

108TH CONGRESS  
1ST SESSION

# H. R. 1724

To require institutions of higher education to make full refunds of tuitions and fees paid by members of the Armed Forces and National Guard called to active duty or active service during a war or national emergency.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2003

Mr. ALEXANDER (for himself, Mr. FROST, Mr. BAKER, Mr. PLATTS, Mr. EVANS, Mr. RYAN of Ohio, Mr. BALLANCE, Mr. ROSS, and Mr. JOHN) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To require institutions of higher education to make full refunds of tuitions and fees paid by members of the Armed Forces and National Guard called to active duty or active service during a war or national emergency.

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 of 2003”.

1 **SEC. 2. REFUNDS AND LEAVE OF ABSENCE FOR MILITARY**  
2 **SERVICE.**

3 (a) LEAVE OF ABSENCE FOR MILITARY SERVICE.—  
4 Part G of title IV of the Higher Education Act of 1965  
5 is amended by inserting after section 484B (20 U.S.C.  
6 1094) the following new section:

7 **“SEC. 484C. REFUNDS AND LEAVE OF ABSENCE FOR MILI-**  
8 **TARY SERVICE.**

9 “(a) LEAVE OF ABSENCE REQUIRED.—Whenever a  
10 student who is an affected individual is unable to complete  
11 a period of instruction or to receive academic credit be-  
12 cause he or she was called up for active duty or active  
13 service, the institution of higher education in which the  
14 student is enrolled shall—

15 “(1) grant the student a military leave of ab-  
16 sence from the institution while such student is serv-  
17 ing on active duty or active service, and for one year  
18 after the conclusion of such duty or service, in ac-  
19 cordance with subsection (b); and

20 “(2) provide the student with a refund or credit  
21 in accordance with subsection (c).

22 “(b) CONSEQUENCES OF MILITARY LEAVE OF AB-  
23 SENCE.—A student who is an affected individual and who  
24 is on a military leave of absence from an institution of  
25 higher education shall be entitled, upon release from serv-  
26 ing on active duty or active service, to be restored to the

1 educational status such student had attained prior to  
2 being ordered to such duty without loss of academic cred-  
3 its earned, scholarships or grants awarded by the institu-  
4 tion, or, subject to subsection (c), tuition and other fees  
5 paid prior to the commencement of the active duty or ac-  
6 tive service.

7 “(c) REFUNDS.—An institution of higher education  
8 shall refund tuition or fees paid prior to the commence-  
9 ment of the active duty or active service of an affected  
10 individual. If a student taking a military leave of absence  
11 for active duty or active service requests a refund during  
12 a period of enrollment, the percentage of the tuition and  
13 fees that shall be refunded shall be equal 100 percent  
14 minus the percentage of the period of enrollment (for  
15 which the tuition and fees were paid) that was completed  
16 (as determined in accordance with section 484B(d)) as of  
17 the day the student withdrew.

18 “(d) LEAVE OF ABSENCE NOT TREATED AS WITH-  
19 DRAWAL.—Notwithstanding the 180-day limitation in sec-  
20 tion 484B(a)(2), a student on a military leave of absence  
21 under this section shall not be treated as having with-  
22 drawn for purposes of section 484B unless the student  
23 fails to return at the end of the military leave of absence  
24 (as determined under subsection (a) of this section).

25 “(e) DEFINITIONS.—As used in this section:

1           “(1) ACTIVE DUTY.—The term ‘active duty’ has  
2           the meaning given such term in section 101(d)(1) of  
3           title 10, United States Code, except that such term  
4           does not include active duty for training or attend-  
5           ance at a service school.

6           “(2) AFFECTED INDIVIDUAL.—The term ‘af-  
7           fected individual’ means an individual who—

8                   “(A) is serving on active duty during a war  
9                   or other military operation or national emer-  
10                  gency; or

11                  “(B) is performing qualifying National  
12                  Guard duty during a war or other military op-  
13                  eration or national emergency.

14           “(3) MILITARY OPERATION.—The term ‘mili-  
15           tary operation’ means a contingency operation as  
16           such term is defined in section 101(a)(13) of title  
17           10, United States Code.

18           “(4) NATIONAL EMERGENCY.—The term ‘na-  
19           tional emergency’ means a national emergency de-  
20           clared by the President of the United States.

21           “(5) SERVING ON ACTIVE DUTY.—The term  
22           ‘serving on active duty during a war or other mili-  
23           tary operation or national emergency’ means service  
24           by an individual who is—

1           “(A) a Reserve of an Armed Force ordered  
2           to active duty under section 12301(a),  
3           12301(g), 12302, 12304, or 12306 of title 10,  
4           United States Code, or any retired member of  
5           an Armed Force ordered to active duty under  
6           section 688 of such title, for service in connec-  
7           tion with a war or other military operation or  
8           national emergency, regardless of the location  
9           at which such active duty service is performed;  
10          and

11          “(B) any other member of an Armed Force  
12          on active duty in connection with such war, op-  
13          eration, or emergency or subsequent actions or  
14          conditions who has been assigned to a duty sta-  
15          tion at a location other than the location at  
16          which such member is normally assigned.

17          “(6) QUALIFYING NATIONAL GUARD DUTY.—  
18          The term ‘qualifying National Guard duty during a  
19          war or other military operation or national emer-  
20          gency’ means service as a member of the National  
21          Guard on full-time National Guard duty (as defined  
22          in section 101(d)(5) of title 10, United States Code)  
23          under a call to active service authorized by the  
24          President or the Secretary of Defense for a period  
25          of more than 30 consecutive days under section

1       502(f) of title 32, United States Code, in connection  
2       with a war, another military operation, or a national  
3       emergency declared by the President and supported  
4       by Federal funds.”.

5       (b) OBLIGATION AS PART OF PROGRAM PARTICIPA-  
6       TION REQUIREMENTS.—Section 487(a)(22) of the Higher  
7       Education Act of 1965 (20 U.S.C. 1094(a)(22)) is amend-  
8       ed by inserting “and with the policy on leave of absence  
9       for military service established pursuant to section 484C”  
10      after “section 484B”.

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