

117TH CONGRESS
2D SESSION

S. 4890

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.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 20, 2022

Ms. HASSAN (for herself and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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.

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 of 2022”.

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.—(1)(A) Subject to subparagraph
 12 (B), a covered individual may, after receiving orders to
 13 enter a period of covered service, withdraw or take a leave
 14 of absence from covered education.

15 “(B) Subparagraph (A) shall not apply to a covered
 16 individual who is not abiding the regularly prescribed
 17 standards and practices of the educational institution con-
 18 cerned for attendance, conduct, and progress.

19 “(2)(A) The institution concerned may not take any
 20 adverse action described in subparagraph (B) against a
 21 covered individual on the basis that such covered indi-
 22 vidual withdraws or takes a leave of absence under para-
 23 graph (1).

24 “(B) The adverse actions described in this subpara-
 25 graph are as follows:

1 “(i) The assignment of a failing grade to a cov-
2 ered individual for covered education.

3 “(ii) The reduction of the grade point average
4 of a covered individual for covered education.

5 “(iii) The characterization of any absence of a
6 covered individual from covered education as unex-
7 cused.

8 “(iv) The assessment of any financial penalty
9 against a covered individual.

10 “(b) WITHDRAWAL.—If a covered individual with-
11 draws from covered education under subsection (a), the
12 institution concerned shall refund all tuition and fees (in-
13 cluding payments for housing) for the academic term from
14 which the covered individual withdraws.

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

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

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

25 “(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 individual’ means an in-
9 dividual who—

10 “(A) is enrolled in covered education; and

11 “(B) is—

12 “(i) a member of the Armed Forces
13 (including the reserve components); or

14 “(ii) the spouse of a member de-
15 scribed in clause (i).

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

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

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

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

1 “(5) The term ‘institution of higher education’
2 has the meaning given such term in section 101 of
3 the Higher Education Act of 1965 (20 U.S.C.
4 1001).

5 “(6) The term ‘period of covered service’ means
6 the period beginning on the date on which a covered
7 individual or the spouse of a covered individual en-
8 ters covered service and ending on the date on which
9 the covered individual or spouse is released from
10 covered service or dies while in covered service.”.

11 (b) REPORT.—

12 (1) IN GENERAL.—Not later two years after the
13 date of the enactment of this Act and not later than
14 five years after the date of the enactment of this
15 Act, the Secretary of Veterans Affairs shall submit
16 to the Committee on Veterans’ Affairs of the Senate
17 and the Committee on Veterans’ Affairs of the
18 House of Representatives a report on the use of the
19 authority under section 3691A(a) of title 38, United
20 States Code, as added by subsection (a).

21 (2) CONTENTS.—Each report submitted under
22 paragraph (1) shall include the following:

23 (A) The number of covered individuals
24 using the authority described in paragraph (1),
25 disaggregated by—

1 (i) in the cases in which the covered
 2 individual is a member of the Armed
 3 Forces, the component of the Armed
 4 Forces of which the covered individual is a
 5 member; and

6 (ii) in the cases in which the covered
 7 individual is a spouse of a member of the
 8 Armed Forces, the component of the
 9 Armed Forces of such member.

10 (B) The number of times that such author-
 11 ity was used, disaggregated by—

12 (i) whether the authority was used for
 13 a leave of absence or a withdrawal;

14 (ii) the type of covered duty for which
 15 the authority was used;

16 (iii) the program of educational assist-
 17 ance that was being used to pay for the
 18 program of education from which the cov-
 19 ered individual withdrew or took a leave of
 20 absence; and

21 (iv) the duration of the covered duty
 22 for which the authority was used.

23 (c) CLERICAL AMENDMENT.—The table of contents
 24 at the beginning of such chapter is amended by inserting

- 1 after the item relating to section 3691 the following new
- 2 item:

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

