

§§ 2732 to 2736. Omitted

CODIFICATION

Sections were omitted in the general amendment of Part B of this subchapter by Pub. L. 90-222, title I, § 102, Dec. 23, 1967, 81 Stat. 682.

Section 2732, Pub. L. 88-452, title I, § 112, Aug. 20, 1964, 78 Stat. 512; Pub. L. 89-794, title I, § 112(a), Nov. 8, 1966, 80 Stat. 1454, provided for the formulation and implementation of programs for students of low-income families in need of earnings to allow them to stay in school and for individuals 16 through 21 years to develop maximum occupational potential.

Section 2733, Pub. L. 88-452, title I, § 113, Aug. 20, 1964, 78 Stat. 512; Pub. L. 89-794, title I, § 112(a), Nov. 8, 1966, 80 Stat. 1454, set out the required conditions to allow payment of part or all of the costs of programs, including employment on public or locally sponsored projects, nonpolitical projects, and rates of pay, prohibited payment of wages for services on unauthorized projects, and provided for high priority projects.

Section 2734, Pub. L. 88-452, title I, § 114, Aug. 20, 1964, 78 Stat. 513; Pub. L. 89-253, § 8, Oct. 9, 1965, 79 Stat. 974; Pub. L. 89-794, title I, § 112(b), (c), Nov. 8, 1966, 80 Stat. 1455, covered the eligibility of enrollees in program, Cuban refugees, non-applicability of Federal employment laws, and the use of public agencies and private organizations in the testing, counseling, job development, and referral services to youths.

Section 2735, Pub. L. 88-452, title I, § 115, Aug. 20, 1964, 78 Stat. 513; Pub. L. 89-253, § 9, Oct. 9, 1965, 79 Stat. 974; Pub. L. 89-794, title I, § 112(d), Nov. 8, 1966, 80 Stat. 1455, limited to 90 percent of the costs the Federal assistance in any program pursuant to this part with provisions for exceptions and allowed the non-Federal contribution to be in cash or in kind, fairly evaluated.

Section 2736, Pub. L. 88-452, title I, § 116, Aug. 20, 1964, 78 Stat. 513, required the Director to establish criteria in order to achieve equitable distribution among the States.

§§ 2737 to 2749. Repealed. Pub. L. 93-203, title VI, § 614, Dec. 28, 1973, 87 Stat. 883

Section 2737, Pub. L. 88-452, title I, § 120, as added Pub. L. 90-222, title I, § 102, Dec. 23, 1967, 81 Stat. 683, set out the Congressional statement of purpose in enacting provisions for a program of work and training for youth and adults.

Section 2738, Pub. L. 88-452, title I, § 121, as added Pub. L. 90-222, title I, § 102, Dec. 23, 1967, 81 Stat. 683, covered community program areas and comprehensive work and training programs.

Section 2739, Pub. L. 88-452, title I, § 122, as added Pub. L. 90-222, title I, § 102, Dec. 23, 1967, 81 Stat. 683, set out provisions covering prime sponsors and delegate agencies. See section 812 of Title 29, Labor.

Section 2740, Pub. L. 88-452, title I, § 123, as added Pub. L. 90-222, title I, § 102, Dec. 23, 1967, 81 Stat. 684, set out the eligible activities for work and training programs.

Section 2741, Pub. L. 88-452, title I, § 124, as added Pub. L. 90-222, title I, § 102, Dec. 23, 1967, 81 Stat. 686; amended Pub. L. 90-575, title V, § 503, Oct. 16, 1968, 82 Stat. 1062, set out special conditions for programs.

Section 2742, Pub. L. 88-452, title I, § 125, as added Pub. L. 90-222, title I, § 102, Dec. 23, 1967, 81 Stat. 686; amended Pub. L. 92-424, § 5, Sept. 19, 1972, 86 Stat. 690, covered program participants.

Section 2743, Pub. L. 88-452, title I, § 126, as added Pub. L. 90-222, title I, § 102, Dec. 23, 1967, 81 Stat. 686, provided for programs dealing with long-term unemployment of persons fifty-five years and older.

Section 2744, Pub. L. 88-452, title I, § 127, as added, Pub. L. 90-222, title I, § 102, Dec. 23, 1967, 81 Stat. 687, provided for pilot projects.

Section 2745, Pub. L. 88-452, title I, § 128, as added Pub. L. 90-222, title I, § 102, Dec. 23, 1967, 81 Stat. 687, covered technical assistance and training.

Section 2746, Pub. L. 88-452, title I, § 129, as added Pub. L. 90-222, title I, § 102, Dec. 23, 1967, 81 Stat. 687, provided for role to be played by States.

