

936. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

The Carl D. Perkins Career and Technical Education Act of 2006, referred to in subsec. (c)(2), is Pub. L. 88-210, Dec. 18, 1963, 77 Stat. 403, as amended generally by Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 683, which is classified generally to chapter 44 (§2301 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 2301 of Title 20 and Tables.

#### PRIOR PROVISIONS

A prior section 3056c, Pub. L. 89-73, title V, §505, as added Pub. L. 106-501, title V, §501, Nov. 13, 2000, 114 Stat. 2276; amended Pub. L. 109-270, §2(k)(3), Aug. 12, 2006, 120 Stat. 749, related to interagency cooperation, prior to the general amendment of this subchapter by Pub. L. 109-365.

Another prior section 3056c, Pub. L. 89-73, title V, §505, formerly title IX, §905, as added Pub. L. 94-135, title I, §113(a), Nov. 28, 1975, 89 Stat. 723; renumbered title V, §505, and amended Pub. L. 95-478, title I, §105(a), (d), Oct. 18, 1978, 92 Stat. 1547, 1548; Pub. L. 97-115, §12(b)(2), Dec. 29, 1981, 95 Stat. 1606; Pub. L. 102-375, title V, §503, Sept. 30, 1992, 106 Stat. 1267; Pub. L. 103-171, §3(a)(8), Dec. 2, 1993, 107 Stat. 1990; Pub. L. 105-332, §3(i)(2), Oct. 31, 1998, 112 Stat. 3126, related to interagency cooperation, prior to the general amendment of this subchapter by Pub. L. 106-501.

Another prior section 505 of Pub. L. 89-73 was classified to section 3041d of this title, prior to repeal by Pub. L. 95-478.

#### AMENDMENTS

2014—Subsec. (c)(1). Pub. L. 113-128 substituted “activities carried out under other Acts, especially activities provided under the Workforce Innovation and Opportunity Act, including activities provided through one-stop delivery systems established under section 121(e) of such Act,” for “activities carried out under other Acts, especially activities provided under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.), including activities provided through one-stop delivery systems established under section 134(c) of such Act (29 U.S.C. 2864(c)).”

#### EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 [probably July 1, 2015], see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of Title 29, Labor.

### § 3056d. Distribution of assistance

#### (a) Reservations

##### (1) Reservation for pilot demonstration and evaluation projects

Of the funds appropriated to carry out this subchapter for each fiscal year, the Secretary may first reserve not more than 1.5 percent to carry out demonstration projects, pilot projects, and evaluation projects under section 3056(e) of this title.

##### (2) Reservation for territories

Of the funds appropriated to carry out this subchapter for each fiscal year, the Secretary shall reserve 0.75 percent, of which—

(A) Guam, American Samoa, and the United States Virgin Islands shall each receive 30 percent of the funds so reserved; and

(B) the Commonwealth of the Northern Mariana Islands shall receive 10 percent of the funds so reserved.

##### (3) Reservation for organizations

Of the funds appropriated to carry out this subchapter for each fiscal year, the Secretary

shall reserve such amount as may be necessary to make national grants to public or nonprofit national Indian aging organizations with the ability to provide community service employment and other authorized activities for eligible individuals who are Indians and to national public or nonprofit Pacific Island and Asian American aging organizations with the ability to provide community service employment and other authorized activities for eligible individuals who are Pacific Island and Asian Americans.

#### (b) State allotments

The allotment for each State shall be the sum of the amounts allotted for national grants in such State under subsection (d) and for the grant to such State under subsection (e).

#### (c) Division between national grants and grants to States

The funds appropriated to carry out this subchapter for any fiscal year that remain after amounts are reserved under paragraphs (1), (2), and (3) of subsection (a) shall be divided by the Secretary between national grants and grants to States as follows:

##### (1) Reservation of funds for fiscal year 2000 level of activities

###### (A) In general

The Secretary shall reserve the amount of funds necessary to maintain the fiscal year 2000 level of activities supported by grantees that operate under this subchapter under national grants from the Secretary, and the fiscal year 2000 level of activities supported by State grantees under this subchapter, in proportion to their respective fiscal year 2000 levels of activities.

