

Dear Grantee:

In response to numerous requests from the field and in compliance with the Government Performance and Results Act, the U.S. Department of Education is requesting information on students receiving Jacob K. Javits Fellowship Awards.

The information will provide the U.S. Department of Education with a clearer sense of what the Program is accomplishing. The data collected will be used to measure how successfully the Program is meeting its intended purpose. The purpose of the Jacob K. Javits Fellowship Program is to assist students of superior ability, as demonstrated by their achievements and exceptional promise, to pursue graduate study in the arts, humanities, and social sciences. The information being requested will give the Department the data it needs to find out if the students met their expected promise and completed a terminal graduate degree. The information will also provide valuable information on how the students financed the remainder of their graduate education, and what type of employment they pursued.

The information collected will in no way affect either current or future specific Javits Fellows and the information will only be presented in aggregate. The purpose of collecting the data is only to provide a snapshot of the Fellowship Program.

Instructions on how to complete the table have been included. If you have any questions, please do not hesitate to contact me at either melissa_burton@ed.gov or (202) 401-9779.

Sincerely,

Melissa S. Burton
Program Analyst
Jacob K. Javits Fellowship Program

Jacob K. Javits Fellowship Program

Instructions for Progress Report for the Jacob K. Javits Fellowship Program

1. Name of the institution of higher education administering the Javits award.
2. Grant award number (from the U.S. Department of Education grant award document).
3. Month and year of budget period covered by the report.

Column A: Self-explanatory.

Column B: Self-explanatory.

Column C: Please enter the correct corresponding number:

- 1 – Female
- 2 – Male

Column D: Please enter the correct corresponding number:

- | | |
|--------------------------------------|---|
| 1 – American Indian or Alaska Native | 5 – Native Hawaiian or Other Pacific Islander |
| 2 – Asian | |
| 3 – Black or African American | 6 – White (non-Hispanic) |
| 4 – Hispanic or Latino | 7 – Other |

Column E: Please enter the correct corresponding number:

- | | |
|-------------------------------|--|
| 1 – Art History | 14 – History |
| 2 – Creative Writing | 15 – Linguistics |
| 3 – Music | 16 – Philosophy |
| 4 – Studio Arts | 17 – Religion |
| 5 – TV, Film & Cinematography | 18 – Speech, Rhetoric & Debate |
| 6 – Theater Arts | 19 – Anthropology |
| 7 – Archaeology | 20 – Communications & Media |
| 8 – Area Studies | 21 – Economics |
| 9 – Classics | 22 – Ethnic & Cultural Studies |
| 10 – Comparative Literature | 23 – Geography |
| 11 – English | 24 – Political Science |
| 12 – Folklore, Folk Life | 25 – Psychology |
| 13 – Foreign Language | 26 – Public Policy & Public Administration |
| | 27 – Sociology |

Column F: What degree is the student pursuing?

Please enter the correct corresponding number:

- 1 – Master of Fine Arts
- 2 – Ph.D.

Column G: Month and year the student began their graduate program.

Column H: Month and year the student began receiving Javits funds.

Column I: Last month and year the student received Javits funds.

Column J: Total number of years student received Javits funds.

Column K: If student was employed while receiving Javits funds, please indicate the type of employment.

Please enter the correct corresponding number:

- 1 – Research Assistant
- 2 – Teaching Assistant
- 3 – Other (please specify)

Column L: How did the student finance their remaining graduate study if their Javits award ended before they graduated?

Please enter the correct corresponding number:

- 1 – Fellowship
- 2 – Research Assistantship
- 3 – Scholarship
- 4 – Teaching Assistantship
- 5 – Student loans
- 6 – Other part-time employment (full-time student)
- 7 – Full-time employment (part-time study)

Column M: Month and year the student graduated with their terminal graduate degree.

Column N: Total number of years the student was pursuing their terminal graduate degree.

Column O: Where did the student find employment after graduation?

Please enter the correct corresponding number:

- 1 – Institution of higher education
- 2 – Other educational institution (elementary and secondary)
- 3 – Federal, State, or local Government
- 4 – Not for Profit Organization
- 5 – Research Organization
- 6 – Private sector
- 7 – International Employment
- 8 – Continued with post-graduate study

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.

