

**AMENDMENT TO H.R. 5293, AS REPORTED**  
**OFFERED BY MR. MESSER OF INDIANA**

At the end of the bill (before the short title), insert  
the following:

1                   **TITLE XI—MILITARY**  
2                   **SCHOLARSHIPS**

3   **SEC. 1101. PURPOSE.**

4       The purpose of this title is to ensure high-quality  
5 education for children of military personnel who live on  
6 military installations and thus have less freedom to exer-  
7 cise school choice for their children, in order to improve  
8 the ability of the Armed Forces to retain such military  
9 personnel.

10 **SEC. 1102. MILITARY SCHOLARSHIP PROGRAM.**

11       (a) DEFINITIONS.—In this section:

12           (1) ESEA DEFINITIONS.—The terms “child”,  
13 “elementary school”, “secondary school”, and “local  
14 educational agency” have the meanings given the  
15 terms in section 9101 of the Elementary and Sec-  
16 ondary Education Act of 1965 (20 U.S.C. 7801).

17           (2) ELIGIBLE MILITARY STUDENT.—The term  
18 “eligible military student” means a child who—

19               (A) is a military dependent student;

1 (B) lives on a military installation selected  
2 to participate in the program under subsection  
3 (b)(2); and

4 (C) chooses to attend a participating  
5 school, rather than a school otherwise assigned  
6 to the child.

7 (3) MILITARY DEPENDENT STUDENT.—The  
8 term “military dependent student” has the meaning  
9 given the term in section 572(e) of the National De-  
10 fense Authorization Act for Fiscal Year 2006 (20  
11 U.S.C. 7703b(e)).

12 (4) PARTICIPATING SCHOOL.—The term “par-  
13 ticipating school” means a public or private elemen-  
14 tary school or secondary school that—

15 (A) accepts scholarship funds provided  
16 under this section on behalf of an eligible mili-  
17 tary student for the costs of tuition, fees, or  
18 transportation of the eligible military student;  
19 and

20 (B) is accredited, licensed, or otherwise op-  
21 erating in accordance with State law.

22 (5) SECRETARY.—The term “Secretary” means  
23 the Secretary of Defense.

24 (b) PROGRAM AUTHORIZED.—

1           (1) IN GENERAL.—From amounts made avail-  
2           able under subsection (g) and beginning for the first  
3           full school year following the date of enactment of  
4           this Act, the Secretary shall carry out a 5-year pilot  
5           program to award scholarships to enable eligible  
6           military students to attend the public or private ele-  
7           mentary schools or secondary schools selected by the  
8           eligible military students’ parents.

9           (2) SCOPE OF PROGRAM.—

10           (A) IN GENERAL.—The Secretary shall se-  
11           lect not less than 5 military installations to par-  
12           ticipate in the pilot program described in para-  
13           graph (1). In making such selection, the Sec-  
14           retary shall choose military installations where  
15           eligible military students would most benefit  
16           from expanded educational options.

17           (B) INELIGIBILITY.—A military installa-  
18           tion that provides, on its premises, education  
19           for all elementary school and secondary school  
20           grade levels through one or more Department  
21           of Defense dependents’ schools shall not be eli-  
22           gible for participation in the program.

23           (3) AMOUNT OF SCHOLARSHIPS.—

24           (A) IN GENERAL.—The annual amount of  
25           each scholarship awarded to an eligible military

1 student under this section shall not exceed the  
2 lesser of—

3 (i) the cost of tuition, fees, and trans-  
4 portation associated with attending the  
5 participating school selected by the parents  
6 of the student; or

7 (ii)(I) in the case of an eligible mili-  
8 tary student attending elementary school—

9 (aa) \$8,000 for the first full  
10 school year following the date of en-  
11 actment of this Act; or

12 (bb) the amount determined  
13 under subparagraph (B) for each  
14 school year following such first full  
15 school year; or

16 (II) in the case of an eligible military  
17 student attending secondary school—

18 (aa) \$12,000 for the first full  
19 school year following the date of en-  
20 actment of this Act; or

21 (bb) the amount determined  
22 under subparagraph (B) for each  
23 school year following such first full  
24 school year.