###### (B) Insufficient appropriations

If in any fiscal year the funds appropriated to carry out this subchapter are insufficient to satisfy the requirement specified in subparagraph (A), then the amount described in subparagraph (A) shall be reduced proportionally.

##### (2) Funding in excess of fiscal year 2000 level of activities

###### (A) Up to \$35,000,000

The amount of funds remaining (if any) after the application of paragraph (1), but not to exceed \$35,000,000, shall be divided so that 75 percent shall be provided to State grantees and 25 percent shall be provided to grantees that operate under this subchapter under national grants from the Secretary.

###### (B) Over \$35,000,000

The amount of funds remaining (if any) after the application of subparagraph (A) shall be divided so that 50 percent shall be provided to State grantees and 50 percent shall be provided to grantees that operate under this subchapter under national grants from the Secretary.

#### (d) Allotments for national grants

From funds available under subsection (c) for national grants, the Secretary shall allot for public and nonprofit private agency and organi-

zation grantees that operate under this subchapter under national grants from the Secretary in each State, an amount that bears the same ratio to such funds as the product of the number of individuals age 55 or older in the State and the allotment percentage of such State bears to the sum of the corresponding products for all States, except as follows:

**(1) Minimum allotment**

No State shall be provided an amount under this subsection that is less than  $\frac{1}{2}$  of 1 percent of the amount provided under subsection (c) for public and nonprofit private agency and organization grantees that operate under this subchapter under national grants from the Secretary in all of the States.

**(2) Hold harmless**

If such amount provided under subsection (c) is—

(A) equal to or less than the amount necessary to maintain the fiscal year 2000 level of activities, allotments for grantees that operate under this subchapter under national grants from the Secretary in each State shall be proportional to the amount necessary to maintain their fiscal year 2000 level of activities; or

(B) greater than the amount necessary to maintain the fiscal year 2000 level of activities, no State shall be provided a percentage increase above the amount necessary to maintain the fiscal year 2000 level of activities for grantees that operate under this subchapter under national grants from the Secretary in the State that is less than 30 percent of the percentage increase above the amount necessary to maintain the fiscal year 2000 level of activities for public and private nonprofit agency and organization grantees that operate under this subchapter under national grants from the Secretary in all of the States.

**(3) Reduction**

Allotments for States not affected by paragraphs (1) and (2)(B) shall be reduced proportionally to satisfy the conditions in such paragraphs.

**(e) Allotments for grants to States**

From the amount provided for grants to States under subsection (c), the Secretary shall allot for the State grantee in each State an amount that bears the same ratio to such amount as the product of the number of individuals age 55 or older in the State and the allotment percentage of such State bears to the sum of the corresponding products for all States, except as follows:

**(1) Minimum allotment**

No State shall be provided an amount under this subsection that is less than  $\frac{1}{2}$  of 1 percent of the amount provided under subsection (c) for State grantees in all of the States.

**(2) Hold harmless**

If such amount provided under subsection (c) is—

(A) equal to or less than the amount necessary to maintain the fiscal year 2000 level

of activities, allotments for State grantees in each State shall be proportional to the amount necessary to maintain their fiscal year 2000 level of activities; or

(B) greater than the amount necessary to maintain the fiscal year 2000 level of activities, no State shall be provided a percentage increase above the amount necessary to maintain the fiscal year 2000 level of activities for State grantees in the State that is less than 30 percent of the percentage increase above the amount necessary to maintain the fiscal year 2000 level of activities for State grantees in all of the States.

**(3) Reduction**

Allotments for States not affected by paragraphs (1) and (2)(B) shall be reduced proportionally to satisfy the conditions in such paragraphs.

