

the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)”.

Subsec. (b)(2)(A). Pub. L. 113-128, § 512(w)(4)(B), substituted “with the program carried out under the Workforce Innovation and Opportunity Act” for “with the program carried out under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)”.

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 (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.

**§ 3056b. Participants not Federal employees**

**(a) Inapplicability of certain provisions covering Federal employees**

Eligible individuals who are participants in any project funded under this subchapter shall not be considered to be Federal employees as a result of such participation and shall not be subject to part III of title 5.

**(b) Workers’ compensation**

No grant or subgrant shall be made and no contract or subcontract shall be entered into under this subchapter with an entity who is, or whose employees are, under State law, exempted from operation of the State workers’ compensation law, generally applicable to employees, unless the entity shall undertake to provide either through insurance by a recognized carrier or by self-insurance, as authorized by State law, that the persons employed under the grant, subgrant, contract, or subcontract shall enjoy workers’ compensation coverage equal to that provided by law for covered employment.

(Pub. L. 89-73, title V, § 504, as added Pub. L. 109-365, title V, § 501, Oct. 17, 2006, 120 Stat. 2575.)

PRIOR PROVISIONS

A prior section 3056b, Pub. L. 89-73, title V, § 504, as added Pub. L. 106-501, title V, § 501, Nov. 13, 2000, 114 Stat. 2276, related to participants not having status as Federal employees and contractual requirement of workmen’s compensation, prior to the general amendment of this subchapter by Pub. L. 109-365.

Another prior section 3056b, Pub. L. 89-73, title V, § 504, formerly title IX, § 904, as added Pub. L. 94-135, title I, § 113(a), Nov. 28, 1975, 89 Stat. 723; renumbered title V, § 504, and amended Pub. L. 95-478, title I, § 105(a), title V, § 503(d), Oct. 18, 1978, 92 Stat. 1547, 1559, related to participants not having status as Federal employees and contractual requirement of workmen’s compensation, prior to the general amendment of this subchapter by Pub. L. 106-501.

Another prior section 504 of Pub. L. 89-73 was classified to section 3041c of this title, prior to repeal by Pub. L. 95-478.

**§ 3056c. Interagency cooperation**

**(a) Consultation with the Assistant Secretary**

The Secretary shall consult with and obtain the written views of the Assistant Secretary before issuing rules and before establishing general policy in the administration of this subchapter.

**(b) Consultation with heads of other agencies**

The Secretary shall consult and cooperate with the Secretary of Health and Human Services (acting through officers including the Direc-

tor of the Office of Community Services), and the heads of other Federal agencies that carry out programs related to the program carried out under this subchapter, in order to achieve optimal coordination of the program carried out under this subchapter with such related programs. Each head of a Federal agency shall cooperate with the Secretary in disseminating information relating to the availability of assistance under this subchapter and in promoting the identification and interests of individuals eligible for employment in projects assisted under this subchapter.

**(c) Coordination**

**(1) In general**

The Secretary shall promote and coordinate efforts to carry out projects under this subchapter jointly with programs, projects, or 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 [29 U.S.C. 3151(e)], that provide training and employment opportunities to eligible individuals.

**(2) Coordination with certain activities**

The Secretary shall consult with the Secretary of Education to promote and coordinate efforts to carry out projects under this subchapter jointly with activities in which eligible individuals may participate that are carried out under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

(Pub. L. 89-73, title V, § 505, as added Pub. L. 109-365, title V, § 501, Oct. 17, 2006, 120 Stat. 2575; amended Pub. L. 113-128, title V, § 512(w)(5), July 22, 2014, 128 Stat. 1715.)

REFERENCES IN TEXT

The Workforce Innovation and Opportunity Act, referred to in subsec. (c)(1), is Pub. L. 113-128, July 22, 2014, 128 Stat. 1425, which enacted chapter 32 (§ 3101 et seq.) of Title 29, Labor, repealed chapter 30 (§ 2801 et seq.) of Title 29 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 Title 29 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 (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 organization 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