

116TH CONGRESS
2D SESSION

H. R. 8483

To amend title 38, United States Code, to make certain modifications to the educational assistance programs of the Department of Veterans Affairs in light of the COVID-19 emergency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2020

Mr. CUNNINGHAM (for himself, Mr. BILIRAKIS, Mr. TAKANO, Mr. LEVIN of California, Mr. PAPPAS, Mr. ROSE of New York, and Ms. BROWNLEY of California) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services, and the Budget, 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 amend title 38, United States Code, to make certain modifications to the educational assistance programs of the Department of Veterans Affairs in light of 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 “Pandemic Assistance
5 for Student Veterans Act of 2020”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) The term “covered program of education”
4 means a program of education (as defined in section
5 3002 of title 38, United States Code) approved by
6 a State approving agency, or the Secretary of Vet-
7 erans Affairs when acting in the role of a State ap-
8 proving agency.

9 (2) The term “COVID–19 emergency” means
10 the public health emergency declared pursuant to
11 section 319 of the Public Health Service Act on Jan-
12 uary 31, 2020, entitled “Determination that a Pub-
13 lic Health Emergency Exists Nationwide as the Re-
14 sult of the 2019 Novel Coronavirus”.

15 (3) The term “educational institution” has the
16 meaning given that term in section 3452(c) of title
17 38, United States Code, and includes an institution
18 of higher learning (as defined in such section).

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

22 (5) The term “training establishment” has the
23 meaning given that term in section 3452(e) of title
24 38, United States Code.

1 (6) The term “training” includes on-job train-
2 ing and apprenticeship programs and vocational re-
3 habilitation programs.

4 **SEC. 3. CONTINUATION OF DEPARTMENT OF VETERANS AF-**
5 **FAIRS EDUCATIONAL ASSISTANCE BENEFITS**
6 **DURING COVID-19 EMERGENCY.**

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

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

23 (1) continue to pay a monthly housing stipend
24 under chapter 33 of title 38, United States Code,
25 during a month the individual would have been en-

1 rolled in a program of education or training but for
2 the COVID–19 emergency at the same rate such sti-
3 pend would have been payable if the individual had
4 not been negatively affected by the COVID–19 emer-
5 gency, except that the total number of weeks for
6 which stipends may continue to be so payable may
7 not exceed four weeks; and

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

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

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

1 (2) the educational institution or training estab-
2 lishment certifies to the Secretary that such pro-
3 gram or training is truncated, delayed, relocated,
4 canceled, partially canceled, converted from being
5 on-site to being offered by distance learning, or oth-
6 erwise modified or made unavailable by reason of the
7 COVID–19 emergency; and

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

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

1 32, and 35 of such title and chapter 1606 of title 10,
 2 United States Code.

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

6 **SEC. 4. EFFECTS OF CLOSURE OF EDUCATIONAL INSTITU-**
 7 **TION AND MODIFICATION OF COURSES BY**
 8 **REASON OF COVID-19 EMERGENCY.**

9 (a) CLOSURE OR DISAPPROVAL.—Any payment of
 10 educational assistance described in subsection (b) shall
 11 not—

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

14 (2) be counted against the aggregate period for
 15 which section 3695 of title 38, United States Code,
 16 limits the receipt of educational assistance by such
 17 individual.

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

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

3 (A) the closure of the educational institu-
4 tion, or the full or partial cancellation of a
5 course or program of education, by reason of
6 the COVID-19 emergency; or

7 (B) the disapproval of the course or a
8 course that is a necessary part of that program
9 under chapter 36 of title 38, United States
10 Code, because the course was modified by rea-
11 son of such emergency; and

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

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

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

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

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

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

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

14 (e) CONTINUING PURSUIT OF DISAPPROVED
15 COURSES.—

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

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

24 (B) continuing pursuing such course is in
25 the best interest of the individual.

1 (2) INDIVIDUAL DESCRIBED.—An individual de-
2 scribed in this paragraph is an individual who is
3 pursuing a course of education at an educational in-
4 stitution under chapter 30, 31, 32, 33, or 35 of title
5 38, United States Code, or chapter 1606 of title 10,
6 United States Code, as of the date on which the
7 course is disapproved as described in subsection
8 (b)(1)(B).

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

1 (g) NOTICE OF CLOSURES.—Not later than 5 busi-
2 ness days after the date on which the Secretary receives
3 notice that an educational institution will close or is closed
4 by reason of the COVID-19 emergency, the Secretary shall
5 provide to each individual who is enrolled in a course or
6 program of education at such educational institution using
7 entitlement to educational assistance under chapter 30,
8 31, 32, 33, or 35 of title 38, United States Code, or chap-
9 ter 1606 of title 10, United States Code, notice of—

10 (1) such closure and the date of such closure;

11 and

12 (2) the effect of such closure on the individual's
13 entitlement to educational assistance pursuant to
14 this section.

