

ities, 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. 89-498.

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 re-

ceive 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 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.

PRIOR PROVISIONS

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

A prior section 1134a, Pub. L. 89-329, title IX, § 911, as added Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 761, authorized grants to encourage women and minority participation in graduate education, 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 1134a, Pub. L. 89-329, title IX, § 902, as added Pub. L. 99-498, title IX, § 901(a), Oct. 17, 1986, 100 Stat. 1550, related to submission and contents of applications, prior to the general amendment of part A of subchapter IX of this chapter by Pub. L. 102-325.

Another prior section 1134a, Pub. L. 89-329, title IX, § 902, as added Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 305; amended Pub. L. 94-482, title I, § 171(a)(3), Oct. 12, 1976, 90 Stat. 2159; Pub. L. 96-374, title XIII, § 1391(a)(1), Oct. 3, 1980, 94 Stat. 1503, related to applications 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 1134a, Pub. L. 89-329, title IX, § 903, as added Pub. L. 90-575, title II, § 261, Oct. 16, 1968, 82 Stat. 1043, related to project grants and contracts to strengthen and improve education for the public service, prior to repeal by Pub. L. 92-318.

A prior section 702 of Pub. L. 89-329 was classified to section 1132a-1 of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 702 of Pub. L. 89-329 was classified to section 1132a-1 of this title, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 702 of Pub. L. 89-329 was classified to section 1132a-1 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

AMENDMENTS

2008—Subsec. (a)(1), Pub. L. 110-315 amended par. (1) generally. Prior to amendment, text read as follows: “The Secretary shall appoint a Jacob K. Javits Fellows Program Fellowship Board (hereinafter in this subpart referred to 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. In making appointments, the Secretary shall give due consideration to the appointment of individuals who are highly respected in the academic community. The Secretary shall assure that individuals appointed to the Board are broadly representative of a range of disciplines in graduate education in arts, humanities, and social sciences.”

§ 1134b. Stipends

(a) Award by Secretary

The Secretary shall pay to individuals awarded fellowships under this subpart such stipends as the Secretary may establish, reflecting the purpose of this program to encourage highly talented students to undertake graduate study as described in this subpart. In the case of an individual who receives such individual’s first stipend under this subpart in academic year 2009-2010 or any succeeding academic year, such stipend shall be set at a level of support equal to that provided by the National Science Foundation Graduate Research Fellowship Program for such academic year, except such amount shall be adjusted as necessary so as not to exceed the fellow’s demonstrated level of need determined in accordance with part F of subchapter IV.

(b) Institutional payments

(1) In general

(A) 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 subparagraph (B), such allowance shall be, for academic year 2009-2010 and succeeding academic years, the same amount as the institutional payment made for academic year 2008-2009, adjusted for academic year 2009-2010 and annually thereafter in accordance with inflation as determined by the Department of Labor’s Consumer Price Index for the previous calendar year.

(B) The institutional allowance paid under subparagraph (A) 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.

(2) Special rules

(A) Beginning March 1, 1992, any applicant for a fellowship under this subpart who has been notified in writing by the Secretary that such applicant has been selected to receive such a fellowship and is subsequently notified that the fellowship award has been withdrawn, shall receive such fellowship unless the Secretary subsequently makes a determination that such applicant submitted fraudulent information on the application.

(B) Subject to the availability of appropriations, amounts payable to an institution by the Secretary pursuant to this subsection shall not be reduced for any purpose other than the purposes specified under paragraph (1).

(Pub. L. 89-329, title VII, § 703, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1789; amended Pub. L. 110-315, title VII, § 702(c)(1), Aug. 14, 2008, 122 Stat. 3346.)

Editorial Notes

PRIOR PROVISIONS

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

A prior section 1134b, Pub. L. 89-329, title IX, § 912, as added Pub. L. 102-325, title IX, § 901, July 23, 1992, 106 Stat. 761, related to submission and contents of application for assistance, 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 1134b, Pub. L. 89-329, title IX, § 903, as added Pub. L. 99-498, title IX, § 901(a), Oct. 17, 1986, 100 Stat. 1550, related to use of award funds, prior to the general amendment of part A of subchapter IX of this chapter by Pub. L. 102-325.

Another prior section 1134b, Pub. L. 89-329, title IX, § 903, as added Pub. L. 92-318, title I, § 181(a), June 23, 1972, 86 Stat. 305; amended Pub. L. 94-482, title I, § 171(a)(4), Oct. 12, 1976, 90 Stat. 2160; Pub. L. 96-374, title IX, § 901(b), title XIII, § 1391(a)(1), Oct. 3, 1980, 94 Stat. 1482, 1503, related to the uses of funds appropriated to make 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 1134b, Pub. L. 89-329, title IX, § 904, as added Pub. L. 90-575, title II, § 261, Oct. 16, 1968, 82 Stat. 1044, related to application for grants or contracts to strengthen and improve education for the public service, providing in subsec. (a) for requisites of application, subsec. (b) for allocation of grants and contracts, and subsec. (c) for payment of compensation of students employed in public service and participation of Federal agencies and departments, prior to repeal by Pub. L. 92-318.

A prior section 703 of Pub. L. 89-329 was classified to section 1132a-2 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

AMENDMENTS

2008—Subsec. (a), Pub. L. 110-315, § 702(c)(1)(A), substituted “2009-2010” for “1999-2000” and “Foundation Graduate Research Fellowship Program for such academic year” for “Foundation graduate fellowships”.

Subsec. (b)(1)(A), Pub. L. 110-315, § 702(c)(1)(B), added subpar. (A) and struck out former subpar. (A) which read as follows: “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 subparagraph (B), such allowance shall be, for 1999-2000 and succeeding academic years, the same amount as the institutional payment made for 1998-1999 under section 1134j(b) of this title (as such section was in effect on the day before October 7, 1998) adjusted for 1999-2000 and annually thereafter in accordance with inflation as determined by the Department of Labor’s Consumer Price Index for the previous calendar year.”

§ 1134c. Fellowship conditions

(a) Requirements for receipt

An individual awarded a fellowship under the provisions of this subpart shall continue to re-