

1328; amended Pub. L. 102-325, title IV, §403(b), July 23, 1992, 106 Stat. 505; Pub. L. 105-244, title IV, §406(a), Oct. 7, 1998, 112 Stat. 1664.; Pub. L. 110-315, title IV, §406(a), Aug. 14, 2008, 122 Stat. 3215.)

PRIOR PROVISIONS

A prior section 1070b, Pub. L. 89-329, title IV, §413A, as added Pub. L. 92-318, title I, §131(b)(1), June 23, 1972, 86 Stat. 251; amended Pub. L. 94-482, title I, §122(a), Oct. 12, 1976, 90 Stat. 2094; Pub. L. 96-49, §5(a)(3), Aug. 13, 1979, 93 Stat. 352; Pub. L. 96-374, title IV, §403(a), (b), title XIII, §1391(a)(1), Oct. 3, 1980, 94 Stat. 1404, 1405, 1503, related to program of supplemental educational opportunity grants purpose, authorization of appropriations, and initial year payment provisions, prior to the general revision of this part by Pub. L. 99-498.

AMENDMENTS

2008—Subsec. (b)(1). Pub. L. 110-315 substituted “such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years” for “\$675,000,000 for fiscal year 1999 and such sums as may be necessary for the 4 succeeding fiscal years”.

1998—Subsec. (b)(1). Pub. L. 105-244 substituted “1999” for “1993”.

1992—Subsec. (b). Pub. L. 102-325 amended subsec. (b) generally, substituting present provisions for provisions authorizing appropriation of \$490,000,000 for fiscal year 1987 and such sums as necessary for 4 succeeding fiscal years.

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.

§ 1070b-1. Amount and duration of grants

(a) Amount of grant

(1) Except as provided in paragraph (3), from the funds received by it for such purpose under this subpart, an institution which awards a supplemental grant to a student for an academic year under this subpart shall, for each year, pay to that student an amount not to exceed the lesser of (A) the amount determined by the institution, in accordance with the provisions of part E of this subchapter, to be needed by that student to enable the student to pursue a course of study at the institution or in a program of study abroad that is approved for credit by the institution at which the student is enrolled, or (B) \$4,000.

(2) If the amount determined under paragraph (1) with respect to a student for any academic year is less than \$100, no payment shall be made to that student for that year. For a student enrolled for less than a full academic year, the minimum payment required shall be reduced proportionately.

(3) For students participating in study abroad programs, the institution shall consider all reasonable costs associated with such study abroad when determining student eligibility. The amount of grant to be awarded in such cases may exceed the maximum amount of \$4,000 by as much as \$400 if reasonable study abroad costs exceed the cost of attendance at the home institution.

(b) Period for receipt of grants; continuing eligibility

(1) The period during which a student may receive supplemental grants shall be the period re-

quired for the completion of the first undergraduate baccalaureate course of study being pursued by that student.

(2) A supplemental grant awarded under this subpart shall entitle the student (to whom it is awarded) to payments pursuant to such grant only if the student meets the requirements of section 1091 of this title, except as provided in section 1070b-2(c) of this title.

(c) Distribution of grant during academic year

Nothing in this section shall be construed to prohibit an institution from making payments of varying amounts from a supplemental grant to a student during an academic year to cover costs for a period which are not applicable to other periods of such academic year.

(Pub. L. 89-329, title IV, §413B, as added Pub. L. 99-498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1328; amended Pub. L. 102-325, title IV, §403(c), July 23, 1992, 106 Stat. 505.)

PRIOR PROVISIONS

A prior section 1070b-1, Pub. L. 89-329, title IV, §413B, as added Pub. L. 92-318, title I, §131(b)(1), June 23, 1972, 86 Stat. 252; amended Pub. L. 96-374, title IV, §403(c), Oct. 3, 1980, 94 Stat. 1405, related to amount and duration of supplemental educational opportunity grants, prior to the general revision of this part by Pub. L. 99-498.

AMENDMENTS

1992—Subsec. (a)(1). Pub. L. 102-325, §403(c)(1), substituted “Except as provided in paragraph (3), from” for “From” in introductory provisions and inserted “or in a program of study abroad that is approved for credit by the institution at which the student is enrolled” after “course of study at the institution” in subpar. (A).

Subsec. (a)(3). Pub. L. 102-325, §403(c)(2), added par. (3).

§ 1070b-2. Agreements with institutions; selection of recipients

(a) Institutional eligibility

Assistance may be made available under this subpart only to an institution which—

(1) has, in accordance with section 1094 of this title, an agreement with the Secretary applicable to this subpart;

(2) agrees that the Federal share of awards under this subpart will not exceed 75 percent of such awards, except that the Federal share may be exceeded if the Secretary determines, pursuant to regulations establishing objective criteria for such determinations, that a larger Federal share is required to further the purpose of this subpart; and

(3) agrees that the non-Federal share of awards made under this subpart shall be made from the institution's own resources, including—

(A) institutional grants and scholarships;

(B) tuition or fee waivers;

(C) State scholarships; and

(D) foundation or other charitable organization funds.

(b) Eligibility for selection

Awards may be made under this subpart only to a student who—

(1) is an eligible student under section 1091 of this title; and