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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

To amend the Servicemembers Civil Relief Act to establish protections under that Act for a member of the Armed Forces who leaves a course of education, paid for with certain educational assistance, to perform certain service.

IN THE HOUSE OF REPRESENTATIVES

Ms. UNDERWOOD introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Servicemembers Civil Relief Act to establish protections under that Act for a member of the Armed Forces who leaves a course of education, paid for with certain educational assistance, to perform certain service.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. ESTABLISHMENT OF PROTECTIONS UNDER**
2 **THE SERVICEMEMBERS CIVIL RELIEF ACT**
3 **FOR A MEMBER OF THE ARMED FORCES WHO**
4 **LEAVES A COURSE OF EDUCATION, PAID FOR**
5 **WITH CERTAIN EDUCATIONAL ASSISTANCE,**
6 **TO PERFORM CERTAIN SERVICE.**

7 (a) ESTABLISHMENT.—Title VII of the
8 Servicemembers Civil Relief Act (50 U.S.C. 4021 et seq.)
9 is amended by adding at the end the following new section:
10 **“SEC. 708. WITHDRAWAL OR LEAVE OF ABSENCE FROM**
11 **CERTAIN EDUCATION.**

12 “(a) IN GENERAL.—

13 “(1) WITHDRAWAL OR LEAVE OF ABSENCE.—A
14 covered servicemember may, after receiving orders to
15 enter a period of covered service, withdraw or take
16 a leave of absence from covered education.

17 “(2) PROHIBITION ON ADVERSE ACTION.—The
18 institution concerned may not take any adverse ac-
19 tion against a covered servicemember on the basis
20 that such covered servicemember withdraws or takes
21 a leave of absence under paragraph (1). Adverse ac-
22 tions include the following:

23 “(A) The assignment of a failing grade to
24 a covered servicemember for covered education.

1 “(B) The reduction of the grade point av-
2 erage of a covered servicemember for covered
3 education.

4 “(C) The characterization of any absence
5 of a covered servicemember from covered edu-
6 cation as unexcused.

7 “(D) The assessment of any financial pen-
8 alty against a covered servicemember.

9 “(b) WITHDRAWAL.—If a covered servicemember
10 withdraws from covered education under subsection (a),
11 the institution concerned shall refund all tuition and fees
12 (including payments for housing) for the academic term
13 from which the covered servicemember withdraws.

14 “(c) LEAVE OF ABSENCE.—If a covered servicemem-
15 ber takes a leave of absence from covered education under
16 subsection (a), the institution concerned shall—

17 “(1) assign a grade of ‘incomplete’ to the cov-
18 ered servicemember for covered education for the
19 academic term from which the covered servicemem-
20 ber takes such leave of absence; and

21 “(2) to the extent practicable, permit the cov-
22 ered servicemember, upon completion of the period
23 covered service, to complete such academic term.

24 “(d) DEFINITIONS.—In this section:

1 “(1) The term ‘covered education’ means a
2 course of education—

3 “(A) at an institution of higher education;
4 and

5 “(B) paid for with educational assistance
6 furnished under a law administered by the Sec-
7 retary of Veterans Affairs.

8 “(2) The term ‘covered service’ means—

9 “(A) active service or inactive-duty train-
10 ing, as such terms are defined in section 101 of
11 title 10, United States Code; or

12 “(B) State active duty, as defined in sec-
13 tion 4303 of title 38, United States Code.

14 “(3) The term ‘covered servicemember’ means a
15 member of the Armed Forces (including the Reserve
16 components) enrolled in covered education.

17 “(4) The term ‘institution concerned’ means,
18 with respect to a covered servicemember, the institu-
19 tion of higher education where the covered service-
20 member is enrolled in covered education.

21 “(5) The term ‘institution of higher education’
22 has the meaning given such term in section 101 of
23 the Higher Education Act of 1965 (20 U.S.C.
24 1001).

1 “(6) The term ‘period of covered service’ means
2 the period beginning on the date on which a covered
3 servicemember enters covered service and ending on
4 the date on which the covered servicemember is re-
5 leased from covered service or dies while in covered
6 service.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 at the beginning of such Act is amended by inserting after
9 the item relating to section 707 the following new item:
 “708. Withdrawal or leave of absence from certain education.”.