

117TH CONGRESS
1ST 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.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 15, 2021

Ms. UNDERWOOD introduced the following bill; which was 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.

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.”.

