

# The Higher Education Act of 1965, as amended

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## **TITLE VII--GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS**

### **SEC. 701. REVISION OF TITLE VII.**

Title VII (20 U.S.C. 1132a et seq.) is amended to read as follows:

## **TITLE VII--GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS**

### **SEC. 700. PURPOSE.**

It is the purpose of this title--

- (1) to authorize national graduate fellowship programs--
  - (A) in order to attract students of superior ability and achievement, exceptional promise, and demonstrated financial need, into high-quality graduate programs and provide the students with the financial support necessary to complete advanced degrees; and
  - (B) that are designed to--
    - (i) sustain and enhance the capacity for graduate education in areas of national need; and
    - (ii) encourage talented students to pursue scholarly careers in the humanities, social sciences, and the arts; and
- (2) to promote postsecondary programs.

## **PART A--GRADUATE EDUCATION PROGRAMS**

### **Subpart 1--Jacob K. Javits Fellowship Program**

#### **SEC. 701. AWARD OF JACOB K. JAVITS FELLOWSHIPS.**

(a) **AUTHORITY AND TIMING OF AWARDS-** The Secretary is authorized to award fellowships in accordance with the provisions of this subpart for graduate study in the arts, humanities, 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 484 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.

(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.

## **SEC. 702. ALLOCATION OF FELLOWSHIPS.**

(a) FELLOWSHIP BOARD-

(1) APPOINTMENT- 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.

(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 receive 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, United States Code, 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 such 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.

### **SEC. 703. 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 1999-2000 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 fellowships, 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 title 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 1999-2000 and succeeding academic years, the same amount as the institutional payment made for 1998-1999 under section 933(b) (as such section was in effect on the day before the date of enactment of the Higher Education Amendments of 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.

(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).

## **SEC. 704. FELLOWSHIP CONDITIONS.**

(a) REQUIREMENTS FOR RECEIPT- An individual awarded a fellowship under the provisions of this subpart shall continue to receive payments provided in section 703 only during such periods as the Secretary finds that such individual is maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded, in an institution of higher education, and is not engaging in gainful employment other than part-time employment by such institution in teaching, research, or similar activities, approved by the Secretary.

(b) REPORTS FROM RECIPIENTS- The Secretary is authorized to require reports containing such information in such form and filed at such times as the Secretary determines necessary from any person awarded a fellowship under the provisions of this subpart. The reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, library, archive, or other research center approved by the Secretary, stating that such individual is making satisfactory progress in, and is devoting essentially full time to the program for which the fellowship was awarded.

## **SEC. 705. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated \$30,000,000 for fiscal year 1999 and such sums as may be necessary for each of the 4 succeeding fiscal years to carry out this subpart.

# **AMENDMENTS TO THE PROGRAM STATUTE: THE HIGHER EDUCATION OPPORTUNITY ACT OF 2008**

**The Higher Education Opportunity Act (Public Law 110-315) (HEOA) was enacted on August 14, 2008, and reauthorizes the Higher Education Act of 1965, as amended (HEA).**

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### **TITLE VII--GRADUATE AND POSTSECONDARY IMPROVEMENT PROGRAMS**

#### **SEC. 701. PURPOSE.**

Section 700(1)(B)(i) (20 U.S.C. 1133(1)(B)(i)) is amended by inserting `` , including those areas critical to United States national and homeland security needs, such as science, technology, engineering, and mathematics" before the semicolon.

#### **SEC. 702. JACOB K. JAVITS FELLOWSHIP PROGRAM.**

(a) Interruptions of Study.--Section 701(c) (20 U.S.C. 1134(c)) is amended by adding at the end the following new sentence: ``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.".

(b) Allocation of Fellowships.--Section 702(a)(1) (20 U.S.C. 1134a(a)(1)) is amended to read as follows:

``(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

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``(iv) ensure that such individuals include representatives from institutions that are eligible for one or more of the grants under title III or V."

(c) Stipends.--

(1) Section 703 (20 U.S.C. 1134b) is amended--

(A) in subsection (a)--

(i) by striking ``1999-2000" and inserting ``2009-2010"; and

(ii) by striking ``Foundation graduate fellowships" and inserting ``Foundation Graduate

Research Fellowship Program for such academic year"; and

(B) in subsection (b), by striking paragraph (1)(A) and inserting the following:

``(1) In general.--(A) <<NOTE: Payments.>> 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."

(d) Authorization of Appropriations.--Section 705 (20 U.S.C. 1134d) is amended by striking ``fiscal year 1999" and all that follows through the period at the end and inserting ``fiscal year 2009 and each of the five succeeding fiscal years to carry out this subpart."