

## AMENDMENTS

2008—Subsec. (a). Pub. L. 110-315, § 606(1)(D), (E), designated existing provisions as par. (1), inserted heading, and added par. (2).

Pub. L. 110-315, § 606(1)(A)–(C), substituted “or partnerships between such institutions and other such institutions, libraries, or nonprofit educational organizations” for “or consortia of such institutions or libraries” and “electronic technologies” for “new electronic technologies” and inserted “from foreign sources” after “disseminate information”.

Subsec. (b)(1). Pub. L. 110-315, § 606(2)(A), substituted “to acquire, facilitate access to,” for “to facilitate access to”.

Subsec. (b)(3). Pub. L. 110-315, § 606(2)(B), inserted “or standards for” after “develop new means of”.

Subsec. (b)(8), (9). Pub. L. 110-315, § 606(2)(C)–(E), added pars. (8) and (9).

Subsec. (c). Pub. L. 110-315, § 606(3), substituted “institution of higher education, library, or partnership” for “institution or consortium”.

### § 1127. Selection of certain grant recipients

#### (a) Competitive grants

The Secretary shall award grants under section 1122 of this title competitively on the basis of criteria that separately, but not less rigorously, evaluates—

(1) the applications for comprehensive foreign language and area or international studies centers and programs; and

(2) the applications for undergraduate foreign language and area or international studies centers and programs.

#### (b) Selection criteria

The Secretary shall set criteria for grants awarded under section 1122 of this title by which a determination of excellence shall be made to meet the differing objectives of graduate and undergraduate institutions. In keeping with the purposes of this part, the Secretary shall take into account the degree to which activities of centers, programs, and fellowships at institutions of higher education address national needs, and generate information for and disseminate information to the public. The Secretary shall also consider an applicant’s record of placing students into postgraduate employment, education, or training in areas of national need and an applicant’s stated efforts to increase the number of such students that go into such placements.

#### (c) Equitable distribution of grants

The Secretary shall, to the extent practicable, award grants under this part (other than section 1122 of this title) in such manner as to achieve an equitable distribution of the grant funds throughout the United States, based on the merit of a proposal as determined pursuant to a peer review process involving broadly representative professionals.

(Pub. L. 89-329, title VI, § 607, as added Pub. L. 105-244, title VI, § 601, Oct. 7, 1998, 112 Stat. 1782; amended Pub. L. 110-315, title VI, § 607, Aug. 14, 2008, 122 Stat. 3338.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 1127, Pub. L. 89-329, title VI, § 610, formerly § 607, as added Pub. L. 96-374, title VI, § 601(a),

Oct. 3, 1980, 94 Stat. 1467; renumbered § 610 and amended Pub. L. 99-498, title VI, §§ 605(1), 609, Oct. 17, 1986, 100 Stat. 1517, 1519; Pub. L. 102-325, title VI, § 601, July 23, 1992, 106 Stat. 728, authorized grants and contracts for American overseas research centers, prior to the general amendment of this part by Pub. L. 105-244.

Another prior section 1127, Pub. L. 89-329, title VI, § 607, Nov. 8, 1965, 79 Stat. 1265, provided procedures to be followed in event of disapproval of a State plan under equipment grant program, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 607 of Pub. L. 89-329 was classified to section 1125a of this title, prior to the general amendment of this part by Pub. L. 105-244.

## AMENDMENTS

2008—Subsec. (a). Pub. L. 110-315, § 607(1), substituted “evaluates—” and pars. (1) and (2) for “evaluates the applications for comprehensive and undergraduate language and area centers and programs.”

Subsec. (b). Pub. L. 110-315, § 607(2), inserted at end “In keeping with the purposes of this part, the Secretary shall take into account the degree to which activities of centers, programs, and fellowships at institutions of higher education address national needs, and generate information for and disseminate information to the public. The Secretary shall also consider an applicant’s record of placing students into postgraduate employment, education, or training in areas of national need and an applicant’s stated efforts to increase the number of such students that go into such placements.”

### § 1128. Equitable distribution of certain funds

#### (a) Selection criteria

The Secretary shall make excellence the criterion for selection of grants awarded under section 1122 of this title.

#### (b) Equitable distribution

To the extent practicable and consistent with the criterion of excellence, the Secretary shall award grants under this part (other than section 1122 of this title) in such a manner as will achieve an equitable distribution of funds throughout the United States.

#### (c) Support for undergraduate education

The Secretary shall also award grants under this part in such manner as to ensure that an appropriate portion of the funds appropriated for this part (as determined by the Secretary) are used to support undergraduate education.

(Pub. L. 89-329, title VI, § 608, as added Pub. L. 105-244, title VI, § 601, Oct. 7, 1998, 112 Stat. 1782.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 1128, Pub. L. 89-329, title VI, § 610A, as added Pub. L. 102-325, title VI, § 601, July 23, 1992, 106 Stat. 728, authorized appropriations for this part, prior to the general amendment of this part by Pub. L. 105-244.