[Federal Register: January 20, 1999 (Volume 64, Number 12)]
[Rules and Regulations]
[Page 3197-3199]
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DEPARTMENT OF EDUCATION

34 CFR Part 650

Jacob K. Javits Fellowship Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing the Jacob K. Javits Fellowship Program to incorporate changes made by the Higher Education Amendments of 1998. These final regulations are needed to reflect changes made by recently enacted legislation.

EFFECTIVE DATE: These regulations take effect February 19, 1999.

FOR FURTHER INFORMATION CONTACT: Melissa Burton, U.S. Department of Education, 400 Maryland Avenue, SW., Suite 600 Portals Building, Washington, DC 20202-5247. Telephone: (202) 401-9779. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339, between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: These final regulations incorporate statutory changes made by the Higher Education Amendments of 1998 (Pub. L. 105-244, enacted October 7, 1998). The changes include revising the authority citations; amending the selection criteria for students to include financial need; providing the Secretary with the option of entering into a contract with a nongovernmental entity to administer the program; and revising the general provisions to read that no institutional payment will be made to a school or department of divinity for an individual who is studying for a religious vocation.

Goals 2000: Educate America Act

The Goals 2000: Educate America Act (Goals 2000) focuses the Nation's education reform efforts on the eight National Education Goals and provides a framework for meeting them. Goals 2000 promotes new partnerships to strengthen schools and expands the Department's capacities for helping communities to exchange ideas and obtain information needed to achieve the goals.

These regulations address the National Education Goal that every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship. The regulations further the objectives of this Goal by implementing a program that affords students the opportunity to become experts in their chosen fields through graduate education and to more effectively compete in a global economy.

Waiver of Proposed Rulemaking

In accordance with the Administrative Procedure Act, 5 U.S.C. 553, it is customary for the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the changes in this document do not establish any new substantive rules, but simply incorporate recent statutory amendments affecting the Jacob K. Javits Fellowship Program. Therefore, the Secretary has determined that publication of a notice of proposed rulemaking is unnecessary and contrary to the public interest under 5 U.S.C. 553(b)(B).

Regulatory Flexibility Act

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. Under this program fellowships are awarded to individuals. Individuals are not included in the definition of small entities under the Regulatory Flexibility Act.

Paperwork Reduction Act of 1995

These regulations have been examined under the Paperwork Reduction Act of 1995 and have been found to contain no information collection requirements.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Assessment of Educational Impact

The Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

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Note: The official version of this document is the document published in the Federal Register.

List of Subjects in 34 CFR Part 650

Colleges and universities, Education Fellowships, Grant programs, and Reporting and record keeping requirements.

Dated: January 12, 1999.
Maureen McLaughlin,
Acting Assistant Secretary for Postsecondary Education.

(Catalog of Federal Domestic Assistance Number 84.170 Jacob K. Javits Fellowship Program)

The Secretary amends title 34 of the Code of Federal Regulations by amending part 650 as follows:

PART 650--JACOB K. JAVITS FELLOWSHIP PROGRAM

1. The authority citation for part 650 is revised to read as follows:

Authority: 20 U.S.C. 1134-1134d, unless otherwise noted.

Sec. 650.1 [Amended]

2. The authority citation following Sec. 650.1(a) is removed.

Secs. 650.1, 650.3, 650.10, 650.31 and 650.35 [Amended]

3. The authority citation for Secs. 650.1, 650.3, 650.10, 650.31, and 650.35 is revised to read as follows:

(Authority: 20 U.S.C. 1134)

Secs. 650.2, 650.4, 650.30, 650.34 and 650.40 [Amended]

4. The authority citation for Secs. 650.2, 650.4, 650.30, 650.34, and 650.40 is revised to read as follows:

(Authority: 20 U.S.C. 1134-1134d)

Secs. 650.5, 650.32, 650.41-650.43 [Amended]

5. The authority citation for Secs. 650.5, 650.32, 650.41, 650.42, and 650.43 is revised to read as follows:

(Authority: 20 U.S.C. 1134b)

Sec. 650.20 [Amended]

6. The authority citation for Sec. 650.20 is revised to read as follows:

(Authority: 20 U.S.C. 1134a)

Sec. 650.33 [Amended]

7. The authority citation for Sec. 650.33 is revised to read as follows:

(Authority: 20 U.S.C. 1134, 1134c)

Secs. 650.36, 650.37 and 650.44 [Amended]

8. The authority citation for Secs. 650.36, 650.37, and 650.44 is revised to read as follows:

(Authority: 20 U.S.C. 1134c)

Sec. 650.1 [Amended]

9. Section 650.1(a) is amended by adding `` , financial need," after the word ``achievement".

10. Section 650.2(a) is amended by removing `` , other than a school or department of divinity," and by adding `` , and is not studying for a religious vocation," after the word ``degree"; and paragraph (d)(1)(iv) is revised to read as follows:

Sec. 650.2 Who is eligible to receive a fellowship?