Section 2747, Pub. L. 88-452, title I, § 130, as added Pub. L. 90-222, title I, § 102, Dec. 23, 1967, 81 Stat. 687, provided for equitable distribution of assistance.

Section 2748, Pub. L. 88-452, title I, § 131, as added Pub. L. 90-222, title I, § 102, Dec. 23, 1967, 81 Stat. 687, set limitation on Federal assistance.

Section 2749, Pub. L. 88-452, title I, § 132, as added Pub. L. 90-222, title I, § 102, Dec. 23, 1967, 81 Stat. 688; amended Pub. L. 92-424, § 27(b)(1), (3), Sept. 19, 1972, 86 Stat. 705, provided for development and implementation of program data.

EFFECTIVE DATE OF REPEAL

Pub. L. 93-203, title VI, § 614, Dec. 28, 1973, 87 Stat. 883, provided that the repeal by that section is effective with respect to fiscal years after June 30, 1974.

PART C—FEDERAL WORK-STUDY PROGRAMS

CODIFICATION

This part is part C of title IV of the Higher Education Act of 1965, Pub. L. 89-329, and not part C of Title I of the Economic Opportunity Act of 1964, Pub. L. 88-452, which comprises this chapter.

§ 2751. Purpose; appropriations authorized

(a) Purpose

The purpose of this part is to stimulate and promote the part-time employment of students who are enrolled as undergraduate, graduate, or professional students and who are in need of earnings from employment to pursue courses of study at eligible institutions, and to encourage students receiving Federal student financial assistance to participate in community service activities that will benefit the Nation and engender in the students a sense of social responsibility and commitment to the community.

(b) Authorization of appropriations

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

(c) "Community services" defined

For purposes of this part, the term "community services" means services which are identified by an institution of higher education, through formal or informal consultation with local nonprofit, governmental, and community-based organizations, as designed to improve the quality of life for community residents, particularly low-income individuals, or to solve particular problems related to their needs, including—

(1) such fields as health care, child care (including child care services provided on campus that are open and accessible to the community), literacy training, education (including tutorial services), welfare, social services, transportation, housing and neighborhood improvement, public safety, emergency preparedness and response, crime prevention and control, recreation, rural development, and community improvement;

(2) work in a project, as defined in section 12511(20)¹ of this title;

(3) support services to students with disabilities, including students with disabilities who are enrolled at the institution; and

¹ See References in Text note below.

(4) activities in which a student serves as a mentor for such purposes as—

- (A) tutoring;
- (B) supporting educational and recreational activities; and
- (C) counseling, including career counseling.

(Pub. L. 89-329, title IV, §441, formerly title I, §141, as added, renumbered, and amended Pub. L. 90-575, title I, §§131(a), (b)(1), 132, 133(a), Oct. 16, 1968, 82 Stat. 1028, 1029; Pub. L. 91-95, §5, Oct. 22, 1969, 83 Stat. 143; Pub. L. 92-318, title I, §§135, 135A(a), June 23, 1972, 86 Stat. 270; Pub. L. 94-482, title I, §128(a), Oct. 12, 1976, 90 Stat. 2143; Pub. L. 96-374, title IV, §431, Oct. 3, 1980, 94 Stat. 1433; Pub. L. 99-498, title IV, §403(a), Oct. 17, 1986, 100 Stat. 1429; Pub. L. 102-325, title IV, §441(b)-(d), July 23, 1992, 106 Stat. 563; Pub. L. 103-82, title I, §111(b)(3), Sept. 21, 1993, 107 Stat. 860; Pub. L. 105-244, title IV, §441, Oct. 7, 1998, 112 Stat. 1711; Pub. L. 110-315, title IV, §441, Aug. 14, 2008, 122 Stat. 3258.)

REFERENCES IN TEXT

Section 12511(20) of this title, referred to in subsec. (c)(2), was redesignated section 12511(35) by Pub. L. 111-13, title I, §1102(b)(1), Apr. 21, 2009, 123 Stat. 1467.

CODIFICATION

Section was originally enacted as section 121 of the Economic Opportunity Act of 1964, Pub. L. 88-452, title I, Aug. 20, 1964, 78 Stat. 513. As such, it had been amended by Pub. L. 89-329, title IV, §441(2), Nov. 8, 1965, 79 Stat. 1249, and renumbered section 141 by Pub. L. 90-222, title I, §111(a), Dec. 23, 1967, 81 Stat. 726.

