

[DISCUSSION DRAFT]

117TH CONGRESS
2^D SESSION

H. R. _____

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.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

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.

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 “_____ Act of 2022”.

1 (b) TABLE OF CONTENTS.—The table of contents for
2 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 allow-
ances.
- 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 pro-
gram of education due to an emergency situation.
- Sec. 9. Emergency designations.

3 **SEC. 2. EDUCATIONAL ASSISTANCE BENEFITS DURING**
4 **EMERGENCY SITUATIONS.**

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

7 (1) by redesignating subchapters I and II as
8 subchapters II and III, respectively; and

9 (2) by inserting before subchapter II, as so re-
10 designated, the following new subchapter:”.

11 “SUBCHAPTER I—EMERGENCY SITUATIONS
12 “§ 3601. Definition of emergency situation

13 “In this chapter, the term ‘emergency situation’
14 means a situation that—

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

17 “(2) the Secretary determines is an emergency
18 for purposes of the laws administered by the Sec-
19 retary.

1 **“§ 3602. Continuation of educational assistance bene-**
2 **fits during emergency situations**

3 “(a) **AUTHORITY.**—If the Secretary determines under
4 subsection (c) that an individual is negatively affected by
5 an emergency situation, the Secretary may provide edu-
6 cational assistance to that individual under the laws ad-
7 ministered by the Secretary as if such negative effects did
8 not occur. The authority under this section is in addition
9 to the [other authorities of the Secretary to provide bene-
10 fits in emergency situations], but in no case may the Sec-
11 retary provide more than a total of four weeks of addi-
12 tional educational assistance by reason of any other such
13 authority and this section.

14 “(b) **HOUSING AND ALLOWANCES.**—In providing
15 educational assistance to an individual pursuant to sub-
16 section (a), the Secretary may—

17 “(1) continue to pay a monthly housing stipend
18 under chapter 33 of this title, during a month the
19 individual would have been enrolled in a program of
20 education or training but for the emergency situa-
21 tion at the same rate such stipend would have been
22 payable if the individual had not been negatively af-
23 fected by the emergency situation, except that the
24 total number of weeks for which stipends may con-
25 tinue to be so payable may not exceed four weeks;
26 and

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

10 “(c) DETERMINATION OF NEGATIVE EFFECTS.—The
11 Secretary shall determine that an individual was nega-
12 tively affected by an emergency situation if—

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

19 “(2) the educational institution or training es-
20 tablishment certifies to the Secretary that such pro-
21 gram or training is truncated, delayed, relocated,
22 canceled, partially canceled, converted from being
23 on-site to being offered by distance learning, or oth-
24 erwise modified or made unavailable by reason of the
25 emergency situation; and

1 “(3) the Secretary determines that the modi-
2 fication to such program or training specified under
3 paragraph (2) would reduce the amount of edu-
4 cational assistance (including with respect to month-
5 ly housing stipends, payments, or subsistence allow-
6 ances) that would be payable to the individual but
7 for the emergency situation.

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

19 **“§ 3603. Continuation of educational assistance bene-
20 fits for certain programs of education
21 converted to distance learning by reason
22 of emergency situations**

23 “‘In the case of a program of education approved by
24 a State approving agency, or the Secretary when acting
25 in the role of a State approving agency, that is converted

1 from being offered on-site at an educational institution or
2 training establishment to being offered by distance learn-
3 ing by reason of an emergency or health-related situation,
4 as determined by the Secretary, the Secretary may con-
5 tinue to provide educational assistance under the laws ad-
6 ministered by the Secretary without regard to such conver-
7 sion, including with respect to paying any—

8 “(1) monthly housing stipends under chapter
9 33 of this title; or

10 “(2) payments or subsistence allowances under
11 chapters 30, 31, 32, and 35 of this title and chap-
12 ters 1606 and 1607 of title 10.

