

(c) Funding rules

Notwithstanding any other provision of this subchapter, if the amount appropriated under subsection (a) for a fiscal year is greater than the amount appropriated under such subsection for fiscal year 2011 by more than \$10,000,000, then an amount of not less than 30 percent but not more than 50 percent of the increase in appropriated funds shall be available, from the funds appropriated under such subsection for the fiscal year, to enter into arrangements under section 9173 of this title to carry out the State assessments described in section 9173(a)(4) of this title and to assist States in the implementation of such plans.

(Pub. L. 94-462, title II, §275, formerly §276, as added Pub. L. 104-208, div. A, title I, §101(e) [title VII, §702], Sept. 30, 1996, 110 Stat. 3009-233, 3009-306; renumbered §275 and amended Pub. L. 108-81, title III, §305, Sept. 25, 2003, 117 Stat. 1002; Pub. L. 111-340, title III, §304, Dec. 22, 2010, 124 Stat. 3604.)

PRIOR PROVISIONS

A prior section 275 of Pub. L. 94-462 was classified to section 9175 of this title, prior to repeal by Pub. L. 108-81.

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-340, §304(1), added subsec. (a) and struck out heading and text of former subsec. (a). Prior to amendment, text read as follows: “For the purpose of carrying out this subchapter, there are authorized to be appropriated to the Director \$38,600,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.”

Subsec. (b). Pub. L. 111-340, §304(2), (3), redesignated subsec. (c) as (b) and struck out heading and text of former subsec. (b). Prior to amendment, text of former subsec. (b) read as follows: “Not more than 10 percent of the funds appropriated under this section for a fiscal year may be used to pay for the administrative costs of carrying out this subchapter.”

Subsec. (c). Pub. L. 111-340, §304(4), added subsec. (c). Former subsec. (c) redesignated (b).

2003—Subsec. (a). Pub. L. 108-81, §305(1), substituted “\$38,600,000 for fiscal year 2004 and such sums as may be necessary for fiscal years 2005 through 2009.” for “\$28,700,000 for the fiscal year 1997, and such sums as may be necessary for each of the fiscal years 1998 through 2002.”

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-81 effective Oct. 1, 2003, see section 506 of Pub. L. 108-81, set out as a note under section 9101 of this title.

CHAPTER 73—ADULT EDUCATION AND LITERACY**SUBCHAPTER I—ADULT EDUCATION AND FAMILY LITERACY**

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SUBCHAPTER I—ADULT EDUCATION AND FAMILY LITERACY**§ 9201. Purpose**

It is the purpose of this subchapter to create a partnership among the Federal Government, States, and localities to provide, on a voluntary basis, adult education and literacy services, in order to—

- (1) assist adults to become literate and obtain the knowledge and skills necessary for employment and self-sufficiency;
- (2) assist adults who are parents to obtain the educational skills necessary to become full partners in the educational development of their children; and
- (3) assist adults in the completion of a secondary school education.

(Pub. L. 105-220, title II, §202, Aug. 7, 1998, 112 Stat. 1059.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this title”, meaning title II of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 1059, known as the Adult Education and Family Literacy Act. For complete classification of title II to the Code, see Short Title note set out below and Tables.

EFFECTIVE DATE

Pub. L. 105-220, title V, §507, Aug. 7, 1998, 112 Stat. 1247, provided that: “Except as otherwise provided in this Act [see Tables for classification], this Act and the amendments made by this Act, shall take effect on the date of the enactment of this Act [Aug. 7, 1998].”

SHORT TITLE

Pub. L. 105-220, §1(a), Aug. 7, 1998, 112 Stat. 936, provided that: “This Act [see Tables for classification] may be cited as the ‘Workforce Investment Act of 1998.’”

Pub. L. 105-220, title II, §201, Aug. 7, 1998, 112 Stat. 1059, provided that: “This title [enacting this subchapter, amending sections 6362, 6365, 6366, 6813, and 7881 of this title and section 3013 of Title 42, The Public Health and Welfare, and repealing sections 1201 to 1213d of this title and provisions set out as notes under sections 1201, 1213c, 2963, and 2966 of this title] may be cited as the ‘Adult Education and Family Literacy Act.’”

EX. ORD. NO. 13445. STRENGTHENING ADULT EDUCATION

Ex. Ord. No. 13445, Sept. 27, 2007, 72 F.R. 56165, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. Policy. It is the policy of the United States to use existing Federal programs that serve adults, including new Americans, to strengthen literacy skills, improve opportunities for postsecondary education and employment, and facilitate participation in American life.

