

506 of Pub. L. 113-128, set out as a note under section 3101 of this title.

§ 3274. Rule of construction regarding post-secondary transition and concurrent enrollment activities

Nothing in this subchapter shall be construed to prohibit or discourage the use of funds provided under this subchapter for adult education and literacy activities that help eligible individuals transition to postsecondary education and training or employment, or for concurrent enrollment activities.

(Pub. L. 113-128, title II, §205, July 22, 2014, 128 Stat. 1612.)

EFFECTIVE DATE

Section effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as a note under section 3101 of this title.

§ 3275. Authorization of appropriations

There are authorized to be appropriated to carry out this subchapter \$577,667,000 for fiscal year 2015, \$622,286,000 for fiscal year 2016, \$635,198,000 for fiscal year 2017, \$649,287,000 for fiscal year 2018, \$664,552,000 for fiscal year 2019, and \$678,640,000 for fiscal year 2020.

(Pub. L. 113-128, title II, §206, July 22, 2014, 128 Stat. 1612.)

EFFECTIVE DATE

Section effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as a note under section 3101 of this title.

PART A—FEDERAL PROVISIONS

§ 3291. Reservation of funds; grants to eligible agencies; allotments

(a) Reservation of funds

From the sum appropriated under section 3275 of this title for a fiscal year, the Secretary—

- (1) shall reserve 2 percent to carry out section 3332 of this title, except that the amount so reserved shall not exceed \$15,000,000; and
- (2) shall reserve 12 percent of the amount that remains after reserving funds under paragraph (1) to carry out section 3333 of this title.

(b) Grants to eligible agencies

(1) In general

From the sum appropriated under section 3275 of this title and not reserved under subsection (a) for a fiscal year, the Secretary shall award a grant to each eligible agency having a unified State plan approved under section 3112 of this title or a combined State plan approved under section 3113 of this title in an amount equal to the sum of the initial allotment under subsection (c)(1) and the additional allotment under subsection (c)(2) for the eligible agency for the fiscal year, subject to subsections (f) and (g), to enable the eligible agency to carry out the activities assisted under this subchapter.

(2) Purpose of grants

The Secretary may award a grant under paragraph (1) only if the eligible entity in-

volved agrees to expend the grant for adult education and literacy activities in accordance with the provisions of this subchapter.

(c) Allotments

(1) Initial allotments

From the sum appropriated under section 3275 of this title and not reserved under subsection (a) for a fiscal year, the Secretary shall allot to each eligible agency having a unified State plan approved under section 3112 of this title or a combined State plan approved under section 3113 of this title—

- (A) \$100,000, in the case of an eligible agency serving an outlying area; and
- (B) \$250,000, in the case of any other eligible agency.

(2) Additional allotments

From the sum appropriated under section 3275 of this title, 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.

(d) Qualifying adult

For the purpose of subsection (c)(2), the term “qualifying adult” means an adult who—

- (1) is at least 16 years of age;
- (2) is beyond the age of compulsory school attendance under the law of the State or outlying area;
- (3) does not have a secondary school diploma or its recognized equivalent; and
- (4) is not enrolled in secondary school.

(e) Special rule

(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 subchapter in accordance with the provisions of this subchapter, as determined by the Secretary.

(2) Award basis

The Secretary shall award grants pursuant to paragraph (1) on a competitive basis and pursuant to the recommendations from the Pacific Region Educational Laboratory in Honolulu, Hawaii.

(3) Termination of eligibility

Notwithstanding any other provision of law, the Republic of Palau shall be eligible to receive a grant under this subchapter except during the period described in section 3102(45) of this title.

(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.

(f) Hold-harmless provisions

(1) In general

Notwithstanding subsection (c), for fiscal year 2015 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.

(2) Ratable reduction

If for any fiscal year the amount available for allotment under this subchapter is insufficient to satisfy the provisions of paragraph (1) the Secretary shall ratably reduce the payments to all eligible agencies, as necessary.

(g) Reallocation

The portion of any eligible agency's allotment under this subchapter 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 subchapter, shall be available for reallocation 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 subchapter for such year.

(Pub. L. 113-128, title II, §211, July 22, 2014, 128 Stat. 1612.)

EFFECTIVE DATE

Section effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as a note under section 3101 of this title.

§ 3292. Performance accountability system

Programs and activities authorized in this subchapter are subject to the performance accountability provisions described in section 3141 of this title.

(Pub. L. 113-128, title II, §212, July 22, 2014, 128 Stat. 1614.)

EFFECTIVE DATE

Section effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as a note under section 3101 of this title.

§ 3293. Educational assistance and training

(a) Use of fund

The Secretary of Labor shall provide for grants to States to provide educational assistance and training for United States workers. The Secretary shall consult with the Secretary of Education in making grants under this section.

(b) Allocation of funds

Within the purposes described in subsection (a) of this section, funds in the account used under this section shall be allocated among the States based on a formula, established jointly by the Secretaries of Labor and Education, that takes into consideration—

(1) the location of foreign workers admitted into the United States,

(2) the location of individuals in the United States requiring and desiring the educational assistance and training for which the funds can be applied, and

(3) the location of unemployed and underemployed United States workers.

(c) Disbursement to States

(1) Within the purposes and allocations established under this section, disbursements shall be made to the States, in accordance with grant applications submitted to and approved jointly by the Secretaries of Labor and Education, to be applied in a manner consistent with the guidelines established by such Secretaries in consultation with the States. In applying such grants, the States shall consider providing funding to joint labor-management trust funds and other such non-profit organizations which have demonstrated capability and experience in directly training and educating workers.

(2) Not more than 5 percent of the funds disbursed to any State under this section may be used for administrative expenses.

(d) Limitation on Federal overhead

The Secretaries shall provide that not more than 2 percent of the amount of funds disbursed to States under this section may be used by the Federal Government in the administration of this section.

(e) Annual report

The Secretary of Labor shall report annually to the Congress on the grants to States provided under this section.

(f) "State" defined

In this section, the term "State" has the meaning given such term in section 1101(a)(36) of title 8.

(Pub. L. 101-649, title VIII, §801, Nov. 29, 1990, 104 Stat. 5087.)

CODIFICATION

Section was enacted as part of the Immigration Act of 1990, and not as part of the Adult Education and Family Literacy Act which comprises this subchapter.

Section was formerly classified to section 2920 of this title and to section 1506 of this title.

PART B—STATE PROVISIONS

§ 3301. State administration

Each eligible agency shall be responsible for the State or outlying area administration of activities under this subchapter, including—

(1) the development, implementation, and monitoring of the relevant components of the unified State plan in section 3112 of this title or the combined State plan in section 3113 of this title;

(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 subchapter; and

(3) coordination and nonduplication with other Federal and State education, training, corrections, public housing, and social service programs.

(Pub. L. 113-128, title II, §221, July 22, 2014, 128 Stat. 1614.)