15 (h) APPLICABILITY.—This section shall apply with
16 respect to the closure of an educational institution, or the
17 cancellation or modification of a course or program of edu-
18 cation, that occurs during the period beginning on March
19 1, 2020, and ending on December 21, 2021.

20 **SEC. 5. PAYMENT OF EDUCATIONAL ASSISTANCE IN CASES**
21 **OF WITHDRAWAL.**

22 (a) IN GENERAL.—In the case of any individual who
23 withdraws from a program of education or training, other
24 than a program by correspondence, in an educational in-
25 stitution under chapter 31, 34, or 35 of title 38, United

1 States Code, for a covered reason during the period begin-
2 ning on March 1, 2020, and ending on December 21,
3 2021, the Secretary of Veterans Affairs shall find miti-
4 gating circumstances for purposes of section
5 3680(a)(1)(C)(ii) of title 38, United States Code.

6 (b) COVERED REASON.—In this section, the term
7 “covered reason” means any reason related to the COVID-
8 19 emergency, including—

9 (1) illness, quarantine, or social distancing re-
10 quirements;

11 (2) issues associated with COVID-19 testing ac-
12 cessibility;

13 (3) access or availability of childcare;

14 (4) providing care for a family member or co-
15 habitants;

16 (5) change of location or residence due to
17 COVID-19 or associated school closures;

18 (6) employment changes or financial hardship;
19 and

20 (7) issues associated with changes in format or
21 medium of instruction.

22 **SEC. 6. MODIFICATION OF TIME LIMITATIONS ON USE OF**
23 **ENTITLEMENT.**

24 (a) MONTGOMERY GI BILL.—The subsection (i) tem-
25 porarily added to section 3031 of title 38, United States

1 Code, by subsection (a) of section 6 of the Student Vet-
2 eran Coronavirus Response Act of 2020 (Public Law 116–
3 140) is amended—

4 (1) in paragraph (1), by striking “the period
5 the individual is so prevented from pursuing such
6 program” and inserting “the period beginning on
7 March 1, 2020, and ending on December 21, 2021”;
8 and

9 (2) in paragraph (2), by striking “the first day
10 after the individual is able to resume pursuit of a
11 program of education with educational assistance
12 under this chapter” and inserting “December 22,
13 2021”.

14 (b) VOCATIONAL REHABILITATION AND TRAINING.—
15 The subsection (g) temporarily added to section 3103 of
16 title 38, United States Code, by subsection (c) of such sec-
17 tion 6 is amended—

18 (1) in paragraph (1), by striking “the period
19 the individual is so prevented from participating
20 such program” and inserting “the period beginning
21 on March 1, 2020, and ending on December 21,
22 2021”; and

23 (2) in paragraph (2), by striking “the first day
24 after the individual is able to resume participation in
25 such program” and inserting “December 22, 2021”.

1 **SEC. 7. APPRENTICESHIP OR ON-JOB TRAINING REQUIRE-**
2 **MENTS.**

3 (a) IN GENERAL.—During the period described in
4 subsection (b), subsection (e) of section 3687 of title 38,
5 United States Code, shall be applied by substituting the
6 following for paragraph (2):

7 “(2)(A) Subject to subparagraphs (B) and (C),
8 for any month in which an individual fails to com-
9 plete 120 hours of training, the entitlement other-
10 wise chargeable under paragraph (1) shall be re-
11 duced in the same proportion as the monthly train-
12 ing assistance allowance payable is reduced under
13 subsection (b)(3).

14 “(B) In the case of an individual who is unem-
15 ployed during any month, the 120-hour requirement
16 under subparagraph (A) for that month shall be re-
17 duced proportionately to reflect the individual’s pe-
18 riod of unemployment, except that the amount of
19 monthly training assistance otherwise payable to the
20 individual under subsection (b)(3) shall not be re-
21 duced.

22 “(C) Any period during which an individual is
23 unemployed shall not—

24 “(i) be charged against any entitlement to
25 educational assistance of the individual; or

1 “(ii) be counted against the aggregate pe-
2 riod for which section 3695 of this title limits
3 the receipt of educational assistance by such in-
4 dividual.

5 “(D) Any amount by which the entitlement of
6 an individual is reduced under subparagraph (A)
7 shall not—

8 “(i) be charged against any entitlement to
9 educational assistance of the individual; or

10 “(ii) be counted against the aggregate pe-
11 riod for which section 3695 of this title limits
12 the receipt of educational assistance by such in-
13 dividual.

14 “(E) In the case of an individual who fails to
15 complete 120 hours of training during a month, but
16 who completed more than 120 hours of training dur-
17 ing the preceding month, the individual may apply
18 the number of hours in excess of 120 that the indi-
19 vidual completed for that month to the month for
20 which the individual failed to complete 120 hours. If
21 the addition of such excess hours results in a total
22 of 120 hours or more, the individual shall be treated
23 as an individual who has completed 120 hours of
24 training for that month. Any excess hours applied to

1 a different month under this subparagraph may only
2 be applied to one such month.

