

the Secretary may give priority to institutions that meet or exceed the most current version of ASHRAE/IES Standard 90.1 (as such term is used in section 6313(a)(6) of title 42) for any new facilities construction or major renovation of the institution after such date, except that this subsection shall not apply with respect to barns or greenhouses or similar structures owned by the institution.

**(f) Scholarship program for family members of veterans or members of the military**

**(1) Authorization**

The Secretary shall enter into a contract with a nonprofit organization with demonstrated success in carrying out the activities described in this subsection to carry out a program to provide postsecondary education scholarships for eligible students.

**(2) Definition of eligible student**

In this subsection, the term “eligible student” means an individual who is enrolled as a full-time or part-time student at an institution of higher education (as defined in section 1002 of this title) and is—

**(A) a dependent student who is a child of—**

**(i) an individual who is—**

**(I) serving on active duty during a war or other military operation or national emergency (as defined in section 1088 of this title); or**

**(II) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 1088 of this title); or**

**(ii) a veteran who—**

**(I) served or performed, as described in clause (i), since September 11, 2001; and**

**(II) died, or has been disabled, as a result of such service or performance; or**

**(B) an independent student who—**

**(i) is a spouse of an individual who is—**

**(I) serving on active duty during a war or other military operation or national emergency (as defined in section 1088 of this title); or**

**(II) performing qualifying National Guard duty during a war or other military operation or national emergency (as defined in section 1088 of this title);**

**(ii) was (at the time of death of the veteran) a spouse of a veteran who—**

**(I) served or performed, as described in clause (i), since September 11, 2001; and**

**(II) died as a result of such service or performance; or**

**(iii) is a spouse of a veteran who—**

**(I) served or performed, as described in clause (i), since September 11, 2001; and**

**(II) has been disabled as a result of such service or performance.**

**(3) Awarding of scholarships**

Scholarships awarded under this subsection shall be awarded based on need with priority given to eligible students who are eligible to receive Federal Pell Grants under subpart 1 of part A of subchapter IV.

**(4) Maximum scholarship amount**

The maximum scholarship amount awarded to an eligible student under this subsection for

an award year shall be the lesser of \$5,000, or the student’s cost of attendance (as defined in section 1087*ll* of this title).

**(5) Amounts for scholarships**

All of the amounts appropriated to carry out this subsection for a fiscal year shall be used for scholarships awarded under this subsection, except that the nonprofit organization receiving a contract under this subsection may use not more than one percent of such amounts for the administrative costs of the contract.

(Pub. L. 89-329, title VII, §741, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1796; amended Pub. L. 110-315, title VII, §707(a)–(e), Aug. 14, 2008, 122 Stat. 3356-3358.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1135 of this title, prior to repeal by Pub. L. 105-244.

A prior section 1138, Pub. L. 89-329, title XI, §1141, as added Pub. L. 102-325, title XI, §1101, July 23, 1992, 106 Stat. 788, related to purpose to assist development of student literacy corps and student mentoring corps 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 1138, Pub. L. 89-329, title XI, §1121, as added Pub. L. 99-498, title XI, §1101, Oct. 17, 1986, 100 Stat. 1571, related to administrative provisions, prior to the general amendment of subchapter XI of this chapter by Pub. L. 102-325.

A prior section 741 of Pub. L. 89-329 was classified to section 1132e of this title, prior to repeal by Pub. L. 102-325.

Another prior section 741 of Pub. L. 89-329 was classified to section 1132e of this title, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 741 of Pub. L. 89-329 was classified to section 1132c of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

AMENDMENTS

2008—Subsec. (a)(1) to (3). Pub. L. 110-315, §707(a)(1), added pars. (1) to (3) and struck out former pars. (1) to (3) which read as follows:

“(1) encouraging the reform, innovation, and improvement of postsecondary education, and providing equal educational opportunity for all;

“(2) the creation of institutions, programs, and joint efforts involving paths to career and professional training, and combinations of academic and experiential learning;

“(3) the establishment of institutions and programs based on the technology of communications;”

Subsec. (a)(6). Pub. L. 110-315, §707(a)(2), added par. (6) and struck out former par. (6) which read as follows:

“the introduction of institutional reforms designed to expand individual opportunities for entering and reentering institutions and pursuing programs of study tailored to individual needs;”

Subsec. (a)(9) to (13). Pub. L. 110-315, §707(a)(3)–(5), added pars. (9) to (13).

Subsec. (c). Pub. L. 110-315, §707(b), added subsec. (c).

Subsec. (d). Pub. L. 110-315, §707(c), added subsec. (d).

Subsec. (e). Pub. L. 110-315, §707(d), added subsec. (e).

Subsec. (f). Pub. L. 110-315, §707(e), added subsec. (f).

**§ 1138a. National Board of the Fund for the Improvement of Postsecondary Education**

**(a) Establishment**

There is established a National Board of the Fund for the Improvement of Postsecondary Education (in this part referred to as the

“Board”). The Board shall consist of 15 members appointed by the Secretary for overlapping 3-year terms. A majority of the Board shall constitute a quorum. Any member of the Board who has served for 6 consecutive years shall thereafter be ineligible for appointment to the Board during a 2-year period following the expiration of such sixth year.

