

113TH CONGRESS  
1ST SESSION

# H. R. 3469

To amend titles 5 and 38, United States Code, to clarify the veteran status of an individual based on the attendance of the individual at a preparatory school of a service academy, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 13, 2013

Mr. ISSA (for himself, Ms. DUCKWORTH, Mr. BRADY of Pennsylvania, Ms. BROWNLEY of California, Mr. CÁRDENAS, Mr. CICILLINE, Ms. CLARKE, Mr. CROWLEY, Mr. DANNY K. DAVIS of Illinois, Mr. ENYART, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. GUTIÉRREZ, Ms. HANABUSA, Mr. NOLAN, Mrs. NAPOLITANO, Mr. MURPHY of Florida, Ms. MENG, Mr. MATHESON, Mr. LOWENTHAL, Mr. LEWIS, Mr. LANGEVIN, Mr. KILDEE, Ms. KELLY of Illinois, Ms. JACKSON LEE, Mr. HORSFORD, Mr. HONDA, Ms. NORTON, Mr. PETERSON, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SHEA-PORTER, Ms. SINEMA, Ms. SLAUGHTER, Ms. SPEIER, Mr. SWALWELL of California, Mr. TAKANO, Ms. TSONGAS, Mr. SHUSTER, Mr. SMITH of Washington, Mr. RIGELL, Mr. LAMALFA, Mr. GRIMM, Mr. CRAWFORD, Mr. COOK, Mr. COLE, Mr. BISHOP of Utah, Mr. BENTIVOLIO, Mrs. NOEM, Mr. CALVERT, Mr. RODNEY DAVIS of Illinois, Mr. RICHMOND, Ms. WATERS, Ms. BORDALLO, Mr. COURTNEY, Mrs. WALORSKI, and Mr. CUMMINGS) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend titles 5 and 38, United States Code, to clarify the veteran status of an individual based on the attendance of the individual at a preparatory school of a service academy, 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 “Support Earned Rec-  
5 ognition for Veterans Act” or the “SERV Act”.

6 **SEC. 2. CLARIFICATION OF VETERAN STATUS.**

7        (a) CLARIFICATION OF DEFINITION OF MILITARY  
8 SERVICE.—Section 101 of title 38, United States Code,  
9 is amended—

10            (1) in paragraph (21)(D), by inserting after  
11        “Naval Academy” the following: “(but, except for  
12        purposes of chapter 17 of this title in accordance  
13        with section 107(e)(2), does not include any service  
14        performed by a student at a preparatory school of  
15        a service academy who is not otherwise a member of  
16        the Armed Forces)”;

17            (2) in paragraph (22), by inserting before the  
18        period at the end the following: “or, except for pur-  
19        poses of chapter 17 of this title in accordance with  
20        section 107(e)(2), duty performed by a student at a  
21        preparatory school of a service academy who is not  
22        otherwise a member of the Armed Forces”; and

23            (3) in paragraph (23), by adding after the pe-  
24        riod at the end the following: “Except for purposes  
25        of chapter 17 of this title in accordance with section

1       107(e)(2), such term does not include duty per-  
2       formed by a student at a preparatory school of a  
3       service academy who is not otherwise a member of  
4       the Armed Forces.”.

5       (b) SERVICE DEEMED NOT TO BE ACTIVE SERV-  
6       ICE.—Section 107 of title 38, United States Code, is  
7       amended by adding at the end the following new sub-  
8       section:

9       “(e)(1) Except as provided by paragraph (2), duty  
10      performed by a student at a preparatory school of a serv-  
11      ice academy who is not otherwise a member of the Armed  
12      Forces shall not be deemed to have been active military,  
13      naval, or air service for the purposes of any of the laws  
14      administered by the Secretary, regardless of whether the  
15      student was injured or disabled as a result of such duty.

16      “(2) Chapter 17 of this title shall apply to an indi-  
17      vidual described in paragraph (1) with respect to fur-  
18      nishing hospital care and medical services solely for an in-  
19      jury or disability incurred by the individual as a result  
20      of military training related to future active duty service  
21      performed as a student during the course of required  
22      training at a preparatory school of a service academy. An  
23      individual who receives such care and services under this  
24      paragraph may not be treated as a veteran for the pur-

1 poses of any other provision of law solely by reason of re-  
2 ceiving such care and services under this paragraph.”.

3 (c) SMALL BUSINESS CONCERNS.—Section 8127(l)  
4 of title 38, United States Code, is amended by adding at  
5 the end the following new paragraph:

6 “(3) The term ‘veteran’, in accordance with sec-  
7 tions 101 and 107 of this title, does not include an  
8 individual whose veteran status is based solely on  
9 the attendance of the individual as a student at a  
10 preparatory school of a service academy, regardless  
11 of whether the individual was injured or disabled as  
12 a result of duty performed as such a student.”.

13 (d) PREFERENCE ELIGIBLE.—Section 2108 of title  
14 5, United States Code, is amended—

15 (1) in paragraph (4)(B), by striking “; and”  
16 and inserting a semicolon;

17 (2) in paragraph (5), by striking the period at  
18 the end and inserting “; and”; and

19 (3) by adding at the end the following new  
20 paragraph:

21 “(6) an individual whose veteran status is based  
22 solely on the attendance of the individual as a stu-  
23 dent at a preparatory school of a service academy,  
24 regardless of whether the individual was injured or  
25 disabled as a result of duty performed as such a stu-

1 dent, may not be treated as a ‘veteran’, ‘disabled  
2 veteran’, or ‘preference eligible’.”.

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