

Pub. L. 102-325, title IV, §441(a)(1), July 23, 1992, 106 Stat. 563, substituted "FEDERAL WORK-STUDY PROGRAMS" for "WORK-STUDY PROGRAMS" in part heading.

#### PRIOR PROVISIONS

A prior part C of this subchapter, consisting of part D of title IV of Pub. L. 89-329, was redesignated part D of this subchapter.

A prior part C of title IV of Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1249, consisting of sections 441 and 442, was repealed by Pub. L. 90-575, title I, §131(a), Oct. 16, 1968, 82 Stat. 1028, in order to accommodate the redesignation and transfer of former part C of title I of Pub. L. 88-452. See Codification note above. Prior section 441 made various amendments to parts C and D of title I of Pub. L. 88-452, and, notwithstanding the repeal of section 441, those amendments were not struck out. Prior section 442 was classified to section 2757 of Title 42, The Public Health and Welfare.

### § 1087-51. 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)<sup>1</sup> of title 42;

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

(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, as added Pub. L. 99-498, title IV, §403(a), Oct. 17, 1986, 100 Stat. 1429; amended 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 title 42, 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 formerly classified to section 2751 of Title 42, The Public Health and Welfare, prior to transfer to this section. See note below.

Section was originally enacted as section 121 (and later renumbered section 141) of the Economic Opportunity Act of 1964, Pub. L. 88-452, at which time it was classified to section 2751 of Title 42, The Public Health and Welfare. It was renumbered as section 441 of title IV of the Higher Education Act of 1965, Pub. L. 89-329, by Pub. L. 90-575, §131(a), (b)(1), and later editorially transferred to this section to merge with the rest of the Act, which is classified to this chapter. For complete credit information on acts affecting this section prior to Pub. L. 99-498, see Prior Provisions note below.

#### PRIOR PROVISIONS

A prior section 441 of Pub. L. 89-329, title IV, formerly Pub. L. 88-452, title I, §141, formerly §121, Aug. 20, 1964, 78 Stat. 513; Pub. L. 89-329, title IV, §441(2), Nov. 8, 1965, 79 Stat. 1249; renumbered §141, Pub. L. 90-222, title I, §111(a), Dec. 23, 1967, 81 Stat. 726; renumbered Pub. L. 89-329, title IV, §441, 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, stated purpose of this part and authorized appropriations for fiscal years 1981 to 1985, prior to the general revision of this part by Pub. L. 99-498.

Another prior section 441 of Pub. L. 89-329, title IV, Nov. 8, 1965, 79 Stat. 1249, which amended this section and former sections 2752 to 2756 and 2761 of Title 42, The Public Health and Welfare, was repealed by Pub. L. 90-575, title I, §131(a), Oct. 16, 1968, 82 Stat. 1028. Because the repeal happened in order to accommodate the new section 441 resulting from the renumbering of former section 141 of Pub. L. 88-452, the amendments made by prior section 441 were not treated as being struck out.

#### 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.

<sup>1</sup> See References in Text note below.

1993—Subsec. (c)(2). Pub. L. 103-82 substituted “a project, as defined in section 12511(20) of title 42” for “service opportunities or youth corps as defined in section 12511 of title 42, and service in the agencies, institutions and activities designated in section 12544(a) of title 42”.

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).

#### 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.

#### 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 this title.

#### 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 [this part] as amended by this section.”

### § 1087-52. Allocation of funds

#### (a) Allocation based on previous allocation

(1) From the amount appropriated pursuant to section 1087-51(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 1087-51(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).