

Public Law 117–333

117th Congress

An Act

To make permanent certain educational assistance benefits under the laws administered by the Secretary of Veterans Affairs in the case of changes to courses of education by reason of emergency situations, and for other purposes.

Jan. 5, 2023
[H.R. 7939]

Veterans Auto
and Education
Improvement Act
of 2022.
38 USC 101 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Veterans Auto and Education Improvement Act of 2022”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Educational assistance benefits during emergency situations.
- Sec. 3. Extension of time limitations for use of entitlement.
- Sec. 4. Extension of payment of vocational rehabilitation subsistence allowances.
- Sec. 5. Payment of work-study allowances during emergency situations.
- Sec. 6. Payment of allowances to veterans enrolled in educational institutions closed for emergency situations.
- Sec. 7. Apprenticeship or on-job training requirements.
- Sec. 8. Prohibition of charge to entitlement of students unable to pursue a program of education due to an emergency situation.
- Sec. 9. Department of Veterans Affairs approval of certain study-abroad programs.
- Sec. 10. Eligibility for educational assistance under Department of Veterans Affairs Post-9/11 Educational Assistance Program of certain individuals who receive sole survivorship discharges.
- Sec. 11. Uniform application for Department of Veterans Affairs approval of courses of education.
- Sec. 12. Notice requirements for Department of Veterans Affairs education surveys.
- Sec. 13. Exception to requirement to submit verification of enrollment of certain individuals.
- Sec. 14. Expansion of eligibility for self-employment assistance under veteran readiness and employment program.
- Sec. 15. Possible definitions of certain terms relating to educational assistance.
- Sec. 16. Extension of certain limits on payments of pension.
- Sec. 17. Termination of certain consumer contracts by servicemembers and dependents who enter into contracts after receiving military orders for permanent change of station but then receive stop movement orders due to an emergency situation.
- Sec. 18. Residence for tax purposes.
- Sec. 19. Portability of professional licenses of members of the uniformed services and their spouses.
- Sec. 20. Provision of nonarticulating trailers as adaptive equipment.
- Sec. 21. Eligibility for Department of Veterans Affairs provision of additional automobile or other conveyance.
- Sec. 22. Department of Veterans Affairs treatment of certain vehicle modifications as medical services.
- Sec. 23. Determination of budgetary effects.

SEC. 2. EDUCATIONAL ASSISTANCE BENEFITS DURING EMERGENCY SITUATIONS.

(a) **IN GENERAL.**—Chapter 36 of title 38, United States Code, is amended—

38 USC
prec. 3670, 3680.

- (1) by redesignating subchapters I and II as subchapters II and III, respectively; and
- (2) by inserting before subchapter II, as so redesignated, the following new subchapter:

38 USC
prec. 3601.

38 USC 3601.

President.
Determination.

38 USC 3602.

“SUBCHAPTER I—EMERGENCY SITUATIONS

“§ 3601. Definition of emergency situation
“In this chapter, the term ‘emergency situation’ means a situation that—

“(1) the President declares is an emergency; and

“(2) the Secretary determines is an emergency for purposes of the laws administered by the Secretary.

“§ 3602. Continuation of educational assistance benefits during emergency situations

“(a) AUTHORITY.—(1) If the Secretary determines under subsection (c) that an individual is negatively affected by an emergency situation, the Secretary may provide educational assistance to that individual under the laws administered by the Secretary as if such negative effects did not occur.

“(2) The authority under this section is in addition to the other authorities of the Secretary to provide benefits in emergency situations, but in no case may the Secretary provide more than a total of four weeks of additional educational assistance by reason of any other such authority and this section.

“(b) HOUSING AND ALLOWANCES.—In providing educational assistance to an individual pursuant to subsection (a), the Secretary may—

“(1) continue to pay a monthly housing stipend under chapter 33 of this title, during a month the individual would have been enrolled in a program of education or training but for the emergency situation at the same rate such stipend would have been payable if the individual had not been negatively affected by the emergency situation, except that the total number of weeks for which stipends may continue to be so payable may not exceed four weeks; and

“(2) continue to pay payments or subsistence allowances under chapters 30, 31, 32, 33, and 35 of this title and chapter 1606 of title 10 during a month for a period of time that the individual would have been enrolled in a program of education or training but for the emergency situation, except that the total number of weeks for which payments or allowances may continue to be so payable may not exceed four weeks.

“(c) DETERMINATION OF NEGATIVE EFFECTS.—The Secretary shall determine that an individual was negatively affected by an emergency situation if—

“(1) the individual is enrolled in a covered program of education of an educational institution or enrolled in training at a training establishment and is pursuing such program or training using educational assistance under the laws administered by the Secretary;

“(2) the educational institution or training establishment certifies to the Secretary that such program or training is truncated, delayed, relocated, canceled, partially canceled, converted from being on-site to being offered by distance learning,

Certification.

or otherwise modified or made unavailable by reason of the emergency situation; and

“(3) the Secretary determines that the modification to such program or training specified under paragraph (2) would reduce the amount of educational assistance (including with respect to monthly housing stipends, payments, or subsistence allowances) that would be payable to the individual but for the emergency situation.

