

Section 1133c, Pub. L. 89-329, title VIII, §804, as added Pub. L. 102-325, title VIII, §801, July 23, 1992, 106 Stat. 759, authorized grants and contracts for demonstration and innovation projects, training and resource centers, and research.

#### AMENDMENTS

2008—Par. (1)(B)(i). Pub. L. 110-315 inserted “, including those areas critical to United States national and homeland security needs, such as science, technology, engineering, and mathematics” before semicolon.

#### Statutory Notes and Related Subsidiaries

##### CONTINUATION OF CHAPTER 21 PROGRAMS

Pub. L. 92-318, title I, §161(b)(1), June 23, 1972, 86 Stat. 303, provided that: “The programs authorized by title VII of the Higher Education Act of 1965 [this subchapter] shall be deemed to be a continuation of the comparable programs authorized by the Higher Education Facilities Act of 1963 [former section 701 et seq. of this title].”

#### PART A—GRADUATE EDUCATION PROGRAMS

##### SUBPART 1—JACOB K. JAVITS FELLOWSHIP PROGRAM

### § 1134. Award of Jacob K. Javits fellowships

#### (a) Authority and timing of awards

The Secretary is authorized to award fellowships in accordance with the provisions of this subpart for graduate study in the arts, humanities, and social sciences by students of superior ability selected on the basis of demonstrated achievement, financial need, and exceptional promise. The fellowships shall be awarded to students who are eligible to receive any grant, loan, or work assistance pursuant to section 1091 of this title and intend to pursue a doctoral degree, except that fellowships may be granted to students pursuing a master's degree in those fields in which the master's degree is the terminal highest degree awarded in the area of study. All funds appropriated in a fiscal year shall be obligated and expended to the students for fellowships for use in the academic year beginning after July 1 of the fiscal year following the fiscal year for which the funds were appropriated. The fellowships shall be awarded for only 1 academic year of study and shall be renewable for a period not to exceed 4 years of study.

#### (b) Designation of fellows

Students receiving awards under this subpart shall be known as “Jacob K. Javits Fellows”.

#### (c) Interruptions of study

The institution of higher education may allow a fellowship recipient to interrupt periods of study for a period not to exceed 12 months for the purpose of work, travel, or independent study away from the campus, if such independent study is supportive of the fellowship recipient's academic program and shall continue payments for those 12-month periods during which the student is pursuing travel or independent study supportive of the recipient's academic program. In the case of other exceptional circumstances, such as active duty military service or personal or family member illness,

the institution of higher education may also permit the fellowship recipient to interrupt periods of study for the duration of the tour of duty (in the case of military service) or for not more than 12 months (in any other case), but without payment of the stipend.

#### (d) Process and timing of competition

The Secretary shall make applications for fellowships under this part available not later than October 1 of the academic year preceding the academic year for which fellowships will be awarded, and shall announce the recipients of fellowships under this section not later than March 1 of the academic year preceding the academic year for which the fellowships are awarded.

#### (e) Authority to contract

The Secretary is authorized to enter into a contract with a nongovernmental agency to administer the program assisted under this part if the Secretary determines that entering into the contract is an efficient means of carrying out the program.

(Pub. L. 89-329, title VII, §701, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1786; amended Pub. L. 110-315, title VII, §702(a), Aug. 14, 2008, 122 Stat. 3345.)

#### Editorial Notes

##### PRIOR PROVISIONS

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

A prior section 1134, Pub. L. 89-329, title IX, §901, as added Pub. L. 99-498, title IX, §901(a), Oct. 17, 1986, 100 Stat. 1549; amended Pub. L. 102-325, title IX, §901, July 23, 1992, 106 Stat. 760; Pub. L. 103-208, §2(j)(27), Dec. 20, 1993, 107 Stat. 2482, stated purpose of former subchapter IX of this chapter and contained administrative provisions, 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 1134, Pub. L. 89-329, title IX, §901, as added Pub. L. 92-318, title I, §181(a), June 23, 1972, 86 Stat. 304; amended Pub. L. 94-482, title I, §171(a)(1), (2), Oct. 12, 1976, 90 Stat. 2159; Pub. L. 96-49, §9(a), Aug. 13, 1979, 93 Stat. 353; Pub. L. 96-374, title IX, §901(a), title XIII, §1391(a)(1), Oct. 3, 1980, 94 Stat. 1482, 1503, set forth Congressional declaration of purpose and authorized appropriations for grants to institutions of higher education, prior to the general amendment of subchapter IX of this chapter by Pub. L. 99-498.

