsible for programs established under Public Law 105-332 (20 U.S.C. 2301 et seq.).<sup>1</sup>

(C) The State and the eligible agency, as appropriate, exceeded the State adjusted levels of performance for title I [29 U.S.C. 2801 et seq.], the expected levels of performance for title II [20 U.S.C. 9201 et seq.], and the levels of performance for programs under Public Law 105-332 (20 U.S.C. 2301 et seq.).<sup>1</sup>

<sup>1</sup> See References in Text note below.