

30, 1984, 98 Stat. 2901, related to allocation among States of amounts for Robert C. Byrd Honors Scholarship Program, prior to the general revision of this part by Pub. L. 99-498.

AMENDMENTS

2009—Subsec. (d). Pub. L. 111-39 made technical amendment to reference in original act which appears in text as reference to section 1469a of title 48.

1998—Subsec. (e). Pub. L. 105-244 added subsec. (e).

1993—Subsec. (d). Pub. L. 103-208 added subsec. (d).

1992—Pub. L. 102-325 amended section generally. Prior to amendment, section read as follows: “From the sums appropriated pursuant to section 1070d-41 of this title for any fiscal year, the Secretary shall allocate to each State having an agreement under section 1070d-35 of this title—

“(1) \$1,500 multiplied by the number of individuals in the State eligible for scholarships pursuant to section 1070d-37(b) of this title, plus

“(2) \$10,000, plus 5 percent of the amount to which a State is eligible under paragraph (1) of this section.”

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-39 effective as if enacted on the date of enactment of Pub. L. 110-315 (Aug. 14, 2008), see section 3 of Pub. L. 111-39, set out as a note under section 1001 of this title.

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. 103-208 effective on and after Oct. 1, 1993, see section 5(b)(1) of Pub. L. 103-208, set out as a note under section 1051 of this title.

§ 1070d-35. Agreements

The Secretary shall enter into an agreement with each State desiring to participate in the scholarship program authorized by this subpart. Each such agreement shall include provisions designed to assure that—

(1) the State educational agency will administer the scholarship program authorized by this subpart in the State;

(2) the State educational agency will comply with the eligibility and selection provisions of this subpart;

(3) the State educational agency will conduct outreach activities to publicize the availability of scholarships under this subpart to all eligible students in the State, with particular emphasis on activities designed to assure that students from low-income and moderate-income families have access to the information on the opportunity for full participation in the scholarship program authorized by this subpart; and

(4) the State educational agency will pay to each individual in the State who is awarded a scholarship under this subpart \$1,500.

(Pub. L. 89-329, title IV, §419E, as added Pub. L. 99-498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1344; amended Pub. L. 102-325, title IV, §406(g)(2), (3), July 23, 1992, 106 Stat. 509.)

PRIOR PROVISIONS

A prior section 1070d-35, Pub. L. 89-329, title IV, §419E, as added Pub. L. 98-558, title VIII, §801(a), Oct.

30, 1984, 98 Stat. 2901; amended Pub. L. 99-145, title XVI, §1627(c), Nov. 8, 1985, 99 Stat. 779, related to agreements with States for participation in the Robert C. Byrd Honors Scholarship Program, prior to the general revision of this part by Pub. L. 99-498.

AMENDMENTS

1992—Par. (3). Pub. L. 102-325, §406(g)(2)(A), inserted “and” after semicolon.

Par. (4). Pub. L. 102-325, §406(g)(2)(B), substituted “\$1,500.” for “\$1,500 at an awards ceremony in accordance with section 1070d-39 of this title; and”.

Par. (5). Pub. L. 102-325, §406(g)(3), which directed that par. (5) be struck out without specifying the section to which the amendment applied, was executed by striking out par. (5) of this section to reflect the probable intent of Congress. Prior to amendment, par. (5) read as follows: “the State educational agency will use the amount of the allocation described in paragraph (2) of section 1070d-34 of this title for administrative expenses, including the conduct of the awards ceremony required by section 1070d-39 of this title.”

§ 1070d-36. Eligibility of scholars

(a) High school graduation or equivalent and admission to institution required

Each student awarded a scholarship under this subpart shall be a graduate of a public or private secondary school (or a home school, whether treated as a home school or a private school under State law) or have the equivalent of a certificate of graduation as recognized by the State in which the student resides and must have been admitted for enrollment at an institution of higher education.

(b) Selection based on promise of academic achievement

Each student awarded a scholarship under this subpart must demonstrate outstanding academic achievement and show promise of continued academic achievement.

(Pub. L. 89-329, title IV, §419F, as added Pub. L. 99-498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1344; amended Pub. L. 110-315, title IV, §409(a), Aug. 14, 2008, 122 Stat. 3225.)

PRIOR PROVISIONS

A prior section 1070d-36, Pub. L. 89-329, title IV, §419F, as added Pub. L. 98-558, title VIII, §801(a), Oct. 30, 1984, 98 Stat. 2901, related to eligibility of students for scholarships under Robert C. Byrd Honors Scholarship Program, prior to the general revision of this part by Pub. L. 99-498.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-315 inserted “(or a home school, whether treated as a home school or a private school under State law)” after “public or private secondary school”.

§ 1070d-37. Selection of scholars

(a) Establishment of criteria

The State educational agency is authorized to establish the criteria for the selection of scholars under this subpart.

(b) Adoption of procedures

The State educational agency shall adopt selection procedures designed to ensure an equitable geographic distribution of awards within the State (and in the case of the Federated States of Micronesia, the Republic of the Mar-

shall Islands, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, or Palau (until such time as the Compact of Free Association is ratified), not to exceed 10 individuals will be selected from such entities).

(c) Consultation requirement

In carrying out its responsibilities under subsections (a) and (b) of this section, the State educational agency shall consult with school administrators, school boards, teachers, counselors, and parents.