**(f) Allotment percentage**

For purposes of subsections (d) and (e) and this subsection—

(1) the allotment percentage of each State shall be 100 percent less that percentage that bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of the United States, except that—

(A) the allotment percentage shall be not more than 75 percent and not less than 33 percent; and

(B) the allotment percentage for the District of Columbia and the Commonwealth of Puerto Rico shall be 75 percent;

(2) the number of individuals age 55 or older in any State and in all States, and the per capita income in any State and in all States, shall be determined by the Secretary on the basis of the most satisfactory data available to the Secretary; and

(3) for the purpose of determining the allotment percentage, the term “United States” means the 50 States,<sup>1</sup> and the District of Columbia.

**(g) Definitions**

In this section:

**(1) Cost per authorized position**

The term “cost per authorized position” means the sum of—

(A) the hourly minimum wage rate specified in section 206(a)(1) of title 29, multiplied by the number of hours equal to the product of 21 hours and 52 weeks;

(B) an amount equal to 11 percent of the amount specified under subparagraph (A), for the purpose of covering Federal payments for fringe benefits; and

(C) an amount determined by the Secretary, for the purpose of covering Federal payments for the remainder of all other program and administrative costs.

**(2) Fiscal year 2000 level of activities**

The term “fiscal year 2000 level of activities” means—

(A) with respect to public and nonprofit private agency and organization grantees

<sup>1</sup> So in original. The comma probably should not appear.

that operate under this subchapter under national grants from the Secretary, their level of activities for fiscal year 2000; and

(B) with respect to State grantees, their level of activities for fiscal year 2000.

**(3) Grants to States**

The term “grants to States” means grants made under this subchapter by the Secretary to the States.

**(4) Level of activities**

The term “level of activities” means the number of authorized positions multiplied by the cost per authorized position.

**(5) National grants**

The term “national grants” means grants made under this subchapter by the Secretary to public and nonprofit private agency and organization grantees that operate under this subchapter.

**(6) State**

The term “State” does not include Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

(Pub. L. 89-73, title V, §506, as added Pub. L. 109-365, title V, §501, Oct. 17, 2006, 120 Stat. 2576.)

PRIOR PROVISIONS

A prior section 3056d, Pub. L. 89-73, title V, §506, as added Pub. L. 106-501, title V, §501, Nov. 13, 2000, 114 Stat. 2276, related to distribution of assistance, prior to the general amendment of this subchapter by Pub. L. 109-365.

Another prior section 3056d, Pub. L. 89-73, title V, §506, formerly title IX, §906, as added Pub. L. 94-135, title I, §113(a), Nov. 28, 1975, 89 Stat. 723; renumbered title V, §506, and amended Pub. L. 95-478, title I, §105(a), (e), Oct. 18, 1978, 92 Stat. 1547, 1548; Pub. L. 97-115, §12(e), Dec. 29, 1981, 95 Stat. 1607; Pub. L. 98-459, title V, §503(a), (b), Oct. 9, 1984, 98 Stat. 1787; Pub. L. 100-175, title I, §§162(b), 182(b)(3), Nov. 29, 1987, 101 Stat. 957, 964; Pub. L. 102-375, title V, §504(a)-(c)(1), (3), title IX, §904(b)(2), Sept. 30, 1992, 106 Stat. 1267-1269, 1309, related to national grants or contracts and State allotments for projects, prior to the general amendment of this subchapter by Pub. L. 106-501.

Another prior section 506 of Pub. L. 89-73 was classified to section 3041e of this title, prior to repeal by Pub. L. 95-478.

**§ 3056e. Equitable distribution**

**(a) Interstate allocation**

In making grants under section 3056(b) of this title from allotments made under section 3056d of this title, the Secretary shall ensure, to the extent feasible, an equitable distribution of activities under such grants, in the aggregate, among the States, taking into account the needs of underserved States.

**(b) Intrastate allocation**

The amount allocated for projects within each State under section 3056d of this title shall be allocated among areas in the State in an equitable manner, taking into consideration the State priorities set out in the State plan in effect under section 3056a(a) of this title.

