

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 L. 105-244, title III, §301(a)(5), Oct. 7, 1998, 112 Stat. 1636, transferred to section 1067d of this title, and repealed by Pub.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Another prior section 1135b-3 and prior sections 1135b-4 to 1135b-9 were repealed by Pub.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.

A prior section 1135c, Pub. L. 89-329, title X, § 1031, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1563, related to minority support in science and engineering programs, 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 1135c, Pub. L. 89-329, title X, § 1021, formerly § 1071, as added Pub. L. 92-318, title I, § 186(a)(1), June 23, 1972, 86 Stat. 322, established Bureau of Occupational and Adult Education and set forth functions, personnel etc., of the Bureau, prior to repeal by Pub. L. 94-482, title II, § 204(c)(3), Oct. 12, 1976, 90 Stat. 2215, eff. Oct. 1, 1977. Subsequent to repeal, this prior section 1135c was renumbered section 1021 of Pub. L. 89-329 and amended by deleting “this title” by Pub. L. 96-374, title X, § 1001(b), Oct. 3, 1980, 94 Stat. 1491.

Another prior section 1135c, Pub. L. 89-329, title X, § 1004, as added Pub. L. 90-575, title II, § 271, Oct. 16, 1968, 82 Stat. 1048, provided for consultations respecting improvement of graduate programs, prior to the general amendment of subchapter X of this chapter by Pub. L. 92-318.

A prior section 714 of Pub. L. 89-329 was classified to section 1132b-3 of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

A prior section 1135c-1, Pub. L. 89-329, title X, § 1032, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1563, related to the special service projects program, 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 1135c-1, Pub. L. 89-329, title X, § 1022, formerly § 1072, as added Pub. L. 92-318, title I, § 186(a)(1), June 23, 1972, 86 Stat. 323; amended Pub. L. 96-88, title III, § 301(b)(2), Oct. 17, 1979, 93 Stat. 678, renumbered and amended Pub. L. 96-374, title X, § 1001(b)(1), title XIII, § 1391(a)(1), Oct. 3, 1980, 94 Stat. 1491, 1503; Pub. L. 98-524, § 4(c)(3), Oct. 19, 1984, 98 Stat. 2488, established a Community College Unit in Department of Education, prior to the general amendment of part B of subchapter X of this chapter by Pub. L. 99-498.

A prior section 1135c-2, Pub. L. 89-329, title X, § 1033, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1563; amended Pub. L. 102-325, title X, § 1002(c), July 23, 1992, 106 Stat. 780, related to supportable activities, prior to repeal by Pub. L. 105-244, § 3, title VII, § 702, Oct. 7, 1998, 112 Stat. 1585, 1803, effective Oct. 1, 1998.

#### AMENDMENTS

2008—Subsec. (b). Pub. L. 110-315, § 703(b), substituted “2009-2010” for “1999-2000” and “Foundation Graduate Research Fellowship Program for such academic year” for “Foundation graduate fellowships”.

Subsec. (c). Pub. L. 110-315, § 703(e)(4), made technical amendment to references in original act which appear in text as references to sections 1135d(a) and 1135(b)(2) of this title.

### § 1135d. Additional assistance for cost of education

#### (a) Institutional payments

##### (1) In general

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 paragraph (2), such allowance shall be, for 2009-2010 and succeeding academic years, the same amount as the institutional payment made for 2008-2009 adjusted annually thereafter in accordance with inflation as determined by the Department of Labor's Consumer Price Index for the previous calendar year.

#### (2) Reduction

The institutional allowance paid under paragraph (1) 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.

#### (b) Use for overhead prohibited

Funds made available pursuant to this subpart may not be used for the general operational overhead of the academic department or program.

(Pub. L. 89-329, title VII, § 715, as added Pub. L. 105-244, title VII, § 701, Oct. 7, 1998, 112 Stat. 1793; amended Pub. L. 110-315, title VII, § 703(c), Aug. 14, 2008, 122 Stat. 3346.)

#### Editorial Notes

##### PRIOR PROVISIONS

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

A prior section 1135d, Pub. L. 89-329, title X, § 1041, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1564, which related to eligibility for grants, was renumbered section 361 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 1067g of this title.

A prior section 715 of Pub. L. 89-329 was classified to section 1132b-4 of this title, prior to the general amendment of this subchapter by Pub. L. 105-244.

A prior section 1135d-1, Pub. L. 89-329, title X, § 1042, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1564, which related to grant applications, was renumbered section 362 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 1067h of this title.

A prior section 1135d-2, Pub. L. 89-329, title X, § 1043, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1564, and amended, which related to cross program and cross agency cooperation, was renumbered section 363 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 1067i of this title.

A prior section 1135d-3, Pub. L. 89-329, title X, § 1044, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1564, which contained administrative provisions, was renumbered section 364 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 1067j of this title.

A prior section 1135d-4, Pub. L. 89-329, title X, § 1045, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1565, related to establishment of Advisory Board for the Minority Science and Engineering Improvement Programs, prior to repeal by Pub. L. 102-325, § 2, title X, § 1002(e), July 23, 1992, 106 Stat. 458, 780, effective Oct. 1, 1992.

A prior section 1135d-5, Pub. L. 89-329, title X, § 1046, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1566, which defined terms, was renumbered section 365 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 1067k of this title.

A prior section 1135d-6, Pub. L. 89-329, title X, § 1047, as added Pub. L. 99-498, title X, § 1002, Oct. 17, 1986, 100 Stat. 1567; amended Pub. L. 100-418, title VI, § 6221, Aug. 23, 1988, 102 Stat. 1518; Pub. L. 102-325, title X, § 1002(f), July 23, 1992, 106 Stat. 780, which authorized appropriations, was renumbered section 366 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 1067l of this title, and repealed by section 301(a)(8) of Pub. L. 105-244.