

A prior section 711 of Pub. L. 89-329 was classified to section 1132b of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 711 of Pub. L. 89-329 was classified to section 1132b of this title, prior to the general amendment of part A of this subchapter by Pub. L. 102-325.

Another prior section 711 of Pub. L. 89-329 was classified to section 1132b of this title, prior to the general amendment of this subchapter by Pub. L. 99-498.

#### AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110-315 inserted “, including a master’s or doctoral degree,” after “leading to a graduate degree”.

### § 1135a. Institutional eligibility

#### (a) Eligibility criteria

Any academic department, program or unit of an institution of higher education that offers a program of postbaccalaureate study leading to a graduate degree, including a master’s or doctoral degree, in an area of national need (as designated under subsection (b)) may apply for a grant under this subpart. No department, program or unit shall be eligible for a grant unless the program of postbaccalaureate study has been in existence for at least 4 years at the time of application for assistance under this subpart.

#### (b) Designation of areas of national need

After consultation with appropriate Federal and nonprofit agencies and organizations, including the National Science Foundation, the Department of Defense, the Department of Homeland Security, the National Academy of Sciences, and the Bureau of Labor Statistics, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into consideration—

- (1) the extent to which the interest in the area is compelling;
- (2) the extent to which other Federal programs support postbaccalaureate study in the area concerned;
- (3) an assessment of how the program may achieve the most significant impact with available resources; and
- (4) an assessment of current (as of the time of the designation) and future professional workforce needs of the United States.

(Pub. L. 89-329, title VII, §712, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1791; amended Pub. L. 110-315, title VII, §703(a), (e)(2), Aug. 14, 2008, 122 Stat. 3346, 3347.)

#### Editorial Notes

##### PRIOR PROVISIONS

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

A prior section 1135a, Pub. L. 89-329, title X, §1002, as added Pub. L. 96-374, title X, §1001(a), Oct. 3, 1980, 94 Stat. 1489; amended Pub. L. 102-325, title X, §1001, July 23, 1992, 106 Stat. 778, related to National Board of the Fund for the Improvement of Postsecondary Education, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998. See section 1138a of this title.

Another prior section 1135a, Pub. L. 89-329, title X, §1011, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 313; amended Pub. L. 94-482, title I,

§176(b)(2), Oct. 12, 1976, 90 Stat. 2165; Pub. L. 96-49, §53(b), Aug. 13, 1979, 93 Stat. 354, authorized appropriations for a program of establishment and expansion of community colleges, prior to repeal by section 1001(a) of Pub. L. 96-374.

Another prior section 1135a, Pub. L. 89-329, title X, §1002, as added Pub. L. 90-575, title II, §271, Oct. 16, 1968, 82 Stat. 1047, authorized appropriations, provided for types of programs, and prescribed limitations respecting improvement of graduate programs, prior to the general amendment of subchapter X of this chapter by Pub. L. 92-318.

A prior section 712 of Pub. L. 89-329 was classified to section 1132b-1 of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 712 of Pub. L. 89-329 was classified to section 1132b-1 of this title, prior to the general amendment of part A of this subchapter by Pub. L. 102-325.

Another prior section 712 of Pub. L. 89-329 was classified to section 1132b-1 of this title, prior to the general amendment of this subchapter by Pub. L. 99-498.

A prior section 1135a-1, Pub. L. 89-329, title X, §1003, as added Pub. L. 96-374, title X, §1001(a), Oct. 3, 1980, 94 Stat. 1490; amended Pub. L. 99-498, title X, §1001(a), Oct. 17, 1992, 106 Stat. 1560; Pub. L. 102-325, title X, §1001, July 23, 1992, 106 Stat. 779, 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. See section 1138b of this title.

Another prior section 1135a-1, Pub. L. 89-329, title X, §1012, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 313; amended Pub. L. 94-482, title I, §176(b)(3), Oct. 12, 1976, 90 Stat. 2165; Pub. L. 95-180, §1(c), Nov. 15, 1977, 91 Stat. 1372, related to the apportionment of funds in the program of establishing and expanding community colleges, prior to repeal by section 1001(a) of Pub. L. 96-374.

A prior section 1135a-2, Pub. L. 89-329, title X, §1004, as added Pub. L. 96-374, title X, §1001(a), Oct. 3, 1980, 94 Stat. 1490; amended Pub. L. 102-325, title X, §1001, July 23, 1992, 106 Stat. 779; Pub. L. 103-208, §2(j)(42), Dec. 20, 1993, 107 Stat. 2484, authorized appropriations for the Fund for the Improvement of Postsecondary Education, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998. See section 1138d of this title.

Another prior section 1135a-2, Pub. L. 89-329, title X, §1013, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 314, provided for establishment grants and defined the term “new community college”, prior to repeal by section 1001(a) of Pub. L. 96-374.

A prior section 1135a-3, Pub. L. 89-329, title X, §1005, as added Pub. L. 96-374, title X, §1001(a), Oct. 3, 1980, 94 Stat. 1491; amended Pub. L. 99-498, title X, §1001(b), Oct. 17, 1992, 106 Stat. 1561, authorized appropriations to carry out part A of former subchapter X of this chapter for fiscal years 1987 to 1991, prior to the general amendment of that part by Pub. L. 102-325.

Another prior section 1135a-3 and prior sections 1135a-4 to 1135a-7 were repealed by Pub. L. 96-374, title X, §1001(a), Oct. 3, 1980, 94 Stat. 1489, eff. Oct. 1, 1980.

Section 1135a-3, Pub. L. 89-329, title X, §1014, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 314; amended Pub. L. 94-482, title I, §177, Oct. 12, 1976, 90 Stat. 2165, related to expansion grants.