(Pub. L. 89-73, title V, §507, as added Pub. L. 109-365, title V, §501, Oct. 17, 2006, 120 Stat. 2579.)

PRIOR PROVISIONS

A prior section 3056e, Pub. L. 89-73, title V, §507, as added Pub. L. 106-501, title V, §501, Nov. 13, 2000, 114 Stat. 2280, related to equitable distribution of activities and projects, prior to the general amendment of this subchapter by Pub. L. 109-365.

Another prior section 3056e, Pub. L. 89-73, title V, §507, formerly title IX, §907, as added Pub. L. 94-135, title I, §113(a), Nov. 28, 1975, 89 Stat. 724; renumbered title V, §507, and amended Pub. L. 95-478, title I, §105(a), (f), Oct. 18, 1978, 92 Stat. 1547, 1548; Pub. L. 97-115, §12(a)(3), (f), Dec. 29, 1981, 95 Stat. 1606, 1607; Pub. L. 98-459, title V, §503(c), Oct. 9, 1984, 98 Stat. 1787; Pub. L. 100-175, title I, §§164, 182(b)(4), (p), Nov. 29, 1987, 101 Stat. 958, 964, 967; Pub. L. 100-628, title VII, §705(9), Nov. 7, 1988, 102 Stat. 3247; Pub. L. 102-375, title I, §102(b)(8), title V, §504(c)(1), Sept. 30, 1992, 106 Stat. 1201, 1269, related to definitions, prior to the general amendment of this subchapter by Pub. L. 106-501.

Another prior section 507 of Pub. L. 89-73 was classified to section 3041f of this title, prior to repeal by Pub. L. 95-478.

**§ 3056f. Report**

To carry out the Secretary’s responsibilities for reporting in section 3056a(g) of this title, the Secretary shall require the State agency for each State that receives funds under this subchapter to prepare and submit a report at the beginning of each fiscal year on such State’s compliance with section 3056e(b) of this title. Such report shall include the names and geographic location of all projects assisted under this subchapter and carried out in the State and the amount allocated to each such project under section 3056d of this title.

(Pub. L. 89-73, title V, §508, as added Pub. L. 109-365, title V, §501, Oct. 17, 2006, 120 Stat. 2579.)

PRIOR PROVISIONS

A prior section 3056f, Pub. L. 89-73, title V, §508, as added Pub. L. 106-501, title V, §501, Nov. 13, 2000, 114 Stat. 2280, required annual report on State’s compliance with section 3056e(b) of this title, prior to the general amendment of this subchapter by Pub. L. 109-365.

Another prior section 3056f, Pub. L. 89-73, title V, §508, formerly title IX, §908, as added Pub. L. 94-135, title I, §113(a), Nov. 28, 1975, 89 Stat. 725; renumbered title V, §508, and amended Pub. L. 95-478, title I, §105(a), (g), Oct. 18, 1978, 92 Stat. 1547, 1548; Pub. L. 97-115, §12(g), Dec. 29, 1981, 95 Stat. 1607; Pub. L. 98-459, title V, §504, Oct. 9, 1984, 98 Stat. 1787; Pub. L. 100-175, title I, §165, Nov. 29, 1987, 101 Stat. 958; Pub. L. 102-375, title V, §505, Sept. 30, 1992, 106 Stat. 1269, related to authorization of appropriations, prior to the general amendment of this subchapter by Pub. L. 106-501.

**§ 3056g. Employment assistance and Federal housing and supplemental nutrition assistance programs**

Funds received by eligible individuals from projects carried out under the program established under this subchapter shall not be considered to be income of such individuals for purposes of determining the eligibility of such individuals, or of any other individuals, to participate in any housing program for which Federal funds may be available or for any income determination under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

(Pub. L. 89-73, title V, §509, as added Pub. L. 109-365, title V, §501, Oct. 17, 2006, 120 Stat. 2579; amended Pub. L. 110-234, title IV, §4002(b)(1)(B),