

107TH CONGRESS  
2D SESSION

# H. R. 3755

To amend the Higher Education Act of 1965 to require institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2002

Mr. VITTER introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Higher Education Act of 1965 to require institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty.

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 “Reservist Opportuni-  
5       ties and Protection of Education Act”.

6       **SEC. 2. LEAVE OF ABSENCE FOR MILITARY SERVICE.**

7       (a) OBLIGATION AS PART OF PROGRAM PARTICIPA-  
8       TION REQUIREMENTS.—Section 487(a)(22) of the Higher

1 Education Act of 1965 (20 U.S.C. 1094(a)(22)) by insert-  
 2 ing “and with the policy on leave of absence for active  
 3 duty military service established pursuant to section  
 4 484C” after “section 484B”.

5 (b) LEAVE OF ABSENCE FOR MILITARY SERVICE.—  
 6 Part G of title IV of the Higher Education Act of 1965  
 7 by inserting after section 484B (20 U.S.C. 1094) the fol-  
 8 lowing new section:

9 **“SEC. 484C. LEAVE OF ABSENCE FOR MILITARY SERVICE.**

10 “(a) LEAVE OF ABSENCE REQUIRED.—Whenever a  
 11 student who is a member of the National Guard or other  
 12 reserve component of the Armed Forces of the United  
 13 States, or a member of such Armed Forces in a retired  
 14 status, is called or ordered to active duty, the institution  
 15 of higher education in which the student is enrolled shall  
 16 grant the student a military leave of absence from the in-  
 17 stitution while such student is serving on active duty, and  
 18 for one year after the conclusion of such service.

19 “(b) CONSEQUENCES OF MILITARY LEAVE OF AB-  
 20 SENCE.—

21 “(1) PRESERVATION OF STATUS AND AC-  
 22 COUNTS.—A student on a military leave of absence  
 23 from an institution of shall be entitled, upon release  
 24 from serving on active duty, to be restored to the  
 25 educational status such student had attained prior

1 to being ordered to such duty without loss of aca-  
2 demic credits earned, scholarships or grants award-  
3 ed, or, subject to paragraph (2), tuition and other  
4 fees paid prior to the commencement of the active  
5 duty.

6 “(2) REFUNDS.—

7 “(A) OPTION OF REFUND OR CREDIT.—An  
8 institution of higher education shall refund tui-  
9 tion or fees paid or credit the tuition and fees  
10 to the next period of enrollment after the stu-  
11 dent returns from a military leave of absence,  
12 at the option of the student. Notwithstanding  
13 the 180-day limitation in section  
14 484B(a)(2)(B), a student on a military leave of  
15 absence under this section shall not be treated  
16 as having withdrawn for purposes of section  
17 484B unless the student fails to return at the  
18 end of the military leave of absence (as deter-  
19 mined under subsection (a) of this section).

20 “(B) PROPORTIONATE REDUCTION OF RE-  
21 FUND FOR TIME COMPLETED.—If a student re-  
22 quests a refund during a period of enrollment,  
23 the percentage of the tuition and fees that shall  
24 be refunded shall be equal 100 percent minus—

1 “(i) the percentage of the period of  
2 enrollment (for which the tuition and fees  
3 were paid) that was completed (as deter-  
4 mined in accordance with section 484B(d))  
5 as of the day the student withdrew, pro-  
6 vided that such date occurs on or before  
7 the completion of 60 percent of the period  
8 of enrollment; or

9 “(ii) 100 percent, if the day the stu-  
10 dent withdrew occurs after the student has  
11 completed 60 percent of the period of en-  
12 rollment.

13 “(c) ACTIVE DUTY.—The term ‘active duty’ has the  
14 meaning given such term in section 101(d)(1) of title 10,  
15 United States Code, except that such term—

16 “(1) does not include active duty for training or  
17 attendance at a service school; but

18 “(2) includes, in the case of members of the  
19 National Guard, active State duty.”.

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