

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. 102-235.

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,

1972, 86 Stat. 316, set forth allotment and reallocation requirements for funds appropriated for 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.

A prior section 1135b-2, Pub. L. 89-329, title X, §1023, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1562, which related to use of funds, was renumbered section 353 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 1067c of this title.

Another prior section 1135b-2, Pub. L. 89-329, title X, §1053, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 317, set forth requirements for administration of programs by Secretary, 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, 1987, Oct. 1, 1977.

A prior section 1135b-3, Pub. L. 89-329, title X, §1024, as added Pub. L. 99-498, title X, §1002, Oct. 17, 1986, 100 Stat. 1562, and amended, which required multiagency study of minority science programs, was renumbered section 1024 of title III of Pub. L. 89-329 by Pub. L. 105-244, title III, §301(a)(5), Oct. 7, 1998, 112 Stat. 1636, transferred to section 1067d of this title, and repealed by Pub. L. 111-39, title III, §302, July 1, 2009, 123 Stat. 1938.

Another prior section 1135b-3 and prior sections 1135b-4 to 1135b-9 were repealed 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.

Section 1135b-3, Pub. L. 89-329, title X, §1054, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 317, set forth responsibilities of Commissioner of Education in the administration of programs.

Section 1135b-4, Pub. L. 89-329, title X, §1055, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 318, set forth requirements for State participation and administration of programs.

Section 1135b-5, Pub. L. 89-329, title X, §1056, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 318, authorized planning grants for State occupational education programs and set forth criteria for State participation.

Section 1135b-6, Pub. L. 89-329, title X, §1057, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 319, authorized program grants for State occupational education programs and set forth criteria for State administration of grants.

Section 1135b-7, Pub. L. 89-329, title X, §1058, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 320, set forth prerequisites and procedures for program grants by Commissioner and provided for judicial review of actions of Commissioner.

Section 1135b-8, Pub. L. 89-329, title X, §1059, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 321, authorized technical assistance to the States by Commissioner and the establishment of model programs.

Section 1135b-9, Pub. L. 89-329, title X, §1060, as added Pub. L. 92-318, title I, §186(a)(1), June 23, 1972, 86 Stat. 322, defined the terms “State” and “postsecondary occupational education” for purposes of occupational education programs.

#### AMENDMENTS

2008—Subsec. (b)(5)(C). Pub. L. 110-315 inserted “at the institution” before semicolon at end.

### § 1135c. Awards to graduate students

#### (a) Commitments to graduate students

##### (1) In general

An academic department, program or unit of an institution of higher education shall make commitments to graduate students who are eligible students under section 1091 of this title (including students pursuing a doctoral degree after having completed a master’s degree pro-

gram at an institution of higher education) at any point in their graduate study to provide stipends for the length of time necessary for a student to complete the course of graduate study, but in no case longer than 5 years.

##### (2) Special rule

No such commitments shall be made to students under this subpart unless the academic department, program or unit has determined adequate funds are available to fulfill the commitment from funds received or anticipated under this subpart, or from institutional funds.

##### (b) Amount of stipends

The Secretary shall make payments to institutions of higher education for the purpose of paying stipends to individuals who are awarded fellowships under this subpart. The stipends the Secretary establishes shall reflect the purpose of the program under this subpart 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 as determined under part F of subchapter IV.

##### (c) Treatment of institutional payments

An institution of higher education that makes institutional payments for tuition and fees on behalf of individuals supported by fellowships under this subpart in amounts that exceed the institutional payments made by the Secretary pursuant to section 1135d(a) of this title may count such excess toward the amounts the institution is required to provide pursuant to section 1135b(b)(2) of this title.

##### (d) Academic progress required

Notwithstanding the provisions of subsection (a), no student shall receive an award—

(1) except during periods in which such student is maintaining satisfactory progress in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded; or

(2) if the student is engaging in gainful employment other than part-time employment involved in teaching, research, or similar activities determined by the institution to be in support of the student’s progress towards a degree.

(Pub. L. 89-329, title VII, §714, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1792; amended Pub. L. 110-315, title VII, §703(b), (e)(4), Aug. 14, 2008, 122 Stat. 3346, 3347.)

#### Editorial Notes

#### PRIOR PROVISIONS

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