

under this section for the fiscal year during which such report is submitted and the levels proposed for the fiscal year with respect to which the budget submission applies.

(Pub. L. 110-69, title VII, §7024(b), Aug. 9, 2007, 121 Stat. 689.)

REFERENCES IN TEXT

The High-Performance Computing Act of 1991, referred to in par. (1), is Pub. L. 102-194, Dec. 9, 1991, 105 Stat. 1594. Title I of the Act is classified generally to subchapter I (§5511 et seq.) of chapter 81 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 5501 of Title 15 and Tables.

CODIFICATION

Section was enacted as part of the America COMPETES Act, also known as the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act, and not as part of the National Science Foundation Act of 1950 which comprises this chapter.

DEFINITIONS

For definitions of terms used in this section, see section 7001 of Pub. L. 110-69, set out as a note under section 1862o of this title.

**§ 1862o-11. Evaluation and report**

The Director shall establish metrics to evaluate the success of the programs established by the Foundation for encouraging individuals identified in section 1885a or 1885b of this title to study and prepare for careers in science, technology, engineering, and mathematics, including programs that provide for mentoring for such individuals. The Director shall carry out evaluations based on the metrics developed and report to Congress annually on the findings and conclusions of the evaluations.

(Pub. L. 110-69, title VII, §7031(b), Aug. 9, 2007, 121 Stat. 711.)

CODIFICATION

Section was enacted as part of the America COMPETES Act, also known as the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act, and not as part of the National Science Foundation Act of 1950 which comprises this chapter.

DEFINITIONS

For definitions of terms used in this section, see section 7001 of Pub. L. 110-69, set out as a note under section 1862o of this title.

**§ 1862o-12. Hispanic-serving institutions undergraduate program**

**(a) In general**

The Director is authorized to establish a new program to award grants on a competitive, merit-reviewed basis to Hispanic-serving institutions (as defined in section 1101a of title 20) to enhance the quality of undergraduate science, technology, engineering, and mathematics education at such institutions and to increase the retention and graduation rates of students pursuing associate's or baccalaureate degrees in science, technology, engineering, and mathematics.

**(b) Program components**

Grants awarded under this section shall support—

- (1) activities to improve courses and curriculum in science, technology, engineering, and mathematics;
- (2) faculty development;
- (3) stipends for undergraduate students participating in research; and
- (4) other activities consistent with subsection (a), as determined by the Director.

**(c) Instrumentation**

Funding for instrumentation is an allowed use of grants awarded under this section.

(Pub. L. 110-69, title VII, §7033, Aug. 9, 2007, 121 Stat. 711.)

CODIFICATION

Section was enacted as part of the America COMPETES Act, also known as the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act, and not as part of the National Science Foundation Act of 1950 which comprises this chapter.

DEFINITIONS

For definitions of terms used in this section, see section 7001 of Pub. L. 110-69, set out as a note under section 1862o of this title.

**§ 1862o-13. Professional science master's degree programs**

**(a) Clearinghouse**

**(1) Development**

The Director shall establish a clearinghouse, in collaboration with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, to share program elements used in successful professional science master's degree programs and other advanced degree programs related to science, technology, engineering, and mathematics.

**(2) Availability**

The Director shall make the clearinghouse of program elements developed under paragraph (1) available to institutions of higher education that are developing professional science master's degree programs.

**(b) Programs**

**(1) Programs authorized**

The Director shall award grants to 4-year institutions of higher education to facilitate the institutions' creation or improvement of professional science master's degree programs that may include linkages between institutions of higher education and industries that employ science-trained personnel, with an emphasis on practical training and preparation for the workforce in high-need fields.

