

108TH CONGRESS  
2D SESSION

# S. 2729

To encourage students to pursue graduate education and to assist students  
in affording graduate education.

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## IN THE SENATE OF THE UNITED STATES

JULY 22, 2004

Mr. DODD (for himself, Mr. LAUTENBERG, and Ms. STABENOW) introduced  
the following bill; which was read twice and referred to the Committee  
on Health, Education, Labor, and Pensions

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## A BILL

To encourage students to pursue graduate education and  
to assist students in affording graduate education.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Getting Results for  
5       Advanced Degrees Act”.

6       **SEC. 2. FINDINGS.**

7       Congress makes the following findings:

8               (1) From 1976 to 2000, graduate enrollment in  
9       the United States increased 39 percent. In the fall

1 of 2000, there were 1,850,000 graduate students en-  
2 rolled in the United States.

3 (2) In 2001, 88 percent of graduate students in  
4 the United States were citizens of the United States  
5 or resident aliens, and 12 percent were temporary  
6 residents who were foreign or international students.

7 (3) In a 2002 borrower's survey, the average  
8 debt reported by graduate students was \$45,900.

9 (4) In 1999–2000, 60 percent of all graduate  
10 and first-professional students, and 82 percent of  
11 those enrolled full-time and full-year, received some  
12 type of financial aid, including grants, loans,  
13 assistantships, or work study. The average amount  
14 of aid received by aided full-time, full-year students  
15 was approximately \$19,500 per year.

16 (5) Annual aid in the form of grants to full-  
17 time, full-year recipients was awarded in larger aver-  
18 age amounts to doctoral students (\$13,400) than to  
19 either master's students (\$7,600) or first-profes-  
20 sional students (\$6,900). First-professional students  
21 took out larger loans on average overall (\$20,100),  
22 than did their counterparts at the master's level  
23 (\$14,800) and doctoral level (\$14,100).

24 (6) Median annual earnings in 2000 increased  
25 with educational attainment. There was a substan-

1        tial earnings differential from the highest to the low-  
 2        est levels of attainment: the median earnings of  
 3        workers who had a professional degree were more  
 4        than 3½ times those of high school dropouts.

5    **SEC. 3. JACOB K. JAVITS FELLOWSHIP PROGRAM.**

6        (a) CRITERIA FOR AWARDS.—Section 701(a) of the  
 7    Higher Education Act of 1965 (20 U.S.C. 1134(a)) is  
 8    amended by striking “, financial need,”.

9        (b) QUALIFICATIONS OF BOARD.—Section 702(a) of  
 10   the Higher Education Act of 1965 (20 U.S.C. 1134a(a))  
 11   is amended by striking paragraph (1) and inserting the  
 12   following:

13            “(1) APPOINTMENT.—

14                    “(A) IN GENERAL.—The Secretary shall  
 15            appoint a Jacob K. Javits Fellows Program  
 16            Fellowship Board (referred to in this subpart as  
 17            the ‘Board’) consisting of 9 individuals rep-  
 18            resentative of both public and private institu-  
 19            tions of higher education who are especially  
 20            qualified to serve on the Board.

21                    “(B) QUALIFICATIONS.—In making ap-  
 22            pointments under subparagraph (A), the Sec-  
 23            retary shall—

1 “(i) give due consideration to the ap-  
 2 pointment of individuals who are highly re-  
 3 spected in the academic community;

4 “(ii) assure that individuals appointed  
 5 to the Board are broadly representative of  
 6 a range of disciplines in graduate edu-  
 7 cation in arts, humanities, and social  
 8 sciences;

9 “(iii) appoint members to represent  
 10 the various geographic regions of the  
 11 United States; and

12 “(iv) include representatives from mi-  
 13 nority serving institutions.”.

