

115TH CONGRESS  
1ST SESSION

# H. R. 3372

To amend title 38, United States Code, to provide for the restoration of entitlement to educational assistance and other relief for veterans affected by school closure or disapproval, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2017

Mr. MESSER introduced the following bill; which was referred to the  
Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to provide for the restoration of entitlement to educational assistance and other relief for veterans affected by school closure or disapproval, 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. RESTORATION OF ENTITLEMENT TO EDU-**  
4                       **CATIONAL ASSISTANCE AND OTHER RELIEF**  
5                       **FOR VETERANS AFFECTED BY SCHOOL CLO-**  
6                       **SURE OR DISAPPROVAL.**

7       (a) SCHOOL CLOSURE OR DISAPPROVAL.—

1 (1) RESTORATION OF ENTITLEMENT.—Chapter  
 2 36 is amended by adding at the end the following  
 3 new section:

4 **“§ 3699. Effects of closure or disapproval of edu-**  
 5 **cational institution**

6 “(a) CLOSURE OR DISAPPROVAL.—Any payment of  
 7 educational assistance described in subsection (b) shall  
 8 not—

9 “(1) be charged against any entitlement to edu-  
 10 cational assistance of the individual concerned; or

11 “(2) be counted against the aggregate period  
 12 for which section 3695 of this title limits the receipt  
 13 of educational assistance by such individual.

14 “(b) EDUCATIONAL ASSISTANCE DESCRIBED.—Sub-  
 15 ject to subsection (c), the payment of educational assist-  
 16 ance described in this paragraph is the payment of such  
 17 assistance to an individual for pursuit of a course or pro-  
 18 gram of education at an educational institution under  
 19 chapter 30, 32, 33, or 35 of this title, or chapter 1606  
 20 or 1607 of title 10, if the Secretary determines that the  
 21 individual—

22 “(1) was unable to complete such course or pro-  
 23 gram as a result of—

24 “(A) the closure of the educational institu-  
 25 tion; or

1           “(B) the disapproval of the course or a  
2           course that is a necessary part of that program  
3           under this chapter by reason of—

4                   “(i) a provision of law enacted after  
5                   the date on which the individual enrolls at  
6                   such institution affecting the approval or  
7                   disapproval of courses under this chapter;  
8                   or

9                   “(ii) after the date on which the indi-  
10                  vidual enrolls at such institution, the Sec-  
11                  retary prescribing or modifying regulations  
12                  or policies of the Department affecting  
13                  such approval or disapproval; and

14           “(2) did not receive credit or lost training time,  
15           toward completion of the program of education being  
16           so pursued.

17           “(c) PERIOD NOT CHARGED.—The period for which,  
18           by reason of this subsection, educational assistance is not  
19           charged against entitlement or counted toward the appli-  
20           cable aggregate period under section 3695 of this title  
21           shall not exceed the aggregate of—

22                   “(1) the portion of the period of enrollment in  
23                   the course from which the individual did not receive  
24                   credit or with respect to which the individual lost

1 training time, as determined under subsection  
2 (b)(2), and

3 “(2) the period by which a monthly stipend is  
4 extended under section 3680(a)(2)(B) of this title.

5 “(d) CONTINUING PURSUIT OF DISAPPROVED  
6 COURSES.—(1) The Secretary may treat a course of edu-  
7 cation that is disapproved under this chapter as being ap-  
8 proved under this chapter with respect to an individual  
9 described in paragraph (2) if the Secretary determines,  
10 on a case-by-case basis, that—

11 “(A) such disapproval is the result of an action  
12 described in clause (i) or (ii) of subsection (b)(1)(B);  
13 and

14 “(B) continuing pursuing such course is in the  
15 best interest of the individual.

16 “(2) An individual described in this paragraph is an  
17 individual who is pursuing a course of education at an  
18 educational institution under chapter 30, 32, 33, or 35  
19 of this title, or chapter 1606 or 1607 of title 10, as of  
20 the date on which the course is disapproved under this  
21 chapter.

