

(b) Allocation of funds

Within the purposes described in subsection (a), 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.)

Editorial Notes**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.)

Statutory Notes and Related Subsidiaries**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.

§ 3302. State distribution of funds; matching requirement**(a) State distribution of funds**

Each eligible agency receiving a grant under section 3291(b) of this title for a fiscal year—

(1) shall use not less than 82.5 percent of the grant funds to award grants and contracts under section 3321 of this title and to carry out section 3305 of this title, of which not more than 20 percent of such amount shall be available to carry out section 3305 of this title;

(2) shall use not more than 12.5 percent of the grant funds to carry out State leadership activities under section 3303 of this title; and

(3) shall use not more than 5 percent of the grant funds, or \$85,000, whichever is greater, for the administrative expenses of the eligible agency.

(b) Matching requirement**(1) In general**

In order to receive a grant from the Secretary under section 3291(b) of this title 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 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

(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.

(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 subchapter.

(Pub. L. 113-128, title II, § 222, July 22, 2014, 128 Stat. 1614.)

Statutory Notes and Related Subsidiaries**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.

§ 3303. State leadership activities**(a) Activities****(1) Required**

Each eligible agency shall use funds made available under section 3302(a)(2) of this title for the following adult education and literacy activities to develop or enhance the adult education system of the State or outlying area:

(A) The alignment of adult education and literacy activities with other core programs and one-stop partners, including eligible providers, to implement the strategy identified in the unified State plan under section 3112 of this title or the combined State plan under section 3113 of this title, including the development of career pathways to provide access to employment and training services for individuals in adult education and literacy activities.

(B) The establishment or operation of high quality professional development programs to improve the instruction provided pursuant to local activities required under section 3321(b) of this title, including instruction incorporating the essential components of reading instruction as such components relate to adults, instruction related to the specific needs of adult learners, instruction provided by volunteers or by personnel of a State or outlying area, and dissemination of information about models and promising practices related to such programs.

(C) The provision of technical assistance to eligible providers of adult education and literacy activities receiving funds under this subchapter, including—

(i) the development and dissemination of instructional and programmatic practices based on the most rigorous or scientifically valid research available and appropriate, in reading, writing, speaking, mathematics, English language acquisition programs, distance education, and staff training;

(ii) the role of eligible providers as a one-stop partner to provide access to employment, education, and training services; and

(iii) assistance in the use of technology, including for staff training, to eligible providers, especially the use of technology to improve system efficiencies.

(D) The monitoring and evaluation of the quality of, and the improvement in, adult education and literacy activities and the dissemination of information about models and proven or promising practices within the State.

(2) Permissible activities

Each eligible agency may use funds made available under section 3302(a)(2) of this title

for 1 or more of the following adult education and literacy activities:

(A) The support of State or regional networks of literacy resource centers.

(B) The development and implementation of technology applications, translation technology, or distance education, including professional development to support the use of instructional technology.

(C) Developing and disseminating curricula, including curricula incorporating the essential components of reading instruction as such components relate to adults.

(D) Developing content and models for integrated education and training and career pathways.

(E) The provision of assistance to eligible providers in developing and implementing programs that achieve the objectives of this subchapter and in measuring the progress of those programs in achieving such objectives, including meeting the State adjusted levels of performance described in section 3141(b)(3) of this title.

(F) The development and implementation of a system to assist in the transition from adult education to postsecondary education, including linkages with postsecondary educational institutions or institutions of higher education.

(G) Integration of literacy and English language instruction with occupational skill training, including promoting linkages with employers.

(H) Activities to promote workplace adult education and literacy activities.

(I) Identifying curriculum frameworks and aligning rigorous content standards that—

(i) 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

(ii) take into consideration the following:

(I) State adopted academic standards.

(II) The current adult skills and literacy assessments used in the State or outlying area.

(III) The primary indicators of performance described in section 3141 of this title.

(IV) Standards and academic requirements for enrollment in nonremedial, for-credit courses in postsecondary educational institutions or institutions of higher education supported by the State or outlying area.

(V) Where appropriate, the content of occupational and industry skill standards widely used by business and industry in the State or outlying area.

(J) Developing and piloting of strategies for improving teacher quality and retention.

(K) The development and implementation of programs and services to meet the needs of adult learners with learning disabilities or English language learners, which may include new and promising assessment tools and strategies that are based on scientifically valid research, where appropriate, and identify the needs and capture the gains of