“(d) EFFECT ON ENTITLEMENT PERIOD.—If the Secretary determines that an individual who received assistance under this section did not make progress toward the completion of the program of education in which the individual is enrolled during the period for which the individual received such assistance, any assistance provided pursuant to this section shall not be counted for purposes of determining the total amount of an individual’s entitlement to educational assistance, housing stipends, or payments or subsistence allowances under chapters 30, 31, 32, and 35 of this title and chapter 1606 of title 10.

Determination.

“§ 3603. Continuation of educational assistance benefits for certain programs of education converted to distance learning by reason of emergency situations

38 USC 3603.

“In the case of a program of education approved by a State approving agency, or the Secretary when acting in the role of a State approving agency, that is converted from being offered on-site at an educational institution or training establishment to being offered by distance learning by reason of an emergency or health-related situation, as determined by the Secretary, the Secretary may continue to provide educational assistance under the laws administered by the Secretary without regard to such conversion, including with respect to paying any—

“(1) monthly housing stipends under chapter 33 of this title; or

“(2) payments or subsistence allowances under chapters 30, 31, 32, and 35 of this title and chapter 1606 of title 10.

“§ 3604. Effects of closure of educational institution and modification of courses by reason of emergency situation

38 USC 3604.

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

“(1) be charged against any entitlement to educational assistance of the individual concerned; or

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

“(b) EDUCATIONAL ASSISTANCE DESCRIBED.—Subject to subsection (d), the payment of educational assistance described in this subsection is the payment of such assistance to an individual for pursuit of a course or program of education at an educational institution under chapter 30, 31, 32, 33, or 35 of this title or chapter 1606 of title 10, if the Secretary determines that the individual—

Determination.

“(1) was unable to complete such course or program as a result of—

Applicability.

“(A) the closure of the educational institution, or the full or partial cancellation of a course or program of education, by reason of an emergency situation; or

“(B) the disapproval of the course or a course that is a necessary part of that program under this chapter because the course was modified by reason of such emergency; and

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

Time period.

“(c) HOUSING ASSISTANCE.—In this section, educational assistance includes, as applicable—

“(1) monthly housing stipends payable under chapter 33 of this title for any month the individual would have been enrolled in a course or program of education; and

“(2) payments or subsistence allowances under chapters 30, 31, 32, and 35 of this title and chapter 1606 of title 10 during a month the individual would have been enrolled in a course or program of education.

“(d) PERIOD NOT CHARGED.—The period for which, by reason of this section, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the aggregate of—

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

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

Determination.

“(e) CONTINUING PURSUIT OF DISAPPROVED COURSES.—(1) The Secretary may treat a course of education that is disapproved under this chapter as being approved under this chapter with respect to an individual described in paragraph (2) if the Secretary determines, on a programmatic basis, that—

“(A) such disapproval is the result of an action described in subsection (b)(1)(B); and

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

“(2) An individual described in this paragraph is an individual who is pursuing a course of education at an educational institution under chapter 30, 31, 32, 33, or 35 of this title or chapter 1606 of title 10, as of the date on which the course is disapproved as described in subsection (b)(1)(B).

“(f) STATUS AS FULL-TIME STUDENT FOR PURPOSES OF HOUSING STIPEND CALCULATION.—In the case of an individual who, as of the first day of an emergency situation was enrolled on a full-time basis in a program of education and was receiving educational assistance under chapter 33 of this title or subsistence allowance under chapter 31 of this title, and for whom the Secretary makes a determination under subsection (b), the individual shall be treated as an individual enrolled in a program of education on a full-time basis for the purpose of calculating monthly housing stipends payable under chapter 33 of this title, or subsistence allowance payable under chapter 31 of this title, for any month the individual is enrolled in the program of education on a part-time basis to complete any course of education that was partially or fully canceled by reason of the emergency situation.

“(g) NOTICE OF CLOSURES.—Not later than five business days after the date on which the Secretary receives notice that an educational institution will close or is closed by reason of an emergency situation, the Secretary shall provide to each individual who is enrolled in a course or program of education at such educational institution using entitlement to educational assistance under chapter 30, 31, 32, 33, or 35 of this title, or chapter 1606 of title 10 notice of—

- “(1) such closure and the date of such closure; and
- “(2) the effect of such closure on the individual’s entitlement to educational assistance pursuant to this section.

“§ 3605. Payment of educational assistance in cases of withdrawal”

38 USC 3605.

“(a) IN GENERAL.—In the case of any individual who withdraws from a program of education or training, other than a program by correspondence, in an educational institution under chapter 31, 34, or 35 of this title for a covered reason during the period of an emergency situation, the Secretary shall find mitigating circumstances for purposes of section 3680(a)(1)(C)(ii) of this title.

“(b) COVERED REASON.—In this section, the term ‘covered reason’ means any reason related to an emergency situation, including—

- “(1) illness, quarantine, or social distancing requirements;
- “(2) issues associated with accessibility;
- “(3) access or availability of childcare;
- “(4) providing care for a family member or cohabitants;
- “(5) change of location or residence due to the emergency situation or associated school closures;
- “(6) employment changes or financial hardship; and
- “(7) issues associated with changes in format or medium of instruction.”.