14 (c) AMOUNT OF STIPENDS.—Section 703(a) of the  
 15 Higher Education Act of 1965 (20 U.S.C. 1134b(a)) is  
 16 amended by striking “graduate fellowships,” and all that  
 17 follows through the period and inserting “Graduate Re-  
 18 search Fellowship Program.”.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—Section  
 20 705 of the Higher Education Act of 1965 (20 U.S.C.  
 21 1134d) is amended by striking “\$30,000,000 for fiscal  
 22 year 1999” and inserting “\$35,000,000 for fiscal year  
 23 2005”.

1 **SEC. 4. GRADUATE ASSISTANCE IN AREAS OF NATIONAL**  
2 **NEED.**

3 (a) APPLICATION CONTENTS.—Section 713(b)(5) of  
4 the Higher Education Act of 1965 (20 U.S.C.  
5 1135b(b)(5)) is amended—

6 (1) by striking subparagraph (A); and

7 (2) by redesignating subparagraphs (B) and  
8 (C) as subparagraphs (A) and (B), respectively.

9 (b) AMOUNT OF STIPENDS.—Section 714(b) of the  
10 Higher Education Act of 1965 (20 U.S.C. 1135c(b)) is  
11 amended by striking “graduate fellowships,” and all that  
12 follows through the period and inserting “Graduate Re-  
13 search Fellowship Program.”.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
15 716 of the Higher Education Act of 1965 (20 U.S.C.  
16 1135e) is amended by striking “\$35,000,000 for fiscal  
17 year 1999” and inserting “\$50,000,000 for fiscal year  
18 2005”.

19 (d) TECHNICAL AMENDMENTS.—Section 714(c) of  
20 the Higher Education Act of 1965 (20 U.S.C. 1135c(c))  
21 is amended—

22 (1) by striking “716(a)” and inserting  
23 “715(a)”; and

24 (2) by striking “714(b)(2)” and inserting  
25 “713(b)(2)”.

1 **SEC. 5. PATSY T. MINK FELLOWSHIP PROGRAM.**

2 Part A of title VII of the Higher Education Act of  
3 1965 (20 U.S.C. 1134 et seq.) is amended—

4 (1) by redesignating subpart 4 as subpart 5;

5 (2) by redesignating section 731 as section 741;

6 (3) in section 741 (as redesignated by para-  
7 graph (2))—

8 (A) in the section heading, by striking

9 “**AND 3.**” and inserting “**3, AND 4.**”;

10 (B) in subsection (a), by striking “and 3”

11 and inserting “3, and 4”;

12 (C) in subsection (b), by striking “and 3”

13 and inserting “3, and 4”; and

14 (D) in subsection (d), by striking “or 3”

15 and inserting “3, or 4”; and

16 (4) by inserting after subpart 3 the following:

17 **“Subpart 4—Patsy T. Mink Fellowship Program**

18 **“SEC. 731. PURPOSE AND DESIGNATION.**

19 “(a) PURPOSE.—It is the purpose of this subpart to  
20 provide, through eligible institutions, a program of fellow-  
21 ship awards to assist highly qualified minorities and  
22 women to acquire the doctoral degree, or highest possible  
23 degree available, in academic areas in which such individ-  
24 uals are underrepresented for the purpose of enabling such  
25 individuals to enter the higher education professoriate.

1       “(b) DESIGNATION.—Each recipient of a fellowship  
2       award from an eligible institution receiving a grant under  
3       this subpart shall be known as a ‘Patsy T. Mink Graduate  
4       Fellow’.

5       **“SEC. 732. DEFINITION OF ELIGIBLE INSTITUTION.**

6       “‘In this subpart, the term ‘eligible institution’ means  
7       an institution of higher education, or a consortium of such  
8       institutions, that offers a program of postbaccalaureate  
9       study leading to a graduate degree.

10      **“SEC. 733. PROGRAM AUTHORIZED.**

11      “(a) GRANTS BY SECRETARY.—

12           “(1) IN GENERAL.—The Secretary shall award  
13       grants to eligible institutions to enable such institu-  
14       tions to make fellowship awards to individuals in ac-  
15       cordance with the provisions of this subpart.