**(2) Application**

A 4-year institution of higher education desiring a grant under this section shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may require. The application shall include—

- (A) a description of the professional science master's degree program that the institution of higher education will implement;

(B) a description of how the professional science master's degree program at the institution of higher education will produce individuals for the workforce in high-need fields;

(C) the amount of funding from non-Federal sources, including from private industries, that the institution of higher education shall use to support the professional science master's degree program; and

(D) an assurance that the institution of higher education shall encourage students in the professional science master's degree program to apply for all forms of Federal assistance available to such students, including applicable graduate fellowships and student financial assistance under titles IV and VII of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq., 1133 et seq. [and 42 U.S.C. 2751 et seq.]).

### (3) Preferences

The Director shall give preference in making awards to 4-year institutions of higher education seeking Federal funding to create or improve professional science master's degree programs, to those applicants—

(A) located in States with low percentages of citizens with graduate or professional degrees, as determined by the Bureau of the Census, that demonstrate success in meeting the unique needs of the corporate, non-profit, and government communities in the State, as evidenced by providing internships for professional science master's degree students or similar partnership arrangements; or

(B) that secure more than two-thirds of the funding for such professional science master's degree programs from sources other than the Federal Government.

### (4) Number of grants; time period of grants

#### (A) Number of grants

Subject to the availability of appropriated funds, the Director shall award grants under paragraph (1) to a maximum of 200 4-year institutions of higher education.

#### (B) Time period of grants

Grants awarded under this section shall be for one 3-year term. Grants may be renewed only once for a maximum of 2 additional years.

### (5) Evaluation and reports

#### (A) Development of performance benchmarks

Prior to the start of the grant program, the Director, in collaboration with 4-year institutions of higher education (including applicable graduate schools and academic departments), and industries and Federal agencies that employ science-trained personnel, shall develop performance benchmarks to evaluate the pilot programs assisted by grants under this section.

#### (B) Evaluation

For each year of the grant period, the Director, in consultation with 4-year institutions of higher education (including applicable graduate schools and academic depart-

ments), and industries and Federal agencies that employ science-trained personnel, shall complete an evaluation of each program assisted by grants under this section. Any program that fails to satisfy the performance benchmarks developed under subparagraph (A) shall not be eligible for further funding.

#### (C) Report

Not later than 180 days after the completion of an evaluation described in subparagraph (B), the Director shall submit a report to Congress that includes—

- (i) the results of the evaluation; and
- (ii) recommendations for administrative and legislative action that could optimize the effectiveness of the pilot programs, as the Director determines to be appropriate.

(Pub. L. 110-69, title VII, §7034, Aug. 9, 2007, 121 Stat. 712.)

#### REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (b)(2)(D), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219. Title IV of the Act is classified generally to subchapter IV (§1070 et seq.) of chapter 28 of Title 20, Education, and part C (§2751 et seq.) of subchapter I of chapter 34 of this title. Title VII of the Act is classified generally to subchapter VII (§1133 et seq.) of chapter 28 of Title 20. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

#### CODIFICATION

Section was enacted as part of the America COMPETES Act, also known as the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education, and Science Act, and not as part of the National Science Foundation Act of 1950 which comprises this chapter.

#### DEFINITIONS

For definitions of terms used in this section, see section 7001 of Pub. L. 110-69, set out as a note under section 1862o of this title.

### § 1862o-14. Major research instrumentation

#### (a) Award amount

The minimum amount of an award under the Major Research Instrumentation program shall be \$100,000. The maximum amount of an award under the program shall be \$4,000,000 except if the total amount appropriated for the program for a fiscal year exceeds \$125,000,000, in which case the maximum amount of an award shall be \$6,000,000.

#### (b) Use of funds

In addition to the acquisition of instrumentation and equipment, funds made available by awards under the Major Research Instrumentation program may be used to support the operations and maintenance of such instrumentation and equipment.

#### (c) Cost sharing

##### (1) In general

An institution of higher education receiving an award under the Major Research Instrumentation program shall provide at least 30 percent of the cost from private or non-Federal sources.

##### (2) Exceptions

Institutions of higher education that are not Ph.D.-granting institutions are exempt from