

117TH CONGRESS  
2D SESSION

# H. R. 9542

To amend the Higher Education Act of 1965 to ensure fairness in the award of in-State tuition at public institutions of higher education for members of qualifying Federal services changing duty locations and their spouses and dependent children, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2022

Mr. CROW (for himself and Mrs. MILLER-MEEKS) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the Higher Education Act of 1965 to ensure fairness in the award of in-State tuition at public institutions of higher education for members of qualifying Federal services changing duty locations and their spouses and dependent children, and for other purposes.

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 “Higher Education Ac-  
5 cess for Military Dependents Act”.

1 **SEC. 2. IN-STATE TUITION RATES FOR MEMBERS OF QUALI-**  
2 **FYING FEDERAL SERVICES, SPOUSES, AND**  
3 **DEPENDENT CHILDREN.**

4 (a) IN GENERAL.—Section 135 of the Higher Edu-  
5 cation Act of 1965 (20 U.S.C. 1015d), as amended by sec-  
6 tion 6206 of the National Defense Authorization Act for  
7 Fiscal Year 2022 (Public Law 117–81), is amended—

8 (1) in subsection (b)—

9 (A) by striking “while continuously en-  
10 rolled at that institution” inserting “while con-  
11 tinuously enrolled at that institution in the  
12 same course of study for which such rate was  
13 determined”; and

14 (B) by adding at the end the following:  
15 “Each institution of higher education subject to  
16 this section shall ensure that the terms and  
17 conditions of continuation under this subsection  
18 are made available on a publicly accessible  
19 website of the institution in a clear and con-  
20 spicuous format.”;

21 (2) by redesignating subsections (c) and (d) as  
22 subsections (d) and (e), respectively; and

23 (3) by inserting after subsection (b) the fol-  
24 lowing:

25 “(c) EFFECT OF TRANSFER PRIOR TO ATTEND-  
26 ANCE.—

1           “(1) IN GENERAL.—In the case of a member of  
2           a qualifying Federal service (or the spouse or de-  
3           pendent child of such a member) who is accepted for  
4           enrollment at a public institution of higher education  
5           in a State and who meets the requirements of para-  
6           graph (2), the provisions of subsections (a) and (b)  
7           shall apply to such member, spouse, or dependent  
8           (as the case may be) notwithstanding a change in  
9           the permanent duty station of the member to a loca-  
10          tion outside such State prior to the member’s,  
11          spouse’s, or dependent’s initial date of attendance at  
12          such institution.

13           “(2) REQUIREMENTS.—

14           “(A) MEMBER REQUIREMENTS.—A mem-  
15          ber of a qualifying Federal service meets the re-  
16          quirements of this subsection if—

17                   “(i) the member is accepted for enroll-  
18                   ment at a public institution of higher edu-  
19                   cation in a State (regardless of the location  
20                   at which such member is domiciled or sta-  
21                   tioned at the time of application to such  
22                   institution); and

23                   “(ii) the domicile or permanent duty  
24                   station of such member was in such State  
25                   for a period of more than 30 days at any

1 time during the period of one year pre-  
2 ceding that member's initial date of at-  
3 tendance at such institution.

4 “(B) SPOUSE AND DEPENDENT REQUIRE-  
5 MENTS.—A spouse or dependent child of a  
6 member of a qualifying Federal service meets  
7 the requirements of this subsection if—

8 “(i) the spouse or dependent child is  
9 accepted for enrollment at a public institu-  
10 tion of higher education in a State (regard-  
11 less of the location at which such member  
12 is domiciled or stationed at the time of the  
13 spouse's or dependent child's application to  
14 such institution); and

15 “(ii) the domicile or permanent duty  
16 station of the member of a qualifying Fed-  
17 eral service who is the spouse or parent of  
18 the individual described in clause (i) was in  
19 such State for a period of more than 30  
20 days at any time during the period of one  
21 year preceding that individual's initial date  
22 of attendance at such institution.

23 “(3) RULE OF CONSTRUCTION.—Nothing in  
24 this subsection shall be construed to limit the au-  
25 thority of a State or public institution of higher edu-

1 cation to a provide a tuition benefit to a member of  
2 a qualifying Federal service (or the spouse or de-  
3 pendent child of such a member) on terms that are  
4 less restrictive than the terms specified in this sub-  
5 section.”.

6 (b) EFFECTIVE DATE AND APPLICABILITY.—The  
7 amendments made by subsection (a) shall take effect im-  
8 mediately after the coming into effect of the amendments  
9 made by section 6206 of the National Defense Authoriza-  
10 tion Act for Fiscal Year 2022 (Public Law 117–81) and  
11 shall apply as provided by subsection (b) of that section.

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