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(Original Signature of Member)

115TH CONGRESS
1ST SESSION

H. R. _____

To amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend title 38, United States Code, to extend certain expiring provisions of law administered by the Secretary of Veterans Affairs, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Department of Veterans Affairs Expiring Authorities Act
6 of 2017”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. References to title 38, United States Code.
- Sec. 3. Scoring of budgetary effects.

TITLE I—EXTENSIONS OF AUTHORITY RELATING TO HEALTH CARE

- Sec. 101. Extension of authority for collection of copayments for hospital care and nursing home care.
- Sec. 102. Extension of requirement to provide nursing home care to certain veterans with service-connected disabilities.
- Sec. 103. Extension of authorization of appropriations for assistance and support services for caregivers.
- Sec. 104. Extension of authority for recovery from third parties of cost of care and services furnished to veterans with health-plan contracts for non-service-connected disability.
- Sec. 105. Extension of authority for pilot program on assistance for child care for certain veterans receiving health care.
- Sec. 106. Extension of authority to make grants to veterans service organizations for transportation of highly rural veterans.
- Sec. 107. Extension of pilot program on community-based brain injury rehabilitative care services for veterans with traumatic brain injury.
- Sec. 108. Extension of authority for pilot program on counseling in retreat settings for women veterans newly separated from service.
- Sec. 109. Extension of temporary expansion of payments and allowances for beneficiary travel in connection with veterans receiving care from Vet Centers.

TITLE II—EXTENSIONS OF AUTHORITY RELATING TO BENEFITS

- Sec. 201. Extension of authority for calculating net value of real property at time of foreclosure.
- Sec. 202. Extension of authority relating to vendee loans.
- Sec. 203. Extension of authority to provide rehabilitation and vocational benefits to members of the Armed Forces with severe injuries or illnesses.

TITLE III—EXTENSIONS OF AUTHORITY RELATING TO HOMELESS VETERANS

- Sec. 301. Extension of authority for homeless veterans reintegration programs.
- Sec. 302. Extension of authority for homeless women veterans and homeless veterans with children reintegration program.
- Sec. 303. Extension of authority for referral and counseling services for veterans at risk of homelessness transitioning from certain institutions.
- Sec. 304. Extension and modification of authority to provide financial assistance for supportive services for very low-income veteran families in permanent housing.
- Sec. 305. Extension of authority for grant program for homeless veterans with special needs.
- Sec. 306. Extension of authority for the Advisory Committee on Homeless Veterans.
- Sec. 307. Extension of authority for treatment and rehabilitation services for seriously mentally ill and homeless veterans.

TITLE IV—OTHER EXTENSIONS AND MODIFICATIONS OF
AUTHORITY AND OTHER MATTERS

- Sec. 401. Extension of authority for transportation of individuals to and from Department facilities.
- Sec. 402. Extension of authority for operation of the Department of Veterans Affairs regional office in Manila, the Republic of the Philippines.
- Sec. 403. Extension of authority for monthly assistance allowances under the Office of National Veterans Sports Programs and Special Events.
- Sec. 404. Extension of requirement to provide reports to Congress regarding equitable relief in the case of administrative error.
- Sec. 405. Extension of authorization of appropriations for adaptive sports programs for disabled veterans and members of the Armed Forces.
- Sec. 406. Extension of authority for Advisory Committee on Minority Veterans.
- Sec. 407. Extension of authority for temporary expansion of eligibility for specially adapted housing assistance for certain veterans with disabilities causing difficulty ambulating.
- Sec. 408. Extension of authority for specially adapted housing assistive technology grant program.
- Sec. 409. Extension of authority to guarantee payment of principal and interest on certificates or other securities.
- Sec. 410. Extension of authority to enter into agreement with the National Academy of Sciences regarding associations between diseases and exposure to dioxin and other chemical compounds in herbicides.
- Sec. 411. Modifications of reductions of reporting fee multipliers.

TITLE V—TECHNICAL CORRECTIONS

- Sec. 501. Technical corrections to Harry W. Colmery Veterans Educational Assistance Act of 2017.