“(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended—

Definition.

- (1) by striking the item relating to subchapter II and inserting the following new item:

“SUBCHAPTER III—MISCELLANEOUS PROVISIONS”.

- (2) by striking the item relating to subchapter I and inserting the following new item:

“SUBCHAPTER II—STATE APPROVING AGENCIES”.

- (3) by inserting before the item relating to subchapter II the following new items:

“SUBCHAPTER I—EMERGENCY SITUATIONS

- “3601. Definition of emergency situation.”
- “3602. Continuation of educational assistance benefits during emergency situations.”
- “3603. Continuation of educational assistance benefits for certain programs of education converted to distance learning by reason of emergency situations.”
- “3604. Effects of closure of educational institution and modification of courses by reason of emergency situation.”
- “3605. Payment of educational assistance in cases of withdrawal.”

“(c) CONFORMING REPEALS.—The following provisions of law are repealed:

- (1) Sections 1102, 1103, and 1104 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116-315).

- (2) Public Law 116-128.

38 USC
prec. 3601.

38 USC note
prec. 3001.
38 USC note
prec. 3001.

SEC. 3. EXTENSION OF TIME LIMITATIONS FOR USE OF ENTITLEMENT.

(a) **MONTGOMERY BI BILL.**—Section 3031 of title 38, United States Code, is amended by adding at the end the following new subsection:

Time period.

“(i) In the case of an individual eligible for educational assistance under this chapter who is prevented from pursuing the individual’s chosen program of education before the expiration of the 10-year period for the use of entitlement under this chapter otherwise applicable under this section because the educational institution or training establishment closed (temporarily or permanently) under an established policy based on an Executive order of the President or due to an emergency situation, such 10-year period—

“(1) shall not run during the period the individual is so prevented from pursuing such program; and

“(2) shall again begin running on the first day after the individual is able to resume pursuit of a program of education with educational assistance under this chapter.”.

(b) **POST-9/11 EDUCATIONAL ASSISTANCE.**—

(1) **IN GENERAL.**—Section 3321(b)(1) of such title is amended—

(A) by inserting “(A)” before “Subsections”;

(B) in subparagraph (A), as designated by subparagraph (A), by striking “and (d)” and inserting “(d), and (i)”; and

(C) by adding at the end the following new subparagraph:

“(B) Subsection (i) of section 3031 shall apply with respect to the running of the 15-year period described in paragraphs (4)(A) and (5)(A) of this subsection in the same manner as such subsection applies under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.”.

(2) **TRANSFER PERIOD.**—Section 3319(h)(5) of such title is amended—

(A) in subparagraph (A), by inserting “or (C)” after “subparagraph (B)”; and

(B) by adding at the end the following new subparagraph:

“(C) **EMERGENCY SITUATIONS.**—In any case in which the Secretary determines that an individual to whom entitlement is transferred under this section has been prevented from pursuing the individual’s chosen program of education before the individual attains the age of 26 years because the educational institution or training establishment closed (temporarily or permanently) under an established policy based on an Executive order of the President or due to an emergency situation, the Secretary shall extend the period during which the individual may use such entitlement for a period equal to the number of months that the individual was so prevented from pursuing the program of education, as determined by the Secretary.”.

(c) **VOCATIONAL REHABILITATION AND TRAINING.**—

(1) **PERIOD FOR USE.**—Section 3103 of such title is amended—

(A) in subsection (a), by striking “or (g)” and inserting “(g), or (h)”; and

(B) by adding at the end the following new subsection:

Applicability.

Determination.
Extension.

“(h) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the 12-year period of eligibility prescribed in subsection (a) due to an emergency situation, such 12-year period—

Determination.
Deadline.

“(1) shall not run during the period the individual is so prevented from participating such program; and

“(2) shall again begin running on the first day after the individual is able to resume participation in such program.”.

(2) DURATION OF PROGRAM.—Section 3105(b) of such title is amended—

(A) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

(B) by adding at the end the following new paragraph:

“(3)(A) In any case in which the Secretary determines that a veteran has been prevented from participating in counseling and placement and postplacement services described in paragraphs (2) and (5) of section 3104(a) of this title due to an emergency situation, the Secretary shall extend the period during which the Secretary may provide such counseling and placement and postplacement services for the veteran for a period equal to the number of months that the veteran was so prevented from participating in such counseling and services, as determined by the Secretary.

Determinations.
Extensions.

“(B) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter due to an emergency situation, the Secretary shall extend the period of the veteran’s vocational rehabilitation program for a period equal to the number of months that the veteran was so prevented from participating in the vocational rehabilitation program, as determined by the Secretary.”.

(d) EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—Section 16133(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) In any case in which the Secretary concerned determines that a person entitled to educational assistance under this chapter has been prevented from using such person’s entitlement due to an emergency situation, the Secretary concerned shall extend the period of entitlement prescribed in subsection (a) for a period equal to the number of months that the person was so prevented from using such entitlement, as determined by the Secretary.”.

Determination.
Extension.

