

116TH CONGRESS
2D SESSION

H. R. 8415

To provide for the continuation of certain educational assistance benefits during the COVID–19 emergency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 2020

Mr. CISNEROS (for himself and Mr. BERGMAN) introduced the following bill; which was referred to the Committee on Veterans’ Affairs, and in addition to the Committee on Armed Services, 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

A BILL

To provide for the continuation of certain educational assistance benefits during the COVID–19 emergency, 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 “Restoring Education
5 Access for Student Veterans Act”.

1 **SEC. 2. CONTINUATION OF DEPARTMENT OF VETERANS AF-**
2 **FAIRS EDUCATIONAL ASSISTANCE BENEFITS**
3 **DURING COVID-19 EMERGENCY.**

4 (a) **AUTHORITY.**—If the Secretary of Veterans Af-
5 fairs determines under subsection (c) that an individual
6 is negatively affected by the COVID-19 emergency, the
7 Secretary may provide educational assistance to that indi-
8 vidual under the laws administered by the Secretary as
9 if such negative effects did not occur. The authority under
10 this section is in addition to the authority provided under
11 section 1 of Public Law 116-128 (38 U.S.C. 3001 note
12 prec.), but in no case may the Secretary provide more than
13 a total of four weeks of additional educational assistance
14 by reason of section 4 of the Student Veteran Coronavirus
15 Response Act of 2020 (Public Law 116-140; 38 U.S.C.
16 3680 note) and this section.

17 (b) **HOUSING AND ALLOWANCES.**—In providing edu-
18 cational assistance to an individual pursuant to subsection
19 (a), the Secretary may—

20 (1) continue to pay a monthly housing stipend
21 under chapter 33 of title 38, United States Code,
22 during a month the individual would have been en-
23 rolled in a program of education or training but for
24 the COVID-19 emergency at the same rate such sti-
25 pend would have been payable if the individual had
26 not been negatively affected by the COVID-19 emer-

1 agency, except that the total number of weeks for
2 which stipends may continue to be so payable may
3 not exceed four weeks; and

4 (2) continue to pay payments or subsistence al-
5 lowances under chapters 30, 31, 32, 33, and 35 of
6 such title and chapter 1606 of title 10, United
7 States Code, during a month for a period of time
8 that the individual would have been enrolled in a
9 program of education or training but for the
10 COVID–19 emergency, except that the total number
11 of weeks for which payments or allowances may con-
12 tinue to be so payable may not exceed four weeks.

13 (c) DETERMINATION OF NEGATIVE EFFECTS.—The
14 Secretary shall determine that an individual was nega-
15 tively affected by the COVID–19 emergency if—

16 (1) the individual is enrolled in a covered pro-
17 gram of education of an educational institution or
18 enrolled in training at a training establishment and
19 is pursuing such program or training using edu-
20 cational assistance under the laws administered by
21 the Secretary;

22 (2) the educational institution or training estab-
23 lishment certifies to the Secretary that such pro-
24 gram or training is truncated, delayed, relocated,
25 canceled, partially canceled, converted from being

1 on-site to being offered by distance learning, or oth-
2 erwise modified or made unavailable by reason of the
3 COVID–19 emergency; and

4 (3) the Secretary determines that the modifica-
5 tion to such program or training specified under
6 paragraph (2) would reduce the amount of edu-
7 cational assistance (including with respect to month-
8 ly housing stipends, payments, or subsistence allow-
9 ances) that would be payable to the individual but
10 for the COVID–19 emergency.

11 (d) EFFECT ON ENTITLEMENT PERIOD.—If the Sec-
12 retary determines that an individual who received assist-
13 ance under this section did not make progress toward the
14 completion of the program of education in which the indi-
15 vidual is enrolled during the period for which the indi-
16 vidual received such assistance, any assistance provided
17 pursuant to this section shall not be counted for purposes
18 of determining the total amount of an individual’s entitle-
19 ment to educational assistance, housing stipends, or pay-
20 ments or subsistence allowances under chapters 30, 31,
21 32, and 35 of such title and chapter 1606 of title 10,
22 United States Code.

23 (e) APPLICABILITY PERIOD.—This section shall
24 apply during the period beginning on March 1, 2020, and
25 ending on December 21, 2021.

1 **SEC. 3. EFFECTS OF CLOSURE OF EDUCATIONAL INSTITU-**
2 **TION AND MODIFICATION OF COURSES BY**
3 **REASON OF COVID-19 EMERGENCY.**

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

7 (1) be charged against any entitlement to edu-
8 cational assistance of the individual concerned; or

9 (2) be counted against the aggregate period for
10 which section 3695 of title 38, United States Code,
11 limits the receipt of educational assistance by such
12 individual.

13 (b) EDUCATIONAL ASSISTANCE DESCRIBED.—Sub-
14 ject to subsection (d), the payment of educational assist-
15 ance described in this subsection is the payment of such
16 assistance to an individual for pursuit of a course or pro-
17 gram of education at an educational institution under
18 chapter 30, 31, 32, 33, or 35 of title 38, United States
19 Code, or chapter 1606 of title 10, United States Code,
20 if the Secretary determines that the individual—

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

23 (A) the closure of the educational institu-
24 tion, or the full or partial cancellation of a
25 course or program of education, by reason of
26 the COVID-19 emergency; or

1 (B) the disapproval of the course or a
2 course that is a necessary part of that program
3 under chapter 36 of title 38, United States
4 Code, because the course was modified by rea-
5 son of such emergency; and

6 (2) did not receive credit or lost training time,
7 toward completion of the program of education being
8 so pursued.