SEC. 2. Definitions. As used in this order:

(a) “agency” means an executive agency as defined in section 105 of title 5, United States Code, other than the Government Accountability Office; and

(b) “adult education” means teaching or instruction below the postsecondary level, for individuals who are 16 years of age or older, designed to provide:

(i) mastery of basic education skills needed to function effectively in society;

(ii) a secondary school diploma or its equivalent; or

(iii) the ability to speak, read, or write the English language.

SEC. 3. Establishment of Interagency Adult Education Working Group. The Secretary of Education shall establish within the Department of Education for administrative purposes only, an Interagency Adult Education Working Group (Working Group), consistent with this order.

SEC. 4. Membership and Operation of the Working Group.

(a) The Working Group shall consist exclusively of:

(i) the Secretary of Education, who shall serve as Chair;

(ii) the Secretary of the Treasury, the Attorney General, and the Secretaries of the Interior, Labor, Health and Human Services, Housing and Urban Development, and Veterans Affairs; and

(iii) other officers or full-time or permanent part-time employees of the United States, as determined by the Chair, with the concurrence of the head of the agency concerned.

(b) The Chair, or the Chair’s designee under subsection (c) of this section, in implementing section 5 of this order, shall convene and preside at the meetings of the Working Group, determine its agenda, direct its work, and establish and direct subgroups of the Working Group, as appropriate to deal with particular subject matters, that shall consist exclusively of members of the Working Group or their designees under subsection (c) of this section.

(c) A member of the Working Group may designate, to perform the Working Group or Working Group subgroup functions of the member, any person who is a part of the member’s agency and who is either an officer of the United States appointed by the President or a member of the Senior Executive Service.

SEC. 5. Functions of the Working Group. Consistent with the policy set forth in section 1 of this order, the Working Group shall:

(a) identify Federal programs that:

(i) focus primarily on improving the basic education skills of adults;

(ii) have the goal of transitioning adults from basic literacy to postsecondary education, training, or employment; or

(iii) constitute programs of adult education;

(b) as appropriate, review the programs identified under subsection (a) of this section and submit to the heads of the agencies administering those programs recommendations to:

(i) promote the transition of adults from such programs to postsecondary education, training, or employment;

(ii) increase the effectiveness, efficiency, and availability of such programs;

(iii) minimize unnecessary duplication among such programs;

(iv) measure and evaluate the performance of such programs; and

(v) undertake and disseminate the results of research related to such programs;

(c) identify gaps in the research about effective ways to teach adult education for postsecondary readiness, recommend areas for further research to improve adult education programs and services, and identify promising practices in disseminating valid existing and future research findings; and

(d) obtain information and advice as appropriate, in a manner that seeks individual advice and does not involve collective judgment or consensus advice or deliberation, concerning adult education from:

(i) State, local, territorial, and tribal officials; and

(ii) representatives of entities or other individuals;

(e) at the request of the head of an agency, unless the Chair declines the request, promptly review and provide advice on a proposed action by that agency relating to adult education; and

(f) report to the President, through the Assistant to the President for Domestic Policy, on its work, and on the implementation of any recommendations arising from its work, at such times and in such formats as the Chair may specify, with the first such report to be submitted no later than 9 months after the date of this order.

SEC. 6. Administration of the Working Group. (a) To the extent permitted by law, the Department of Education shall provide the funding and administrative support the Working Group needs, as determined by the Chair, to implement this order.

(b) The heads of agencies shall provide, as appropriate, such assistance and information as the Chair may request to implement this order.

SEC. 7. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an agency or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies or entities, its officers, employees, or agents, or any other person.

GEORGE W. BUSH.

§ 9202. Definitions

In this subchapter:

(1) Adult education

The term “adult education” means services or instruction below the postsecondary level for individuals—

(A) who have attained 16 years of age;

(B) who are not enrolled or required to be enrolled in secondary school under State law; and

(C) who—

(i) lack sufficient mastery of basic educational skills to enable the individuals to function effectively in society;

(ii) do not have a secondary school diploma or its recognized equivalent, and have not achieved an equivalent level of education; or

(iii) are unable to speak, read, or write the English language.

(2) Adult education and literacy activities

The term “adult education and literacy activities” means activities described in section 9241(b) of this title.