1 SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

2 Except as otherwise expressly provided, whenever in
3 this Act an amendment or repeal is expressed in terms
4 of an amendment to, or repeal of, a section or other provi-
5 sion, the reference shall be considered to be made to a
6 section or other provision of title 38, United States Code.

7 SEC. 3. SCORING OF BUDGETARY EFFECTS.

8 The budgetary effects of this Act, for the purpose of
9 complying with the Statutory Pay-As-You-Go Act of 2010,
10 shall be determined by reference to the latest statement

1 titled “Budgetary Effects of PAYGO Legislation” for this
2 Act, submitted for printing in the Congressional Record
3 by the Chairman of the House Budget Committee, pro-
4 vided that such statement has been submitted prior to the
5 vote on passage.

6 **TITLE I—EXTENSIONS OF AU-**
7 **THORITY RELATING TO**
8 **HEALTH CARE**

9 **SEC. 101. EXTENSION OF AUTHORITY FOR COLLECTION OF**
10 **COPAYMENTS FOR HOSPITAL CARE AND**
11 **NURSING HOME CARE.**

12 Section 1710(f)(2)(B) is amended by striking “Sep-
13 tember 30, 2017” and inserting “September 30, 2019”.

14 **SEC. 102. EXTENSION OF REQUIREMENT TO PROVIDE**
15 **NURSING HOME CARE TO CERTAIN VET-**
16 **ERANS WITH SERVICE-CONNECTED DISABIL-**
17 **ITIES.**

18 Section 1710A(d) is amended by striking “December
19 31, 2017” and inserting “September 30, 2019”.

20 **SEC. 103. EXTENSION OF AUTHORIZATION OF APPROPRIA-**
21 **TIONS FOR ASSISTANCE AND SUPPORT SERV-**
22 **ICES FOR CAREGIVERS.**

23 Section 1720G(e) is amended—

24 (1) in paragraph (3), by striking “and”;

1 (2) in paragraph (4), by striking the period at
2 the end and inserting “; and”; and

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

5 “(5) \$839,828,000 for each of fiscal years 2018
6 and 2019.”.

7 **SEC. 104. EXTENSION OF AUTHORITY FOR RECOVERY FROM**
8 **THIRD PARTIES OF COST OF CARE AND SERV-**
9 **ICES FURNISHED TO VETERANS WITH**
10 **HEALTH-PLAN CONTRACTS FOR NON-SERV-**
11 **ICE-CONNECTED DISABILITY.**

12 Section 1729(a)(2)(E) is amended, in the matter pre-
13 ceding clause (i), by striking “October 1, 2017” and in-
14 serting “September 30, 2019”.

15 **SEC. 105. EXTENSION OF AUTHORITY FOR PILOT PROGRAM**
16 **ON ASSISTANCE FOR CHILD CARE FOR CER-**
17 **TAIN VETERANS RECEIVING HEALTH CARE.**

18 (a) EXTENSION.—Subsection (e) of section 205 of
19 the Caregivers and Veterans Omnibus Health Services Act
20 of 2010 (Public Law 111–163; 124 Stat. 1144; 38 U.S.C.
21 1710 note) is amended by striking “December 31, 2017”
22 and inserting “September 30, 2019”.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—Sub-
24 section (h) of such section is amended by striking “and
25 2017” and inserting “2017, 2018, and 2019”.

1 **SEC. 106. EXTENSION OF AUTHORITY TO MAKE GRANTS TO**
2 **VETERANS SERVICE ORGANIZATIONS FOR**
3 **TRANSPORTATION OF HIGHLY RURAL VET-**
4 **ERANS.**

5 Section 307(d) of the Caregivers and Veterans Omni-
6 bus Health Services Act of 2010 (Public Law 111–163;
7 124 Stat. 1154; 38 U.S.C. 1710 note) is amended by
8 striking “2017” and inserting “2019”.

9 **SEC. 107. EXTENSION OF PILOT PROGRAM ON COMMUNITY-**
10 **BASED BRAIN INJURY REHABILITATIVE CARE**
11 **SERVICES FOR VETERANS WITH TRAUMATIC**
12 **BRAIN INJURY.**

13 (a) **EXTENSION.**—Subsection (g) of section 1705 of
14 the National Defense Authorization Act for Fiscal Year
15 2008 (Public Law 110–181; 38 U.S.C. 1710C note) is
16 amended by striking “October 6, 2017” and inserting
17 “January 6, 2018”.