* * * * *

(d)(1) * * *

(iv) A citizen of any one of the Freely Associated States; or

* * * * *

Sec. 650.4 [Amended]

11. Section 650.4 is amended by removing the definition of ``School or department of divinity"; and by removing `` , other than a school or department of divinity," in the definition of ``Institution of higher education".

Sec. 650.20 [Amended]

12. Section 650.20(c) is amended by adding `` , or in the event the Secretary contracts with a non-governmental entity to administer the program, that non-governmental entity," after the word ``Board".

Sec. 650.30 [Amended]

13. Section 650.30 is amended by removing `` , other than a school or department of divinity, which is".

Sec. 650.41 [Amended]

14. Section 650.41(a) is amended by removing ``1993-1994" and adding, in its place, ``1998-1999"; and by removing ``\$9,000" and adding, in its place, ``\$10,222".

[FR Doc. 99-1145 Filed 1-19-99; 8:45 am]
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[Code of Federal Regulations]
[Title 34, Volume 3, Parts 400 to end]
[Revised as of July 1, 1998]
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TITLE 34--EDUCATION

CHAPTER VI--OFFICE OF POSTSECONDARY EDUCATION, DEPARTMENT OF EDUCATION

PART 650--JACOB K. JAVITS FELLOWSHIP PROGRAM

Subpart A--General

Sec.

- 650.1 What is the Jacob K. Javits Fellowship Program?
- 650.2 Who is eligible to receive a fellowship?
- 650.3 What regulations apply to the Jacob K. Javits Fellowship Program?
- 650.4 What definitions apply to the Jacob K. Javits Fellowship Program?
- 650.5 What does a fellowship award include?

Subpart B--How Does an Individual Apply for a Fellowship?

- 650.10 How does an individual apply for a fellowship?

Subpart C--How Are Fellows Selected?

- 650.20 What are the selection procedures?

Subpart D--What Conditions Must Be Met by Fellows?

- 650.30 Where may fellows study?
- 650.31 How does an individual accept a fellowship?
- 650.32 How does the Secretary withdraw an offer of a fellowship?
- 650.33 What is the duration of a fellowship?
- 650.34 What conditions must be met by fellows?
- 650.35 May fellowship tenure be interrupted?
- 650.36 May fellows make changes in institution or field of study?
- 650.37 What records and reports are required from fellows?

Subpart E--What Are the Administrative Responsibilities of the Institution?

- 650.40 What institutional agreements are needed?
- 650.41 How are institutional payments to be administered?
- 650.42 How are stipends to be administered?
- 650.43 How are disbursement and return of funds made?
- 650.44 What records and reports are required from institutions?

Authority: 20 U.S.C. 1134, 1134h-1134k-l, unless otherwise noted.

Source: 58 FR 58084, Oct. 28, 1993, unless otherwise noted.

Subpart A--General

Sec. 650.1 What is the Jacob K. Javits Fellowship Program?

(a) Under the Jacob K. Javits Fellowship Program the Secretary awards fellowships to students of superior ability selected on the basis of demonstrated achievement and exceptional promise, for study at the doctoral level in selected fields of the arts, humanities, and social sciences.

Note: Revised January 20, 1999. See 650.1.

(Authority: 20 U.S.C. 1134h)

(b) Students awarded fellowships under this program are called Jacob K. Javits Fellows.

(Authority: 20 U.S.C. 1134h)

Sec. 650.2 Who is eligible to receive a fellowship?