(e) EMERGENCY SITUATION DEFINED.—

(1) POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM.—Section 3301 of title 38, United States Code, is amended—

(A) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(B) by inserting after paragraph (1) the following new paragraph (2):

“(2) The term ‘emergency situation’ has the meaning given such term in section 3601 of this title.”.

(2) MGIB.—Section 3002 of such title is amended by adding at the end the following new paragraph:

“(9) The term ‘emergency situation’ has the meaning given such term in section 3601 of this title.”.

(3) VOCATIONAL REHABILITATION AND TRAINING.—

(A) IN GENERAL.—Section 3101 of such title is amended—

- (i) by redesignating paragraphs (1) through (9) as paragraphs (2) through (10), respectively; and
- (ii) by inserting before paragraph (2), as redesignated by clause (i), the following new paragraph:

“(10) The term ‘emergency situation’ has the meaning given such term in section 3601 of this title.”

(B) CONFORMING AMENDMENTS.—Such title is amended—

- (i) in section 1728(a)(4)(A), by striking “section 3101(9) of” and inserting “section 3101 of”; and
- (ii) in section 3695(b), by striking “in section 3101(5)” and inserting “in section 3101”.

(4) EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—Section 16133 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) In this section, the term ‘emergency situation’ has the meaning given such term in section 3601 of title 38.”

(f) CONFORMING REPEAL.—Section 6 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116-140) is repealed.

SEC. 4. EXTENSION OF PAYMENT OF VOCATIONAL REHABILITATION SUBSISTENCE ALLOWANCES.

(a) IN GENERAL.—Section 3104 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(e) In the case of any veteran whom the Secretary determines is satisfactorily following a program of employment services provided under subsection (a)(5) during the period of an emergency situation, the Secretary may pay the veteran a subsistence allowance, as prescribed in section 3108 of this title for full-time training for the type of program that the veteran was pursuing, for two additional months, if the Secretary determines that the veteran is negatively affected by the emergency situation.”

(b) CONFORMING REPEAL.—Section 8 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116-140) is repealed.

SEC. 5. PAYMENT OF WORK-STUDY ALLOWANCES DURING EMERGENCY SITUATIONS.

(a) IN GENERAL.—Section 3485 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(f)(1) In case of an individual who is in receipt of work-study allowance pursuant to an agreement described in subsection (a)(3) as of the date on which an emergency situation occurs and who is unable to continue to perform qualifying work-study activities described in subsection (a)(4) by reason of the emergency situation—

“(A) the Secretary may continue to pay work-study allowance under this section or make deductions described in subsection (e)(1) during the period of such emergency situation, notwithstanding the inability of the individual to perform such work-study activities by reason of such emergency situation; and

“(B) at the option of the individual, the Secretary shall extend the agreement described in subsection (a)(3) with the individual for any subsequent period of enrollment initiated during the emergency situation, notwithstanding the inability

10 USC 16133
note; 38 USC
3031 note, 3105
note, 3319 note,
3321 note.

Determination.

38 USC 3108
note.

of the individual to perform work-study activities described in subsection (a)(4) by reason of such emergency situation.

“(2) The amount of work-study allowance payable to an individual under paragraph (1)(A) during the period of an emergency situation shall be an amount determined by the Secretary but may not exceed the amount that would be payable under subsection (a)(2) if the individual worked 25 hours per week paid during such period.

“(3) The term ‘emergency situation’ has the meaning given that term in section 3601 of this title.”

(b) CONFORMING REPEAL.—Section 3 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116-140) is repealed.

SEC. 6. PAYMENT OF ALLOWANCES TO VETERANS ENROLLED IN EDUCATIONAL INSTITUTIONS CLOSED FOR EMERGENCY SITUATIONS.

(a) IN GENERAL.—Section 3680 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(h) PAYMENTS DURING EMERGENCY SITUATIONS.—(1) The Secretary may pay allowances to an eligible veteran or eligible person under subsection (a)(2)(A), if the veteran or person is enrolled in a program or course of education that—

“(A) is provided by an educational institution or training establishment that is closed by reason of an emergency situation; or

“(B) is suspended by reason of an emergency situation.

“(2) The total number of weeks for which allowances may be paid by reason of this subsection may not exceed four weeks.

“(3) Any amount paid under this subsection shall not be counted for purposes of the limitation on allowances under subsection (a)(2)(A).”

(b) CONFORMING REPEAL.—Section 4 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116-140) is repealed.

SEC. 7. APPRENTICESHIP OR ON-JOB TRAINING REQUIREMENTS.

(a) IN GENERAL.—Section 3687(e) of title 38, United States Code, is amended by striking paragraph (2) and inserting the following new paragraph (2):

“(2)(A) Subject to subparagraphs (B) and (C), for any month in which an individual fails to complete 120 hours of training, the entitlement otherwise chargeable under paragraph (1) shall be reduced in the same proportion as the monthly training assistance allowance payable is reduced under subsection (b)(3).

“(B) In the case of an individual who is unemployed by reason of an emergency situation during any month, the 120-hour requirement under subparagraph (A) for that month shall be reduced proportionately to reflect the individual’s period of unemployment, except that the amount of monthly training assistance otherwise payable to the individual under subsection (b)(3) shall not be reduced.

“(C) Any period during which an individual is unemployed by reason of an emergency situation shall not—

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

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

Determination.