Another prior section 1134, Pub. L. 89-329, title IX, §901, as added Pub. L. 90-575, title II, §261, Oct. 16, 1968, 82 Stat. 1043, set forth Congressional declaration of purpose respecting education for the public service, prior to repeal by Pub. L. 92-318.

A prior section 701 of Pub. L. 89-329 was classified to section 1132a of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 701 of Pub. L. 89-329 was classified to section 1132a of this title, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 701 of Pub. L. 89-329 was classified to section 1132a of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

#### AMENDMENTS

2008—Subsec. (c). Pub. L. 110-315 inserted at end “In the case of other exceptional circumstances, such as active duty military service or personal or family member illness, the institution of higher education may also permit the fellowship recipient to interrupt

periods of study for the duration of the tour of duty (in the case of military service) or for not more than 12 months (in any other case), but without payment of the stipend.”

### **§ 1134a. Allocation of fellowships**

#### **(a) Fellowship Board**

##### **(1) Appointment**

###### **(A) In general**

The Secretary shall appoint a Jacob K. Javits Fellows Program Fellowship Board (referred to in this subpart as the “Board”) consisting of 9 individuals representative of both public and private institutions of higher education who are especially qualified to serve on the Board.

###### **(B) Qualifications**

In making appointments under subparagraph (A), the Secretary shall—

- (i) give due consideration to the appointment of individuals who are highly respected in the academic community;
- (ii) appoint members who represent the various geographic regions of the United States;
- (iii) ensure that individuals appointed to the Board are broadly representative of a range of disciplines in graduate education in arts, humanities, and social sciences; and
- (iv) ensure that such individuals include representatives from institutions that are eligible for one or more of the grants under subchapter III or V.

##### **(2) Duties**

The Board shall—

- (A) establish general policies for the program established by this subpart and oversee the program’s operation;
- (B) establish general criteria for the award of fellowships in academic fields identified by the Board, or, in the event that the Secretary enters into a contract with a nongovernmental entity to administer the program assisted under this subpart, by such nongovernmental entity;
- (C) appoint panels of academic scholars with distinguished backgrounds in the arts, humanities, and social sciences for the purpose of selecting fellows, except that, in the event that the Secretary enters into a contract with a nongovernmental entity to administer the program, such panels may be appointed by such nongovernmental entity; and
- (D) prepare and submit to the Congress at least once in every 3-year period a report on any modifications in the program that the Board determines are appropriate.

##### **(3) Consultations**

In carrying out its responsibilities, the Board shall consult on a regular basis with representatives of the National Science Foundation, the National Endowment for the Humanities, the National Endowment for the Arts, and representatives of institutions of higher education and associations of such institutions, learned societies, and professional organizations.

##### **(4) Term**

The term of office of each member of the Board shall be 4 years, except that any member appointed to fill a vacancy shall serve for the remainder of the term for which the predecessor of the member was appointed. No member may serve for a period in excess of 6 years.

##### **(5) Initial meeting; vacancy**

The Secretary shall call the first meeting of the Board, at which the first order of business shall be the election of a Chairperson and a Vice Chairperson, who shall serve until 1 year after the date of the appointment of the Chairperson and Vice Chairperson. Thereafter each officer shall be elected for a term of 2 years. In case a vacancy occurs in either office, the Board shall elect an individual from among the members of the Board to fill such vacancy.

##### **(6) Quorum; additional meetings**

(A) A majority of the members of the Board shall constitute a quorum.

(B) The Board shall meet at least once a year or more frequently, as may be necessary, to carry out the Board’s responsibilities.

##### **(7) Compensation**

Members of the Board, while serving on the business of the Board, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding the rate of basic pay payable for level IV of the Executive Schedule, including travel time, and while so serving away from their homes or regular places of business, the members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons in Government service employed intermittently.

##### **(b) Use of selection panels**

The recipients of fellowships shall be selected in each designated field from among all applicants nationwide in each field by distinguished panels appointed by the Board to make such selections under criteria established by the Board, except that, in the event that the Secretary enters into a contract with a nongovernmental entity to administer the program, such panels may be appointed by such nongovernmental entity. The number of recipients in each field in each year shall not exceed the number of fellows allocated to that field for that year by the Board.

##### **(c) Fellowship portability**

Each recipient shall be entitled to use the fellowship in a graduate program at any accredited institution of higher education in which the recipient may decide to enroll.

(Pub. L. 89-329, title VII, § 702, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1787; amended Pub. L. 110-315, title VII, § 702(b), Aug. 14, 2008, 122 Stat. 3345.)

#### **Editorial Notes**

##### **REFERENCES IN TEXT**

Level IV of the Executive Schedule, referred to in subsec. (a)(7), is set out in section 5315 of Title 5, Government Organization and Employees.