16           “(2) PRIORITY CONSIDERATION.—In awarding  
17       grants under this subpart, the Secretary shall con-  
18       sider the eligible institution’s prior experience in  
19       producing doctoral degree, or highest possible degree  
20       available, holders who are minorities and women,  
21       and shall give priority consideration in making  
22       grants under this subpart to those eligible institu-  
23       tions with a demonstrated record of producing mi-  
24       norities and women who have earned such degrees.

25      “(b) APPLICATIONS.—

1           “(1) IN GENERAL.—An eligible institution that  
2           desires a grant under this subpart shall submit an  
3           application to the Secretary at such time, in such  
4           manner, and containing such information as the Sec-  
5           retary may require.

6           “(2) APPLICATIONS MADE ON BEHALF.—

7                   “(A) IN GENERAL.—The following entities  
8                   may submit an application on behalf of an eligi-  
9                   ble institution:

10                          “(i) A graduate school or department  
11                          of such institution.

12                          “(ii) A graduate school or department  
13                          of such institution in collaboration with an  
14                          undergraduate college or university of such  
15                          institution.

16                          “(iii) An organizational unit within  
17                          such institution that offers a program of  
18                          postbaccalaureate study leading to a grad-  
19                          uate degree, including an interdisciplinary  
20                          or an interdepartmental program.

21                          “(iv) A nonprofit organization with a  
22                          demonstrated record of helping minorities  
23                          and women earn postbaccalaureate de-  
24                          grees.



1           “(B) NONPROFIT ORGANIZATIONS.—Noth-  
 2           ing in this paragraph shall be construed to per-  
 3           mit the Secretary to award a grant under this  
 4           subpart to an entity other than an eligible insti-  
 5           tution.

6           “(c) SELECTION OF APPLICATIONS.—In awarding  
 7           grants under subsection (a), the Secretary shall—

8           “(1) take into account—

9           “(A) the number and distribution of mi-  
 10          nority and female faculty nationally;

11          “(B) the current and projected need for  
 12          highly trained individuals in all areas of the  
 13          higher education professoriate; and

14          “(C) the present and projected need for  
 15          highly trained individuals in academic career  
 16          fields in which minorities and women are under-  
 17          represented in the higher education professo-  
 18          riate; and

19          “(2) consider the need to prepare a large num-  
 20          ber of minorities and women generally in academic  
 21          career fields of high national priority, especially in  
 22          areas in which such individuals are traditionally  
 23          underrepresented in college and university faculties.

24          “(d) DISTRIBUTION AND AMOUNTS OF GRANTS.—

1           “(1) EQUITABLE DISTRIBUTION.—In awarding  
2           grants under this subpart, the Secretary shall, to the  
3           maximum extent feasible, ensure an equitable geo-  
4           graphic distribution of awards and an equitable dis-  
5           tribution among public and independent eligible in-  
6           stitutions that apply for grants under this subpart  
7           and that demonstrate an ability to achieve the pur-  
8           pose of this subpart.

9           “(2) SPECIAL RULE.—To the maximum extent  
10          practicable, the Secretary shall use not less than 50  
11          percent of the amount appropriated pursuant to sec-  
12          tion 736 to award grants to eligible institutions  
13          that—

14                 “(A) are eligible for assistance under title  
15                 III or title V; or

16                 “(B) have formed a consortium that in-  
17                 cludes both non-minority serving institutions  
18                 and minority serving institutions.

19          “(3) ALLOCATION.—In awarding grants under  
20          this subpart, the Secretary shall allocate appropriate  
21          funds to those eligible institutions whose applications  
22          indicate an ability to significantly increase the num-  
23          bers of minorities and women entering the higher  
24          education professoriate and that commit institutional

1 resources to the attainment of the purpose of this  
2 subpart.

3 “(4) NUMBER OF FELLOWSHIP AWARDS.—An  
4 eligible institution that receives a grant under this  
5 subpart shall make not less than 15 fellowship  
6 awards.