Definition.

38 USC 3485
note.

38 USC 3680
note.

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

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

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

“(E)(i) In the case of an individual who fails to complete 120 hours of training during a month, but who completed more than 120 hours of training during the preceding month, the individual may apply the number of hours in excess of 120 that the individual completed for that month to the month for which the individual failed to complete 120 hours. If the addition of such excess hours results in a total of 120 hours or more, the individual shall be treated as an individual who has completed 120 hours of training for that month. Any excess hours applied to a different month under this subparagraph may only be applied to one such month.

“(F) This paragraph applies to amounts described in section 3313(g)(3)(B)(iv) and section 3032(c)(2) of this title and section 16131(d)(2) of title 10.

Applicability.

“(G) In this paragraph:

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

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

(b) CONFORMING REPEAL.—Section 1106 of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116-315) is repealed.

38 USC 3687
note.

SEC. 8. PROHIBITION OF CHARGE TO ENTITLEMENT OF STUDENTS UNABLE TO PURSUE A PROGRAM OF EDUCATION DUE TO AN EMERGENCY SITUATION.

(a) PERMANENT APPLICABILITY.—Section 3699(b)(1) of title 38, United States Code, is amended—

(1) in subparagraph (A), by striking “or” at the end;

(2) in subparagraph (B)(ii), by striking “and” at the end and inserting “or”; and

(3) by adding at the end the following new subparagraph:

“(C) the temporary closure of an educational institution or training establishment or the temporary closure or termination of a course or program of education by reason of an emergency situation; and”.

(b) CONFORMING REPEAL.—Section 5 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116-140) is repealed.

38 USC 3699
note.
Time period.

SEC. 9. DEPARTMENT OF VETERANS AFFAIRS APPROVAL OF CERTAIN STUDY-ABROAD PROGRAMS.

(a) IN GENERAL.—Section 3680A(f) of title 38, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking “The Secretary” and inserting “(1) Except as provided in paragraph (2), the Secretary”; and

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

“(2)(A) In the case of a covered study-abroad course, the Secretary may approve the course for a period of not more than five years, if the contract or other written agreement under which the course is offered provides that—

Contracts.

“(i) the educational institution that offers a course that is approved under this chapter agrees—

“(I) to assume responsibility for the quality and content of the covered study-abroad course; and

“(II) to serve as the certifying official for the course for purposes of this chapter; and

“(ii) the educational institution that offers the covered study-abroad course agrees to seek the approval of the course under this chapter by not later than five years after the date of the agreement.

Deadline.

“(B) In this paragraph, the term ‘covered study-abroad course’ means a course that—

Definition.

“(i) is provided as a part of a program of education offered by an educational institution under a contract or other written agreement by another educational institution that offers a course that is approved under this chapter;

“(ii) is provided at a location in a foreign country; and

“(iii) has not been approved under this chapter.”.

(b) TREATMENT OF CERTAIN COURSES.—In the case of any covered study-abroad course, under the meaning given such term in subparagraph (B) of paragraph (2) of subsection (f) of section 3680A of title 38, United States Code, as added by subsection (a), that is being offered under a contract or other written agreement as of the date of the enactment of this Act, the Secretary of Veterans Affairs may approve such course under such paragraph (2) for the five-year period beginning on the date of the enactment of this Act, if such contract or other written agreement meets the criteria provided in subparagraph (A) of such paragraph.

Effective date.
38 USC 3680A
note.

SEC. 10. ELIGIBILITY FOR EDUCATIONAL ASSISTANCE UNDER DEPARTMENT OF VETERANS AFFAIRS POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM OF CERTAIN INDIVIDUALS WHO RECEIVE SOLE SURVIVORSHIP DISCHARGES.

Sgt. Wolf Kyle
Weninger
Veterans
Education
Fairness Act of
2022.
38 USC 101 note.

(a) SHORT TITLE.—This section may be cited as the “Sgt. Wolf Kyle Weninger Veterans Education Fairness Act of 2022”.

(b) ELIGIBILITY.—Subsection (b)(2) of section 3311 of title 38, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking “who”;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and indenting such clause two ems to the right;

(3) by inserting before clause (i), as so redesignated, the following new subparagraph (A):

“(A) who—”;

(4) in subparagraph (A)(ii), as so redesignated—

(A) by striking “in subparagraph (A)” and inserting “in clause (i)”, and

(B) by striking the period and inserting “or by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10); or”; and

(5) by adding at the end the following new subparagraph (B):

“(B) who—

“(i) commencing on or after September 11, 2001, completes at least 30 continuous days of service described in subsection (d) (1) or (2); and

“(ii) after completion of service described in clause (i), is discharged or released by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10).”

(c) CONFORMING AMENDMENT.—Subsection (d) of such section is amended by striking “The following” and inserting “Except as provided in subsection (b)(2)(B), the following”.

Requirements.
State and local
governments.

38 USC 3672A.

SEC. 11. UNIFORM APPLICATION FOR DEPARTMENT OF VETERANS AFFAIRS APPROVAL OF COURSES OF EDUCATION.

