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117TH CONGRESS
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H. R. 5603

[Report No. 117-]

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.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2021

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

NOVEMBER --, 2021

Reported with amendments, committed to the Committee of the Whole House
on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on October 15, 2021]

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 Student*
5 *Veterans Act”.*

6 **SEC. 2. ESTABLISHMENT OF PROTECTIONS FOR A MEMBER**
7 **OF THE ARMED FORCES WHO LEAVES A**
8 **COURSE OF EDUCATION, PAID FOR WITH CER-**
9 **TAIN EDUCATIONAL ASSISTANCE, TO PER-**
10 **FORM CERTAIN SERVICE.**

11 *(a) ESTABLISHMENT.—Chapter 36 of title 38, United*
12 *States Code, amended by inserting after section 3691 the*
13 *following new section:*

14 **“§ 3691A. Withdrawal or leave of absence from certain**
15 **education**

16 *“(a) IN GENERAL.—*

17 *“(1) WITHDRAWAL OR LEAVE OF ABSENCE.—A*
18 *covered member may, after receiving orders to enter*
19 *a period of covered service, withdraw or take a leave*
20 *of absence from covered education.*

21 *“(2) PROHIBITION ON ADVERSE ACTION.—The*
22 *institution concerned may not take any adverse ac-*
23 *tion against a covered member on the basis that such*
24 *covered member withdraws or takes a leave of absence*

1 *under paragraph (1). Adverse actions include the fol-*
2 *lowing:*

3 *“(A) The assignment of a failing grade to*
4 *a covered member for covered education.*

5 *“(B) The reduction of the grade point aver-*
6 *age of a covered member for covered education.*

7 *“(C) The characterization of any absence of*
8 *a covered member from covered education as un-*
9 *excused.*

10 *“(D) The assessment of any financial pen-*
11 *alty against a covered member.*

12 *“(b) WITHDRAWAL.—If a covered member withdraws*
13 *from covered education under subsection (a), the institution*
14 *concerned shall refund all tuition and fees (including pay-*
15 *ments for housing) for the academic term from which the*
16 *covered servicemember withdraws.*

17 *“(c) LEAVE OF ABSENCE.—If a covered member takes*
18 *a leave of absence from covered education under subsection*
19 *(a), the institution concerned shall—*

20 *“(1) assign a grade of ‘incomplete’ (or equiva-*
21 *lent) to the covered member for covered education for*
22 *the academic term from which the covered member*
23 *takes such leave of absence; and*

1 “(2) *to the extent practicable, permit the covered*
2 *member, upon completion of the period covered serv-*
3 *ice, to complete such academic term.*

4 “(d) *DEFINITIONS.—In this section:*

5 “(1) *The term ‘covered education’ means a course*
6 *of education—*

7 “(A) *at an institution of higher education;*
8 *and*

9 “(B) *paid for with educational assistance*
10 *furnished under a law administered by the Sec-*
11 *retary.*

12 “(2) *The term ‘covered member’ means a member*
13 *of the Armed Forces (including the reserve compo-*
14 *nents) enrolled in covered education.*

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

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

19 “(B) *State active duty, as defined in section*
20 *4303 of this title.*

21 “(4) *The term ‘institution concerned’ means,*
22 *with respect to a covered member, the institution of*
23 *higher education where the covered member is enrolled*
24 *in covered education.*

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

4 **“(m) ACCELERATED PAYMENTS FOR CERTAIN FLIGHT**
5 *TRAINING.—*

6 **“(1) PAYMENTS.—***An individual enrolled in a*
7 *program of education pursued at an institution of*
8 *higher learning in which flight training is required to*
9 *earn the degree being pursued (including with respect*
10 *to a dual major, concentration, or other element of*
11 *such a degree) may elect to receive accelerated pay-*
12 *ments of amounts for tuition and fees determined*
13 *under subsection (c). The amount of each accelerated*
14 *payment shall be an amount equal to twice the*
15 *amount for tuition and fee so determined under such*
16 *subsection, but the total amount of such payments*
17 *may not exceed the total amount of tuition and fees*
18 *for the program of education. The amount of monthly*
19 *stipends shall be determined in accordance with such*
20 *subsection (c) and may not be accelerated under this*
21 *paragraph.*