18 (b) **FINAL REPORT SUBMITTAL DATE.**—Subsection
19 (e)(2)(A) of such section is amended by striking “60 days
20 after the completion of the pilot program” and inserting
21 “December 6, 2017”.

22 (c) **NOTIFICATION TO PARTICIPANTS IN PROGRAM.**—
23 Not later than December 6, 2017, the Secretary of Vet-
24 erans Affairs shall notify veterans participating in the
25 pilot program under such section regarding a plan for
26 transition of care for such veterans.

1 **SEC. 108. EXTENSION OF AUTHORITY FOR PILOT PROGRAM**
2 **ON COUNSELING IN RETREAT SETTINGS FOR**
3 **WOMEN VETERANS NEWLY SEPARATED FROM**
4 **SERVICE.**

5 (a) **EXTENSION.**—Subsection (d) of section 203 of
6 the Caregivers and Veterans Omnibus Health Services Act
7 of 2010 (Public Law 111–163; 124 Stat. 1143; 38 U.S.C.
8 1712A note) is amended by striking “December 31, 2017”
9 and inserting “September 30, 2019”.

10 (b) **REPORT SUBMITTAL DATE.**—Subsection (e) of
11 such section is amended by striking “180 days after the
12 completion of the pilot program” and inserting “March
13 31, 2018”.

14 (c) **AUTHORIZATION OF APPROPRIATIONS.**—Sub-
15 section (f) of such section is amended by striking “and
16 2017” and inserting “2017, 2018, and 2019”.

17 **SEC. 109. EXTENSION OF TEMPORARY EXPANSION OF PAY-**
18 **MENTS AND ALLOWANCES FOR BENEFICIARY**
19 **TRAVEL IN CONNECTION WITH VETERANS**
20 **RECEIVING CARE FROM VET CENTERS.**

21 (a) **EXTENSION.**—Subsection (a) of section 104 of
22 the Honoring America’s Veterans and Caring for Camp
23 Lejeune Families Act of 2012 (Public Law 112–154; 126
24 Stat. 1169) is amended by striking “a three-year initia-
25 tive” and inserting “an initiative, to run through Sep-
26 tember 30, 2018,”.

1 (b) REPORT SUBMITTAL DATE.—Subsection (b)(1)
2 of such section is amended by striking “180 days after
3 the date of the completion of the initiative” and inserting
4 “March 31, 2018”.

5 **TITLE II—EXTENSIONS OF AU-**
6 **THORITY RELATING TO BENE-**
7 **FITS**

8 **SEC. 201. EXTENSION OF AUTHORITY FOR CALCULATING**
9 **NET VALUE OF REAL PROPERTY AT TIME OF**
10 **FORECLOSURE.**

11 Section 3732(c)(11) is amended by striking “October
12 1, 2017” and inserting “September 30, 2018”.

13 **SEC. 202. EXTENSION OF AUTHORITY RELATING TO VEND-**
14 **EE LOANS.**

15 Section 3733(a)(7) is amended—

16 (1) in the matter preceding subparagraph (A),
17 by striking “September 30, 2017” and inserting
18 “September 30, 2018”; and

19 (2) in subparagraph (C), by striking “Sep-
20 tember 30, 2017,” and inserting “September 30,
21 2018,”.

1 **SEC. 203. EXTENSION OF AUTHORITY TO PROVIDE REHA-**
2 **BILITATION AND VOCATIONAL BENEFITS TO**
3 **MEMBERS OF THE ARMED FORCES WITH SE-**
4 **VERE INJURIES OR ILLNESSES.**

5 Section 1631(b)(2) of the Wounded Warrior Act (title
6 XVI of Public Law 110–181; 122 Stat. 458; 10 U.S.C.
7 1071 note) is amended by striking “December 31, 2017”
8 and inserting “September 30, 2018”.

