

tribution determined under subparagraph (B) for that income category, except that the amount computed by such subtraction shall not be less than zero;”.

Subsec. (d)(2)(F). Pub. L. 100-50, §4(a)(2), added subpar. (F) and struck out former subpar. (F) which read as follows: “multiply the number of eligible independent students in each income category by the lesser of—

“(i) 75 percent of the average cost of attendance for all undergraduate students determined under subparagraph (C); or

“(ii) the average cost of attendance for all undergraduate students minus the expected family contribution determined under subparagraph (B) for that income category, except that the amount computed by such subtraction for any income category shall not be less than zero;”.

Subsec. (d)(3)(A). Pub. L. 100-50, §4(b)(1), struck out “and for graduate and professional students” after “undergraduate students”.

Subsec. (d)(3)(B). Pub. L. 100-50, §4(b)(2), struck out “and graduate and professional” after “average undergraduate” and struck out “and graduate” after “from undergraduate”.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-244, title IV, §406(c)(3), Oct. 7, 1998, 112 Stat. 1665, provided that: “The amendments made by this subsection [amending this section] shall apply with respect to allocations of amounts appropriated pursuant to section 413A(b) of the Higher Education Act of 1965 [20 U.S.C. 1070b(b)] for fiscal year 2000 or any succeeding fiscal year.”

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-208 effective as if included in the Higher Education Amendments of 1992, Pub. L. 102-325, except as otherwise provided, see section 5(a) of Pub. L. 103-208, set out as a note under section 1051 of this title.

EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-50 effective as if enacted as part of the Higher Education Amendments of 1986, Pub. L. 99-498, see section 27 of Pub. L. 100-50, set out as a note under section 1001 of this title.

EFFECTIVE DATE

Section 401(b)(6) of Pub. L. 99-498, as added by Pub. L. 100-50, §22(a)(2), June 3, 1987, 101 Stat. 361, provided that: “The changes made in section 413D of the Act [this section] shall apply with respect to the allocation of funds for the academic year 1988-1989 and succeeding academic years.”

§ 1070b-4. Carryover and carryback authority

(a) Carryover authority

Of the sums made available to an eligible institution under this subpart for a fiscal year, not more than 10 percent may, at the discretion of the institution, remain available for expenditure during the succeeding fiscal year to carry out the program under this subpart.

(b) Carryback authority

(1) In general

Of the sums made available to an eligible institution under this subpart for a fiscal year, not more than 10 percent may, at the discretion of the institution, be used by the institution for expenditure for the fiscal year preceding the fiscal year for which the sums were appropriated.

(2) Use of carried-back funds

An eligible institution may make grants to students after the end of the academic year,

but prior to the beginning of the succeeding fiscal year, from such succeeding fiscal year’s appropriations.

(Pub. L. 89-329, title IV, §413E, as added Pub. L. 105-244, title IV, §406(d), Oct. 7, 1998, 112 Stat. 1665.)

EFFECTIVE DATE

Section effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as an Effective Date of 1998 Amendment note under section 1001 of this title.

SUBPART 4—LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM

CODIFICATION

Pub. L. 105-244, title IV, §407(a)(1), Oct. 7, 1998, 112 Stat. 1666, amended heading generally.

Pub. L. 102-325, title IV, §402(a)(1), (2), July 23, 1992, 106 Stat. 482, redesignated former subpart 3 as 4 and repealed former subpart 4, comprising sections 1070d to 1070d-1d, which authorized special programs for students from disadvantaged backgrounds.

§ 1070c. Purpose; appropriations authorized

(a) Purpose of subpart

It is the purpose of this subpart to make incentive grants available to States to assist States in—

(1) providing grants to—

(A) eligible students attending institutions of higher education or participating in programs of study abroad that are approved for credit by institutions of higher education at which such students are enrolled; and

(B) eligible students for campus-based community service work-study; and

(2) carrying out the activities described in section 1070c-3a of this title.

(b) Authorization of appropriations; availability

(1) In general

There are authorized to be appropriated to carry out this subpart \$200,000,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years.

(2) Reservation

For any fiscal year for which the amount appropriated under paragraph (1) exceeds \$30,000,000, the excess amount shall be available to carry out section 1070c-3a of this title.

(3) Availability

Sums appropriated pursuant to the authority of paragraph (1) for any fiscal year shall remain available for payments to States under this subpart until the end of the fiscal year succeeding the fiscal year for which such sums were appropriated.

(Pub. L. 89-329, title IV, §415A, as added Pub. L. 99-498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1332; amended Pub. L. 102-325, title IV, §404(a), July 23, 1992, 106 Stat. 506; Pub. L. 105-244, title IV, §407(b), (c)(1), Oct. 7, 1998, 112 Stat. 1666, 1667; Pub. L. 106-554, §1(a)(1) [title III, §316(1)], Dec. 21, 2000, 114 Stat. 2763, 2763A-47; Pub. L. 110-315, title IV, §407(a), Aug. 14, 2008, 122 Stat. 3215.)