22 **“(2) EDUCATIONAL COUNSELING.—***An indi-*
23 *vidual may make an election under paragraph (1)*
24 *only if the individual receives educational counseling*
25 *under section 3697A(a) of this title.*

1 “(3) *CHARGE AGAINST ENTITLEMENT.*—*The*
2 *number of months of entitlement charged an indi-*
3 *vidual for accelerated payments made pursuant to*
4 *paragraph (1) shall be determined at the rate of two*
5 *months for each month in which such an accelerated*
6 *payment is made.*”.

7 *(c) FLIGHT TRAINING AT PUBLIC INSTITUTIONS.*—
8 *Subsection (c)(1)(A) of such section 3313 is amended—*

9 *(1) in clause (i)—*

10 *(A) by redesignating subclauses (I) and (II)*
11 *as items (aa) and (bb), respectively;*

12 *(B) by striking “In the case of a program*
13 *of education pursued at a public institution of*
14 *higher learning” and inserting “(I) Subject to*
15 *subclause (II), in the case of a program of edu-*
16 *cation pursued at a public institution of higher*
17 *learning not described in clause (i)(II)(bb)”;*
18 *and*

19 *(C) by adding at the end the following new*
20 *subclause:*

21 *“(II) In determining the actual net*
22 *cost for in-State tuition and fees pursuant*
23 *to subclause (I), the Secretary may not pay*
24 *for tuition and fees relating to flight train-*
25 *ing.”; and*

1 (2) *in clause (ii)*—

2 (A) *in subclause (I), by redesignating items*
3 *(aa) and (bb) as subitems (AA) and (BB), re-*
4 *spectively;*

5 (B) *in subclause (II), by redesignating*
6 *items (aa) and (bb) as subitems (AA) and (BB),*
7 *respectively;*

8 (C) *by redesignating subclauses (I) and (II)*
9 *as items (aa) and (bb), respectively;*

10 (D) *by striking “In the case of a program*
11 *of education pursued at a non-public or foreign*
12 *institution of higher learning” and inserting*
13 *“(I) In the case of a program of education de-*
14 *scribed in subclause (II)”;* and

15 (E) *by adding at the end the following new*
16 *subclause:*

17 “(II) *A program of education described*
18 *in this subclause is any of the following:*

19 “(aa) *A program of education*
20 *pursued at a non-public or foreign in-*
21 *stitution of higher learning.*

22 “(bb) *A program of education*
23 *pursued at a public institution of high-*
24 *er learning in which flight training is*
25 *required to earn the degree being pur-*

1 sued (including with respect to a dual
2 major, concentration, or other element
3 of such a degree).”.

4 (d) *CERTAIN PROGRAMS OF EDUCATION CARRIED OUT*
5 *UNDER CONTRACT.*—Section 3313(c)(1)(A)(ii)(II) of title
6 38, United States Code, as added by subsection (c)(2)(E),
7 is amended by adding at the end the following new item:

8 “(cc) A program of education pur-
9 sued at a public institution of higher
10 learning in which the public institu-
11 tion of higher learning enters into a
12 contract or agreement with an entity
13 (other than another public institution
14 of higher learning) to provide such pro-
15 gram of education or a portion of such
16 program of education.”.

17 (e) *APPLICATION.*—

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

23 (2) *SPECIAL RULE FOR CURRENT STUDENTS.*—
24 In the case of an individual who, as of the date of the
25 enactment of this Act, is using educational assistance

1 *under chapter 33 of title 38, United States Code, to*
2 *pursue a course of education that includes a program*
3 *of education described in item (bb) or (cc) of section*
4 *3313(c)(1)(A)(ii)(II) of title 38, United States Code,*
5 *as added by subsections (c) and (d), respectively, the*
6 *amendment made by such subsection shall apply with*
7 *respect to a quarter, semester, or term, as applicable,*
8 *commencing on or after the date that is two years*
9 *after the date of the enactment of this Act.*

Amend the title so as to read: “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, and for other purposes.”.