

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.