**(b) Membership**

The Secretary shall designate one of the members of the Board as Chairperson of the Board. A majority of the members of the Board shall be public interest representatives, including students, and a minority shall be educational representatives. All members selected shall be individuals able to contribute an important perspective on priorities for improvement in postsecondary education and strategies of educational and institutional change.

**(c) Duties**

The Board shall—

(1) advise the Secretary on priorities for the improvement of postsecondary education and make such recommendations as the Board may deem appropriate for the improvement of postsecondary education and for the evaluation, dissemination, and adaptation of demonstrated improvements in postsecondary educational practice;

(2) advise the Secretary on the operation of the Fund for the Improvement of Postsecondary Education, including advice on planning documents, guidelines, and procedures for grant competitions prepared by the Fund; and

(3) meet at the call of the Chairperson, except that the Board shall meet whenever one-third or more of the members request in writing that a meeting be held.

**(d) Information and assistance**

The Secretary shall make available to the Board such information and assistance as may be necessary to enable the Board to carry out its functions.

(Pub. L. 89-329, title VII, §742, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1797; amended Pub. L. 110-315, title VII, §707(h)(1), Aug. 14, 2008, 122 Stat. 3360.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1135a of this title, prior to repeal by Pub. L. 105-244.

A prior section 1138a, Pub. L. 89-329, title XI, §1142, as added Pub. L. 102-325, title XI, §1101, July 23, 1992, 106 Stat. 789; amended Pub. L. 103-208, §2(j)(47), Dec. 20, 1993, 107 Stat. 2485, authorized grants for student literacy corps and student mentoring corps 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 1138a, Pub. L. 89-329, title XI, §1122, as added Pub. L. 99-498, title XI, §1101, Oct. 17, 1986, 100 Stat. 1571, authorized appropriations to carry out parts A and B of subchapter XI of this chapter, prior to the general amendment of such subchapter by Pub. L. 102-325.

A prior section 742 of Pub. L. 89-329 was classified to section 1132e-1 of this title, prior to the general amendment of this subchapter by Pub. L. 99-498.

Another prior section 742 of Pub. L. 89-329 was classified to section 1132c-1 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-315, §707(h)(1)(A), struck out par. (1) designation before “The Secretary shall designate” and struck out par. (2). Prior to amendment, text of par. (2) read as follows: “The Secretary shall appoint the Director of the Fund for the Improvement of Postsecondary Education (hereafter in this part referred to as the ‘Director’).”

Subsec. (c)(1), (2). Pub. L. 110-315, §707(h)(1)(B), struck out “and the Director” after “Secretary”.

Subsec. (d). Pub. L. 110-315, §707(h)(1)(C), substituted “Secretary” for “Director”.

**§ 1138b. Administrative provisions**

The Secretary may appoint, for terms not to exceed 3 years, without regard to the provisions of title 5 governing appointments in the competitive service, not more than 7 technical employees to administer this part who may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(Pub. L. 89-329, title VII, §743, as added Pub. L. 105-244, title VII, §701, Oct. 7, 1998, 112 Stat. 1797; amended Pub. L. 110-315, title VII, §707(h)(2), Aug. 14, 2008, 122 Stat. 3360.)

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1135a-1 of this title, prior to repeal by Pub. L. 105-244.

A prior section 1138b, Pub. L. 89-329, title XI, §1143, as added Pub. L. 102-325, title XI, §1101, July 23, 1992, 106 Stat. 789, related to use of funds, 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 1138b, Pub. L. 89-329, title XI, §1123, as added Pub. L. 99-498, title XI, §1101, Oct. 17, 1986, 100 Stat. 1571, defined terms, prior to the general amendment of subchapter XI of this chapter by Pub. L. 102-325.

A prior section 743 of Pub. L. 89-329 was classified to section 1132c-2 of this title, prior to the general amendment of this subchapter by Pub. L. 96-374.

AMENDMENTS

2008—Pub. L. 110-315 struck out subsec. (a) designation and heading before “The Secretary may appoint,” and struck out subsec. (b). Prior to amendment, text of subsec. (b) read as follows: “The Director shall establish procedures for reviewing and evaluating grants and contracts made or entered into under this part. Procedures for reviewing grant applications or contracts for financial assistance under this section may not be subject to any review outside of officials responsible for the administration of the Fund for the Improvement of Postsecondary Education.”

**§ 1138c. Special projects**

**(a) Grant authority**

The Secretary is authorized to make grants to institutions of higher education, or consortia thereof, and such other public agencies and non-profit organizations as the Secretary deems necessary for innovative projects concerning one or more areas of particular national need identified by the Secretary.

**(b) Application**

No grant shall be made under this part unless an application is made at such time, in such manner, and contains or is accompanied by such information as the Secretary may require.