9 **TITLE III—EXTENSIONS OF AU-**
10 **THORITY RELATING TO**
11 **HOMELESS VETERANS**

12 **SEC. 301. EXTENSION OF AUTHORITY FOR HOMELESS VET-**
13 **ERANS REINTEGRATION PROGRAMS.**

14 Section 2021(e)(1)(F) is amended by striking
15 “2017” and inserting “2018”.

16 **SEC. 302. EXTENSION OF AUTHORITY FOR HOMELESS**
17 **WOMEN VETERANS AND HOMELESS VET-**
18 **ERANS WITH CHILDREN REINTEGRATION**
19 **PROGRAM.**

20 Section 2021A(f)(1) is amended by striking “2017”
21 and inserting “2018”.

1 **SEC. 303. EXTENSION OF AUTHORITY FOR REFERRAL AND**
2 **COUNSELING SERVICES FOR VETERANS AT**
3 **RISK OF HOMELESSNESS TRANSITIONING**
4 **FROM CERTAIN INSTITUTIONS.**

5 Section 2023(d) is amended by striking “September
6 30, 2017” and inserting “September 30, 2018”.

7 **SEC. 304. EXTENSION AND MODIFICATION OF AUTHORITY**
8 **TO PROVIDE FINANCIAL ASSISTANCE FOR**
9 **SUPPORTIVE SERVICES FOR VERY LOW-IN-**
10 **COME VETERAN FAMILIES IN PERMANENT**
11 **HOUSING.**

12 Section 2044(e)(1) is amended by adding at the end
13 the following new subparagraph:

14 “(F) \$320,000,000 for each of fiscal years
15 2018 through 2019.”.

16 **SEC. 305. EXTENSION OF AUTHORITY FOR GRANT PRO-**
17 **GRAM FOR HOMELESS VETERANS WITH SPE-**
18 **CIAL NEEDS.**

19 Section 2061(d)(1) is amended by striking “2017”
20 and inserting “2019”.

21 **SEC. 306. EXTENSION OF AUTHORITY FOR THE ADVISORY**
22 **COMMITTEE ON HOMELESS VETERANS.**

23 Section 2066(d) is amended by striking “December
24 31, 2017” and inserting “September 30, 2018”.

1 **SEC. 307. EXTENSION OF AUTHORITY FOR TREATMENT AND**
2 **REHABILITATION SERVICES FOR SERIOUSLY**
3 **MENTALLY ILL AND HOMELESS VETERANS.**

4 (a) GENERAL TREATMENT.—Section 2031(b) is
5 amended by striking “September 30, 2017” and inserting
6 “September 30, 2019”.

7 (b) ADDITIONAL SERVICES AT CERTAIN LOCA-
8 TIONS.—Section 2033(d) is amended by striking “Sep-
9 tember 30, 2017” and inserting “September 30, 2019”.

10 **TITLE IV—OTHER EXTENSIONS**
11 **AND MODIFICATIONS OF AU-**
12 **THORITY AND OTHER MAT-**
13 **TERS**

14 **SEC. 401. EXTENSION OF AUTHORITY FOR TRANSPOR-**
15 **TATION OF INDIVIDUALS TO AND FROM DE-**
16 **PARTMENT FACILITIES.**

17 Section 111A(a)(2) is amended by striking “Decem-
18 ber 31, 2017” and inserting “September 30, 2019”.

19 **SEC. 402. EXTENSION OF AUTHORITY FOR OPERATION OF**
20 **THE DEPARTMENT OF VETERANS AFFAIRS**
21 **REGIONAL OFFICE IN MANILA, THE REPUB-**
22 **LIC OF THE PHILIPPINES.**

23 Section 315(b) is amended by striking “September
24 30, 2017” and inserting “September 30, 2018”.

1 **SEC. 403. EXTENSION OF AUTHORITY FOR MONTHLY AS-**
2 **SISTANCE ALLOWANCES UNDER THE OFFICE**
3 **OF NATIONAL VETERANS SPORTS PROGRAMS**
4 **AND SPECIAL EVENTS.**

5 Section 322(d)(4) is amended by striking “2017” and
6 inserting “2019”.

7 **SEC. 404. EXTENSION OF REQUIREMENT TO PROVIDE RE-**
8 **PORTS TO CONGRESS REGARDING EQUI-**
9 **TABLE RELIEF IN THE CASE OF ADMINISTRA-**
10 **TIVE ERROR.**

