

109TH CONGRESS
1ST SESSION

H. R. 199

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

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

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 and National
5 Guard Opportunities 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)) is amend-
2 ed by inserting “and with the policy on leave of absence
3 for active duty military service established pursuant to
4 section 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 is amended by inserting after section 484B (20 U.S.C.
8 1094) the following 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 higher education shall be enti-
24 tled, upon release from serving on active duty, to be
25 restored to the educational status such student had

1 attained prior to being ordered to such duty without
2 loss of academic credits earned, scholarships or
3 grants awarded by the institution, or, subject to
4 paragraph (2), tuition and other fees paid prior to
5 the commencement of the active duty.

6 “(2) REFUNDS.—

7 “(A) OBLIGATION TO REFUND; WITH-
8 DRAWAL NOT AUTOMATIC.—An institution of
9 higher education shall refund tuition or fees
10 paid prior to the commencement of the active
11 duty. Notwithstanding the 180-day limitation in
12 section 484B(a)(2)(B), a student on a military
13 leave of absence under this section shall not be
14 treated as having withdrawn for purposes of
15 section 484B unless the student fails to return
16 at the end of the military leave of absence (as
17 determined under subsection (a) of this sec-
18 tion).

19 “(B) PROPORTIONATE REDUCTION OF RE-
20 FUND FOR TIME COMPLETED.—If a student
21 taking a military leave of absence for active
22 duty requests a refund during a period of en-
23 rollment, the percentage of the tuition and fees
24 that shall be refunded shall equal 100 percent
25 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.—In this section, the term ‘active
14 duty’ has the meaning given such term in section
15 101(d)(1) of title 10, United States Code, except that such
16 term—

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

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

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