

Section 2312, Pub. L. 88-210, title I, §102, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2440; amended Pub. L. 99-159, title VII, §702, Nov. 22, 1985, 99 Stat. 904; Pub. L. 101-392, title I, §102, Sept. 25, 1990, 104 Stat. 761; Pub. L. 102-103, title III, §311(a), Aug. 17, 1991, 105 Stat. 505, related to within State allocations. See section 2322 of this title.

Section 2313, Pub. L. 88-210, title I, §103, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2440; amended Pub. L. 101-392, title I, §103, Sept. 25, 1990, 104 Stat. 762; Pub. L. 102-103, title III, §311(b), Aug. 17, 1991, 105 Stat. 505, related to Indian and Hawaiian natives programs.

#### AMENDMENTS

1995—Subsec. (d). Pub. L. 104-66 struck out heading and text of subsec. (d). Text read as follows: “The Task Force shall, every 2 years, submit a report on its findings to the appropriate committees of the Congress.”

### SUBCHAPTER I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

#### PART A—ALLOTMENT AND ALLOCATION

### § 2321. Reservations and State allotment

#### (a) Reservations and State allotment

##### (1) Reservations

From the amount appropriated under section 2307 of this title for each fiscal year, the Secretary shall reserve—

(A) 0.13 percent to carry out section 2325 of this title; and

(B) 1.50 percent to carry out section 2326 of this title, of which—

(i) 1.25 percent of the sum shall be available to carry out section 2326(b) of this title; and

(ii) 0.25 percent of the sum shall be available to carry out section 2326(h) of this title.

##### (2) Foundational grant

###### (A) In general

From the remainder of the amount appropriated under section 2307 of this title and not reserved under paragraph (1) for a fiscal year, the Secretary shall allot to a State for the fiscal year an amount equal to the amount the State received in fiscal year 2018.

###### (B) Ratable reduction

If for any fiscal year the amount appropriated for allotments under this section is insufficient to satisfy the provisions of subparagraph (A), the payments to all States under such subparagraph shall be ratably reduced.

##### (3) Additional funds

Subject to paragraph (4), from the additional funds remaining from the amount appropriated under section 2307 of this title and not expended under paragraphs (1) and (2) for a fiscal year, the Secretary shall allot to a State for the fiscal year—

(A) an amount that bears the same ratio to 50 percent of the sum being allotted as the product of the population aged 15 to 19, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

(B) an amount that bears the same ratio to 20 percent of the sum being allotted as the product of the population aged 20 to 24, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States;

(C) an amount that bears the same ratio to 15 percent of the sum being allotted as the product of the population aged 25 to 65, inclusive, in the State in the fiscal year preceding the fiscal year for which the determination is made and the State's allotment ratio bears to the sum of the corresponding products for all the States; and

(D) an amount that bears the same ratio to 15 percent of the sum being allotted as the amounts allotted to the State under subparagraphs (A), (B), and (C) for such years bears to the sum of the amounts allotted to all the States under subparagraphs (A), (B), and (C) for such year.

#### (4) Minimum allotment for years with additional funds

##### (A) In general

Subject to subparagraph (B), for a fiscal year for which there are additional funds described in paragraph (3), no State shall receive for such fiscal year under paragraph (3) less than 1/2 of 1 percent of the additional funds available for such fiscal year. Amounts necessary for increasing such payments to States to comply with the preceding sentence shall be obtained by ratably reducing the amounts to be paid to other States.

##### (B) Special rule

In the case of a qualifying State, the minimum allotment under subparagraph (A) for a fiscal year for the qualifying State shall be the lesser of—

(i) 1/2 of 1 percent of the additional funds available for such fiscal year; and

(ii) the product of—

(I) 1/3 of the additional funds; multiplied by

(II) the quotient of—

(aa) the qualifying State's ratio described in subparagraph (C) for the fiscal year for which the determination is made; divided by

(bb) the sum of all such ratios for all qualifying States for the fiscal year for which the determination is made.

##### (C) Ratio

For purposes of subparagraph (B)(ii)(II)(aa), the ratio for a qualifying State for a fiscal year shall be 1.00 less the quotient of—

(i) the amount the qualifying State is allotted under paragraph (3) for the fiscal year; divided by

(ii) 1/2 of 1 percent of the amount appropriated under paragraph (3) for the fiscal year for which the determination is made.

