

A prior section 1135c, Pub. L. 89-329, title X, §1031, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1563, related to minority support in science and engineering programs, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Another prior section 1135c, Pub. L. 89-329, title X, §1021, formerly §1071, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 322, established Bureau of Occupational and Adult Education and set forth functions, personnel etc., of the Bureau, prior to repeal by Pub. L. 94-482, title II, §204(c)(3), Oct. 12, 1976, 90 Stat. 2215, eff. Oct. 1, 1977. Subsequent to repeal, this prior section 1135c was renumbered section 1021 of Pub. L. 89-329 and amended by deleting “this title” by Pub. L. 96-374, title X, §1001(b), Oct. 3, 1980, 94 Stat. 1491.

Another prior section 1135c, Pub. L. 89-329, title X, §1004, as added Pub. L. 90-575, title II, §271, Oct. 16, 1968, 82 Stat. 1048, provided for consultations respecting improvement of graduate programs, prior to the general amendment of subchapter X of this chapter by Pub. L. 92-318.

A prior section 714 of Pub. L. 89-329 was classified to section 1132b-3 of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

A prior section 1135c-1, Pub. L. 89-329, title X, §1032, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1563, related to the special service projects program, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Another prior section 1135c-1, Pub. L. 89-329, title X, §1022, formerly §1072, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 323; amended Pub. L. 96-88, title III, §301(b)(2), Oct. 17, 1979, 93 Stat. 678, renumbered and amended Pub. L. 96-374, title X, §1001(b)(1), title XIII, §1391(a)(1), Oct. 3, 1980, 94 Stat. 1491, 1503; Pub. L. 98-524, §4(c)(3), Oct. 19, 1984, 98 Stat. 2488, established a Community College Unit in Department of Education, prior to the general amendment of part B of subchapter X of this chapter by Pub. L. 99-498.

A prior section 1135c-2, Pub. L. 89-329, title X, §1033, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1563; amended Pub. L. 102-325, title X, §1002(c), July 23, 1992, 106 Stat. 780, related to supportable activities, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-315, §703(b), substituted “2009-2010” for “1999-2000” and “Foundation Graduate Research Fellowship Program for such academic year” for “Foundation graduate fellowships”.

Subsec. (c). Pub. L. 110-315, §703(e)(4), made technical amendment to references in original act which appear in text as references to sections 1135d(a) and 1135b(b)(2) of this title.

§ 1135d. Additional assistance for cost of education

(a) Institutional payments

(1) In general

The Secretary shall (in addition to stipends paid to individuals under this subpart) pay to the institution of higher education, for each individual awarded a fellowship under this subpart at such institution, an institutional allowance. Except as provided in paragraph (2), such allowance shall be, for 2009-2010 and succeeding academic years, the same amount as the institutional payment made for 2008-2009 adjusted annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for the previous calendar year.

(2) Reduction

The institutional allowance paid under paragraph (1) shall be reduced by the amount the institution charges and collects from a fellowship recipient for tuition and other expenses as part of the recipient's instructional program.

(b) Use for overhead prohibited

Funds made available pursuant to this subpart may not be used for the general operational overhead of the academic department or program.

(Pub. L. 89-329, title VII, §715, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1793; amended Pub. L. 110-315, title VII, §703(c), Aug. 14, 2008, 122 Stat. 3346.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1134q of this title, prior to repeal by Pub. L. 105-244.

A prior section 1135d, Pub. L. 89-329, title X, §1041, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1564, which related to eligibility for grants, was renumbered section 361 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, §301(a)(5), (7), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1067g of this title.

A prior section 715 of Pub. L. 89-329 was classified to section 1132b-4 of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

A prior section 1135d-1, Pub. L. 89-329, title X, §1042, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1564, which related to grant applications, was renumbered section 362 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, §301(a)(5), (7), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1067h of this title.

A prior section 1135d-2, Pub. L. 89-329, title X, §1043, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1564, and amended, which related to cross program and cross agency cooperation, was renumbered section 363 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, §301(a)(5), (7), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1067i of this title.

A prior section 1135d-3, Pub. L. 89-329, title X, §1044, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1564, which contained administrative provisions, was renumbered section 364 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, §301(a)(5), (7), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1067j of this title.

A prior section 1135d-4, Pub. L. 89-329, title X, §1045, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1565, related to establishment of Advisory Board for the Minority Science and Engineering Improvement Programs, prior to repeal by Pub. L. 102-325, §2, title X, §1002(e), July 23, 1992, 106 Stat. 458, 780, effective Oct. 1, 1992.

A prior section 1135d-5, Pub. L. 89-329, title X, §1046, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1566, which defined terms, was renumbered section 365 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, §301(a)(5), (7), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1067k of this title.

A prior section 1135d-6, Pub. L. 89-329, title X, §1047, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1567; amended Pub. L. 100-418, title VI, §6221, Aug. 23, 1988, 102 Stat. 1518; Pub. L. 102-325, title X, §1002(f), July 23, 1992, 106 Stat. 780, which authorized appropriations, was renumbered section 366 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, §301(a)(5), (7), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1067l of this title, and repealed by section 301(a)(8) of Pub. L. 105-244.

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110-315 substituted “2009-2010” for “1999-2000” and “2008-2009” for “1998-1999”.

§ 1135e. Authorization of appropriations

There are authorized to be appropriated \$35,000,000 for fiscal year 2009 and each of the five succeeding fiscal years to carry out this subpart.

