

108TH CONGRESS  
1ST SESSION

# S. 806

To improve the benefits and protections provided for regular and reserve members of the Armed Forces deployed or mobilized in the interests of the national security of the United States.

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## IN THE SENATE OF THE UNITED STATES

APRIL 7, 2003

Mr. NELSON of Nebraska (for himself, Ms. MIKULSKI, Mr. DASCHLE, Mr. LEVIN, Mr. LEAHY, Mrs. CLINTON, Mr. BINGAMAN, and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To improve the benefits and protections provided for regular and reserve members of the Armed Forces deployed or mobilized in the interests of the national security of the United States.

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 “Deployed Service Mem-  
5       bers Financial Security and Education Act of 2003”.

1 **SEC. 2. ADDITIONAL ALLOWANCE FOR LENGTHY OR NU-**  
 2 **MEROUS DEPLOYMENTS AND FREQUENT MO-**  
 3 **BILIZATIONS.**

4 (a) ALLOWANCE PAYABLE.—(1) Chapter 7 of title  
 5 37, United States Code, is amended by adding at the end  
 6 the following new section:

7 **“§ 437. Additional allowance for lengthy or numerous**  
 8 **deployments and frequent mobilizations**

9 “(a) MONTHLY ALLOWANCE.—The Secretary of the  
 10 military department concerned shall pay a monthly allow-  
 11 ance to a member of the armed forces under the Sec-  
 12 retary’s jurisdiction for each month of deployment of the  
 13 member described in paragraph (1) of subsection (b) and  
 14 each month of active duty service of the member described  
 15 in paragraph (2) of such subsection.

16 “(b) SERVICE COVERED.—Subsection (a) applies to  
 17 a member for the following months:

18 “(1) A month that includes a day on which the  
 19 member is deployed and has, as of that day, been  
 20 deployed for—

21 “(A) 191 consecutive days; or

22 “(B) 401 days or more out of the pre-  
 23 ceding 730 days.

24 “(2) A month that includes a day on which the  
 25 member serves on active duty to which the member,  
 26 as a member of a reserve component of an armed

1 force, has been called or ordered pursuant to a pro-  
2 vision of law referred to in section 101(a)(13)(B) of  
3 title 10 for a period that begins within one year  
4 after the date on which the member was released  
5 from active duty served for a previous period under  
6 a call or order pursuant to such a provision of law.

7 “(c) AMOUNT.—The amount of the monthly allow-  
8 ance payable to a member under this section is \$1,000.

9 “(d) PAYMENT OF CLAIMS.—A claim of a member  
10 for payment of the monthly allowance under this section  
11 that is not fully substantiated by the recordkeeping system  
12 applicable to the member under section 991(c) of title 10  
13 shall be paid if the member furnishes the Secretary con-  
14 cerned with other evidence determined by the Secretary  
15 as being sufficient to substantiate the claim.

16 “(e) RELATIONSHIP TO OTHER ALLOWANCES.—A  
17 monthly allowance payable to a member under this section  
18 is in addition to the per diem allowance payable under sec-  
19 tion 436 of this title and to any other pay or allowance  
20 payable to the member under any other provision of law.

21 “(f) DEFINITION OF DEPLOYED.—In this section, the  
22 terms ‘deployed’ and ‘deployment’, with respect to a mem-  
23 ber, means that the member is deployed or in a deploy-  
24 ment within the meaning of section 991(b) of title 10 (in-

cluding any definition of ‘deployment’ prescribed under paragraph (4) of that section).”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 436 the following new item:

“437. Additional allowance for lengthy or numerous deployments and frequent mobilizations.”.

(b) **EFFECTIVE DATE.**—Section 437 of title 37, United States Code (as added by subsection (a)), shall take effect on the date of the enactment of this Act, and shall apply with respect to periods of deployment or active duty that begin before, on, or after such date, except that no allowance may be paid under such section for months that begin before the month in which this Act is enacted.

**SEC. 3. RELIEF ON EDUCATIONAL MATTERS FOR PERSONS  
IN THE MILITARY SERVICE UNDER THE SOLDIERS’ AND SAILORS’ CIVIL RELIEF ACT OF  
1940.**

(a) **APPLICABILITY OF INTEREST RATE LIMITATION TO STUDENT LOANS.**—Section 206 of the Soldiers’ and Sailors’ Civil Relief Act of 1940 (50 U.S.C. App. 526) is amended—

(1) by inserting “(a)” before “No obligation”;

(2) by designating the second sentence as subsection (c) and indenting the left margin of such subsection, as so designated, two ems; and

1           (3) by inserting after subsection (a), as des-  
2           ignated by paragraph (1) of this subsection, the fol-  
3           lowing new subsection (b):

4           “(b) Subsection (a) shall apply with respect to stu-  
5           dent loans, including student loans under title IV of the  
6           Higher Education Act of 1965 (20 U.S.C. 1070 et seq.),  
7           student loans under any other Federal student loan pro-  
8           gram, or any other student loans.”.

9           (b) PRESERVATION OF EDUCATIONAL STATUS AND  
10          TUITION.—Article VII. of such Act (50 U.S.C. App. 590  
11          et seq.) is amended by adding at the end the following  
12          new section:

13          “SEC. 704. (a) A person in the military service who  
14          is enrolled as a student at an institution of higher edu-  
15          cation at the time of entry into the military service shall  
16          be granted a leave of absence from the institution during  
17          the period of military service and for one year after the  
18          conclusion of the military service.

19          “(b)(1) A person on a leave of absence from an insti-  
20          tution of higher education under subsection (a) shall be  
21          entitled, upon completion of the leave of absence, to be  
22          restored to the educational status such person had at-  
23          tained before entering into the military service as de-  
24          scribed in that subsection without loss of academic credits  
25          earned, scholarships or grants awarded, or, subject to

1 paragraph (2), tuition and other fees paid before the entry  
2 of the person into the military service.

3 “(2)(A) An institution of higher education shall re-  
4 fund tuition or fees paid or credit the tuition and fees to  
5 the next period of enrollment after the person returns  
6 from the leave of absence, at the option of the person.  
7 Notwithstanding the 180-day limitation referred to in sub-  
8 section (a)(2)(B) of section 484B of the Higher Education  
9 Act of 1965 (20 U.S.C. 1091b), a person on a leave of  
10 absence under this section shall not be treated as having  
11 withdrawn for purposes of such section 484B unless the  
12 person fails to return upon the completion of the leave  
13 of absence.

14 “(B) If a person requests a refund for a period of  
15 enrollment, the percentage of the tuition and fees that  
16 shall be refunded shall be equal to 100 percent minus—

17 “(i) the percentage of the period of enrollment  
18 (for which the tuition and fees were paid) that was  
19 completed (as determined in accordance with sub-  
20 section (d) of such section 484B) as of the day the  
21 person withdrew, provided that such date occurs on  
22 or before the completion of 60 percent of the period  
23 of enrollment; or

- 1           “(ii) 100 percent, if the day the person with-
- 2       drew occurs after the person has completed 60 per-
- 3       cent of the period of enrollment.”.