An individual is eligible to receive a fellowship if the individual--

- (a) Is enrolled at an institution of higher education, other than a school or department of divinity, in the program of study leading to a doctoral degree in the academic field for which the fellowship is awarded;
- (b) Meets the eligibility requirements established by the Fellowship Board;
- (c) Is not ineligible to receive assistance under 34 CFR 75.60, as added on July 8, 1992 (57 FR 30328, 30337); and
- (d)(1) Is pursuing a doctoral degree that will not lead to an academic career and is--
 - (i) A citizen or national of the United States;
 - (ii) A permanent resident of the United States;
 - (iii) In the United States for other than a temporary purpose and intends to become a permanent resident; or
 - (iv) A permanent resident of the Trust Territory of the Pacific Islands; or
- (2) Is pursuing a doctoral degree that will lead to an academic career and is a citizen of the United States.

Note: Revised January 20, 1999. See 650.2.

(Authority: 20 U.S.C. 1134, 1134h-1134k-1)

Sec. 650.3 What regulations apply to the Jacob K. Javits Fellowship Program?

The following regulations apply to this program:

- (a) The regulations in this part 650.
- (b) The Education Department General Administrative Regulations (EDGAR) as follows:
 - (1) 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).
 - (2) 34 CFR part 75 (Direct Grant Programs), except for the following:
 - (i) Subpart C (How to Apply for a Grant);
 - (ii) Subpart D (How Grants Are Made); and
 - (iii) Sections 75.580 through 75.592 of subpart E.
 - (3) 34 CFR part 77 (Definitions that Apply to Department Regulations), except for the terms "grantee" and "recipient."
 - (4) 34 CFR part 82 (New Restrictions on Lobbying).
 - (5) 34 CFR part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).
 - (6) 34 CFR part 86 (Drug-Free Schools and Campuses).

(Authority: 20 U.S.C. 1134h)

Sec. 650.4 What definitions apply to the Jacob K. Javits Fellowship Program?

The following definitions apply to terms used in this part:

Academic year means the 12-month period beginning with the fall instructional term of the institution of higher education.

Act means the Higher Education Act of 1965, as amended.

Department means any program, unit or any other administrative subdivision of an institution of higher education that--

- (1) Directly administers or supervises post-baccalaureate instruction in a specific discipline; and
- (2) Has the authority to award academic course credit acceptable to meet degree requirements at an institution of higher education.

Fellow means a recipient of a Jacob K. Javits fellowship under this part.

Fellowship means an award made to a person for graduate study under this part.

Fellowship Board means the Jacob K. Javits Fellowship Program.

Fellowship Board, composed of individual representatives of both public and private institutions of higher education who are appointed by the Secretary to establish general policies for the program and oversee its operation.

Financial need means the fellow's financial need as determined under part F of title IV of the HEA, for the period of the fellow's enrollment in the approved academic field of study for which the fellowship was awarded.

Grantee means an institution of higher education that administers a fellowship award under this part.

HEA means the Higher Education Act of 1965, as amended.

Institution means an institution of higher education.

Institution of higher education means an institution of higher education, other than a school or department of divinity, as defined in section 1201(a) of the HEA.

Institutional payment means the amount paid by the Secretary to the institution of higher education in which the fellow is enrolled to be applied against the tuition and fees required of the fellow by the institution as part of the fellow's instructional program.

Knows or has reason to know means that a person with respect to a statement--

- (1) Has actual knowledge that the statement is false or fictitious;
- (2) Acts in deliberate ignorance of the truth or falsity of the statement; or
- (3) Acts in reckless disregard of the truth or falsity of the statement.

Recipient means an institution of higher education that administers a fellowship award under this part.

Satisfactory progress means that the fellow meets or exceeds the institution's criteria and standards established for all doctoral students' continued status as applicants for the doctoral degree in the academic field of study for which the fellowship was awarded.

School or department of divinity means an institution, or a department of an institution, whose program is specifically for the education of students to prepare them to become ministers of religion or to enter into some other religious vocation, or to prepare them to teach theological subjects.

Secretary means Secretary of the Department of Education or an official or employee of the department acting for the Secretary under a delegation of authority.

Stipend means the amount paid to an individual awarded a fellowship, including an allowance for subsistence and other expenses for the individual and his or her dependents.

Note: Revised January 20, 1999. See 650.4.

(Authority: 20 U.S.C. 1134h-1134k)

Sec. 650.5 What does a fellowship award include?

The Secretary awards fellowships consisting of the following:

- (a) A stipend paid to the fellow, based upon an annual determination of the fellow's financial need, as described in Sec. 650.42.
- (b) An annual payment made to the institution in which the fellow is enrolled as described in Sec. 650.41.