(a) IN GENERAL.—Subchapter I of chapter 36 of title 38, United States Code, is amended by inserting after section 3672 the following new section:

“§ 3672A. Uniform application

“(a) IN GENERAL.—(1) The Secretary, in partnership with State approving agencies, educational institutions, and training establishments, shall require the use of a uniform application by any educational institution or training establishment seeking the approval of a new course of education under this chapter.

“(2) The Secretary shall maintain one uniform application for institutions of higher learning and one such application for other educational institutions and training establishments.

“(3) In the case of any State that uses approval criteria not covered by a uniform application under this section, the State approving agency for that State shall require the use of the uniform application and may require the submittal of additional information.

“(b) REQUIREMENTS.—The uniform application required under subsection (a) shall meet the following requirements:

“(1) A requirement that the appropriate executive of the educational institution or training establishment seeking the approval of a course of education attests on behalf of the educational institution or training establishment that the educational institution or training establishment—

“(A) is in compliance with all applicable laws and regulations relating to the approval of courses of education under this chapter; and

“(B) during the five-year period preceding the date of the application—

“(i) has not been subject to, or been party to a contract with any individual or entity that has been subject to, any adverse administrative or judicial action that—

“(I) related to the instruction or training, including with respect to the quality of education, provided by the institution or establishment; and

“(II) resulted in a fine or penalty in an amount equal to or more than five percent of the amount of funding provided to the institution or establishment under title IV of the Higher Education Act of 1965 for the fiscal year preceding the year in which the application is submitted; or

Time period.

“(ii) has not employed an individual, or been party to a contract with any individual or entity, that has been convicted of a Federal fraud charge related to the instruction or training provided by the institution or establishment.

“(2) In the case of any educational institution or training establishment that is not participating in title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), a requirement for the inclusion of—

“(A) a copy of—

“(i) the articles of incorporation filed on behalf of the institution or establishment or proof of licensing to operate as an educational institution or training establishment in the State where the institution or establishment is located; and

“(ii) the financial position of the institution or establishment, as prepared by an appropriate third-party entity; or

“(B) other adequate evidence, as determined by the Secretary, that the institution or establishment is authorized to provide post-secondary education or training in the State where the institution or establishment is located.

“(3) In the case of any course of education that is offered by an educational institution or training establishment that has never offered a course of education that was approved under this chapter, a requirement for the inclusion of information about the course of education covered by the application, including—

“(A) the number of students who have entered and graduated from the course during the preceding two-year period; and

“(B) if available, the cohort default rate for funds provided to the institution or establishment under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(4) In the case of any educational institution or training establishment that is not an institution of higher learning, a requirement for the inclusion of—

“(A) a list of individuals who will serve as fully qualified instructors for the course of education, as of the date of the application, and an attestation that such individuals—

“(i) have a degree or other training, as appropriate, in the field of the course;

“(ii) effectively teach the skills offered under the course; and

“(iii) have demonstrated relevant industry experience in the field of the course; and

“(B) a list of individuals who will serve as career services employees for students enrolled in the course and an attestation that such individuals are skilled at identifying professions in the relevant industry that are in need of new employees to hire, tailoring the course of education to meet market needs, and identifying the employers likely to hire graduates.

“(c) REQUIREMENTS FOR STATE APPROVING AGENCIES.—During the approval process with respect to a uniform application submitted

Records.

Determination.

Time period.

Lists.

Determination.

by an educational institution or training establishment, a State approving agency, or the Secretary when acting in the role of a State approving agency, shall contact the Secretary of Education to determine whether the course of education subject to such approval process has withdrawn, or been denied or suspended, from receiving for benefits under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(d) APPROPRIATE EXECUTIVE.—In this section, the appropriate executive of an educational institution or training establishment is a senior executive official, senior administrator, owner, or operator designated by the institution or establishment.”.

38 USC
prec. 3601.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3672 the following new item:

“3672A. Uniform application.”.

38 USC 3672A
note.
Deadline.

(c) APPLICABILITY.—The application required by section 3672A of title 38, United States Code, as added by subsection (a), shall—

- (1) be developed by not later than October 1, 2023; and
- (2) be required for the approval of any new course of education proposed on or after that day.

Time periods.

SEC. 12. NOTICE REQUIREMENTS FOR DEPARTMENT OF VETERANS AFFAIRS EDUCATION SURVEYS.

(a) RISK-BASED SURVEY.—Section 3673A of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d) NOTICE.—To the maximum amount feasible, the Secretary, or a State approving agency, as applicable, shall provide not more than one business day of notice to an educational institution before conducting a targeted risk-based survey of the institution under this section.”.

(b) COMPLIANCE SURVEYS.—Section 3693 of title 38, United States Code, is amended—

- (1) by redesignating subsection (c) as subsection (d); and
- (2) by inserting after subsection (b) the following new subsection (c):

“(c) To the maximum extent feasible, the Secretary, or a State approving agency, as applicable, shall provide not more than 10 business days of notice to an educational institution or training establishment before conducting a compliance survey of the institution or establishment under this section.”.

SEC. 13. EXCEPTION TO REQUIREMENT TO SUBMIT VERIFICATION OF ENROLLMENT OF CERTAIN INDIVIDUALS.

