

## DEPARTMENT OF EDUCATION

## 34 CFR Part 650

## Jacob K. Javits Fellowship Program

**AGENCY:** Office of Postsecondary Education, Department of Education.

**ACTION:** Final regulations.

**SUMMARY:** The Secretary amends the regulations governing the Jacob K. Javits Fellowship Program to incorporate changes made by the Higher Education Amendments of 1998. These final regulations are needed to reflect changes made by recently enacted legislation.

**EFFECTIVE DATE:** These regulations take effect February 19, 1999.

**FOR FURTHER INFORMATION CONTACT:** Melissa Burton, U.S. Department of Education, 400 Maryland Avenue, SW., Suite 600 Portals Building, Washington, DC 20202-5247. Telephone: (202) 401-9779. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339, between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

**SUPPLEMENTARY INFORMATION:** These final regulations incorporate statutory changes made by the Higher Education Amendments of 1998 (Pub. L. 105-244, enacted October 7, 1998). The changes include revising the authority citations; amending the selection criteria for students to include financial need; providing the Secretary with the option of entering into a contract with a nongovernmental entity to administer the program; and revising the general provisions to read that no institutional payment will be made to a school or department of divinity for an individual who is studying for a religious vocation.

#### Goals 2000: Educate America Act

The Goals 2000: Educate America Act (Goals 2000) focuses the Nation's education reform efforts on the eight National Education Goals and provides a framework for meeting them. Goals 2000 promotes new partnerships to strengthen schools and expands the Department's capacities for helping communities to exchange ideas and obtain information needed to achieve the goals.

These regulations address the National Education Goal that every adult American will be literate and will possess the knowledge and skills

necessary to compete in a global economy and exercise the rights and responsibilities of citizenship. The regulations further the objectives of this Goal by implementing a program that affords students the opportunity to become experts in their chosen fields through graduate education and to more effectively compete in a global economy.

#### Waiver of Proposed Rulemaking

In accordance with the Administrative Procedure Act, 5 U.S.C. 553, it is customary for the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the changes in this document do not establish any new substantive rules, but simply incorporate recent statutory amendments affecting the Jacob K. Javits Fellowship Program. Therefore, the Secretary has determined that publication of a notice of proposed rulemaking is unnecessary and contrary to the public interest under 5 U.S.C. 553(b)(B).

#### Regulatory Flexibility Act

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. Under this program fellowships are awarded to individuals. Individuals are not included in the definition of small entities under the Regulatory Flexibility Act.

#### Paperwork Reduction Act of 1995

These regulations have been examined under the Paperwork Reduction Act of 1995 and have been found to contain no information collection requirements.

#### Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

#### Assessment of Educational Impact

The Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from

any other agency or authority of the United States.

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**Note:** The official version of this document is the document published in the **Federal Register**.

#### List of Subjects in 34 CFR Part 650

Colleges and universities, Education Fellowships, Grant programs, and Reporting and recordkeeping requirements.

Dated: January 12, 1999.

**Maureen McLaughlin,**

*Acting Assistant Secretary for Postsecondary Education.*

(Catalog of Federal Domestic Assistance Number 84.170 Jacob K. Javits Fellowship Program)

The Secretary amends title 34 of the Code of Federal Regulations by amending part 650 as follows:

#### PART 650—JACOB K. JAVITS FELLOWSHIP PROGRAM

1. The authority citation for part 650 is revised to read as follows:

**Authority:** 20 U.S.C. 1134-1134d, unless otherwise noted.

##### § 650.1 [Amended]

2. The authority citation following § 650.1(a) is removed.

##### §§ 650.1, 650.3, 650.10, 650.31 and 650.35 [Amended]

3. The authority citation for §§ 650.1, 650.3, 650.10, 650.31, and 650.35 is revised to read as follows:

(Authority: 20 U.S.C. 1134)

**§§ 650.2, 650.4, 650.30, 650.34 and 650.40 [Amended]**

4. The authority citation for §§ 650.2, 650.4, 650.30, 650.34, and 650.40 is revised to read as follows:

(Authority: 20 U.S.C. 1134–1134d)

**§§ 650.5, 650.32, 650.41–650.43 [Amended]**

5. The authority citation for §§ 650.5, 650.32, 650.41, 650.42, and 650.43 is revised to read as follows:

(Authority: 20 U.S.C. 1134b)

**§ 650.20 [Amended]**

6. The authority citation for § 650.20 is revised to read as follows:

(Authority: 20 U.S.C. 1134a)

**§ 650.33 [Amended]**

7. The authority citation for § 650.33 is revised to read as follows:

(Authority: 20 U.S.C. 1134, 1134c)

**§§ 650.36, 650.37 and 650.44 [Amended]**

8. The authority citation for §§ 650.36, 650.37, and 650.44 is revised to read as follows:

(Authority: 20 U.S.C. 1134c)

**§ 650.1 [Amended]**

9. Section 650.1(a) is amended by adding “, financial need,” after the word “achievement”.

10. Section 650.2(a) is amended by removing “, other than a school or department of divinity,” and by adding “, and is not studying for a religious vocation,” after the word “degree”; and paragraph (d)(1)(iv) is revised to read as follows:

**§ 650.2 Who is eligible to receive a fellowship?**

\* \* \* \* \*

(d)(1) \* \* \*

(iv) A citizen of any one of the Freely Associated States; or

\* \* \* \* \*

**§ 650.4 [Amended]**

11. Section 650.4 is amended by removing the definition of “School or department of divinity”; and by removing “, other than a school or department of divinity,” in the

definition of “Institution of higher education”.

**§ 650.20 [Amended]**

12. Section 650.20(c) is amended by adding “, or in the event the Secretary contracts with a non-governmental entity to administer the program, that non-governmental entity,” after the word “Board”.

**§ 650.30 [Amended]**

13. Section 650.30 is amended by removing “, other than a school or department of divinity, which is”.

**§ 650.41 [Amended]**

14. Section 650.41(a) is amended by removing “1993–1994” and adding, in its place, “1998–1999”; and by removing “\$9,000” and adding, in its place, “\$10,222”.

[FR Doc. 99–1145 Filed 1–19–99; 8:45 am]

BILLING CODE 4000–01–U