7 “(5) REALLOTMENT.—If the Secretary deter-  
8 mines that an eligible institution awarded a grant  
9 under this subpart is unable to use all of the grant  
10 funds awarded to the institution, the Secretary shall  
11 reallocate, on such date during each fiscal year as the  
12 Secretary may fix, the unused funds to other eligible  
13 institutions that demonstrate that such institutions  
14 can use any reallocated grant funds to make fellow-  
15 ship awards to individuals under this subpart.

16 “(e) INSTITUTIONAL ALLOWANCE.—

17 “(1) IN GENERAL.—

18 “(A) NUMBER OF ALLOWANCES.—In  
19 awarding grants under this subpart, the Sec-  
20 retary shall pay to each eligible institution  
21 awarded a grant, for each individual awarded a  
22 fellowship by such institution under this sub-  
23 part, an institutional allowance.

24 “(B) AMOUNT.—Except as provided in  
25 paragraph (3), an institutional allowance shall

1           be in an amount equal to, for academic year  
 2           2005–2006 and succeeding academic years, the  
 3           amount of institutional allowance made to an  
 4           institution of higher education under section  
 5           715 for such academic year.

6           “(2) USE OF FUNDS.—Institutional allowances  
 7           may be expended in the discretion of the eligible in-  
 8           stitution and may be used to provide, except as pro-  
 9           hibited under paragraph (4), academic support and  
 10          career transition services for individuals awarded fel-  
 11          lowships by such institution.

12          “(3) REDUCTION.—The institutional allowance  
 13          paid under paragraph (1) shall be reduced by the  
 14          amount the eligible institution charges and collects  
 15          from a fellowship recipient for tuition and other ex-  
 16          penses as part of the recipient’s instructional pro-  
 17          gram.

18          “(4) USE FOR OVERHEAD PROHIBITED.—Funds  
 19          made available under this subpart may not be used  
 20          for general operational overhead of the academic de-  
 21          partment or institution receiving funds under this  
 22          subpart.

23   **“SEC. 734. FELLOWSHIP RECIPIENTS.**

24          “(a) AUTHORIZATION.—An eligible institution that  
 25          receives a grant under this subpart shall use the grant

1 funds to make fellowship awards to minorities and women  
2 who are enrolled at such institution in a doctoral degree,  
3 or highest possible degree available, program and—

4 “(1) intend to pursue a career in instruction  
5 at—

6 “(A) an institution of higher education (as  
7 defined in section 101);

8 “(B) an institution of higher education (as  
9 defined in section 102(a)(1));

10 “(C) an institution of higher education  
11 outside the United States, as that term is de-  
12 scribed in section 102(a)(2); or

13 “(D) a proprietary institution of higher  
14 education (as defined in section 102(b)); and

15 “(2) sign an agreement with the Secretary  
16 agreeing to begin employment at an institution de-  
17 scribed in paragraph (1) within 5 years of receiving  
18 the doctoral degree or highest possible degree avail-  
19 able, and to be employed by such institution for 1  
20 year for each year of fellowship assistance received  
21 under this subpart.

22 “(b) FAILURE TO COMPLY.—If an individual who re-  
23 ceives a fellowship award under this subpart fails to com-  
24 ply with the agreement signed pursuant to subsection

1 (a)(2), then the Secretary shall do 1 or both of the fol-  
 2 lowing:

3 “(1) Require the individual to repay all or the  
 4 applicable portion of the total fellowship amount  
 5 awarded to the individual by converting the balance  
 6 due to a loan at the interest rate applicable to loans  
 7 made under part B of title IV.

8 “(2) Impose a fine or penalty in an amount to  
 9 be determined by the Secretary.

10 “(c) WAIVER AND MODIFICATION.—

11 “(1) REGULATIONS.—The Secretary shall pro-  
 12 mulgate regulations setting forth criteria to be con-  
 13 sidered in granting a waiver for the service require-  
 14 ment under subsection (a)(2).