(Authority: 20 U.S.C. 1134j)

Subpart B--How Does an Individual Apply for a Fellowship?

Sec. 650.10 How does an individual apply for a fellowship?

An individual shall apply to the Secretary for a fellowship award in response to an application notice published by the Secretary in the Federal Register.

(Authority: 20 U.S.C. 1134h)

Subpart C--How Are Fellows Selected?

Sec. 650.20 What are the selection procedures?

- (a) The Fellowship Board establishes criteria for the selection of fellows.
- (b) Each year the Fellowship Board selects specific fields of study, and the number of fellows in each field (within the humanities, arts and social sciences), for which fellowships will be awarded.
- (c) The Fellowship Board appoints panels of distinguished individuals in each field to evaluate applications.
- (d) The Secretary may make awards of the fellowships each year in two or more stages, taking into account at each stage the amount of funds remaining after the level of funding for awards previously made has been established or adjusted.

Note: Revised January 20, 1999. See 650.20.

(Authority: 20 U.S.C. 1134i)

Subpart D--What Conditions Must be Met By Fellows?

Sec. 650.30 Where may fellows study?

A fellow may use the fellowship only for enrollment in a doctoral program at an institution of higher education, other than a school or department of divinity, which is accredited by an accrediting agency or association recognized by the Secretary, which accepts the fellow for graduate study, and which has agreed to comply with the provisions of this part applicable to institutions.

Note: Revised January 20, 1999. See 650.30.

(Authority: 20 U.S.C. 1134h-1134k)

Sec. 650.31 How does an individual accept a fellowship?

- (a) An individual notified by the Secretary of selection as a fellow shall inform the Secretary of the individual's acceptance in the manner and time prescribed by the Secretary in the notification.
- (b) If an individual fails to comply with the provisions of paragraph (a) of this section, the Secretary treats the individual's failure to comply as a refusal of the fellowship.

(Authority: 20 U.S.C. 1134h)

Sec. 650.32 How does the Secretary withdraw an offer of a fellowship?

- (a) The Secretary withdraws an offer of a fellowship to an individual only if the Secretary determines that the individual submitted fraudulent information on the application.
- (b) The Secretary considers the application to contain fraudulent information if the application contains a statement that--
 - (1) The applicant knows or has reason to know--
 - (i) Asserts a material fact that is false or fictitious; or
 - (ii) Is false or fictitious because it omits a material fact that the person making the statement has a duty to include in the statement; and
 - (2) Contains or is accompanied by an express certification or affirmation of the truthfulness and accuracy of the contents of the statement.

(Authority: 20 U.S.C. 1134j)

Sec. 650.33 What is the duration of a fellowship?

- (a) An individual may receive a fellowship for a doctoral degree program of study for a total of 48 months or the time required for receiving the doctoral degree, whichever is less.
- (b) (1) An individual may receive a fellowship for no more than 24 months for dissertation work, without the prior approval of the Secretary.
- (2) A fellow may apply to the Secretary for an additional period of fellowship support for dissertation work. The fellow's application must include--
 - (i) The specific facts detailing the reasons why the additional period of dissertation work support is necessary;
 - (ii) A certification by the institution that it is aware of the fellow's application and that the fellow has attained satisfactory progress in the fellow's academic studies; and
 - (iii) A recommendation from the institution that the additional period of fellowship support for dissertation work is necessary.
- (c) A fellow who maintains satisfactory progress in the program of study for which the fellowship was awarded may have the fellowship renewed annually for the total length of time described in paragraph (a) of this section.

(Authority: 20 U.S.C. 1134h, 1134k)

Sec. 650.34 What conditions must be met by fellows?

In order to continue to receive payments under a fellowship, a fellow shall--

- (a) Maintain satisfactory progress in the program for which the fellowship was awarded as determined by the institution of higher education;
- (b) Devote essentially full time to study or research in the field in which the fellowship was awarded, as determined by the institution of higher education;
- (c) Not engage in gainful employment during the period of the fellowship except on a part-time basis, for the institution of higher education at which the fellowship was awarded, in teaching, research, or similar activities approved by the Secretary; and
- (d) Begin study under the fellowship in the academic year specified in the fellowship award.

(Authority: 20 U.S.C. 1134h-1134k)

Sec. 650.35 May fellowship tenure be interrupted?

