

Subsec. (e). Pub. L. 110-315, §408(3), substituted “section 1070a-11(c)(2)” for “section 1070a-11(c)(1)”.

Subsec. (f)(1), (2). Pub. L. 110-315, §408(4), substituted “\$180,000” for “\$150,000”.

Subsecs. (g) to (i). Pub. L. 110-315, §408(6)–(8), added subsecs. (g) to (i) and struck out former subsecs. (h) and (i), which related to data collection and to authorization of appropriations.

Pub. L. 110-315, §408(5), redesignated subsecs. (g) and (h) as (h) and (i), respectively.

1998—Subsecs. (b)(1)(B)(ii), (c)(1)(A). Pub. L. 105-277, §101(f) [title VIII, §405(f)(12)(A)], struck out “section 1672 of title 29 or” before “section 2912 of title 29”.

Pub. L. 105-277, §101(f) [title VIII, §405(d)(15)(A)], substituted “section 1672 of title 29 or section 2912 of title 29” for “section 1672 of title 29”.

Subsec. (d). Pub. L. 105-244, §408(a), inserted “that the grant recipient will coordinate the project, to the extent feasible, with other local, State, and Federal programs to maximize the resources available for migrant students, and” after “contains assurances” in introductory provisions.

Subsec. (e). Pub. L. 105-244, §408(d), substituted “in accordance with section 1070a-11(c)(1) of this title” for “authorized by subpart 4 of this part in accordance with section 1070d(b)(2) of this title.”

Subsec. (g). Pub. L. 105-244, §408(c)(2), added subsec. (g). Former subsec. (g) redesignated (h).

Pub. L. 105-244, §408(b), substituted “1999” for “1993” in pars. (1) and (2).

Subsec. (h). Pub. L. 105-244, §408(c)(1), redesignated subsec. (g) as (h).

1994—Subsec. (b)(1)(B)(ii). Pub. L. 103-382, §391(e)(1), substituted “part C” for “subpart 1 of part D of chapter 1”.

Subsec. (c)(1)(A). Pub. L. 103-382, §391(e)(2), substituted “part C” for “subpart 1 of part D of chapter 1” and inserted “(or such part’s predecessor authority)” after “1965”.

1992—Subsec. (b)(1). Pub. L. 102-325, §405(a)(1)(A), added par. (1) and struck out former par. (1) which read as follows: “recruitment services to reach persons who are 17 years of age and over, who themselves or whose parents have spent a minimum of 75 days during the past 24 months in migrant and seasonal farmwork, and who lack a high school diploma or its equivalent;”.

Subsec. (b)(4). Pub. L. 102-325, §405(a)(1)(B), inserted comma after “concerning” and after “obtaining”.

Subsec. (c). Pub. L. 102-325, §405(a)(2), (b), designated existing provisions as par. (1), redesignated former par. (1) as subpar. (A) and amended it generally, redesignated par. (2) and its subpars. (A) to (E) as subpar. (B) and cls. (i) to (v), respectively, redesignated par. (3) and its subpars. (A) to (H) as subpar. (C) and cls. (i) to (viii), respectively, redesignated pars. (4) to (6) as subpars. (D) to (F), respectively, and added par. (2). Prior to amendment, par. (1) read as follows: “outreach and recruitment services to reach persons who themselves or whose parents have spent a minimum of 75 days during the past 24 months in migrant and seasonal farmwork, and who meet the minimum qualifications for attendance at a college or university;”.

Subsec. (e). Pub. L. 102-325, §405(c), substituted “Five-year” for “Three-year” in heading and “5-year” for “3-year” in text.

Subsec. (g). Pub. L. 102-325, §405(d), amended subsec. (g) generally, substituting present provisions for former provisions which authorized appropriations for fiscal years 1987 through 1991.

1987—Subsec. (g). Pub. L. 100-50 amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: “There is authorized to be appropriated for this part \$9,000,000 for fiscal year 1987, and such sums as may be necessary for the 4 succeeding fiscal years.”

#### EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113-128, set out as an Effective Date note under section 3101 of Title 29, Labor.

#### EFFECTIVE DATE OF 1998 AMENDMENTS

Amendment by section 101(f) [title VIII, §405(d)(15)(A)] of Pub. L. 105-277 effective Oct. 21, 1998, and amendment by section 101(f) [title VIII, §405(f)(12)(A)] of Pub. L. 105-277 effective July 1, 2000, see section 101(f) [title VIII, §405(g)(1), (2)(B)] of Pub. L. 105-277, set out as a note under section 3502 of Title 5, Government Organization and Employees.

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 1987 AMENDMENT

Amendment by Pub. L. 100-50 effective as if enacted as part of the Higher Education Amendments of 1986, Pub. L. 99-498, see section 27 of Pub. L. 100-50, set out as a note under section 1001 of this title.

#### SUBPART 6—ROBERT C. BYRD HONORS SCHOLARSHIP PROGRAM

### § 1070d-31. Statement of purpose

It is the purpose of this subpart to establish a Robert C. Byrd Honors Scholarship Program to promote student excellence and achievement and to recognize exceptionally able students who show promise of continued excellence.

(Pub. L. 89-329, title IV, §419A, as added Pub. L. 99-498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1343.)

#### PRIOR PROVISIONS

A prior section 1070d-31, Pub. L. 89-329, title IV, §419A, as added Pub. L. 98-558, title VIII, §801(a), Oct. 30, 1984, 98 Stat. 2900; amended Pub. L. 99-145, title XVI, §1627(a), Nov. 8, 1985, 99 Stat. 779, provided statement of purpose for Robert C. Byrd Honors Scholarship Program, prior to the general revision of this part by Pub. L. 99-498.

### § 1070d-32. Repealed. Pub. L. 102-325, title IV, § 406(a), July 23, 1992, 106 Stat. 508

Section, Pub. L. 89-329, title IV, §419B, as added Pub. L. 99-498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1343, defined terms used in this subpart.

A prior section 1070d-32, Pub. L. 89-329, title IV, §419B, as added Pub. L. 98-558, title VIII, §801(a), Oct. 30, 1984, 98 Stat. 2900, defined terms used in this subpart, prior to the general revision of this part by Pub. L. 99-498.

### § 1070d-33. Scholarships authorized

#### (a) Program authority

The Secretary is authorized, in accordance with the provisions of this subpart, to make grants to States to enable the States to award scholarships to individuals who have demonstrated outstanding academic achievement and who show promise of continued academic achievement.

#### (b) Period of award

Scholarships under this section shall be awarded for a period of not less than 1 or more than 4 years during the first 4 years of study at any institution of higher education eligible to participate in any programs assisted under this subchapter and part C of subchapter I of chapter 34 of title 42. The State educational agency administering the program in a State shall have discretion to determine the period of the award (within the limits specified in the preceding sentence), except that—

(1) if the amount appropriated for this subpart for any fiscal year exceeds the amount appropriated for this subpart for fiscal year 1993, the Secretary shall identify to each State educational agency the number of scholarships available to that State under section 1070d-34(b) of this title that are attributable to such excess; and

(2) the State educational agency shall award not less than that number of scholarships for a period of 4 years.

**(c) Use at any institution permitted**

A student awarded a scholarship under this subpart may attend any institution of higher education.

**(d) Byrd Scholars**

Individuals awarded scholarships under this subpart shall be known as “Byrd Scholars”.

(Pub. L. 89-329, title IV, §419C, as added Pub. L. 99-498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1344; amended Pub. L. 102-325, title IV, §406(b), July 23, 1992, 106 Stat. 508; Pub. L. 103-208, §2(b)(28), Dec. 20, 1993, 107 Stat. 2459; Pub. L. 111-39, title IV, §401(a)(7), July 1, 2009, 123 Stat. 1939.)