Under Pub. L. 90-575, title I, §131(a), Oct. 16, 1968, 82 Stat. 1028, section was transferred along with the remainder of part C of title I of the Economic Opportunity Act of 1964, Pub. L. 88-452, and inserted as Part C of title IV of the Higher Education Act of 1965, Pub. L. 89-329. Former Part C of title IV of Pub. L. 89-329, as originally enacted, comprising sections 441 and 442 thereof, was stricken to accommodate the transfer but the amendment of this section by section 441(2) of Pub. L. 89-329 has not been stricken. For amendment of section in addition to the transfers and redesignations treated above, see 1968 Amendment note below.

PRIOR PROVISIONS

A prior section 441 of Pub. L. 89-329 amended this section and sections 2752 to 2756 and 2761 of this title, prior to repeal by section 131(a) of Pub. L. 90-575.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-315, §441(1), substituted “such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years” for “\$1,000,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years”.

Subsec. (c)(1). Pub. L. 110-315, §441(2), inserted “emergency preparedness and response,” after “public safety.”

1998—Subsec. (b). Pub. L. 105-244, §441(a), substituted “\$1,000,000,000 for fiscal year 1999” for “\$800,000,000 for fiscal year 1993”.

Subsec. (c)(1). Pub. L. 105-244, §441(b)(1), inserted “(including child care services provided on campus that are open and accessible to the community)” after “child care”.

Subsec. (c)(3). Pub. L. 105-244, §441(b)(2), inserted “, including students with disabilities who are enrolled at the institution” before the semicolon.

1993—Subsec. (c)(2). Pub. L. 103-82 substituted “a project, as defined in section 12511(20) of this title” for “service opportunities or youth corps as defined in section 12511 of this title, and service in the agencies, in-

stitutions and activities designated in section 12544(a) of this title”.

1992—Subsec. (a). Pub. L. 102-325, §441(b), inserted before period at end “, and to encourage students receiving Federal student financial assistance to participate in community service activities that will benefit the Nation and engender in the students a sense of social responsibility and commitment to the community”.

Subsec. (b). Pub. L. 102-325, §441(c), amended subsec. (b) generally, substituting present provisions for former provisions which authorized appropriations for fiscal years 1987 to 1991.

Subsec. (c). Pub. L. 102-325, §441(d), added subsec. (c). 1986—Pub. L. 99-498 amended section generally. Prior to amendment, section read as follows:

“(a) The purpose of this part is to stimulate and promote the part-time employment of students, particularly students who are in need of earnings from employment to pursue courses of study at eligible institutions.

“(b) There are authorized to be appropriated for carrying out this part \$670,000,000 for fiscal year 1981, \$720,000,000 for fiscal year 1982, \$760,000,000 for fiscal year 1983, \$800,000,000 for fiscal year 1984, and \$830,000,000 for fiscal year 1985.”

1980—Subsec. (a). Pub. L. 96-374 substituted “particularly students who are in need of earnings from employment to pursue courses of study at eligible institutions” for “particularly students with great financial need, in eligible institutions who are in need of the earnings from such employment to pursue courses of study at such institutions”.

Subsec. (b). Pub. L. 96-374 substituted provisions authorizing appropriations for fiscal years 1981, 1982, 1983, 1984, and 1985 for provisions that had authorized appropriations for fiscal year 1969 through fiscal year 1982.

1976—Subsec. (b). Pub. L. 94-482 inserted provisions authorizing appropriations for fiscal year ending June 30, 1976, through fiscal year ending Sept. 30, 1982.

1972—Subsec. (a). Pub. L. 92-318, §135, substituted “with great financial need” for “from low-income families”.

Subsec. (b). Pub. L. 92-318, §135A(a), authorized appropriations of \$330,000,000, \$360,000,000, \$390,000,000, and \$420,000,000 for fiscal years ending June 30, 1972, 1973, 1974, and 1975, respectively.

1969—Subsec. (b). Pub. L. 91-95 increased general authorization of appropriations for fiscal years ending June 30, 1970, and June 30, 1971.

1968—Subsec. (a). Pub. L. 90-575, §§132, 133(a), designated existing provisions as subsec. (a) and substituted “eligible institutions” for “institutions of higher education”.

Subsec. (b). Pub. L. 90-575, §132, added subsec. (b).

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 Title 20, Education.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-82 effective Oct. 1, 1993, see section 123 of Pub. L. 103-82, set out as a note under section 1701 of Title 16, Conservation.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-325 effective Oct. 1, 1992, see section 2 of Pub. L. 102-325, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-374 effective Oct. 1, 1980, see section 1393(a) of Pub. L. 96-374, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-482 effective 30 days after Oct. 12, 1976, except either as specifically otherwise pro-

vided or, if not so specifically otherwise provided, effective July 1, 1976, for those amendments providing for authorization of appropriations, see section 532 of Pub. L. 94-482, set out as a note under section 1001 of Title 20, Education.

