

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.

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

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-

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

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

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

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

13 **SEC. 3. RELIEF ON EDUCATIONAL MATTERS FOR PERSONS**
14 **IN THE MILITARY SERVICE UNDER THE SOL-**
15 **DIERS’ AND SAILORS’ CIVIL RELIEF ACT OF**
16 **1940.**

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

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

22 (2) by designating the second sentence as sub-
23 section (c) and indenting the left margin of such
24 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.”.

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