

**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.

**§ 3322. Local application**

Each eligible provider desiring a grant or contract from an eligible agency shall submit an application to the eligible agency containing such information and assurances as the eligible agency may require, including—

(1) a description of how funds awarded under this subchapter will be spent consistent with the requirements of this subchapter;

(2) a description of any cooperative arrangements the eligible provider has with other agencies, institutions, or organizations for the delivery of adult education and literacy activities;

(3) a description of how the eligible provider will provide services in alignment with the local plan under section 3123 of this title, including how such provider will promote concurrent enrollment in programs and activities under subchapter I, as appropriate;

(4) a description of how the eligible provider will meet the State adjusted levels of performance described in section 3141(b)(3) of this title, including how such provider will collect data to report on such performance indicators;

(5) a description of how the eligible provider will fulfill one-stop partner responsibilities as described in section 3151(b)(1)(A) of this title, as appropriate;

(6) a description of how the eligible provider will provide services in a manner that meets the needs of eligible individuals; and

(7) information that addresses the considerations described under section 3321(e) of this title, as applicable.

(Pub. L. 113-128, title II, §232, July 22, 2014, 128 Stat. 1620.)

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**§ 3323. Local administrative cost limits****(a) In general**

Subject to subsection (b), of the amount that is made available under this subchapter to an eligible provider—

(1) not less than 95 percent shall be expended for carrying out adult education and literacy activities; and

(2) the remaining amount, not to exceed 5 percent, shall be used for planning, administration (including carrying out the requirements of section 3141 of this title), professional development, and the activities described in paragraphs (3) and (5) of section 3322 of this title.

**(b) Special rule**

In cases where the cost limits described in subsection (a) are too restrictive to allow for the

activities described in subsection (a)(2), the eligible provider shall negotiate with the eligible agency in order to determine an adequate level of funds to be used for noninstructional purposes.

(Pub. L. 113-128, title II, §233, July 22, 2014, 128 Stat. 1620.)

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## PART D—GENERAL PROVISIONS

**§ 3331. Administrative provisions****(a) Supplement not supplant**

Funds made available for adult education and literacy activities under this subchapter shall supplement and not supplant other State or local public funds expended for adult education and literacy activities.

**(b) Maintenance of effort****(1) In general****(A) Determination**

An eligible agency may receive funds under this subchapter for any fiscal year if the Secretary finds that the fiscal effort per student or the aggregate expenditures of such eligible agency for activities under this subchapter, in the second preceding fiscal year, were not less than 90 percent of the fiscal effort per student or the aggregate expenditures of such eligible agency for adult education and literacy activities in the third preceding fiscal year.

**(B) Proportionate reduction**

Subject to paragraphs (2), (3), and (4), for any fiscal year with respect to which the Secretary determines under subparagraph (A) that the fiscal effort or the aggregate expenditures of an eligible agency for the preceding program year were less than such effort or expenditures for the second preceding program year, the Secretary—

(i) shall determine the percentage decreases in such effort or in such expenditures; and

(ii) shall decrease the payment made under this subchapter for such program year to the agency for adult education and literacy activities by the lesser of such percentages.

**(2) Computation**

In computing the fiscal effort and aggregate expenditures under paragraph (1), the Secretary shall exclude capital expenditures and special one-time project costs.

**(3) Decrease in Federal support**

If the amount made available for adult education and literacy activities under this subchapter for a fiscal year is less than the amount made available for adult education and literacy activities under this subchapter