Section 3313(l) of title 38, United States Code, is amended—

- (1) in paragraph (1), by striking “The Secretary” and inserting “Except as provided in paragraph (4), the Secretary”; and

(2) by striking paragraph (4) and inserting the following new paragraph (4):

“(4) EXCEPTION.—An educational institution is not required to submit verification of an individual under paragraph (1)(A) if—

“(A) the individual is enrolled in a course or program of education offered by the educational institution on at

least a full-time basis before the date on which the individual is able to withdraw from the course or program of education without penalty;

“(B) the educational institution charges the same amount of tuition and fees for students who are enrolled on a full-time basis and students who are enrolled on a more-than-full-time basis; and

“(C) the individual remains enrolled in the course or program of education after the date on which the individual is able to withdraw from the course or program of education without penalty.”.

SEC. 14. EXPANSION OF ELIGIBILITY FOR SELF-EMPLOYMENT ASSISTANCE UNDER VETERAN READINESS AND EMPLOYMENT PROGRAM.

(a) EXPANSION OF ELIGIBILITY.—Paragraph (12) of subsection (a) of section 3104 of title 38, United States Code, is amended to read as follows:

“(12) Such license fees and essential equipment, supplies, and minimum stocks of materials as the Secretary determines to be necessary for a veteran to begin self-employment and are within the criteria and cost limitations that the Secretary shall prescribe in regulations for the furnishing of such fees, equipment, supplies, and stocks.”.

Criteria.
Costs.
Regulations.

(b) PRIORITY.—Subsection (c)(1) of such section is amended by inserting before the first period the following: “, including with respect to providing priority for services under subsection (a)(12) to veterans with the most severe service-connected disabilities who require homebound training or self-employment, or both homebound training and self-employment”.

(c) TECHNICAL AMENDMENTS.—Section 3117 of such title is amended—

(1) in subsection (a)(2)(C), by striking “this clause” and inserting “this subparagraph”; and

(2) in subsection (b)—

(A) in paragraph (1), by striking “insure” and inserting “ensure”; and

(B) in paragraph (2), by striking “clause” both places it appears and inserting “paragraph”.

SEC. 15. POSSIBLE DEFINITIONS OF CERTAIN TERMS RELATING TO EDUCATIONAL ASSISTANCE.

Reports.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report containing possible definitions of the Secretary for each of the following terms:

- (1) Student services.
- (2) Marketing.
- (3) Classroom instruction.

SEC. 16. EXTENSION OF CERTAIN LIMITS ON PAYMENTS OF PENSION.

Section 5503(d)(7) of title 38, United States Code, is amended by striking “October 30, 2028” and inserting “November 30, 2031”.

SEC. 17. TERMINATION OF CERTAIN CONSUMER CONTRACTS BY SERVICEMEMBERS AND DEPENDENTS WHO ENTER INTO CONTRACTS AFTER RECEIVING MILITARY ORDERS FOR PERMANENT CHANGE OF STATION BUT THEN RECEIVE STOP MOVEMENT ORDERS DUE TO AN EMERGENCY SITUATION.

(a) IN GENERAL.—Section 305A of the Servicemembers Civil Relief Act (50 U.S.C. 3956) is amended—

(1) in the section heading, by striking “TELEPHONE, MULTI-CHANNEL VIDEO PROGRAMMING, AND INTERNET ACCESS SERVICE” and inserting “CERTAIN CONSUMER”;

(2) in subsection (a)—

(A) in the heading, by adding “OR DEPENDENT OF A SERVICEMEMBER” at the end;

(B) in paragraph (1)—

(i) by striking “after the date the servicemember receives military orders to relocate for a period of not less than 90 days to a location that does not support the contract.” and inserting “after—”; and

(ii) by adding at the end the following:

“(A) the date the servicemember receives military orders to relocate for a period of not less than 90 days to a location that does not support the contract; or

“(B) the date the servicemember, while in military service, receives military orders for a permanent change of station, thereafter enters into the contract, and then receives a stop movement order issued by the Secretary of Defense or the Secretary of Homeland Security in response to a local, national, or global emergency, effective for an indefinite period or for a period of not less than 30 days, that prevents the servicemember from using the services provided under the contract.”; and

(C) in paragraph (4), by adding at the end the following new subparagraph:

“(D) The spouse or dependent of a servicemember, described in paragraph (1)(B), who accompanies such servicemember during the period of relocation.”;

(3) by striking subsection (b) and inserting the following:

“(b) COVERED CONTRACTS.—A contract described in this subsection is a contract—

“(1) for—

“(A) commercial mobile service;

“(B) telephone exchange service;

“(C) internet access service;

“(D) multichannel video programming service;

“(E) a gym membership or fitness program; or

“(F) home security services; and

“(2) entered into by a servicemember before receiving the military orders referred to in subsection (a)(1).”; and

(4) in subsection (g)—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting, after paragraph (1), the following new paragraph (2):

“(2) The terms ‘military orders’ and ‘permanent change of station’ have the meanings given such terms in section 305.”.

Time periods.

(b) RETROACTIVE APPLICATION.—The amendments made by this section shall apply to stop movement orders issued on or after March 1, 2020. 50 USC 3956 note.

