

**Suspend the Rules And Pass the Bill, H.R. 5603, with an Amendment**

**(The amendments strike all after the enacting clause and inserts a new text)**

117<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 5603

To amend title 38, United States Code, to establish protections for a member of the Armed Forces who leaves a course of education, paid for with certain educational assistance, to perform certain service.

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2021

Ms. UNDERWOOD introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to establish protections 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protections for Stu-  
5 dent Veterans Act”.

1 **SEC. 2. ESTABLISHMENT OF PROTECTIONS FOR A MEMBER**  
2 **OF THE ARMED FORCES WHO LEAVES A**  
3 **COURSE OF EDUCATION, PAID FOR WITH**  
4 **CERTAIN EDUCATIONAL ASSISTANCE, TO**  
5 **PERFORM CERTAIN SERVICE.**

6 (a) ESTABLISHMENT.—Chapter 36 of title 38,  
7 United States Code, amended by inserting after section  
8 3691 the following new section:

9 **“§ 3691A. Withdrawal or leave of absence from cer-**  
10 **tain education**

11 “(a) IN GENERAL.—

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

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

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

24 “(B) The reduction of the grade point av-  
25 erage of a covered member for covered edu-  
26 cation.

1           “(C) The characterization of any absence  
2           of a covered member from covered education as  
3           unexcused.

4           “(D) The assessment of any financial pen-  
5           alty against a covered member.

6           “(b) WITHDRAWAL.—If a covered member withdraws  
7           from covered education under subsection (a), the institu-  
8           tion concerned shall refund all tuition and fees (including  
9           payments for housing) for the academic term from which  
10          the covered servicemember withdraws.

11          “(c) LEAVE OF ABSENCE.—If a covered member  
12          takes a leave of absence from covered education under  
13          subsection (a), the institution concerned shall—

14                 “(1) assign a grade of ‘incomplete’ (or equiva-  
15                 lent) to the covered member for covered education  
16                 for the academic term from which the covered mem-  
17                 ber takes such leave of absence; and

18                 “(2) to the extent practicable, permit the cov-  
19                 ered member, upon completion of the period covered  
20                 service, to complete such academic term.

21          “(d) DEFINITIONS.—In this section:

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

24                         “(A) at an institution of higher education;  
25                         and

1           “(B) paid for with educational assistance  
2           furnished under a law administered by the Sec-  
3           retary.

4           “(2) The term ‘covered member’ means a mem-  
5           ber of the Armed Forces (including the reserve com-  
6           ponents) enrolled in covered education.

7           “(3) The term ‘covered service’ means—

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

11          “(B) State active duty, as defined in sec-  
12          tion 4303 of this title.

13          “(4) The term ‘institution concerned’ means,  
14          with respect to a covered member, the institution of  
15          higher education where the covered member is en-  
16          rolled in covered education.

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

21          “(6) The term ‘period of covered service’ means  
22          the period beginning on the date on which a covered  
23          member enters covered service and ending on the  
24          date on which the covered member is released from  
25          covered service or dies while in covered service.”.

1 (b) CLERICAL AMENDMENT.—The table of contents  
2 at the beginning of such chapter is amended by inserting  
3 after the item relating to section 3691 the following new  
4 item:

“3691A. Withdrawal or leave of absence from certain education.”.

5 **SEC. 3. IMPROVEMENTS TO ASSISTANCE PROVIDED FOR**  
6 **CERTAIN FLIGHT TRAINING AND OTHER PRO-**  
7 **GRAMS OF EDUCATION.**

8 (a) USE OF ENTITLEMENT FOR PRIVATE PILOT’S LI-  
9 CENSES.—Section 3034(d) of title 38, United States Code,  
10 is amended—

11 (1) in paragraph (1) by striking the semicolon  
12 and inserting the following: “and is required for the  
13 course of education being pursued (including with  
14 respect to a dual major, concentration, or other ele-  
15 ment a degree); and”;

16 (2) by striking paragraph (2); and

17 (3) by redesignating paragraph (3) as para-  
18 graph (2).

19 (b) ACCELERATED PAYMENTS FOR FLIGHT TRAIN-  
20 ING.—Section 3313 of such title is amended by adding  
21 at the end the following new subsection:

22 “(m) ACCELERATED PAYMENTS FOR CERTAIN  
23 FLIGHT TRAINING.—

24 “(1) PAYMENTS.—An individual enrolled in a  
25 program of education pursued at an institution of

1 higher learning in which flight training is required  
2 to earn the degree being pursued (including with re-  
3 spect to a dual major, concentration, or other ele-  
4 ment of such a degree) may elect to receive acceler-  
5 ated payments of amounts for tuition and fees deter-  
6 mined under subsection (c). The amount of each ac-  
7 celerated payment shall be an amount equal to twice  
8 the amount for tuition and fee so determined under  
9 such subsection, but the total amount of such pay-  
10 ments may not exceed the total amount of tuition  
11 and fees for the program of education. The amount  
12 of monthly stipends shall be determined in accord-  
13 ance with such subsection (c) and may not be accel-  
14 erated under this paragraph.