13 **“§ 3604. Effects of closure of educational institution**
14 **and modification of courses by reason of**
15 **emergency situation**

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

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

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

24 “(b) EDUCATIONAL ASSISTANCE DESCRIBED.—Sub-
25 ject to subsection (d), the payment of educational assist-

1 ance described in this subsection is the payment of such
2 assistance to an individual for pursuit of a course or pro-
3 gram of education at an educational institution under
4 chapter 30, 31, 32, 33, or 35 of this title or chapter 1606
5 of title 10, if the Secretary determines that the indi-
6 vidual—

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

9 “(A) the closure of the educational institu-
10 tion, or the full or partial cancellation of a
11 course or program of education, by reason of an
12 emergency situation; or

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

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

20 “(c) HOUSING ASSISTANCE.—In this section, edu-
21 cational assistance includes, as applicable—

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

1 “(2) payments or subsistence allowances under
2 chapters 30, 31, 32, and 35 of this title and chapter
3 1606 of title 10 during a month the individual would
4 have been enrolled in a course or program of edu-
5 cation.

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

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

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

18 “(e) CONTINUING PURSUIT OF DISAPPROVED
19 COURSES.—(1) The Secretary may treat a course of edu-
20 cation that is disapproved under this chapter as being ap-
21 proved under this chapter with respect to an individual
22 described in paragraph (2) if the Secretary determines,
23 on a programmatic basis, that—

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

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

3 “(2) An individual described in this paragraph is an
4 individual who is pursuing a course of education at an
5 educational institution under chapter 30, 31, 32, 33, or
6 35 of this title or chapter 1606 of title 10, as of the date
7 on which the course is disapproved as described in sub-
8 section (b)(1)(B).

9 “(f) STATUS AS FULL-TIME STUDENT FOR PUR-
10 POSES OF HOUSING STIPEND CALCULATION.—In the case
11 of an individual who, as of the first day of an emergency
12 situation was enrolled on a full-time basis in a program
13 of education and was receiving educational assistance
14 under chapter 33 of this title or subsistence allowance
15 under chapter 31 of this title, and for whom the Secretary
16 makes a determination under subsection (b), the indi-
17 vidual shall be treated as an individual enrolled in a pro-
18 gram of education on a full-time basis for the purpose of
19 calculating monthly housing stipends payable under chap-
20 ter 33 of this title, or subsistence allowance payable under
21 chapter 31 of this title, for any month the individual is
22 enrolled in the program of education on a part-time basis
23 to complete any course of education that was partially or
24 fully canceled by reason of the emergency situation.

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 an emergency situation, 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 this title, or chapter 1606 of title
9 10 notice of—

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

11 and

12 “(2) the effect of such closure on the individ-
13 ual’s entitlement to educational assistance pursuant
14 to this section.

15 **“§ 3605. Payment of educational assistance in cases of**
16 **withdrawal**

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

1 “(b) COVERED REASON.—In this section, the term
2 ‘covered reason’ means any reason related to an emer-
3 gency situation, including—

4 “(1) illness, quarantine, or social distancing re-
5 quirements;

6 “(2) issues associated with accessibility **【to**
7 **medical care?】**;

8 “(3) access or availability of childcare;

9 “(4) providing care for a family member or co-
10 habitants;

11 “(5) change of location or residence due to the
12 emergency situation or associated school closures;

13 “(6) employment changes or financial hardship;
14 and

15 “(7) issues associated with changes in format
16 or medium of instruction.”.

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

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

“SUBCHAPTER III—MISCELLANEOUS PROVISIONS”.

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

“SUBCHAPTER II—STATE APPROVING AGENCIES”.

23 (3) by inserting before the item relating to sub-
24 chapter 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.”.

1 (c) CONFORMING REPEALS.—The following provi-
2 sions of law are repealed:

3 (1) Sections 1102, 1103, and 1104 of the John-
4 ny Isakson and David P. Roe, M.D. Veterans Health
5 Care and Benefits Improvement Act of 2020 (Public
6 Law 116–315).