1 (B) ADJUSTMENT FOR INFLATION.—For  
2 each school year after the first full school year  
3 following the date of enactment of this Act, the  
4 amounts specified in subclauses (I) and (II) of  
5 subparagraph (A)(ii) shall be adjusted to reflect  
6 changes for the 12-month period ending the  
7 preceding June in the Consumer Price Index  
8 for All Urban Consumers published by the Bu-  
9 reau of Labor Statistics of the Department of  
10 Labor.

11 (4) PAYMENTS TO PARENTS.—The Secretary  
12 shall make scholarship payments under this section  
13 to the parent of the eligible military student in a  
14 manner that ensures such payments will be used for  
15 the payment of tuition, fees, and transportation ex-  
16 penses (if any) in accordance with this section.

17 (c) SELECTION OF SCHOLARSHIPS RECIPIENTS.—

18 (1) RANDOM SELECTION.—If more eligible mili-  
19 tary students apply for scholarships under the pro-  
20 gram under this section than the Secretary can ac-  
21 commodate, the Secretary shall select the scholar-  
22 ship recipients through a random selection process  
23 from students who submitted applications by the ap-  
24 plication deadline specified by the Secretary.

25 (2) CONTINUED ELIGIBILITY.—

1 (A) IN GENERAL.—An individual who is  
2 selected to receive a scholarship under the pro-  
3 gram under this section shall continue to re-  
4 ceive a scholarship for each year of the program  
5 until the individual—

6 (i) graduates from secondary school or  
7 elects to no longer participate in the pro-  
8 gram;

9 (ii) exceeds the maximum age for  
10 which the State in which the student lives  
11 provides a free public education; or

12 (iii) is no longer an eligible military  
13 student.

14 (B) CONTINUED PARTICIPATION FOR MILI-  
15 TARY TRANSFERS.—

16 (i) TRANSFER TO PRIVATE NON-MILI-  
17 TARY HOUSING.—Notwithstanding sub-  
18 paragraph (A)(iii), an individual receiving  
19 a scholarship under this section for a  
20 school year who meets the requirements of  
21 subparagraphs (A) and (C) of subsection  
22 (a)(2) and whose family, during such  
23 school year, moves into private non-mili-  
24 tary housing that is not considered to be  
25 part of the military installation, shall con-

1           tinue to receive the scholarship for use at  
2           the participating school for the remaining  
3           portion of the school year.

4                   (ii) TRANSFER TO A DIFFERENT MILI-  
5           TARY       INSTALLATION.—Notwithstanding  
6           subparagraph (A)(iii), an individual receiv-  
7           ing a scholarship under this section for a  
8           school year whose family is transferred to  
9           a different military installation shall no  
10          longer be eligible to receive such scholar-  
11          ship beginning on the date of the transfer.  
12          Such individual may apply to participate in  
13          any program offered under this section for  
14          the new military installation for a subse-  
15          quent school year, if such individual quali-  
16          fies as an eligible military student for such  
17          school year.

18       (d) NONDISCRIMINATION AND OTHER PROVISIONS.—

19           (1)    NONDISCRIMINATION.—A    participating  
20          school shall not discriminate against program par-  
21          ticipants or applicants on the basis of race, color,  
22          national origin, or sex.

23           (2)    APPLICABILITY AND SINGLE-SEX SCHOOLS,  
24          CLASSES, OR ACTIVITIES.—

1           (A) IN GENERAL.—Notwithstanding any  
2           other provision of law, the prohibition of sex  
3           discrimination in paragraph (1) shall not apply  
4           to a participating school that is operated by, su-  
5           pervised by, controlled by, or connected to a re-  
6           ligious organization to the extent that the appli-  
7           cation of paragraph (1) is inconsistent with the  
8           religious tenets or beliefs of the school.