3 “(F) This paragraph applies to amounts de-
4 scribed in section 3313(g)(3)(B)(iv) and section
5 3032(e)(2) of this title and section 16131(d)(2) of
6 title 10.

7 “(G) In this paragraph:

8 “(i) The term ‘unemployed’ includes being
9 furloughed or being scheduled to work zero
10 hours.

11 “(ii) The term ‘fails to complete 120 hours
12 of training’ means, with respect to an indi-
13 vidual, that during any month, the individual
14 completes at least one hour, but fewer than 120
15 hours, of training, including in a case in which
16 the individual is unemployed for part of, but
17 not the whole, month.”.

18 (b) APPLICABILITY PERIOD.—The period described
19 in this section is the period beginning on March 1, 2020,
20 and ending on December 21, 2021.

21 **SEC. 8. INCLUSION OF TRAINING ESTABLISHMENTS IN CER-**
22 **TAIN PROVISIONS RELATED TO COVID-19**
23 **EMERGENCY.**

24 (a) CONTINUATION OF BENEFITS.—Section 1 of
25 Public Law 116–128 is amended—

1 (1) in subsection (a), by inserting “or a train-
2 ing establishment” after “an educational institu-
3 tion”; and

4 (2) in subsection (c), by adding at the end the
5 following new paragraph:

6 “(4) TRAINING ESTABLISHMENT.—The term
7 ‘training establishment’ has the meaning given such
8 term in section 3452(e) of title 38, United States
9 Code.”.

10 (b) PAYMENT OF ALLOWANCES.—Section 4(a)(1) of
11 the Student Veteran Coronavirus Response Act of 2020
12 (Public Law 116–140; 38 U.S.C. 3680 note) is amended
13 by inserting “or a training establishment” after “edu-
14 cational institution”.

15 (c) PROHIBITION OF CHARGE TO ENTITLEMENT.—
16 The subparagraph (C) temporarily added to section
17 3699(b)(1) of title 38, United States Code, by section 5
18 of the Student Veteran Coronavirus Response Act of 2020
19 (Public Law 116–140; 38 U.S.C. 3699 note) is amended
20 by inserting “or training establishment” after “edu-
21 cational institution”.

22 (d) EXTENSION OF TIME LIMITATIONS.—

23 (1) MGIB.—The subsection (i) temporarily
24 added to section 3031 of title 38, United States
25 Code, by subsection (a) of section 6 of the Student

1 Veteran Coronavirus Response Act of 2020 (Public
 2 Law 116–140), as amended by section 6 of this Act,
 3 is further amended by inserting “or training estab-
 4 lishment” after “educational institution”.

5 (2) TRANSFER PERIOD.—The subparagraph (C)
 6 temporarily added to section 3319(h)(5) of such title
 7 by section 6 of the Student Veteran Coronavirus Re-
 8 sponse Act of 2020 (Public Law 116–140) is amend-
 9 ed by inserting “or training establishment” after
 10 “educational institution”.

11 **SEC. 9. TREATMENT OF PAYMENT OF ALLOWANCES UNDER**
 12 **STUDENT VETERAN CORONAVIRUS RE-**
 13 **SPONSE ACT.**

14 Section 4 of the Student Veteran Coronavirus Re-
 15 sponse Act of 2020 (Public Law 116–140) is amended—

16 (1) in subsection (b)—

17 (A) by striking “may not exceed four
 18 weeks.” and inserting “may not exceed the
 19 shorter of the following:”; and

20 (B) by adding at the end the following new
 21 paragraphs:

22 “(1) The period of time that the eligible veteran
 23 or eligible person would have been enrolled in a pro-
 24 gram of education or training but for the emergency
 25 situation.

1 “(2) Four weeks.”; and

2 (2) by adding at the end the following new sub-
3 section:

4 “(e) ENTITLEMENT NOT CHARGED.—Any payment
5 of allowances under this section shall not—

6 “(1) be charged against any entitlement to edu-
7 cational assistance of the eligible veteran or eligible
8 person concerned; or

9 “(2) be counted against the aggregate period
10 for which section 3695 of this title 38, United States
11 Code, limits the receipt of educational assistance by
12 such eligible veteran or eligible person.”.

13 **SEC. 10. EMERGENCY DESIGNATIONS.**

14 (a) IN GENERAL.—This Act is designated as an
15 emergency requirement pursuant to section 4(g) of the
16 Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

17 (b) DESIGNATION IN SENATE.—In the Senate, this
18 Act is designated as an emergency requirement pursuant
19 to section 4112(a) of H. Con. Res. 71 (115th Congress),
20 the concurrent resolution on the budget for fiscal year
21 2018.

○