

(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.),¹ 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.).¹

(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.).¹

(c) Amount**(1) Minimum and maximum grant amounts**

Subject to paragraph (2), a grant provided to a State under subsection (a) of this section shall be awarded in an amount that is not less than \$750,000 and not more than \$3,000,000.

(2) Proportionate reduction

If the amount available for grants under this section for a fiscal year is insufficient to award a grant to each State or eligible agency that is eligible for a grant, the Secretary shall reduce the minimum and maximum grant amount by a uniform percentage.

(d) Expected levels of performance as consideration

Notwithstanding any other provision of this section, for fiscal year 2000, the Secretary shall not consider the expected levels of performance under Public Law 105-332 (20 U.S.C. 2301 et seq.)¹ and shall not award a grant under subsection (a) of this section based on the levels of performance for that Act.

(Pub. L. 105-220, title V, §503, Aug. 7, 1998, 112 Stat. 1244; Pub. L. 105-277, div. A, §101(f) [title VIII, §404(f)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-417; Pub. L. 106-246, div. B, title II, §2403(a)(1), July 13, 2000, 114 Stat. 555.)

REFERENCES IN TEXT

Title I, referred to in subsections (a) and (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 subsections (a) and (b)(2)(C), 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.

Public Law 105-332 (20 U.S.C. 2301 et seq.), referred to in subsections (a), (b)(2)(B), (C), and (d), is Pub. L. 105-332, Oct. 31, 1998, 112 Stat. 3076, known as the Carl D. Perkins Vocational and Applied Technology Education Amendments of 1998. For complete classification of this Act to the Code, see Short Title of 1998 Amendment note set out under section 2301 of this title and Tables.

AMENDMENTS

2000—Subsecs. (a), (b)(2)(B), (C). Pub. L. 106-246, §2403(a)(1)(A), substituted “under Public Law 105-332 (20 U.S.C. 2301 et seq.)” for “under Public Law 88-210 (as amended; 20 U.S.C. 2301 et seq.)”.

Subsec. (d). Pub. L. 106-246, §2403(a)(1)(B), added subsec. (d).

1998—Subsec. (a). Pub. L. 105-277 substituted “adjusted” for “expected” before “levels of performance for title II”.

¹ See References in Text note below.

§ 9274. Privacy**(a) Effect on privacy protections**

Nothing in this Act shall be construed to supersede the privacy protections afforded parents and students under section 1232g of this title.

(b) Prohibition on development of national database**(1) In general**

Nothing in this Act shall be construed to permit the development of a national database of personally identifiable information on individuals receiving services under title I of this Act [29 U.S.C. 2801 et seq.].

(2) Limitation

Nothing in paragraph (1) shall be construed to prevent the proper administration of national programs under subtitles C and D of title I of this Act [29 U.S.C. 2881 et seq., 2911 et seq.] or to carry out program management activities consistent with title I of this Act [29 U.S.C. 2801 et seq.].

(Pub. L. 105–220, title V, §504, Aug. 7, 1998, 112 Stat. 1245.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 105–220, Aug. 7, 1998, 112 Stat. 936, as amended, known as the Workforce Investment Act of 1998. Title I of the Act is classified principally to chapter 30 (§2801 et seq.) of Title 29, Labor. Subtitles C and D of title I of the Act are classified generally to subchapters III (§2881 et seq.) and IV (§2911 et seq.), respectively, of chapter 30 of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

§ 9275. Buy-American requirements**(a) Compliance with chapter 83 of title 41**

None of the funds made available under title I [29 U.S.C. 2801 et seq.], II [20 U.S.C. 9201 et seq.], or III or this subchapter may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with chapter 83 of title 41.

(b) Sense of the Congress; requirement regarding notice**(1) Purchase of American-made equipment and products**

In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available under title I [29 U.S.C. 2801 et seq.], II [20 U.S.C. 9201 et seq.], or III or this subchapter, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) Notice to recipients of assistance

In providing financial assistance using funds made available under title I [29 U.S.C. 2801 et seq.], II [20 U.S.C. 9201 et seq.], or III or this subchapter, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by Congress.

(c) Prohibition of contracts with persons falsely labeling products as made in America

If it has been finally determined by a court or Federal agency that any person intentionally af-

fixed a label bearing a “Made in America” inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this subtitle,¹ pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations, as such sections are in effect on August 7, 1998, or pursuant to any successor regulations.

(Pub. L. 105–220, title V, §505, Aug. 7, 1998, 112 Stat. 1245; Pub. L. 105–277, div. A, §101(f) [title VIII, §401(18)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–412.)

REFERENCES IN TEXT

Titles I, II, and III, referred to in subsecs. (a) and (b), are titles I, II, and III of Pub. L. 105–220, Aug. 7, 1998, 112 Stat. 939, 1059, 1080. Title I is classified principally to chapter 30 (§2801 et seq.) of Title 29, Labor. Title II, known as the Adult Education and Family Literacy Act, is classified principally to subchapter I (§9201 et seq.) of this chapter. Title III enacted section 491–2 of this title and section 4110B of Title 38, Veterans’ Benefits, amended sections 49a to 49c, 49d, 49e to 49g, 49j, 49k, 633a, and 791 of this title, section 7103 of Title 5, Government Organization and Employees, section 2311 of Title 19, Customs Duties, and sections 655a, 2000e–16, and 3056 of Title 42, The Public Health and Welfare, and enacted provisions set out as notes under sections 49a, 633a, and 2701 of this title. For complete classification of titles I, II, and III to the Code, see Short Title note set out under section 9201 of this title and Tables.

CODIFICATION

In subsec. (a) heading, “chapter 83 of title 41” substituted for “Buy American Act” on authority of Pub. L. 111–350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

In subsec. (a), “chapter 83 of title 41” substituted for “the Buy American Act (41 U.S.C. 10a et seq.)” on authority of Pub. L. 111–350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105–277, §101(f) [title VIII, §401(18)(A)], substituted “under title I, II, or III or this subchapter” for “in this Act”.

Subsec. (b)(1), (2). Pub. L. 105–277, §101(f) [title VIII, §401(18)(B)], substituted “under title I, II, or III or this subchapter” for “under this Act”.

§ 9276. Transition provisions**(a) Workforce investment systems**

The Secretary of Labor shall take such actions as the Secretary determines to be appropriate to provide for the orderly transition from any authority under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) to the workforce investment systems established under title I of this Act [29 U.S.C. 2801 et seq.]. Such actions shall include the provision of guidance relating to the designation of State workforce investment boards, local workforce investment areas, and local workforce investment boards described in such title.

(b) Adult education and literacy programs**(1) In general**

The Secretary of Education shall take such actions as the Secretary determines to be ap-

¹ So in original. This section is not contained in a subtitle.