15 “(2) CONTENT.—The criteria under paragraph  
 16 (1) shall include whether compliance with the service  
 17 requirement by the fellowship recipient would be—

18 “(A) inequitable and represent a substan-  
 19 tial hardship; or

20 “(B) deemed impossible because the indi-  
 21 vidual is permanently and totally disabled at  
 22 the time of the waiver request.

23 “(d) AMOUNT OF FELLOWSHIP AWARDS.—Fellow-  
 24 ship awards under this subpart shall consist of a stipend  
 25 in an amount equal to the level of support provided to

1 the National Science Foundation graduate fellows, except  
 2 that such stipend shall be adjusted as necessary so as not  
 3 to exceed the fellow's tuition and fees or demonstrated  
 4 need (as determined by the institution of higher education  
 5 where the graduate student is enrolled), whichever is  
 6 greater.

7 “(e) ACADEMIC PROGRESS REQUIRED.—An indi-  
 8 vidual student shall not be eligible to receive a fellowship  
 9 award—

10 “(1) except during periods in which such stu-  
 11 dent is enrolled, and such student is maintaining  
 12 satisfactory academic progress in, and devoting es-  
 13 sentially full time to, study or research in the pur-  
 14 suit of the degree for which the fellowship support  
 15 was awarded; and

16 “(2) if the student is engaged in gainful em-  
 17 ployment, other than part-time employment in teach-  
 18 ing, research, or similar activity determined by the  
 19 institution to be consistent with and supportive of  
 20 the student's progress toward the appropriate de-  
 21 gree.

22 **“SEC. 735. RULE OF CONSTRUCTION.**

23 “Nothing in this subpart shall be construed to require  
 24 an eligible institution that receives a grant under this sub-  
 25 part—

1 “(1) to grant a preference or to differentially  
 2 treat any applicant for a faculty position as a result  
 3 of the institution’s participation in the program  
 4 under this subpart; or

5 “(2) to hire a Patsy T. Mink Fellow who com-  
 6 pletes this program and seeks employment at such  
 7 institution.

8 **“SEC. 736. AUTHORIZATION OF APPROPRIATIONS.**

9 “There is authorized to be appropriated to carry out  
 10 this subpart \$25,000,000 for fiscal year 2005 and such  
 11 sums as may be necessary for each of the 5 succeeding  
 12 fiscal years.”.

13 **SEC. 6. SUPPORT FOR WORKING STUDENTS.**

14 (a) FAMILY CONTRIBUTION FOR INDEPENDENT STU-  
 15 DENTS WITHOUT DEPENDENTS OTHER THAN A  
 16 SPOUSE.—Section 476(b)(1)(A) of the Higher Education  
 17 Act of 1965 (20 U.S.C. 1087pp(b)(1)(A)) is amended by  
 18 striking clause (iv) and inserting the following:

19 “(iv) \$13,000;”.

20 (b) FAMILY CONTRIBUTION FOR INDEPENDENT STU-  
 21 DENTS WITH DEPENDENTS OTHER THAN A SPOUSE.—  
 22 Section 477(b) of the Higher Education Act of 1965 (20  
 23 U.S.C. 1087qq(b)) is amended—

24 (1) in paragraph (1)—



1 (A) by striking subparagraph (D) and in-  
 2 serting the following:

3 “(D) \$18,000;”; and

4 (B) in subparagraph (E), by striking  
 5 “paragraph (5)” and inserting “paragraph  
 6 (4)”;

7 (2) by striking paragraph (4); and

8 (3) by redesignating paragraph (5) as para-  
 9 graph (4).