7 (2) Public Law 116–128.

8 **SEC. 3. EXTENSION OF TIME LIMITATIONS FOR USE OF EN-**
9 **TITLEMENT.**

10 (a) MONTGOMERY GI BILL.—Section 3031 of title
11 38, United States Code, is amended by adding at the end
12 the following new subsection:

13 “(i) In the case of an individual eligible for edu-
14 cational assistance under this chapter who is prevented
15 from pursuing the individual’s chosen program of edu-
16 cation before the expiration of the 10-year period for the
17 use of entitlement under this chapter otherwise applicable
18 under this section because the educational institution or
19 training establishment closed (temporarily or perma-
20 nently) under an established policy based on an Executive

1 order of the President or due to an emergency situation,
2 such 10-year period—

3 “(1) shall not run during the period the indi-
4 vidual is so prevented from pursuing such program;
5 and

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

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

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

13 (A) by inserting “(A)” before “Sub-
14 sections”; and

15 (B) by striking “and (d)” and inserting
16 “(d), and (i)”; and by adding at the end the fol-
17 lowing new subparagraph:

18 “(B) Subsection (i) of section 3031 shall apply
19 with respect to the running of the 15-year period de-
20 scribed in paragraphs (4)(A) and (5)(A) of this sub-
21 section in the same manner as such subsection ap-
22 plies under section 3031 with respect to the running
23 of the 10-year period described in section 3031(a).”.

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

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

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

5 “(C) EMERGENCY SITUATIONS.—In any
6 case in which the Secretary determines that an
7 individual to whom entitlement is transferred
8 under this section has been prevented from pur-
9 suing the individual’s chosen program of edu-
10 cation before the individual attains the age of
11 26 years because the educational institution or
12 training establishment closed (temporarily or
13 permanently) under an established policy based
14 on an Executive order of the President or due
15 to an emergency situation, the Secretary shall
16 extend the period during which the individual
17 may use such entitlement for a period equal to
18 the number of months that the individual was
19 so prevented from pursuing the program of
20 education, as determined by the Secretary.”.

21 (c) VOCATIONAL REHABILITATION AND TRAINING.—

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

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

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

3 “(g) In any case in which the Secretary determines
4 that a veteran has been prevented from participating in
5 a vocational rehabilitation program under this chapter
6 within the twelve-year period of eligibility prescribed in
7 subsection (a) [by reason of an Executive order of the
8 President] [Strike this for consistency since definition of
9 emergency situation requires presidential declaration?] or
10 due to an emergency situation, such twelve-year period—

11 “(1) shall not run during the period the indi-
12 vidual is so prevented from participating such pro-
13 gram; and

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

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

19 (A) in paragraph (1), by striking “para-
20 graph (2)” and inserting “paragraphs (2) and
21 (3)”; and

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

24 “(3)(A) In any case in which the Secretary de-
25 termines that a veteran has been prevented from

1 participating in counseling and placement and
2 postplacement services described in section
3 3104(a)(2) and (5) of this title [by reason of an Ex-
4 ecutive order of the President] or due to an emer-
5 gency situation, the Secretary shall extend the pe-
6 riod during which the Secretary may provide such
7 counseling and placement and postplacement serv-
8 ices for the veteran for a period equal to the number
9 of months that the veteran was so prevented from
10 participating in such counseling and services, as de-
11 termined by the Secretary.

12 “(B) In any case in which the Secretary deter-
13 mines that a veteran has been prevented from par-
14 ticipating in a vocational rehabilitation program
15 under this chapter [by reason of an Executive order
16 of the President] or due to an emergency situation,
17 the Secretary shall extend the period of the veteran’s
18 vocational rehabilitation program for a period equal
19 to the number of months that the veteran was so
20 prevented from participating in the vocational reha-
21 bilitation program, as determined by the Sec-
22 retary.”.