Another prior section 1128, Pub. L. 89-329, title VI, § 608, Nov. 8, 1965, 79 Stat. 1265, provided the process of judicial review in event of State dissatisfaction in equipment grant program, prior to the general amendment of this subchapter by Pub. L. 96-374.

A prior section 608 of Pub. L. 89-329 was classified to section 1125b of this title, prior to the general amendment of this part by Pub. L. 105-244.

### § 1128a. American overseas research centers

#### (a) Centers authorized

The Secretary is authorized to make grants to and enter into contracts with any American

overseas research center that is a consortium of institutions of higher education (hereafter in this section referred to as a “center”) to enable such center to promote postgraduate research, exchanges and area studies.

**(b) Use of grants**

Grants made and contracts entered into pursuant to this section may be used to pay all or a portion of the cost of establishing or operating a center or program, including—

- (1) the cost of faculty and staff stipends and salaries;
- (2) the cost of faculty, staff, and student travel;
- (3) the cost of the operation and maintenance of overseas facilities;
- (4) the cost of teaching and research materials;
- (5) the cost of acquisition, maintenance, and preservation of library collections;
- (6) the cost of bringing visiting scholars and faculty to a center to teach or to conduct research;
- (7) the cost of organizing and managing conferences; and
- (8) the cost of publication and dissemination of material for the scholarly and general public.

**(c) Limitation**

The Secretary shall only award grants to and enter into contracts with centers under this section that—

- (1) receive more than 50 percent of their funding from public or private United States sources;
- (2) have a permanent presence in the country in which the center is located; and
- (3) are organizations described in section 501(c)(3) of title 26 which are exempt from taxation under section 501(a) of such title.

**(d) Development grants**

The Secretary is authorized to make grants for the establishment of new centers. The grants may be used to fund activities that, within 1 year, will result in the creation of a center described in subsection (c).

**(e) Application**

Each center desiring to receive a grant or contract under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information and assurances as the Secretary may require.

(Pub. L. 89-329, title VI, § 609, as added Pub. L. 105-244, title VI, § 601, Oct. 7, 1998, 112 Stat. 1782; amended Pub. L. 110-315, title VI, § 608, Aug. 14, 2008, 122 Stat. 3338.)

**Editorial Notes**

PRIOR PROVISIONS

A prior section 609 of Pub. L. 89-329 was classified to section 1126 of this title, prior to the general amendment of this part by Pub. L. 105-244.

Another prior section 609 of Pub. L. 89-329, title VI, Nov. 8, 1965, 79 Stat. 1266; Pub. L. 92-318, title I, § 131(d)(2)(D), June 23, 1972, 86 Stat. 260, prohibited equipment grants for sectarian instruction or religious worship and was classified to section 1129 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

AMENDMENTS

2008—Subsec. (e). Pub. L. 110-315 added subsec. (e).

**§ 1128b. Authorization of appropriations**

There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2009, and such sums as may be necessary for each of the five succeeding fiscal years.

(Pub. L. 89-329, title VI, § 610, as added Pub. L. 105-244, title VI, § 601, Oct. 7, 1998, 112 Stat. 1783; amended Pub. L. 110-315, title VI, § 609, Aug. 14, 2008, 122 Stat. 3338.)

**Editorial Notes**

PRIOR PROVISIONS

A prior section 610 of Pub. L. 89-329 was classified to section 1127 of this title, prior to the general amendment of this part by Pub. L. 105-244.

Prior sections 1129 and 1129a were omitted in the general amendment of this subchapter by Pub. L. 96-374.

Section 1129, Pub. L. 89-329, title VI, § 609, Nov. 8, 1965, 79 Stat. 1266; Pub. L. 92-318, title I, § 131(d)(2)(D), June 23, 1972, 86 Stat. 260, prohibited equipment grants for sectarian instruction or religious worship.

Section 1129a, Pub. L. 89-329, title VI, § 610, as added Pub. L. 90-575, title II, § 243, Oct. 16, 1968, 82 Stat. 1041, provided for consultation with the National Science Foundation in regard to the purchase of laboratory equipment.

AMENDMENTS

2008—Pub. L. 110-315 substituted “such sums as may be necessary” for “\$80,000,000”, “2009” for “1999”, and “five” for “4”.

PART B—BUSINESS AND INTERNATIONAL  
EDUCATION PROGRAMS

**§ 1130. Findings and purposes**

**(a) Findings**

The Congress finds that—

(1) the future economic welfare of the United States will depend substantially on increasing international skills in the business and educational community and creating an awareness among the American public of the internationalization of our economy;

(2) concerted efforts are necessary to engage business schools, language and area study programs, professional international affairs education programs, public and private sector organizations, and United States business in a mutually productive relationship which benefits the Nation’s future economic interests;

(3) few linkages presently exist between the manpower and information needs of United States business and the international education, language training and research capacities of institutions of higher education in the United States, and public and private organizations; and

(4) organizations such as world trade councils, world trade clubs, chambers of commerce and State departments of commerce are not adequately used to link universities and business for joint venture exploration and program development.

**(b) Purposes**

It is the purpose of this part—