10 (c) CONFORMING AMENDMENTS.—Section 478 of the  
 11 Higher Education Act of 1965 (20 U.S.C. 1087rr) is  
 12 amended—

13 (1) by striking subsection (b) and inserting the  
 14 following:

15 “(b) INCOME PROTECTION ALLOWANCE.—For each  
 16 academic year after academic year 1993–1994, the Sec-  
 17 retary shall publish in the Federal Register a revised table  
 18 of income protection allowances for the purpose of section  
 19 475(c)(4). Such revised table shall be developed by in-  
 20 creasing each of the dollar amounts contained in the table  
 21 in such section by a percentage equal to the estimated per-  
 22 centage increase in the Consumer Price Index (as deter-  
 23 mined by the Secretary) between December 1992 and the  
 24 December next preceding the beginning of such academic  
 25 year, and rounding the result to the nearest \$10.”; and

1 (2) in subsection (h)—

2 (A) in the first sentence, by striking  
3 “477(b)(5)” and inserting “477(b)(4)”; and

4 (B) in the second sentence—

5 (i) by striking “477(b)(5)(A)” and in-  
6 serting “477(b)(4)(A)”; and

7 (ii) by striking “477(b)(5)(B)” and  
8 inserting “477(b)(4)(B)”.

9 **SEC. 7. COST OF ATTENDANCE FOR STUDENTS WITH 1 OR**  
10 **MORE DEPENDENTS.**

11 Section 472 of the Higher Education Act of 1965 (20  
12 U.S.C. 1087ll) is amended by striking paragraph (8) and  
13 inserting the following:

14 “(8) for a student with 1 or more dependents,  
15 an allowance based on the estimated actual living ex-  
16 penses incurred for dependents, based on the num-  
17 ber and age of such dependents, including—

18 “(A) dependent care, except that—

19 “(i) such allowance shall not exceed  
20 the reasonable cost in the community in  
21 which such student resides for the kind of  
22 care provided; and

23 “(ii) the period for which dependent  
24 care is required includes class-time, study-

1 time, field work, internships, and com-  
 2 muting time;

3 “(B) room and board for such dependents;

4 and

5 “(C) health insurance for such depend-  
 6 ents;”.

7 **SEC. 8. UNSUBSIDIZED STAFFORD LOAN LIMITS FOR GRAD-**  
 8 **UATE AND PROFESSIONAL STUDENTS.**

9 Section 428H(d)(2)(C) of the Higher Education Act  
 10 of 1965 (20 U.S.C. 1078–8(d)(2)(C)) is amended by strik-  
 11 ing “\$10,000” and inserting “\$12,500”.

12 **SEC. 9. ALLOWANCE OF ROOM, BOARD, AND SPECIAL**  
 13 **NEEDS SERVICES IN THE CASE OF SCHOLAR-**  
 14 **SHIPS AND TUITION REDUCTION PROGRAMS**  
 15 **WITH RESPECT TO HIGHER EDUCATION.**

16 (a) IN GENERAL.—Paragraph (1) of section 117(b)  
 17 of the Internal Revenue Code of 1986 (defining qualified  
 18 scholarship) is amended by inserting before the period at  
 19 the end the following: “or, in the case of enrollment or  
 20 attendance at an eligible educational institution, for quali-  
 21 fied higher education expenses”.

22 (b) DEFINITIONS.—Subsection (b) of section 117 of  
 23 such Code is amended by adding at the end the following  
 24 new paragraph:

1           “(3) QUALIFIED HIGHER EDUCATION EX-  
2           PENSES; ELIGIBLE EDUCATIONAL INSTITUTION.—

3           The terms ‘qualified higher education expenses’ and  
4           ‘eligible educational institution’ have the meanings  
5           given such terms in section 529(e).”.

6           (c) TUITION REDUCTION PROGRAMS.—Paragraph  
7           (5) of section 117(d) of such Code (relating to special  
8           rules for teaching and research assistants) is amended by  
9           striking “shall be applied as if it did not contain the  
10          phrase ‘(below the graduate level)’.” and inserting “shall  
11          be applied—

12                       “(A) as if it did not contain the phrase  
13                       ‘(below the graduate level)’, and

14                       “(B) by substituting ‘qualified higher edu-  
15                       cation expenses’ for ‘tuition’ the second place it  
16                       appears.”.

17          (d) EFFECTIVE DATE.—The amendments made by  
18          this section shall apply to expenses paid after December  
19          31, 2003 (in taxable years ending after such date), for  
20          education furnished in academic periods beginning after  
21          such date.

○