- (a) An institution of higher education may allow a fellow to interrupt study for a period not to exceed 12 months, but only if the interruption of study is--
 - (1) For the purpose of work, travel, or independent study, if the independent study is away from the institution and supportive of the fellow's academic program; and
 - (2) Approved by the institution of higher education.
- (b) A fellow may continue to receive payments during the period of interruption only if the fellow's interruption of study is for the purpose of travel or independent study that is supportive of the fellow's academic program.
- (c) A fellow may not receive payments during the period of interruption if the fellow's interruption of study is for the purpose of travel that is not supportive of the fellow's academic program, or work, whether supportive of the fellow's academic program or not.
- (d) The Secretary makes a pro rata institutional payment to the institution of higher education in which the fellow is enrolled during the period the fellow receives payments as described in paragraph (b) of this section.

(Authority: 20 U.S.C. 1134h)

Sec. 650.36 May fellows make changes in institution or field of study?

After an award is made, a fellow may not make any change in the field of study or institution attended without the prior approval of the Secretary.

(Authority: 20 U.S.C. 1134k)

Sec. 650.37 What records and reports are required from fellows?

Each individual who is awarded a fellowship shall keep such records and submit such reports as are required by the Secretary.

(Authority: 20 U.S.C. 1134k)

Subpart E--What Are the Administrative Responsibilities of the Institution?

Sec. 650.40 What institutional agreements are needed?

Students enrolled in an otherwise eligible institution of higher education may receive fellowships only if the institution enters into an agreement with the Secretary to comply with the provisions of this part.

(Authority: 20 U.S.C. 1134h-1134k)

Sec. 650.41 How are institutional payments to be administered?

- (a) With respect to the awards made for the academic year 1993-1994, the Secretary makes a payment of \$9,000 to the institution of higher education for each individual awarded a fellowship for pursuing a course of study at the institution. The Secretary adjusts the amount of the institutional payment annually thereafter in accordance with inflation as determined by the U.S. Department of Labor's Consumer Price Index for the previous calendar year.
- (b) If the institution of higher education charges and collects amounts from a fellow for tuition or other expenses required by the institution as part of the fellow's instructional program, the Secretary deducts that amount from the institutional payment.
- (c) If the fellow is enrolled for less than a full academic year, the Secretary pays the institution a pro rata share of the allowance.

Note: Revised January 20, 1999. See 650.41.

(Authority: 20 U.S.C. 1134j)

Sec. 650.42 How are stipends to be administered?

- (a) The institution annually shall calculate the amount of a fellow's financial need in the same manner as that in which the institution calculates its students' financial need under part F of title IV of the HEA.
- (b) For a fellowship initially awarded for an academic year prior to the academic year 1993-1994, the institution shall pay the fellow a stipend in the amount of the fellow's financial need or \$10,000, whichever is less.
- (c) For a fellowship initially awarded for the academic year 1993-1994 or any succeeding academic year, the institution shall pay the fellow a stipend at a level of support equal to that provided by the National Science Foundation graduate fellowships, except that the amount must be adjusted as necessary so as not to exceed the fellow's demonstrated level of financial need.

(Authority: 20 U.S.C. 1134j)

Sec. 650.43 How are disbursement and return of funds made?

- (a) An institution shall disburse a stipend to a fellow no less frequently than once per academic term. If the fellowship is vacated or discontinued, the institution shall return any unexpended funds to the Secretary at such time and in such manner as the Secretary may require.
- (b) If a fellow withdraws from an institution before completion of an academic term, the institution shall refund to the Secretary a prorated portion of the institutional payment that it received with respect to that fellow. The institution shall return those funds to the Secretary at such time and in such manner as the Secretary may require.
- (c) A fellow who withdraws from an institution before completion of an academic term for which the fellow received a stipend installment shall return a prorated portion of the stipend installment to the institution at such time and in such manner as the Secretary may require.

(Authority: 20 U.S.C. 1134j)

Sec. 650.44 What records and reports are required from institutions?

(a) An institution shall provide to the Secretary, prior to receiving funds for disbursement to a fellow, a certification from an appropriate official at the institution stating whether that fellow is making satisfactory progress in, and is devoting essentially full time to the program for which the fellowship was awarded.

(b) An institution shall keep such records as are necessary to establish the timing and amount of all disbursements of stipends.

(Approved by the Office of Management and Budget under control number 1840-0562)

(Authority: 20 U.S.C. 1134k)