PRIOR PROVISIONS

A prior section 1070d-33, Pub. L. 89-329, title IV, §419C, as added Pub. L. 98-558, title VIII, §801(a), Oct. 30, 1984, 98 Stat. 2900; amended Pub. L. 99-145, title XVI, §1627(b), Nov. 8, 1985, 99 Stat. 779, authorized the award of scholarships under Robert C. Byrd Honors Scholarship Program, prior to the general revision of this part by Pub. L. 99-498.

AMENDMENTS

2009—Subsec. (b)(1). Pub. L. 111-39 inserted “and” after semicolon at end.

1993—Subsec. (b). Pub. L. 103-208 substituted “for a period of not less than 1 or more than 4 years during the first 4 years of study” for “for a period of not more than 4 years for the first 4 years of study” and inserted at end “The State educational agency administering the program in a State shall have discretion to determine the period of the award (within the limits specified in the preceding sentence), except that—

“(1) if the amount appropriated for this subpart for any fiscal year exceeds the amount appropriated for this subpart for fiscal year 1993, the Secretary shall identify to each State educational agency the number of scholarships available to that State under section 1070d-34(b) of this title that are attributable to such excess;

“(2) the State educational agency shall award not less than that number of scholarships for a period of 4 years.”

1992—Subsec. (b). Pub. L. 102-325 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Scholarships under this section shall be awarded for a period of one academic year for the first year of study at an institution of higher education.”

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 1993 AMENDMENT

Amendment by Pub. L. 103-208 effective on and after Dec. 20, 1993, see section 5(b)(2) of Pub. L. 103-208, set out as a note under section 1051 of this title.

**§ 1070d-34. Allocation among States**

**(a) Allocation formula**

From the sums appropriated pursuant to the authority of section 1070d-41 of this title for any fiscal year, the Secretary shall allocate to each State that has an agreement under section 1070d-35 of this title an amount equal to \$1,500 multiplied by the number of scholarships determined by the Secretary to be available to such State in accordance with subsection (b) of this section.

**(b) Number of scholarships available**

The number of scholarships to be made available in a State for any fiscal year shall bear the same ratio to the number of scholarships made available to all States as the State’s population ages 5 through 17 bears to the population ages 5 through 17 in all the States, except that not less than 10 scholarships shall be made available to any State.

**(c) Use of census data**

For the purpose of this section, the population ages 5 through 17 in a State and in all the States shall be determined by the most recently available data, satisfactory to the Secretary, from the Bureau of the Census.

**(d) Consolidation by Insular Areas prohibited**

Notwithstanding section 1469a of title 48, funds allocated under this part to an Insular Area described in that section shall be deemed to be direct payments to classes of individuals, and the Insular Area may not consolidate such funds with other funds received by the Insular Area from any department or agency of the United States Government.

**(e) FAS eligibility**

**(1) Fiscal years 2000 through 2004**

Notwithstanding any other provision of this subpart, in the case of students from the Freely Associated States who may be selected to receive a scholarship under this subpart for the first time for any of the fiscal years 2000 through 2004—

(A) there shall be 10 scholarships in the aggregate awarded to such students for each of the fiscal years 2000 through 2004; and

(B) the Pacific Regional Educational Laboratory shall administer the program under this subpart in the case of scholarships for students in the Freely Associated States.

**(2) Termination of eligibility**

A student from the Freely Associated States shall not be eligible to receive a scholarship under this subpart after September 30, 2004.

(Pub. L. 89-329, title IV, §419D, as added Pub. L. 99-498, title IV, §401(a), Oct. 17, 1986, 100 Stat. 1344; amended Pub. L. 102-325, title IV, §406(c), July 23, 1992, 106 Stat. 509; Pub. L. 103-208, §2(b)(29), Dec. 20, 1993, 107 Stat. 2460; Pub. L. 105-244, title IV, §409(a), Oct. 7, 1998, 112 Stat. 1668; Pub. L. 111-39, title IV, §401(a)(8), July 1, 2009, 123 Stat. 1939.)

PRIOR PROVISIONS

A prior section 1070d-34, Pub. L. 89-329, title IV, §419D, as added Pub. L. 98-558, title VIII, §801(a), Oct.