

(ii) funds provided to a service provider under this subchapter that are in excess of the costs associated with the services provided; and

(iii) interest income earned on funds received under this subchapter.

(C) For purposes of this paragraph, each entity receiving financial assistance under this subchapter shall maintain records sufficient to determine the amount of such income received and the purposes for which such income is expended.

(8)(A) The Secretary shall notify the Governor and the appropriate local board and chief elected official of, and consult with the Governor and such board and official concerning, any activity to be funded by the Secretary under this subchapter within the corresponding State or local area.

(B) The Governor shall notify the appropriate local board and chief elected official of, and consult with such board and official concerning, any activity to be funded by the Governor under this subchapter within the corresponding local area.

(9)(A) All education programs for youth supported with funds provided under subpart 2 of part B shall be consistent with applicable State and local educational standards.

(B) Standards and procedures with respect to awarding academic credit and certifying educational attainment in programs conducted under such subpart shall be consistent with the requirements of applicable State and local law, including regulation.

(10) No funds available under this subchapter may be used for public service employment except as specifically authorized under this subchapter.

(11) The Federal requirements governing the title, use, and disposition of real property, equipment, and supplies purchased with funds provided under this subchapter shall be the corresponding Federal requirements generally applicable to such items purchased through Federal grants to States and local governments.

(12) Nothing in this subchapter shall be construed to provide an individual with an entitlement to a service under this subchapter.

(13) Services, facilities, or equipment funded under this subchapter may be used, as appropriate, on a fee-for-service basis, by employers in a local area in order to provide employment and training activities to incumbent workers—

(A) when such services, facilities, or equipment are not in use for the provision of services for eligible participants under this subchapter;

(B) if such use for incumbent workers would not have an adverse effect on the provision of services to eligible participants under this subchapter; and

(C) if the income derived from such fees is used to carry out the programs authorized under this subchapter.

(14) Funds provided under this subchapter shall not be used to establish or operate a stand-alone fee-for-service enterprise in a situ-

ation in which a private sector employment agency (as defined in section 2000e of title 42) is providing full access to similar or related services in such a manner as to fully meet the identified need. For purposes of this paragraph, such an enterprise does not include a one-stop delivery system described in section 3151(e) of this title.

(15)(A) None of the funds available under this subchapter shall be used by a recipient or subrecipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of the annual rate of basic pay prescribed for level II of the Executive Schedule under section 5313 of title 5.

(B) The limitation described in subparagraph (A) shall not apply to vendors providing goods and services as defined in Office of Management and Budget Circular A-133. In a case in which a State is a recipient of such funds, the State may establish a lower limit than is provided in subparagraph (A) for salaries and bonuses of those receiving salaries and bonuses from a subrecipient of such funds, taking into account factors including the relative cost of living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer the Federal programs involved.

(Pub. L. 113-128, title I, § 194, July 22, 2014, 128 Stat. 1605.)

#### REFERENCES IN TEXT

This Act, referred to in par. (4), is Pub. L. 113-128, July 22, 2014, 128 Stat. 1425, known as the Workforce Innovation and Opportunity Act, which enacted this chapter, repealed chapter 30 (§2801 et seq.) of this title and chapter 73 (§9201 et seq.) of Title 20, Education, and made amendments to numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

The Workforce Investment Act of 1998, referred to in par. (4), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, and was repealed by Pub. L. 113-128, title V, §§ 506, 511(a), July 22, 2014, 128 Stat. 1703, 1705, effective July 1, 2015. For complete classification of this Act to the Code, see Tables.

#### 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.

### § 3255. Restrictions on lobbying activities

#### (a) Publicity restrictions

##### (1) In general

No funds provided under this Act shall be used for—

(A) publicity or propaganda purposes; or

(B) the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat—

(i) the enactment of legislation before Congress or any State or local legislature or legislative body; or

(ii) any proposed or pending regulation, administrative action, or order issued by

the executive branch of any State or local government.

**(2) Exception**

Paragraph (1) shall not apply to—

(A) normal and recognized executive-legislative relationships;

(B) the preparation, distribution, or use of the materials described in paragraph (1)(B) in presentation to Congress or any State or local legislature or legislative body; or

(C) such preparation, distribution, or use of such materials in presentation to the executive branch of any State or local government.

**(b) Salary restrictions**

**(1) In general**

No funds provided under this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment or issuance of legislation, appropriations, regulations, administrative action, or an Executive order proposed or pending before Congress or any State government, or a State or local legislature or legislative body.

**(2) Exception**

Paragraph (1) shall not apply to—

(A) normal and recognized executive-legislative relationships; or

(B) participation by an agency or officer of a State, local, or tribal government in policymaking and administrative processes within the executive branch of that government.

(Pub. L. 113-128, title I, §195, July 22, 2014, 128 Stat. 1607.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(1) and (b)(1), is Pub. L. 113-128, July 22, 2014, 128 Stat. 1425, known as the Workforce Innovation and Opportunity Act, which enacted this chapter, repealed chapter 30 (§2801 et seq.) of this title and chapter 73 (§9201 et seq.) of Title 20, Education, and made amendments to numerous other sections and notes in the Code. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

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.

SUBCHAPTER II—ADULT EDUCATION AND LITERACY

**§ 3271. 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 activities, in order to—

(1) assist adults to become literate and obtain the knowledge and skills necessary for employment and economic self-sufficiency;

(2) assist adults who are parents or family members to obtain the education and skills that—

(A) are necessary to becoming full partners in the educational development of their children; and

(B) lead to sustainable improvements in the economic opportunities for their family;

(3) assist adults in attaining a secondary school diploma and in the transition to postsecondary education and training, including through career pathways; and

(4) assist immigrants and other individuals who are English language learners in—

(A) improving their—

(i) reading, writing, speaking, and comprehension skills in English; and

(ii) mathematics skills; and

(B) acquiring an understanding of the American system of Government, individual freedom, and the responsibilities of citizenship.

(Pub. L. 113-128, title II, §202, July 22, 2014, 128 Stat. 1608.)

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.

SHORT TITLE

For short title of this subchapter as the “Adult Education and Family Literacy Act”, see section 201 of Pub. L. 113-128, set out as a note under section 3101 of this title.

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