

**§ 1070c. Purpose; appropriations authorized****(a) Purpose of subpart**

It is the purpose of this subpart to make incentive grants available to States to assist States in—

(1) providing grants to—

(A) eligible students attending institutions of higher education or participating in programs of study abroad that are approved for credit by institutions of higher education at which such students are enrolled; and

(B) eligible students for campus-based community service work-study; and

(2) carrying out the activities described in section 1070c-3a of this title.

**(b) Authorization of appropriations; availability****(1) In general**

There are authorized to be appropriated to carry out this subpart \$200,000,000 for fiscal year 2009 and such sums as may be necessary for each of the five succeeding fiscal years.

**(2) Reservation**

For any fiscal year for which the amount appropriated under paragraph (1) exceeds \$30,000,000, the excess amount shall be available to carry out section 1070c-3a of this title.

**(3) Availability**

Sums appropriated pursuant to the authority of paragraph (1) for any fiscal year shall remain available for payments to States under this subpart until the end of the fiscal year succeeding the fiscal year for which such sums were appropriated.

(Pub. L. 89-329, title IV, § 415A, as added Pub. L. 99-498, title IV, § 401(a), Oct. 17, 1986, 100 Stat. 1332; amended Pub. L. 102-325, title IV, § 404(a), July 23, 1992, 106 Stat. 506; Pub. L. 105-244, title IV, § 407(b), (c)(1), Oct. 7, 1998, 112 Stat. 1666, 1667; Pub. L. 106-554, § 1(a)(1) [title III, § 316(1)], Dec. 21, 2000, 114 Stat. 2763, 2763A-47; Pub. L. 110-315, title IV, § 407(a), Aug. 14, 2008, 122 Stat. 3215.)

**Editorial Notes****PRIOR PROVISIONS**

A prior section 1070c, Pub. L. 89-329, title IV, § 415A, as added Pub. L. 92-318, title I § 131(b)(1), June 23, 1972, 86 Stat. 255; amended Pub. L. 94-482, title I, § 123(a), (c)(1), Oct. 12, 1976, 90 Stat. 2094; Pub. L. 95-43, § 1(b)(3), June 15, 1977, 91 Stat. 218; Pub. L. 96-49, § 5(a)(4), Aug. 13, 1979, 93 Stat. 352; Pub. L. 96-374, title IV, § 404(a), Oct. 3, 1980, 94 Stat. 1406, related to purpose and authorization of appropriations for grants to States for State student incentives, prior to the general revision of this part by Pub. L. 99-498.

**AMENDMENTS**

2008—Subsec. (b)(1), (2). Pub. L. 110-315 added pars. (1) and (2) and struck out former pars. (1) and (2) which related to appropriations and reservation of funding for section 1070c-3a of this title for fiscal year 1999 and the 4 succeeding fiscal years.

2000—Subsec. (a)(2). Pub. L. 106-554, which directed amendment of section 415 of the Higher Education Act of 1965 in section 415A(a)(2) by substituting “section 1070c-3a of this title” for “section 1070c-4 of this title”, was executed by making the substitution in subsec. (a)(2) of this section, which is section 415A of the Higher Education Act of 1965, to reflect the probable intent of Congress.

1998—Subsec. (a). Pub. L. 105-244, § 407(c)(1), amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “It is the purpose of this subpart to make incentive grants available to States to assist States in providing grants to—

“(1) eligible students attending institutions of higher education or participating in programs of study abroad that are approved for credit by institutions of higher education at which such students are enrolled; and

“(2) eligible students for campus-based community service work-study.”

Subsec. (b)(1). Pub. L. 105-244, § 407(b)(1), substituted “1999” for “1993”.

Subsec. (b)(2), (3). Pub. L. 105-244, § 407(b)(2), (3), added par. (2) and redesignated former par. (2) as (3).

1992—Pub. L. 102-325 amended section generally. Prior to amendment, section read as follows:

“(a) PURPOSE OF SUBPART.—It is the purpose of this subpart to make incentive grants available to the States to assist them in providing grants to eligible students attending institutions of higher education and grants to eligible students for campus-based community service work learning study.

“(b) AUTHORIZATION OF APPROPRIATIONS; AVAILABILITY.—(1) There are authorized to be appropriated \$85,000,000 for fiscal year 1987, and such sums as may be necessary for the 4 succeeding fiscal years.

“(2) Sums appropriated pursuant to paragraph (1) for any fiscal year shall remain available for payments to States under this subpart until the end of the fiscal year succeeding the fiscal year for which such sums were appropriated.”

**Statutory Notes and Related Subsidiaries****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.

**§ 1070c-1. Allotment among States****(a) Allotment based on number of eligible students in attendance**

(1) From the sums appropriated pursuant to section 1070c(b)(1) of this title and not reserved under section 1070c(b)(2) of this title for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such sums as the number of students who are deemed eligible in such State for participation in the grant program authorized by this subpart bears to the total number of such students in all the States, except that no State shall receive less than the State received for fiscal year 1979.

(2) For the purpose of this subsection, the number of students who are deemed eligible in a State for participation in the grant program authorized by this subpart, and the number of such students in all the States, shall be determined for the most recent year for which satisfactory data are available.

**(b) Reallotment**

The amount of any State's allotment under subsection (a) for any fiscal year which the Secretary determines will not be required for such fiscal year for the leveraging educational assistance partnership program of that State shall be available for reallotment from time to time, on such dates during such year as the Secretary may fix, to other States in proportion to the original allotments to such States under such part for such year, but with such proportionate