##### (D) Definitions

In this paragraph, the term “qualifying State” means a State (except the United

States Virgin Islands) that, for the fiscal year for which a determination under this paragraph is made, would receive, under the allotment formula under paragraph (3) (without the application of this paragraph), an amount that would be less than the amount the State would receive under subparagraph (A) for such fiscal year.

**(b) Reallotment**

If the Secretary determines that any amount of any State's allotment under subsection (a) for any fiscal year will not be required for such fiscal year for carrying out the activities for which such amount has been allotted, the Secretary shall make such amount available for reallotment. Any such reallotment among other States shall occur on such dates during the same year as the Secretary shall fix, and shall be made on the basis of criteria established by regulation. No funds may be reallotted for any use other than the use for which the funds were appropriated. Any amount reallotted to a State under this subsection for any fiscal year shall remain available for obligation during the succeeding fiscal year and shall be deemed to be part of the State's allotment for the year in which the amount is obligated.

**(c) Allotment ratio**

**(1) In general**

The allotment ratio for any State shall be 1.00 less the product of—

(A) 0.50; and

(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of the Commonwealth of Puerto Rico and the United States Virgin Islands), except that—

(i) the allotment ratio in no case shall be more than 0.60 or less than 0.40; and

(ii) the allotment ratio for the Commonwealth of Puerto Rico and the United States Virgin Islands shall be 0.60.

**(2) Promulgation**

The allotment ratios shall be promulgated by the Secretary for each fiscal year between October 1 and December 31 of the fiscal year preceding the fiscal year for which the determination is made. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the 3 most recent consecutive fiscal years for which satisfactory data are available.

**(3) Definition of per capita income**

For the purpose of this section, the term “per capita income” means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

**(4) Population determination**

For the purposes of this section, population shall be determined by the Secretary on the basis of the latest estimates available to the Department of Education.

**(d) Definition of State**

For the purpose of this section, the term “State” means each of the several States of the

United States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

(Pub. L. 88-210, title I, §111, as added Pub. L. 109-270, §1(b), Aug. 12, 2006, 120 Stat. 691; amended Pub. L. 115-224, title I, §110, July 31, 2018, 132 Stat. 1576.)

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 2321, Pub. L. 88-210, title I, §111, as added Pub. L. 105-332, §1(b), Oct. 31, 1998, 112 Stat. 3083; amended Pub. L. 106-246, div. B, title II, §2403(b), July 13, 2000, 114 Stat. 555, related to reservations and State allotment, prior to the general amendment of this chapter by Pub. L. 109-270.

Another prior section 2321, Pub. L. 88-210, title I, §111, as added Pub. L. 98-524, §1, Oct. 19, 1984, 98 Stat. 2441; amended Pub. L. 101-392, title I, §111, Sept. 25, 1990, 104 Stat. 763; Pub. L. 103-382, title III, §391(s)(1), Oct. 20, 1994, 108 Stat. 4024, related to State administration, prior to the general amendment of this chapter by Pub. L. 105-332.

**AMENDMENTS**

2018—Pub. L. 115-224 amended section generally. Prior to amendment, section related to reservations and State allotment, reallotment, and allotment ratios.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE OF 2018 AMENDMENT**

Amendment by Pub. L. 115-224 effective July 1, 2019, see section 4 of Pub. L. 115-224, set out as a note under section 2301 of this title.

**§ 2322. Within State allocation**

**(a) In general**

From the amount allotted to each State under section 2321 of this title for a fiscal year, the eligible agency shall make available—

(1) not less than 85 percent for distribution under section 2351 or 2352 of this title, of which not more than 15 percent of the 85 percent may be used in accordance with subsection (c);

(2) not more than 10 percent to carry out State leadership activities described in section 2344 of this title, of which—

(A) an amount equal to not more than 2 percent of the amount allotted to the State under section 2321 of this title for the fiscal year shall be made available to serve individuals in State institutions, such as State correctional institutions, juvenile justice facilities, and educational institutions that serve individuals with disabilities;

(B) not less than \$60,000 and not more than \$150,000 shall be available for services that prepare individuals for non-traditional fields; and

(C) an amount shall be made available for the recruitment of special populations to enroll in career and technical education programs, which shall be not less than the lesser of—

(i) an amount equal to 0.1 percent; or

(ii) \$50,000; and

(3) an amount equal to not more than 5 percent, or \$250,000, whichever is greater, for administration of the State plan, which may be used for the costs of—