11 Section 503(c) is amended by striking “December 31,
12 2017” and inserting “December 31, 2018”.

13 **SEC. 405. EXTENSION OF AUTHORIZATION OF APPROPRIA-**
14 **TIONS FOR ADAPTIVE SPORTS PROGRAMS**
15 **FOR DISABLED VETERANS AND MEMBERS OF**
16 **THE ARMED FORCES.**

17 Section 521A is amended—

18 (1) in subsection (g)(1), by striking “2017”
19 and inserting “2019”; and

20 (2) in subsection (l), by striking “2017” and in-
21 serting “2019”.

22 **SEC. 406. EXTENSION OF AUTHORITY FOR ADVISORY COM-**
23 **MITTEE ON MINORITY VETERANS.**

24 Section 544(e) is amended by striking “December 31,
25 2017” and inserting “September 30, 2018”.

1 **SEC. 407. EXTENSION OF AUTHORITY FOR TEMPORARY EX-**
2 **PANSION OF ELIGIBILITY FOR SPECIALLY**
3 **ADAPTED HOUSING ASSISTANCE FOR CER-**
4 **TAIN VETERANS WITH DISABILITIES CAUSING**
5 **DIFFICULTY AMBULATING.**

6 Section 2101(a)(4) is amended—

7 (1) in subparagraph (A), by striking “Sep-
8 tember 30, 2017” and inserting “September 30,
9 2018”; and

10 (2) in subparagraph (B), by striking “2017”
11 and inserting “2018”.

12 **SEC. 408. EXTENSION OF AUTHORITY FOR SPECIALLY**
13 **ADAPTED HOUSING ASSISTIVE TECHNOLOGY**
14 **GRANT PROGRAM.**

15 Section 2108(g) is amended by striking “September
16 30, 2017” and inserting “September 30, 2018”.

17 **SEC. 409. EXTENSION OF AUTHORITY TO GUARANTEE PAY-**
18 **MENT OF PRINCIPAL AND INTEREST ON CER-**
19 **TIFICATES OR OTHER SECURITIES.**

20 Section 3720(h)(2) is amended by striking “Decem-
21 ber 31, 2017” and inserting “September 30, 2018”.

1 **SEC. 410. EXTENSION OF AUTHORITY TO ENTER INTO**
2 **AGREEMENT WITH THE NATIONAL ACADEMY**
3 **OF SCIENCES REGARDING ASSOCIATIONS BE-**
4 **TWEEN DISEASES AND EXPOSURE TO DIOXIN**
5 **AND OTHER CHEMICAL COMPOUNDS IN HER-**
6 **BICIDES.**

7 Section 3(i) of the Agent Orange Act of 1991 (Public
8 Law 102–4; 38 U.S.C. 1116 note) is amended by striking
9 “December 31, 2017” and inserting “September 30,
10 2018”.

11 **SEC. 411. MODIFICATIONS OF REDUCTIONS OF REPORTING**
12 **FEE MULTIPLIERS.**

13 (a) THROUGH JULY 31, 2018.—

14 (1) IN GENERAL.—Section 412 of the Jeff Mil-
15 ler and Richard Blumenthal Veterans Health Care
16 and Benefits Improvement Act of 2016 (Public Law
17 114–315; 38 U.S.C. 3684 note) is amended—

18 (A) in subsection (a), by striking “Sep-
19 tember 25, 2017” and inserting “July 31,
20 2018”; and

21 (B) by striking subsection (b).

22 (2) CLERICAL AMENDMENT.—The heading for
23 subsection (a) of such section is amended by striking
24 “SEPTEMBER 25, 2017” and inserting “JULY 31,
25 2018”.

1 (b) AUGUST 1, 2018, THROUGH JULY 31, 2020.—
2 During the period beginning on August 1, 2018, and end-
3 ing on July 31, 2020, section 3684(c)(2) of title 38,
4 United States Code, as amended by section 304 of the
5 Harry W. Colmery Veterans Educational Assistance Act
6 of 2017 (Public Law 115–48) shall be applied by sub-
7 stituting “\$15” for “\$16”.