15 “(2) EDUCATIONAL COUNSELING.—An indi-  
16 vidual may make an election under paragraph (1)  
17 only if the individual receives educational counseling  
18 under section 3697A(a) of this title.

19 “(3) CHARGE AGAINST ENTITLEMENT.—The  
20 number of months of entitlement charged an indi-  
21 vidual for accelerated payments made pursuant to  
22 paragraph (1) shall be determined at the rate of two  
23 months for each month in which such an accelerated  
24 payment is made.”.

1 (c) FLIGHT TRAINING AT PUBLIC INSTITUTIONS.—

2 Subsection (c)(1)(A) of such section 3313 is amended—

3 (1) in clause (i)—

4 (A) by redesignating subclauses (I) and  
5 (II) as items (aa) and (bb), respectively;

6 (B) by striking “In the case of a program  
7 of education pursued at a public institution of  
8 higher learning” and inserting “(I) Subject to  
9 subclause (II), in the case of a program of edu-  
10 cation pursued at a public institution of higher  
11 learning not described in clause (ii)(II)(bb)”;  
12 and

13 (C) by adding at the end the following new  
14 subclause:

15 “(II) In determining the actual net  
16 cost for in-State tuition and fees pursuant  
17 to subclause (I), the Secretary may not  
18 pay for tuition and fees relating to flight  
19 training.”; and

20 (2) in clause (ii)—

21 (A) in subclause (I), by redesignating  
22 items (aa) and (bb) as subitems (AA) and  
23 (BB), respectively;

1 (B) in subclause (II), by redesignating  
2 items (aa) and (bb) as subitems (AA) and  
3 (BB), respectively;

4 (C) by redesignating subclauses (I) and  
5 (II) as items (aa) and (bb), respectively;

6 (D) by striking “In the case of a program  
7 of education pursued at a non-public or foreign  
8 institution of higher learning” and inserting  
9 “(I) In the case of a program of education de-  
10 scribed in subclause (II)”;

11 (E) by adding at the end the following new  
12 subclause:

13 “(II) A program of education de-  
14 scribed in this subclause is any of the fol-  
15 lowing:

16 “(aa) A program of education  
17 pursued at a non-public or foreign in-  
18 stitution of higher learning.

19 “(bb) A program of education  
20 pursued at a public institution of  
21 higher learning in which flight train-  
22 ing is required to earn the degree  
23 being pursued (including with respect  
24 to a dual major, concentration, or  
25 other element of such a degree).”.



1 (d) CERTAIN PROGRAMS OF EDUCATION CARRIED  
2 OUT UNDER CONTRACT.—Section 3313(c)(1)(A)(ii)(II) of  
3 title 38, United States Code, as added by subsection  
4 (c)(2)(E), is amended by adding at the end the following  
5 new item:

6 “(cc) A program of education  
7 pursued at a public institution of  
8 higher learning in which the public in-  
9 stitution of higher learning enters into  
10 a contract or agreement with an enti-  
11 ty (other than another public institu-  
12 tion of higher learning) to provide  
13 such program of education or a por-  
14 tion of such program of education.”.

15 (e) APPLICATION.—

16 (1) IN GENERAL.—Except as provided by para-  
17 graph (2), the amendments made by this section  
18 shall apply with respect to a quarter, semester, or  
19 term, as applicable, commencing on or after the date  
20 of the enactment of this Act.

21 (2) SPECIAL RULE FOR CURRENT STUDENTS.—

22 In the case of an individual who, as of the date of  
23 the enactment of this Act, is using educational as-  
24 sistance under chapter 33 of title 38, United States  
25 Code, to pursue a course of education that includes

1 a program of education described in item (bb) or  
2 (cc) of section 3313(c)(1)(A)(ii)(II) of title 38,  
3 United States Code, as added by subsections (c) and  
4 (d), respectively, the amendment made by such sub-  
5 section shall apply with respect to a quarter, semes-  
6 ter, or term, as applicable, commencing on or after  
7 the date that is two years after the date of the en-  
8 actment of this Act.

9 **SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.**

10 The budgetary effects of this Act, for the purpose of  
11 complying with the Statutory Pay-As-You-Go Act of 2010,  
12 shall be determined by reference to the latest statement  
13 titled “Budgetary Effects of PAYGO Legislation” for this  
14 Act, submitted for printing in the Congressional Record  
15 by the Chairman of the House Budget Committee, pro-  
16 vided that such statement has been submitted prior to the  
17 vote on passage.