(d) Timing of selection

The selection process shall be completed, and the awards made, prior to the end of each secondary school academic year.

(Pub. L. 89-329, title IV, §419G, as added Pub. L. 99-498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1345; amended Pub. L. 102-325, title IV, §406(d), July 23, 1992, 106 Stat. 509; Pub. L. 103-208, §2(b)(30), Dec. 20, 1993, 107 Stat. 2460.)

REFERENCES IN TEXT

For ratification of Compact of Free Association with the Republic of Palau, referred to in subsec. (b), see Proc. No. 6726, Sept. 27, 1994, 59 F.R. 49777, set out as a note under section 1931 of Title 48, Territories and Insular Possessions.

PRIOR PROVISIONS

A prior section 1070d-37, Pub. L. 89-329, title IV, §419G, as added Pub. L. 98-558, title VIII, §801(a), Oct. 30, 1984, 98 Stat. 2901, related to selection of merit scholars under Robert C. Byrd Honors Scholarship Program, prior to the general revision of this part by Pub. L. 99-498.

AMENDMENTS

1993—Subsec. (b). Pub. L. 103-208 substituted “the Federated States of Micronesia, the Republic of the Marshall Islands,” for “the District of Columbia, the Commonwealth of Puerto Rico.”

1992—Subsec. (b). Pub. L. 102-325, §406(d)(1), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The State educational agency shall adopt selection procedures which are designed to assure that 10 individuals will be selected from among residents of each congressional district in a State (and in the case of the District of Columbia and the Commonwealth of Puerto Rico not to exceed 10 individuals will be selected in such District or Commonwealth).”

Subsec. (d). Pub. L. 102-325, §406(d)(2), added subsec. (d).

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-208 effective as if included in the Higher Education Amendments of 1992, Pub. L. 102-325, except as otherwise provided, see section 5(a) of Pub. L. 103-208, set out as a note under section 1051 of this title.

§ 1070d-38. Stipends and scholarship conditions

(a) Amount of award

Each student awarded a scholarship under this subpart shall receive a stipend of \$1,500 for the academic year of study for which the scholarship is awarded, except that in no case shall the total amount of financial aid awarded to such student exceed such student's total cost-of-attendance.

(b) Use of award

The State educational agency shall establish procedures to assure that a scholar awarded a

scholarship under this subpart pursues a course of study at an institution of higher education.

(Pub. L. 89-329, title IV, §419H, as added Pub. L. 99-498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1345; amended Pub. L. 102-325, title IV, §406(e), July 23, 1992, 106 Stat. 509.)

PRIOR PROVISIONS

A prior section 1070d-38, Pub. L. 89-329, title IV, §419H, as added Pub. L. 98-558, title VIII, §801(a), Oct. 30, 1984, 98 Stat. 2902, related to stipends and scholarship conditions for students receiving scholarships under Robert C. Byrd Honors Scholarship Program, prior to the general revision of this part by Pub. L. 99-498.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-325 inserted before period at end “, except that in no case shall the total amount of financial aid awarded to such student exceed such student's total cost-of-attendance”.

§ 1070d-39. Repealed. Pub. L. 102-325, title IV, § 406(g)(1), July 23, 1992, 106 Stat. 509

Section, Pub. L. 89-329, title IV, §419I, as added Pub. L. 99-498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1345, related to awards ceremony.

A prior section 1070d-39, Pub. L. 89-329, title IV, §419I, as added Pub. L. 98-558, title VIII, §801(a), Oct. 30, 1984, 98 Stat. 2902, related to ceremony for awarding scholarships under Robert C. Byrd Honors Scholarship Program, prior to the general revision of this part by Pub. L. 99-498.

§ 1070d-40. Construction of needs provisions

Except as provided in section 1087kk of this title, nothing in this subpart, or any other Act, shall be construed to permit the receipt of a scholarship under this subpart to be counted for any needs test in connection with the awarding of any grant or the making of any loan under this chapter and part C of subchapter I of chapter 34 of title 42 or any other provision of Federal law relating to educational assistance.

(Pub. L. 89-329, title IV, §419J, as added Pub. L. 99-498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1345; amended Pub. L. 102-325, title IV, §406(f), July 23, 1992, 106 Stat. 509.)

PRIOR PROVISIONS

A prior section 1070d-40, Pub. L. 89-329, title IV, §419J, as added Pub. L. 98-558, title VIII, §801(a), Oct. 30, 1984, 98 Stat. 2902, provided that receipt of scholarship under Robert C. Byrd Honors Scholarship Program not be counted for needs test for education grant or loan, prior to the general revision of this part by Pub. L. 99-498.

AMENDMENTS

1992—Pub. L. 102-325 substituted “Except as provided in section 1087kk of this title, nothing” for “Nothing”.

§ 1070d-41. Authorization of appropriations

There are authorized to be appropriated for this subpart such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years.

(Pub. L. 89-329, title IV, §419K, as added Pub. L. 99-498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1346; amended Pub. L. 102-325, title IV, §406(h), July 23, 1992, 106 Stat. 509; Pub. L. 105-244, title IV, §409(b), Oct. 7, 1998, 112 Stat. 1668; Pub. L.