SEC. 18. RESIDENCE FOR TAX PURPOSES.

Section 511(a) of the Servicemembers Civil Relief Act (50 U.S.C. 4001(a)) is amended by striking paragraph (2) and inserting the following:

“(2) SPOUSES.—A spouse of a servicemember shall neither lose nor acquire a residence or domicile for purposes of taxation with respect to the person, personal property, or income of the spouse by reason of being absent or present in any tax jurisdiction of the United States solely to be with the servicemember in compliance with the servicemember’s military orders.

“(3) ELECTION.—For any taxable year of the marriage, a servicemember and the spouse of such servicemember may elect to use for purposes of taxation, regardless of the date on which the marriage of the servicemember and the spouse occurred, any of the following:

“(A) The residence or domicile of the servicemember.

“(B) The residence or domicile of the spouse.

“(C) The permanent duty station of the servicemember.”.

SEC. 19. PORTABILITY OF PROFESSIONAL LICENSES OF MEMBERS OF THE UNIFORMED SERVICES AND THEIR SPOUSES.

(a) IN GENERAL.—Title VII of the Servicemembers Civil Relief Act (50 U.S.C. 4021 et seq.) is amended by inserting after section 705 (50 U.S.C. 4025) the following new section:

“SEC. 705A. PORTABILITY OF PROFESSIONAL LICENSES OF SERVICEMEMBERS AND THEIR SPOUSES. 50 USC 4025a.

“(a) IN GENERAL.—In any case in which a servicemember or the spouse of a servicemember has a covered license and such servicemember or spouse relocates his or her residency because of military orders for military service to a location that is not in the jurisdiction of the licensing authority that issued the covered license, such covered license shall be considered valid at a similar scope of practice and in the discipline applied for in the jurisdiction of such new residency for the duration of such military orders if such servicemember or spouse—

“(1) provides a copy of such military orders to the licensing authority in the jurisdiction in which the new residency is located; Records.

“(2) remains in good standing with—

“(A) the licensing authority that issued the covered license; and

“(B) every other licensing authority that has issued to the servicemember or the spouse of a servicemember a license valid at a similar scope of practice and in the discipline applied in the jurisdiction of such licensing authority;

“(3) submits to the authority of the licensing authority in the new jurisdiction for the purposes of standards of practice, discipline, and fulfillment of any continuing education requirements.

“(b) INTERSTATE LICENSURE COMPACTS.—If a servicemember or spouse of a servicemember is licensed and able to operate in multiple jurisdictions through an interstate licensure compact, with respect to services provided in the jurisdiction of the interstate licensure compact by a licensee covered by such compact, the servicemember or spouse of a servicemember shall be subject to the requirements of the compact or the applicable provisions of law of the applicable State and not this section.

“(c) COVERED LICENSE DEFINED.—In this section, the term ‘covered license’ means a professional license or certificate—

“(1) that is in good standing with the licensing authority that issued such professional license or certificate;

“(2) that the servicemember or spouse of a servicemember has actively used during the two years immediately preceding the relocation described in subsection (a); and

“(3) that is not a license to practice law.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 705 the following new item:

“Sec. 705A. Portability of professional licenses of servicemembers and their spouses.”.

SEC. 20. PROVISION OF NONARTICULATING TRAILERS AS ADAPTIVE EQUIPMENT.

Section 3901(2) of title 38, United States Code, is amended—

“(1) by striking “and special” and inserting “special”; and

“(2) by striking “conveyance.” and inserting “conveyance, and nonarticulating trailers solely designed to transport powered wheelchairs, powered scooters, or other similar mobility devices.”.

SEC. 21. ELIGIBILITY FOR DEPARTMENT OF VETERANS AFFAIRS PROVISION OF ADDITIONAL AUTOMOBILE OR OTHER CONVEYANCE.

Section 3903(a) of title 38, United States Code, is amended—

“(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; and

“(2) by adding at the end the following new paragraph:

“(3) The Secretary may provide or assist in providing an eligible person with an additional automobile or other conveyance under this chapter—

“(A) if more than 30 years have elapsed since the eligible person most recently received an automobile or other conveyance under this chapter; or

“(B) beginning on the day that is 10 years after date of the enactment of the Veterans Auto and Education Improvement Act of 2022, if more than 10 years have elapsed since the eligible person most recently received an automobile or other conveyance under this chapter.”.

SEC. 22. DEPARTMENT OF VETERANS AFFAIRS TREATMENT OF CERTAIN VEHICLE MODIFICATIONS AS MEDICAL SERVICES.

Section 1701(6) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

“(I) The provision of medically necessary van lifts, raised doors, raised roofs, air conditioning, and wheelchair tie-downs for passenger use.”.

Time periods.

Effective date.

SEC. 23. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

Approved January 5, 2023.

LEGISLATIVE HISTORY—H.R. 7939:

CONGRESSIONAL RECORD, Vol. 168 (2022):

Sept. 13, considered in House.

Sept. 14, prior proceedings vacated; considered and passed House.

Dec. 20, considered and passed Senate, amended.

Dec. 21, 22, House considered and concurred in Senate amendment.