22 “(e) NOTICE OF CLOSURES.—Not later than five  
23 business days after the date on which the Secretary re-  
24 ceives notice that an educational institution will close or  
25 is closed, the Secretary shall provide to each individual

1 who is enrolled in a course or program or education at  
 2 such educational institution using entitlement to edu-  
 3 cational assistance under chapter 30, 32, 33, or 35 of this  
 4 title, or chapter 1606 or 1607 of title 10, notice of—

5 “(1) such closure and the date of such closure;  
 6 and

7 “(2) the effect of such closure on the individ-  
 8 ual’s entitlement to educational assistance pursuant  
 9 to this section.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-  
 11 tions at the beginning of such chapter is amended  
 12 by inserting after the item relating to section 3698  
 13 the following new item:

“3699. Effects of closure or disapproval of educational institution.”.

14 (b) MONTHLY HOUSING STIPEND.—

15 (1) IN GENERAL.—Subsection (a) section 3680  
 16 is amended—

17 (A) by striking the matter after paragraph  
 18 (3)(B);

19 (B) in paragraph (3), by redesignating  
 20 subparagraphs (A) and (B) as clauses (i) and  
 21 (ii), respectively;

22 (C) by redesignating paragraphs (1)  
 23 through (3) as subparagraphs (A) through (C),  
 24 respectively;

1 (D) in the matter preceding subparagraph  
2 (A), as redesignated, in the first sentence, by  
3 striking “Payment of” and inserting “(1) Ex-  
4 cept as provided in paragraph (2), payment of”;  
5 and

6 (E) by adding at the end the following new  
7 paragraph (2):

8 “(2) Notwithstanding paragraph (1), the Secretary  
9 may, pursuant to such regulations as the Secretary shall  
10 prescribe, continue to pay allowances to eligible veterans  
11 and eligible persons enrolled in courses set forth in para-  
12 graph (1)(A)—

13 “(A) during periods when educational institu-  
14 tions are temporarily closed under an established  
15 policy based on an Executive order of the President  
16 or due to an emergency situation, except that the  
17 total number of weeks for which allowances may  
18 continue to be so payable in any 12-month period  
19 may not exceed four weeks; or

20 “(B) solely for the purpose of awarding a  
21 monthly housing stipend described in section 3313  
22 of this title, during periods following a permanent  
23 closure of an educational institution, or following the  
24 disapproval of a course of study described in section  
25 3699(b)(1)(B) of this title, except that payment of

1       such a stipend may only be continued until the ear-  
 2       lier of—

3               “(i) the date of the end of the term, quar-  
 4               ter, or semester during which the closure or dis-  
 5               approval occurred; and

6               “(ii) the date that is 120 days after the  
 7               date of the closure or disapproval.”.

8               (2) CONFORMING AMENDMENT.—Paragraph  
 9       (1)(C)(ii) of such subsection, as redesignated, is  
 10      amended by striking “described in subclause (A) of  
 11      this clause” and inserting “described in clause (i)”.

12      (c) APPLICABILITY.—

13              (1) SCHOOL CLOSURE OR DISAPPROVAL.—

14              (A) IN GENERAL.—The amendments made  
 15      by subsection (a) shall take effect on the date  
 16      that is 90 days after the date of the enactment  
 17      of this Act, and shall apply with respect to  
 18      courses and programs of education discontinued  
 19      as described in section 3699 of title 38, United  
 20      States Code, as added by subsection (a)(1),  
 21      after January 1, 2015.

22              (B) SPECIAL APPLICATION.—With respect  
 23      to courses and programs of education discon-  
 24      tinued as described in section 3699 of title 38,  
 25      United States Code, as added by subsection

1 (a)(1), during the period beginning January 1,  
2 2015, and ending on the date of the enactment  
3 of this Act, an individual who does not transfer  
4 credits from such program of education shall be  
5 deemed to be an individual who did not receive  
6 such credits, as described in subsection (b)(2)  
7 of such section, except that the period for which  
8 the individual's entitlement is not charged shall  
9 be the entire period of the individual's enroll-  
10 ment in the program of education. In carrying  
11 out this paragraph, the Secretary of Veterans  
12 Affairs, in consultation with the Secretary of  
13 Education, shall establish procedures to deter-  
14 mine whether the individual transferred credits  
15 to a comparable course or program of edu-  
16 cation.

17 (2) MONTHLY HOUSING STIPEND.—The amend-  
18 ments made by subsection (b) shall take effect on  
19 August 1, 2018, and shall apply with respect to  
20 courses and programs of education discontinued as  
21 described in section 3699 of title 38, United States  
22 Code, as added by such subsection, on or after the  
23 date of the enactment of this Act.

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