

113TH CONGRESS
1ST SESSION

S. 1736

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.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 19, 2013

Mr. DURBIN (for himself, Mr. BURR, Mr. GRASSLEY, Mr. HARKIN, and Mr. KIRK) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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 “SERVe Act”.

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

2 (a) CLARIFICATION OF DEFINITION OF MILITARY
3 SERVICE.—Section 101 of title 38, United States Code,
4 is amended—

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

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

18 (3) in paragraph (23), by adding after the pe-
19 riod at the end the following: “Except for purposes
20 of chapter 17 of this title in accordance with section
21 107(e)(2), such term does not include duty per-
22 formed by a student at a preparatory school of a
23 service academy who is not otherwise a member of
24 the Armed Forces.”.

25 (b) SERVICE DEEMED NOT TO BE ACTIVE SERV-
26 ICE.—Section 107 of title 38, United States Code, is

1 amended by adding at the end the following new sub-
2 section:

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

10 “(2) Chapter 17 of this title shall apply to an indi-
11 vidual described in paragraph (1) with respect to fur-
12 nishing hospital care and medical services solely for an in-
13 jury or disability incurred by the individual as a result
14 of military training related to future active duty service
15 performed as a student during the course of required
16 training at a preparatory school of a service academy. An
17 individual who receives such care and services under this
18 paragraph may not be treated as a veteran for the pur-
19 poses of any other provision of law solely by reason of re-
20 ceiving such care and services under this paragraph.”.

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

24 “(3) The term ‘veteran’, in accordance with sec-
25 tions 101 and 107 of this title, does not include an

1 individual whose veteran status is based solely on
2 the attendance of the individual as a student at a
3 preparatory school of a service academy, regardless
4 of whether the individual was injured or disabled as
5 a result of duty performed as such a student.”.

6 (d) PREFERENCE ELIGIBLE.—Section 2108 of title
7 5, United States Code, is amended—

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

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

12 (3) by adding at the end the following new
13 paragraph:

14 “(6) an individual whose veteran status is based
15 solely on the attendance of the individual as a stu-
16 dent at a preparatory school of a service academy,
17 regardless of whether the individual was injured or
18 disabled as a result of duty performed as such a stu-
19 dent, may not be treated as a ‘veteran’, ‘disabled
20 veteran’, or ‘preference eligible’.”.

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