9 (c) HOUSING ASSISTANCE.—In this section, edu-
10 cational assistance includes, as applicable—

11 (1) monthly housing stipends payable under
12 chapter 33 of title 38, United States Code, for any
13 month the individual would have been enrolled in a
14 course or program of education; and

15 (2) payments or subsistence allowances under
16 chapters 30, 31, 32, and 35 of such title and chap-
17 ter 1606 of title 10, United States Code, during a
18 month the individual would have been enrolled in a
19 course or program of education.

20 (d) PERIOD NOT CHARGED.—The period for which,
21 by reason of this subsection, educational assistance is not
22 charged against entitlement or counted toward the appli-
23 cable aggregate period under section 3695 of title 38,
24 United States Code, shall not exceed the aggregate of—

1 (1) the portion of the period of enrollment in
 2 the course from which the individual did not receive
 3 credit or with respect to which the individual lost
 4 training time, as determined under subsection
 5 (b)(2); and

6 (2) the period by which a monthly stipend is ex-
 7 tended under section 3680(a)(2)(B) of title 38,
 8 United States Code.

9 (e) CONTINUING PURSUIT OF DISAPPROVED
 10 COURSES.—

11 (1) IN GENERAL.—The Secretary may treat a
 12 course of education that is disapproved under chap-
 13 ter 36 of title 38, United States Code, as being ap-
 14 proved under such chapter with respect to an indi-
 15 vidual described in paragraph (2) if the Secretary
 16 determines, on a programmatic basis, that—

17 (A) such disapproval is the result of an ac-
 18 tion described in subsection (b)(1)(B); and

19 (B) continuing pursuing such course is in
 20 the best interest of the individual.

21 (2) INDIVIDUAL DESCRIBED.—An individual de-
 22 scribed in this paragraph is an individual who is
 23 pursuing a course of education at an educational in-
 24 stitution under chapter 30, 31, 32, 33, or 35 of title
 25 38, United States Code, or chapter 1606 of title 10,

1 United States Code, as of the date on which the
2 course is disapproved as described in subsection
3 (b)(1)(B).

4 (f) STATUS AS FULL-TIME STUDENT FOR PURPOSES
5 OF HOUSING STIPEND CALCULATION.—In the case of an
6 individual who, as of the first day of the COVID-19 emer-
7 gency was enrolled on a full-time basis in a program of
8 education and was receiving educational assistance under
9 chapter 33 of title 38, United States Code, or subsistence
10 allowance under chapter 31 of such title, and for whom
11 the Secretary makes a determination under subsection (b),
12 the individual shall be treated as an individual enrolled
13 in a program of education on a full-time basis for the pur-
14 pose of calculating monthly housing stipends payable
15 under chapter 33 of title 38, United States Code, or sub-
16 sistence allowance payable under chapter 31 of such title,
17 for any month the individual is enrolled in the program
18 of education on a part-time basis to complete any course
19 of education that was partially or fully canceled by reason
20 of the COVID-19 emergency.

21 (g) NOTICE OF CLOSURES.—Not later than 5 busi-
22 ness days after the date on which the Secretary receives
23 notice that an educational institution will close or is closed
24 by reason of the COVID-19 emergency, the Secretary shall
25 provide to each individual who is enrolled in a course or

1 program of education at such educational institution using
2 entitlement to educational assistance under chapter 30,
3 31, 32, 33, or 35 of title 38, United States Code, or chap-
4 ter 1606 of title 10, United States Code, notice of—

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

7 (2) the effect of such closure on the individual’s
8 entitlement to educational assistance pursuant to
9 this section.

10 (h) **APPLICABILITY.**—This section shall apply with
11 respect to the closure of an educational institution, or the
12 cancellation or modification of a course or program of edu-
13 cation, that occurs during the period beginning on March
14 1, 2020, and ending on December 21, 2021.

15 **SEC. 4. DEFINITIONS.**

16 In this Act:

17 (1) The term “covered program of education”
18 means a program of education (as defined in section
19 3002 of title 38, United States Code) approved by
20 a State approving agency, or the Secretary of Vet-
21 erans Affairs when acting in the role of a State ap-
22 proving agency.

23 (2) The term “COVID–19 emergency” means
24 the public health emergency declared pursuant to
25 section 319 of the Public Health Service Act on Jan-

1 uary 31, 2020, entitled “Determination that a Pub-
2 lic Health Emergency Exists Nationwide as the Re-
3 sult of the 2019 Novel Coronavirus”.

4 (3) The term “educational institution” has the
5 meaning given that term in section 3452(c) of title
6 38, United States Code, and includes an institution
7 of higher learning (as defined in such section).

8 (4) The term “State approving agency” has the
9 meaning given that term in section 3671 of title 38,
10 United States Code.

11 (5) The term “training establishment” has the
12 meaning given that term in section 3452(e) of title
13 38, United States Code.

14 (6) The term “training” includes on-job train-
15 ing and apprenticeship programs and vocational re-
16 habilitation programs.

○