9           (B) SINGLE-SEX SCHOOLS, CLASSES, OR  
10          ACTIVITIES.—Notwithstanding paragraph (1) or  
11          any other provision of law, a parent may  
12          choose, and a participating school may offer, a  
13          single-sex school, class, or activity.

14          (3) CHILDREN WITH DISABILITIES.—Nothing  
15          in this section may be construed to alter or modify  
16          the Individuals with Disabilities Education Act (20  
17          U.S.C. 1400 et seq.).

18          (4) RULES OF CONDUCT AND OTHER SCHOOL  
19          POLICIES.—A participating school, including the  
20          schools described in subsection (e), may require eli-  
21          gible students to abide by any rules of conduct and  
22          other requirements applicable to all other students  
23          at the school.

24          (e) RELIGIOUSLY AFFILIATED SCHOOLS.—



1           (1) IN GENERAL.—Notwithstanding any other  
2       provision of law, a participating school that is oper-  
3       ated by, supervised by, controlled by, or connected  
4       to, a religious organization may exercise its right in  
5       matters of employment consistent with title VII of  
6       the Civil Rights Act of 1964 (42 U.S.C. 2000e et  
7       seq.), including the exemptions in that title.

8           (2) MAINTENANCE OF PURPOSE.—Notwith-  
9       standing any other provision of law, funds made  
10      available under this title to eligible military students  
11      that are received by a participating school, as a re-  
12      sult of their parents' choice, shall not, consistent  
13      with the First Amendment of the Constitution of the  
14      United States—

15                (A) necessitate any change in the partici-  
16      pating school's teaching mission;

17                (B) require any private participating  
18      school to remove religious art, icons, scriptures,  
19      or other symbols; or

20                (C) preclude any private participating  
21      school from retaining religious terms in its  
22      name, selecting its board members on a reli-  
23      gious basis, or including religious references in  
24      its mission statements and other chartering or  
25      governing documents.

1 (f) REPORTS.—

2 (1) ANNUAL REPORTS.—Not later than July 30  
3 of the year following the year of the date of enact-  
4 ment of this Act, and each subsequent year through  
5 the year in which the final report is submitted under  
6 paragraph (2), the Secretary shall prepare and sub-  
7 mit to Congress an interim report on the scholar-  
8 ships awarded under the pilot program under this  
9 section that includes the content described in para-  
10 graph (3) for the applicable school year of the re-  
11 port.

12 (2) FINAL REPORT.—Not later than 90 days  
13 after the end of the pilot program under this section,  
14 the Secretary shall prepare and submit to Congress  
15 a report on the scholarships awarded under the pro-  
16 gram that includes the content described in para-  
17 graph (3) for each school year of the program.

18 (3) CONTENT.—Each annual report under  
19 paragraph (1) and the final report under paragraph  
20 (2) shall contain—

21 (A) the number of applicants for scholar-  
22 ships under this section;

23 (B) the number, and the average dollar  
24 amount, of scholarships awarded;

25 (C) the number of participating schools;

1 (D) the number of elementary school stu-  
2 dents receiving scholarships under this section  
3 and the number of secondary school students  
4 receiving such scholarships; and

5 (E) the results of a survey, conducted by  
6 the Secretary, regarding parental satisfaction  
7 with the scholarship program under this sec-  
8 tion.

9 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated to carry out this section  
11 \$10,000,000 for each of fiscal years 2016 through 2020.

12 (h) OFFSET IN DEPARTMENT OF EDUCATION SALA-  
13 RIES.—Notwithstanding any other provision of law, for  
14 fiscal year 2016 and each of the 4 succeeding fiscal years,  
15 the Secretary of Education shall return to the Treasury  
16 \$10,000,000 of the amounts made available to the Sec-  
17 retary for salaries and expenses of the Department of  
18 Education for such year.