(Pub. L. 89-329, title VII, §716, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1794; amended Pub. L. 110-315, title VII, §703(d), Aug. 14, 2008, 122 Stat. 3347.)

Editorial Notes

PRIOR PROVISIONS

A prior section 1135e, Pub. L. 89-329, title X, §1061, as added Pub. L. 99-498, title X, §1003, Oct. 17, 1986, 100 Stat. 1567; amended Pub. L. 102-325, title X, §1003, July 23, 1992, 106 Stat. 781, stated purpose of women and minorities science and engineering outreach demonstration program, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

A prior section 716 of Pub. L. 89-329 was classified to section 1132b-5 of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Prior sections 1135e-1 to 1135g were repealed by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

Section 1135e-1, Pub. L. 89-329, title X, §1062, as added Pub. L. 99-498, title X, §1003, Oct. 17, 1986, 100 Stat. 1567; amended Pub. L. 102-325, title X, §1003, July 23, 1992, 106 Stat. 781, authorized grants for programs to encourage female and minority elementary and secondary school students to pursue higher education for careers in science and engineering.

Section 1135e-2, Pub. L. 89-329, title X, §1063, as added Pub. L. 99-498, title X, §1003, Oct. 17, 1986, 100 Stat. 1567; amended Pub. L. 102-325, title X, §1003, July 23, 1992, 106 Stat. 781, defined “eligible institution” and related to availability of funds.

Section 1135e-3, Pub. L. 89-329, title X, §1064, as added Pub. L. 102-325, title X, §1003, July 23, 1992, 106 Stat. 782, related to amount, duration, and use of funds.

Section 1135e-4, Pub. L. 89-329, title X, §1065, as added Pub. L. 102-325, title X, §1003, July 23, 1992, 106 Stat. 782, related to applications for grants.

Section 1135e-5, Pub. L. 89-329, title X, §1066, as added Pub. L. 102-325, title X, §1003, July 23, 1992, 106 Stat. 782, related to evaluation of assisted activities.

Section 1135e-6, Pub. L. 89-329, title X, §1067, as added Pub. L. 102-325, title X, §1003, July 23, 1992, 106 Stat. 783, related to Federal share of costs.

Section 1135e-7, Pub. L. 89-329, title X, §1068, as added Pub. L. 102-325, title X, §1003, July 23, 1992, 106 Stat. 783, related to use of funds to supplement and not supplant other funds.

Section 1135e-8, Pub. L. 89-329, title X, §1069, as added Pub. L. 102-325, title X, §1003, July 23, 1992, 106 Stat. 783, authorized appropriations for women and minorities science and engineering outreach demonstration program.

Section 1135f, Pub. L. 89-329, title X, §1081, formerly §1181, as added Pub. L. 102-325, title X, §1004, July 23, 1992, 106 Stat. 783; renumbered §1081 and amended Pub. L. 103-208, §2(j)(44), (45), Dec. 20, 1993, 107 Stat. 2485, established Dwight D. Eisenhower Leadership Program and provided that part D of former subchapter X of this chapter could be cited as the “Dwight D. Eisenhower Leadership Development Act of 1992”.

Section 1135g, Pub. L. 89-329, title X, §1091, as added Pub. L. 103-382, title III, §360D, Oct. 20, 1994, 108 Stat. 3972, authorized grants to States for workplace and community transition training for incarcerated youth offenders.

AMENDMENTS

2008—Pub. L. 110-315 substituted “fiscal year 2009 and each of the five succeeding fiscal years to carry out this subpart” for “fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out this subpart”.

SUBPART 3—THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM

§ 1136. Legal educational opportunity program**(a) Program authority**

The Secretary shall carry out a program to be known as the “Thurgood Marshall Legal Educational Opportunity Program” designed to provide low-income, minority, or disadvantaged secondary school and college students with the information, preparation, and financial assistance to gain access to and complete law school study and admission to law practice.

(b) Eligibility

A secondary school student or college student is eligible for assistance under this section if the student is—

- (1) from a low-income family;
- (2) a minority; or
- (3) from an economically or otherwise disadvantaged background.

(c) Contract or grant authorized

The Secretary is authorized to enter into a contract with, or make a grant to, the Council on Legal Education Opportunity, for a period of not less than 5 years—

(1) to identify secondary school and college students who are from low-income families, are minorities, or are from disadvantaged backgrounds described in subsection (b)(3);

(2) to prepare such students for successful completion of a baccalaureate degree and for study at accredited law schools, and to assist them with the development of analytical skills, writing skills, and study methods to enhance the students’ success in, and promote the students’ admission to and completion of, law school;

(3) to assist such students to select the appropriate law school, make application for entry into law school, and receive financial assistance for such study;

(4) to provide support services to such students who are first-year law students to improve retention and success in law school studies;

(5) to motivate and prepare such students—
 (A) with respect to law school studies and practice in low-income communities; and
 (B) to provide legal services to low-income individuals and families; and

(6) to award Thurgood Marshall Fellowships to eligible law school students—

(A) who participated in summer institutes under subsection (d)(6) and who are enrolled in an accredited law school; or

(B) who have successfully completed a comparable summer institute program that is certified by the Council on Legal Education Opportunity.

(d) Services provided

In carrying out the purposes described in subsection (c), the contract or grant shall provide