PRIOR PROVISIONS

A prior section 1070c, Pub. L. 89-329, title IV, §415A, as added Pub. L. 92-318, title I §131(b)(1), June 23, 1972,

86 Stat. 255; amended Pub. L. 94-482, title I, §123(a), (c)(1), Oct. 12, 1976, 90 Stat. 2094; Pub. L. 95-43, §1(b)(3), June 15, 1977, 91 Stat. 218; Pub. L. 96-49, §5(a)(4), Aug. 13, 1979, 93 Stat. 352; Pub. L. 96-374, title IV, §404(a), Oct. 3, 1980, 94 Stat. 1406, related to purpose and authorization of appropriations for grants to States for State student incentives, prior to the general revision of this part by Pub. L. 99-498.

AMENDMENTS

2008—Subsec. (b)(1), (2). Pub. L. 110-315 added pars. (1) and (2) and struck out former pars. (1) and (2) which related to appropriations and reservation of funding for section 1070c-3a of this title for fiscal year 1999 and the 4 succeeding fiscal years.

2000—Subsec. (a)(2). Pub. L. 106-554, which directed amendment of section 415 of the Higher Education Act of 1965 in section 415A(a)(2) by substituting “section 1070c-3a of this title” for “section 1070c-4 of this title”, was executed by making the substitution in subsec. (a)(2) of this section, which is section 415A of the Higher Education Act of 1965, to reflect the probable intent of Congress.

1998—Subsec. (a). Pub. L. 105-244, §407(c)(1), amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “It is the purpose of this subpart to make incentive grants available to States to assist States in providing grants to—

“(1) eligible students attending institutions of higher education or participating in programs of study abroad that are approved for credit by institutions of higher education at which such students are enrolled; and

“(2) eligible students for campus-based community service work-study.”

Subsec. (b)(1). Pub. L. 105-244, §407(b)(1), substituted “1999” for “1993”.

Subsec. (b)(2), (3). Pub. L. 105-244, §407(b)(2), (3), added par. (2) and redesignated former par. (2) as (3).

1992—Pub. L. 102-325 amended section generally. Prior to amendment, section read as follows:

“(a) PURPOSE OF SUBPART.—It is the purpose of this subpart to make incentive grants available to the States to assist them in providing grants to eligible students attending institutions of higher education and grants to eligible students for campus-based community service work learning study.

“(b) AUTHORIZATION OF APPROPRIATIONS; AVAILABILITY.—(1) There are authorized to be appropriated \$85,000,000 for fiscal year 1987, and such sums as may be necessary for the 4 succeeding fiscal years.

“(2) Sums appropriated pursuant to paragraph (1) for any fiscal year shall remain available for payments to States under this subpart until the end of the fiscal year succeeding the fiscal year for which such sums were appropriated.”

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

§ 1070c-1. Allotment among States

(a) Allotment based on number of eligible students in attendance

(1) From the sums appropriated pursuant to section 1070c(b)(1) of this title and not reserved under section 1070c(b)(2) of this title for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such sums as the number of students who are deemed eligible in such State for participation in the grant program authorized by this subpart bears to the total number of such students in all the States, except that no State shall receive less than the State received for fiscal year 1979.

(2) For the purpose of this subsection, the number of students who are deemed eligible in a State for participation in the grant program authorized by this subpart, and the number of such students in all the States, shall be determined for the most recent year for which satisfactory data are available.

(b) Reallotment

The amount of any State's allotment under subsection (a) of this section for any fiscal year which the Secretary determines will not be required for such fiscal year for the leveraging educational assistance partnership program of that State shall be available for reallotment from time to time, on such dates during such year as the Secretary may fix, to other States in proportion to the original allotments to such States under such part for such year, but with such proportionate amount for any of such States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year for carrying out the State plan. The total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this part during a year from funds appropriated pursuant to section 1070c(b)(1) of this title shall be deemed part of its allotment under subsection (a) of this section for such year.

(c) Allotments subject to continuing compliance

The Secretary shall make payments for continuing incentive grants only to States which continue to meet the requirements of section 1070c-2(b) of this title.

(Pub. L. 89-329, title IV, §415B, as added Pub. L. 99-498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1333; amended Pub. L. 105-244, title IV, §407(a)(2)(A), (c)(2), Oct. 7, 1998, 112 Stat. 1666, 1667.)

PRIOR PROVISIONS

A prior section 1070c-1, Pub. L. 89-329, title IV, §415B, as added Pub. L. 92-318, title I, §131(b)(1), June 23, 1972, 86 Stat. 256; amended Pub. L. 94-482, title I, §123(c)(2), Oct. 12, 1976, 90 Stat. 2094; Pub. L. 96-374, title IV, §404(b), title XIII, §1391(a)(1), Oct. 3, 1980, 94 Stat. 1407, 1503, related to allotment among States of amounts for grants to States for State student incentives, prior to the general revision of this part by Pub. L. 99-498.

AMENDMENTS

1998—Subsec. (a)(1). Pub. L. 105-244, §407(c)(2), inserted “and not reserved under section 1070c(b)(2) of this title” after “1070c(b)(1) of this title”.

Subsec. (b). Pub. L. 105-244, §407(a)(2)(A), substituted “leveraging educational assistance partnership” for “State student grant incentive”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

§ 1070c-2. Applications for leveraging educational assistance partnership programs

(a) Submission and contents of applications

A State which desires to obtain a payment under this subpart for any fiscal year shall submit annually an application therefor through