

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-