8 **TITLE V—TECHNICAL**
9 **CORRECTIONS**

10 **SEC. 501. TECHNICAL CORRECTIONS TO HARRY W.**
11 **COLMERY VETERANS EDUCATIONAL ASSIST-**
12 **ANCE ACT OF 2017.**

13 (a) USE OF STATE APPROVING AGENCIES FOR OVER-
14 SIGHT ACTIVITIES.—Section 3673(d) is amended by in-
15 serting “compliance and” before “risk-based surveys”.

16 (b) CALCULATION OF MONTHLY HOUSING STIPEND
17 UNDER POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM
18 BASED ON LOCATION OF CAMPUS WHERE CLASSES ARE
19 ATTENDED.—

20 (1) IN GENERAL.—Section
21 3313(g)(3)(A)(ii)(I)(aa) is amended by striking “the
22 institution at which the individual is enrolled” and
23 inserting “the campus of the institution of where the
24 individual physically participates in a majority of
25 classes”.

1 (2) EFFECTIVE DATE.—The amendment made
2 by paragraph (1) shall apply with respect to enroll-
3 ment for a quarter, semester, or term, as applicable,
4 commencing on or after August 1, 2018.

5 (3) ADDITIONAL TECHNICAL CORRECTION.—
6 Subsection (b) of section 107 of the Harry W.
7 Colmery Veterans Educational Assistance Act of
8 2017 (Public Law 115–48) is amended to read as
9 follows:

10 “(b) EFFECTIVE DATE.—The amendment made by
11 subsection (a) shall apply with respect to enrollment for
12 a quarter, semester, or term, as applicable, commencing
13 on or after August 1, 2018.”.

14 (c) DETERMINATION OF MONTHLY HOUSING STI-
15 PENDS DURING ACTIVE DUTY SERVICE.—

16 (1) IN GENERAL.—Subsection (j) of section
17 3313 is amended to read as follows:

18 “(j) DETERMINATION OF MONTHLY HOUSING STI-
19 PENDS DURING ACTIVE DUTY SERVICE.—For any month
20 during which an individual who is entitled to a monthly
21 housing stipend under this section is performing active
22 duty service, the Secretary shall determine the amount of
23 such stipend payable to such individual for such month
24 on a pro rata basis for the period of such month during

1 which the individual is not performing active duty serv-
2 ice.”.

3 (2) APPLICABILITY.—Such subsection, as
4 amended by paragraph (1), shall apply with respect
5 to a quarter, semester, or term, as applicable, com-
6 mencing on or after August 1, 2018.

7 (d) SPECIAL APPLICATION OF SCHOOL CLOSURE
8 RULE TO RECENTLY ENROLLED INDIVIDUALS.—Sub-
9 paragraph (B) of section 109(c)(1) of the Harry W.
10 Colmery Veterans Educational Assistance Act of 2017
11 (Public Law 115–48) is amended to read as follows:

12 “(B) SPECIAL APPLICATION.—

13 “(i) IN GENERAL.—With respect to
14 courses and programs of education discon-
15 tinued as described in section 3699 of title
16 38, United States Code, as added by sub-
17 section (a)(1), during the period beginning
18 January 1, 2015, and ending on the date
19 of the enactment of this Act, an individual
20 described in clause (ii) who does not trans-
21 fer credits from such program of education
22 shall be deemed to be an individual who
23 did not receive such credits, as described in
24 subsection (b)(2) of such section, except
25 that the period for which such individual’s

1 entitlement is not charged shall be the en-
2 tire period of the individual's enrollment in
3 the program of education. In carrying out
4 this subparagraph, the Secretary of Vet-
5 erans Affairs, in consultation with the Sec-
6 retary of Education, shall establish proce-
7 dures to determine whether the individual
8 transferred credits to a comparable course
9 or program of education.

10 “(ii) INDIVIDUAL DESCRIBED.—An in-
11 dividual described in this clause is an indi-
12 vidual who is enrolled in a course or pro-
13 gram of education discontinued as de-
14 scribed in clause (i) during the period be-
15 ginning on the date that is 120 days before
16 the date of such discontinuance and ending
17 on the date of such discontinuance.”.