Section 1135a-4, Pub. L. 89-329, title X, §1015, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 314, related to leasing of facilities.

Section 1135a-5, Pub. L. 89-329, title X, §1016, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 315, related to establishment and expansion grants.

Section 1135a-6, Pub. L. 89-329, title X, §1017, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 315, authorized payment to approved applicants.

Section 1135a-7, Pub. L. 89-329, title X, §1018, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 315; amended Pub. L. 94-482, title I, §178, Oct. 12, 1976, 90 Stat. 2166, defined the term “community college”.

A prior section 1135a-11, Pub. L. 89-329, title X, §1011, as added Pub. L. 102-325, title X, §1001, July 23, 1992, 106

Stat. 780; amended Pub. L. 103-208, §2(j)(43), Dec. 20, 1993, 107 Stat. 2484, authorized grants for special projects in areas of national need, prior to repeal by Pub. L. 105-244, §3, title VII, §702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998. See section 1138c of this title.

#### AMENDMENTS

2008—Subsec. (a). Pub. L. 110-315, §703(e)(2), inserted “, including a master’s or doctoral degree,” after “leading to a graduate degree”.

Subsec. (b). Pub. L. 110-315, §703(a), added subsec. (b) and struck out former subsec. (b). Prior to amendment, text read as follows: “After consultation with appropriate Federal and nonprofit agencies and organizations, the Secretary shall designate areas of national need. In making such designations, the Secretary shall take into account the extent to which the interest in the area is compelling, the extent to which other Federal programs support postbaccalaureate study in the area concerned, and an assessment of how the program could achieve the most significant impact with available resources.”

### § 1135b. Criteria for applications

#### (a) Selection of applications

The Secretary shall make grants to academic departments, programs and units of institutions of higher education on the basis of applications submitted in accordance with subsection (b). Applications shall be ranked on program quality by review panels of nationally recognized scholars and evaluated on the quality and effectiveness of the academic program and the achievement and promise of the students to be served. To the extent possible (consistent with other provisions of this section), the Secretary shall make awards that are consistent with recommendations of the review panels.

#### (b) Contents of applications

An academic department, program or unit of an institution of higher education, in the department, program or unit’s application for a grant, shall—

- (1) describe the current academic program of the applicant for which the grant is sought;
- (2) provide assurances that the applicant will provide, from other non-Federal sources, for the purposes of the fellowship program under this subpart an amount equal to at least 25 percent of the amount of the grant received under this subpart, which contribution may be in cash or in kind, fairly valued;
- (3) set forth policies and procedures to assure that, in making fellowship awards under this subpart, the institution will seek talented students from traditionally underrepresented backgrounds, as determined by the Secretary;
- (4) describe the number, types, and amounts of the fellowships that the applicant intends to offer with grant funds provided under this part;
- (5) set forth policies and procedures to assure that, in making fellowship awards under this subpart, the institution will make awards to individuals who—
  - (A) have financial need, as determined under part F of subchapter IV;
  - (B) have excellent academic records in their previous programs of study; and
  - (C) plan to pursue the highest possible degree available in their course of study at the institution;

(6) set forth policies and procedures to ensure that Federal funds made available under this subpart for any fiscal year will be used to supplement and, to the extent practical, increase the funds that would otherwise be made available for the purpose of this subpart and in no case to supplant those funds;

(7) provide assurances that, in the event that funds made available to the academic department, program or unit under this subpart are insufficient to provide the assistance due a student under the commitment entered into between the academic department, program or unit and the student, the academic department, program or unit will, from any funds available to the department, program or unit, fulfill the commitment to the student;

(8) provide that the applicant will comply with the limitations set forth in section 1135d of this title;

(9) provide assurances that the academic department will provide at least 1 year of supervised training in instruction for students; and

(10) include such other information as the Secretary may prescribe.

(Pub. L. 89-329, title VII, §713, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1791; amended Pub. L. 110-315, title VII, §703(e)(3), Aug. 14, 2008, 122 Stat. 3347.)

#### Editorial Notes

##### PRIOR PROVISIONS

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

A prior section 1135b, Pub. L. 89-329, title X, §1021, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1561, and amended, which related to purpose of and authority for minority science improvement program, was renumbered section 351 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, §301(a)(5), (7), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1067a of this title.

Another prior section 1135b, Pub. L. 89-329, title X, §1051, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 316, authorized appropriations for occupational education programs, prior to repeal by Pub. L. 94-482, title I, §176(c), title II, §204(c)(2), Oct. 12, 1976, 90 Stat. 2165, 2215, eff. Sept. 30, 1977, Oct. 1, 1977.

Another prior section 1135b, Pub. L. 89-329, title X, §1003, as added Pub. L. 90-575, title II, §271, Oct. 16, 1968, 82 Stat. 1048, related to selection of grant recipients for improvement of graduate programs, prior to the general amendment of subchapter X of this chapter by Pub. L. 92-318.

A prior section 713 of Pub. L. 89-329 was classified to section 1132b-2 of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

Another prior section 713 of Pub. L. 89-329 was classified to section 1132b-2 of this title, prior to the general amendment of part A of this subchapter by Pub. L. 102-325.

Another prior section 713 of Pub. L. 89-329 was classified to section 1132b-2 of this title, prior to the general amendment of this subchapter by Pub. L. 99-498.

A prior section 1135b-1, Pub. L. 89-329, title X, §1022, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1561, which related to grant recipient selection, was renumbered section 352 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, §301(a)(5), (7), Oct. 7, 1998, 112 Stat. 1636, and transferred to section 1067b of this title.

Another prior section 1135b-1, Pub. L. 89-329, title X, §1052, as added Pub. L. 92-318, title I, §186(a)(1), June 23,