

117TH CONGRESS
1ST SESSION

H. R. 5603

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2021

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

12 **“§ 3691A. Withdrawal or leave of absence from cer-**
13 **tain education**

14 “(a) IN GENERAL.—

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

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

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

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

4 “(C) The characterization of any absence
5 of a covered member from covered education as
6 unexcused.

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

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

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

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

21 “(2) to the extent practicable, permit the cov-
22 ered member, upon completion of the period covered
23 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.

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

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

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

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

17 “(4) The term ‘institution concerned’ means,
18 with respect to a covered member, the institution of
19 higher education where the covered member is en-
20 rolled 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 member enters covered service and ending on the
 4 date on which the covered member is released from
 5 covered service or dies while in covered service.”.

6 (b) CLERICAL AMENDMENT.—The table of contents
 7 at the beginning of such chapter is amended by inserting
 8 after the item relating to section 3691 the following new
 9 item:

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

10 **SEC. 3. IMPROVEMENTS TO ASSISTANCE PROVIDED FOR**
 11 **CERTAIN FLIGHT TRAINING AND OTHER PRO-**
 12 **GRAMS OF EDUCATION.**

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

16 (1) in paragraph (1) by striking the semicolon
 17 and inserting the following: “and is required for the
 18 course of education being pursued (including with
 19 respect to a dual major, concentration, or other ele-
 20 ment a degree); and”;

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

22 (3) by redesignating paragraph (3) as para-
 23 graph (2).

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

4 “(m) ACCELERATED PAYMENTS FOR CERTAIN
5 FLIGHT 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
9 to earn the degree being pursued (including with re-
10 spect to a dual major, concentration, or other ele-
11 ment of such a degree) may elect to receive acceler-
12 ated payments of amounts for tuition and fees deter-
13 mined under subsection (c). The amount of each ac-
14 celerated payment shall be an amount equal to twice
15 the amount for tuition and fee so determined under
16 such subsection, but the total amount of such pay-
17 ments may not exceed the total amount of tuition
18 and fees for the program of education. The amount
19 of monthly stipends shall be determined in accord-
20 ance with such subsection (c) and may not be accel-
21 erated under this 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
 11 (II) 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 (ii)(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
 24 pay for tuition and fees relating to flight
 25 training.”; and

1 (2) in clause (ii)—

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

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

8 (C) by redesignating subclauses (I) and
9 (II) 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)”;

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

17 “(II) A program of education de-
18 scribed in this subclause is any of the fol-
19 lowing:

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

23 “(bb) A program of education
24 pursued at a public institution of
25 higher learning in which flight train-

1 ing is required to earn the degree
2 being pursued (including with respect
3 to a dual major, concentration, or
4 other element of such a degree).”.

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

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

19 (e) APPLICATION.—

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

1 (2) SPECIAL RULE FOR CURRENT STUDENTS.—

2 In the case of an individual who, as of the date of
3 the enactment of this Act, is using educational as-
4 sistance under chapter 33 of title 38, United States
5 Code, to pursue a course of education that includes
6 a program of education described in item (bb) or
7 (cc) of section 3313(c)(1)(A)(ii)(II) of title 38,
8 United States Code, as added by subsections (c) and
9 (d), respectively, the amendment made by such sub-
10 section shall apply with respect to a quarter, semes-
11 ter, or term, as applicable, commencing on or after
12 the date that is two years after the date of the en-
13 actment of this Act.

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

15 The budgetary effects of this Act, for the purpose of
16 complying with the Statutory Pay-As-You-Go Act of 2010,
17 shall be determined by reference to the latest statement
18 titled “Budgetary Effects of PAYGO Legislation” for this
19 Act, submitted for printing in the Congressional Record
20 by the Chairman of the House Budget Committee,

1 provided that such statement has been submitted prior to
2 the vote on passage.

Passed the House of Representatives November 16,
2021.

Attest: CHERYL L. JOHNSON,
Clerk.