

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 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

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

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), (2)(BB), May 22, 2008, 122 Stat. 1096, 1097; Pub. L. 110-246, §4(a), title IV, §4002(b)(1)(B), (2)(BB), June 18, 2008, 122 Stat. 1664, 1857, 1859; Pub. L. 113-79, title IV, §4030(s), Feb. 7, 2014, 128 Stat. 815.)

#### REFERENCES IN TEXT

The Food and Nutrition Act of 2008, referred to in text, is Pub. L. 88-525, Aug. 31, 1964, 78 Stat. 703, which is classified generally to chapter 51 (§2011 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 2011 of Title 7 and Tables.

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

#### PRIOR PROVISIONS

A prior section 3056g, Pub. L. 89-73, title V, §509, as added Pub. L. 106-501, title V, §501, Nov. 13, 2000, 114 Stat. 2280, related to employment assistance and Federal housing and food stamp programs, prior to the general amendment of this subchapter by Pub. L. 109-365.

Another prior section 3056g, Pub. L. 89-73, title V, §509, as added Pub. L. 100-175, title I, §166, Nov. 29, 1987, 101 Stat. 958, related to employment assistance and Federal housing and food stamp programs, prior to the

general amendment of this subchapter by Pub. L. 106-501.

#### AMENDMENTS

2014—Pub. L. 113-79 substituted “supplemental nutrition assistance programs” for “food stamp programs” in section catchline.

2008—Pub. L. 110-246, §4002(b)(1)(B), (2)(BB), substituted “Food and Nutrition Act of 2008” for “Food Stamp Act of 1977”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Amendment by section 4002(b)(1)(B), (2)(BB) of Pub. L. 110-246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110-246, set out as a note under section 1161 of Title 2, The Congress.

#### § 3056h. Eligibility for workforce investment activities

Eligible individuals under this subchapter may be considered by local workforce development boards and one-stop operators established under title I of the Workforce Innovation and Opportunity Act [29 U.S.C. 3111 et seq.] to satisfy the requirements for receiving services under such title that are applicable to adults.

(Pub. L. 89-73, title V, §510, as added Pub. L. 109-365, title V, §501, Oct. 17, 2006, 120 Stat. 2580; amended Pub. L. 113-128, title V, §512(w)(6), July 22, 2014, 128 Stat. 1715.)

#### REFERENCES IN TEXT

The Workforce Innovation and Opportunity Act, referred to in text, is Pub. L. 113-128, July 22, 2014, 128 Stat. 1425. Title I of the Act is classified generally to subchapter I (§3111 et seq.) of chapter 32 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of Title 29 and Tables.

#### PRIOR PROVISIONS

A prior section 3056h, Pub. L. 89-73, title V, §510, as added Pub. L. 106-501, title V, §501, Nov. 13, 2000, 114 Stat. 2280, related to eligibility for workforce investment activities, prior to the general amendment of this subchapter by Pub. L. 109-365.

Another prior section 3056h, Pub. L. 89-73, title V, §510, as added Pub. L. 102-375, title V, §506, Sept. 30, 1992, 106 Stat. 1269; amended Pub. L. 103-171, §2(20), Dec. 2, 1993, 107 Stat. 1989; Pub. L. 105-277, div. A, §101(f) [title VIII, §405(d)(33)(D), (f)(25)(D)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-426, 2681-433, related to dual eligibility, prior to the general amendment of this subchapter by Pub. L. 106-501.

#### AMENDMENTS

2014—Pub. L. 113-128 substituted “by local workforce development boards and one-stop operators established under title I of the Workforce Innovation and Opportunity Act” for “by local workforce investment boards and one-stop operators established under title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.)” and “such title” for “such title I”.

#### 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.