

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. 110-315, title IV, § 409(b), Aug. 14, 2008, 122 Stat. 3225.)

PRIOR PROVISIONS

A prior section 1070d-41, Pub. L. 89-329, title IV, § 419K, as added Pub. L. 98-558, title VIII, § 801(a), Oct. 30, 1984, 98 Stat. 2902, authorized appropriations for fiscal years 1986 to 1988 to carry out Robert C. Byrd Honors Scholarship Program, prior to the general revision of this part by Pub. L. 99-498.

AMENDMENTS

2008—Pub. L. 110-315 substituted “such sums as may be necessary for fiscal year 2009 and each of the five succeeding fiscal years” for “\$45,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years”.

1998—Pub. L. 105-244 substituted “\$45,000,000 for fiscal year 1999” for “\$10,000,000 for fiscal year 1993”.

1992—Pub. L. 102-325 amended section generally. Prior to amendment, section read as follows: “There are authorized to be appropriated for this subpart \$8,000,000 for fiscal year 1987, and such sums as may be necessary for the 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 sec-

tion 3 of Pub. L. 105-244, set out as a note under section 1001 of this title.

SUBPART 7—CHILD CARE ACCESS MEANS PARENTS
IN SCHOOL

PRIOR PROVISIONS

A prior subpart 7, consisted of sections 1070e and 1070e-1 and related to assistance to institutions of higher education, prior to the repeal of sections 1070e and 1070e-1 by Pub. L. 102-325, title IV, §§ 407, 408, July 23, 1992, 106 Stat. 510.

§ 1070e. Child care access means parents in school

(a) Purpose

The purpose of this section is to support the participation of low-income parents in post-secondary education through the provision of campus-based child care services.

(b) Program authorized

(1) Authority

The Secretary may award grants to institutions of higher education to assist the institutions in providing campus-based child care services to low-income students.

(2) Amount of grants

(A) In general

The amount of a grant awarded to an institution of higher education under this section for a fiscal year shall not exceed 1 percent of the total amount of all Federal Pell Grant funds awarded to students enrolled at the institution of higher education for the preceding fiscal year.

(B) Minimum

(i) In general

Except as provided in clause (ii), a grant under this section shall be awarded in an amount that is not less than \$10,000.

(ii) Increase trigger

For any fiscal year for which the amount appropriated under the authority of subsection (g) is equal to or greater than \$20,000,000, a grant under this section shall be awarded in an amount that is not less than \$30,000.

(3) Duration; renewal; and payments

(A) Duration

The Secretary shall award a grant under this section for a period of 4 years.

(B) Payments

Subject to subsection (e)(2) of this section, the Secretary shall make annual grant payments under this section.

(4) Eligible institutions

An institution of higher education shall be eligible to receive a grant under this section for a fiscal year if the total amount of all Federal Pell Grant funds awarded to students enrolled at the institution of higher education for the preceding fiscal year equals or exceeds \$350,000, except that for any fiscal year for which the amount appropriated to carry out this section is equal to or greater than

\$20,000,000, this sentence shall be applied by substituting “\$250,000” for “\$350,000”.

(5) Use of funds

Grant funds under this section shall be used by an institution of higher education to support or establish a campus-based child care program primarily serving the needs of low-income students enrolled at the institution of higher education. Grant funds under this section may be used to provide before and after school services to the extent necessary to enable low-income students enrolled at the institution of higher education to pursue post-secondary education.

(6) Construction

Nothing in this section shall be construed to prohibit an institution of higher education that receives grant funds under this section from serving the child care needs of the community served by the institution.

(7) Definition of low-income student

For the purpose of this section, the term “low-income student” means a student—

(A) who is eligible to receive a Federal Pell Grant for the award year for which the determination is made; or

(B) who would otherwise be eligible to receive a Federal Pell Grant for the award year for which the determination is made, except that the student fails to meet the requirements of—

(i) section 1070a(c)(1) of this title because the student is enrolled in a graduate or first professional course of study; or

(ii) section 1091(a)(5) of this title because the student is in the United States for a temporary purpose.

(8) Publicity

The Secretary shall publicize the availability of grants under this section in appropriate periodicals, in addition to publication in the Federal Register, and shall inform appropriate educational organizations of such availability.

(c) Applications

An institution of higher education desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall—

(1) demonstrate that the institution is an eligible institution described in subsection (b)(4) of this section;

(2) specify the amount of funds requested;

(3) demonstrate the need of low-income students at the institution for campus-based child care services by including in the application—

(A) information regarding student demographics;

(B) an assessment of child care capacity on or near campus;

(C) information regarding the existence of waiting lists for existing child care;

(D) information regarding additional needs created by concentrations of poverty or by geographic isolation; and

(E) other relevant data;