EFFECTIVE DATE OF 1972 AMENDMENT

Pub. L. 92-318, title I, §135A(b), June 23, 1972, 86 Stat. 270, provided that: "The amendment made by subsection (a) [amending this section] shall be effective after June 30, 1971."

REFERENCES TO PART C OF TITLE I OF THE ECONOMIC OPPORTUNITY ACT OF 1964

Pub. L. 90-575, title I, §131(c), Oct. 16, 1968, 82 Stat. 1028, provided that: "Any reference to any provision of part C of title I of the Economic Opportunity Act of 1964 in any law of the United States shall be deemed to be a reference to the corresponding provision of part C of title IV of the Higher Education Act of 1965 as amended by this section [this part]."

§ 2752. Allocation of funds

(a) Allocation based on previous allocation

(1) From the amount appropriated pursuant to section 2751(b) of this title for each fiscal year, the Secretary shall first allocate to each eligible institution for each succeeding fiscal year, an amount equal to 100 percent of the amount such institution received under subsections (a) and (b) of this section for fiscal year 1999 (as such subsections were in effect with respect to allocations for such fiscal year).

(2)(A) From the amount so appropriated, the Secretary shall next allocate to each eligible institution that began participation in the program under this part after fiscal year 1999 but is not a first or second time participant, an amount equal to the greater of—

(i) \$5,000; or

(ii) 90 percent of the amount received and used under this part for the first year it participated in the program.

(B) From the amount so appropriated, the Secretary shall next allocate to each eligible institution that began participation in the program under this part after fiscal year 1999 and is a first or second time participant, an amount equal to the greatest of—

(i) \$5,000;

(ii) an amount equal to (I) 90 percent of the amount received and used under this part in the second preceding fiscal year by eligible institutions offering comparable programs of instruction, divided by (II) the number of students enrolled at such comparable institutions in such fiscal year, multiplied by (III) the number of students enrolled at the applicant institution in such fiscal year; or

(iii) 90 percent of the institution's allocation under this part for the preceding fiscal year.

(C) Notwithstanding subparagraphs (A) and (B) of this paragraph, the Secretary shall allocate to each eligible institution which—

(i) was a first-time participant in the program in fiscal year 2000 or any subsequent fiscal year, and

(ii) received a larger amount under this subsection in the second year of participation,

an amount equal to 90 percent of the amount it received under this subsection in its second year of participation.

(3)(A) If the amount appropriated for any fiscal year is less than the amount required to be allocated to all institutions under paragraph (1) of this subsection, then the amount of the allocation to each such institution shall be ratably reduced.

(B) If the amount appropriated for any fiscal year is more than the amount required to be allocated to all institutions under paragraph (1) but less than the amount required to be allocated to all institutions under paragraph (2), then—

(i) the Secretary shall allot the amount required to be allocated to all institutions under paragraph (1), and

(ii) the amount of the allocation to each institution under paragraph (2) shall be ratably reduced.

(C) If additional amounts are appropriated for any such fiscal year, such reduced amounts shall be increased on the same basis as they were reduced (until the amount allocated equals the amount required to be allocated under paragraphs (1) and (2) of this subsection).

(4)(A) Notwithstanding any other provision of this section, the Secretary may allocate an amount equal to not more than 10 percent of the amount by which the amount appropriated in any fiscal year to carry out this part exceeds \$700,000,000 among eligible institutions described in subparagraph (B).

(B) In order to receive an allocation pursuant to subparagraph (A) an institution shall be an eligible institution from which 50 percent or more of the Pell Grant recipients attending such eligible institution graduate or transfer to a 4-year institution of higher education.

(b) Allocation of excess based on share of excess eligible amounts

(1) From the remainder of the amount appropriated pursuant to section 2751(b) of this title after making the allocations required by subsection (a) of this section, the Secretary shall allocate to each eligible institution which has an excess eligible amount an amount which bears the same ratio to such remainder as such excess eligible amount bears to the sum of the excess eligible amounts of all such eligible institutions (having such excess eligible amounts).

(2) For any eligible institution, the excess eligible amount is the amount, if any, by which—

(A)(i) the amount of that institution's need (as determined under subsection (c) of this section), divided by (ii) the sum of the need of all institutions (as so determined), multiplied by (iii) the amount appropriated pursuant to section 2751(b) of this title for the fiscal year; exceeds

(B) the amount required to be allocated to that institution under subsection (a) of this section.

(c) Determination of institution's need

(1) The amount of an institution's need is equal to the sum of the self-help need of the institution's eligible undergraduate students and the self-help need of the institution's eligible graduate and professional students.

(2) To determine the self-help need of an institution's eligible undergraduate students, the Secretary shall—