23 (d) EDUCATIONAL ASSISTANCE FOR MEMBERS OF
24 THE SELECTED RESERVE.—Section 16133(b) of title 10,

1 United States Code, is amended by adding at the end the
2 following new paragraph:

3 “(5) In any case in which the Secretary con-
4 cerned determines that a person entitled to edu-
5 cational assistance under this chapter has been pre-
6 vented from using such person’s entitlement [by
7 reason of an Executive order of the President] or
8 due to an emergency situation, the Secretary con-
9 cerned shall extend the period of entitlement pre-
10 scribed in subsection (a) for a period equal to the
11 number of months that the person was so prevented
12 from using such entitlement, as determined by the
13 Secretary.”.

14 (e) EMERGENCY SITUATION DEFINED.—

15 (1) POST-9/11 EDUCATIONAL ASSISTANCE PRO-
16 GRAM.—Section 3301 of title 38, United States
17 Code, is amended by adding at the end the following
18 new paragraph:

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

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

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

4 (3) VOCATIONAL REHABILITATION AND TRAIN-
5 ING.—Section 3101 of such title is amended by add-
6 ing at the end the following new paragraph:

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

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

14 “(c) The term ‘emergency situation’ has the meaning
15 given such term in section 3601 of title 38.”.

16 (f) CONFORMING REPEAL.—Section 6 of the Student
17 Veteran Coronavirus Response Act of 2020 (Public Law
18 116–140) is repealed.

19 **SEC. 4. EXTENSION OF PAYMENT OF VOCATIONAL REHA-**
20 **BILITATION SUBSISTENCE ALLOWANCES.**

21 (a) IN GENERAL.—Section 3104 of title 38, United
22 States Code, is amended by adding at the end the fol-
23 lowing new subsection:

24 “(f) In the case of any veteran whom the Secretary
25 of Veterans Affairs determines is satisfactorily following

1 a program of employment services provided under sub-
2 section (a)(5) during the period of an emergency situation,
3 the Secretary may pay the veteran a subsistence allow-
4 ance, as prescribed in section 3108 of this title for full-
5 time training for the type of program that the veteran was
6 pursuing, for two additional months.”.

7 (b) CONFORMING REPEAL.—Section 8 of the Student
8 Veteran Coronavirus Response Act of 2020 (Public Law
9 116–140) is repealed.

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

12 (a) IN GENERAL.—Section 3485 of title 38, United
13 States Code, is amended by adding at the end the fol-
14 lowing new subsection:

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

21 “(A) the Secretary may continue to pay work-
22 study allowance under this section or make deduc-
23 tions described in subsection (e)(1) during the pe-
24 riod of such emergency situation, notwithstanding
25 the inability of the individual to perform such work-

1 study activities by reason of such emergency situa-
2 tion; and

3 “(B) at the option of the individual, the Sec-
4 retary shall extend the agreement described in sub-
5 section (a)(3) with the individual for any subsequent
6 period of enrollment initiated during the emergency
7 situation, notwithstanding the inability of the indi-
8 vidual to perform work-study activities described in
9 subsection (a)(4) by reason of such emergency situa-
10 tion.

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

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

19 (b) CONFORMING REPEAL.—Section 3 of the Student
20 Veteran Coronavirus Response Act of 2020 (Public Law
21 116–140) is repealed.

1 **SEC. 6. PAYMENT OF ALLOWANCES TO VETERANS EN-**
2 **ROLLED IN EDUCATIONAL INSTITUTIONS**
3 **CLOSED FOR EMERGENCY SITUATIONS.**

4 (a) IN GENERAL.—Section 3680 of title 38, United
5 States Code, is amended by adding at the end the fol-
6 lowing new subsection:

7 “(h) PAYMENTS DURING EMERGENCY SITUA-
8 TIONS.—(1) The Secretary may pay allowances to an eligi-
9 ble veteran or eligible person under subsection (a)(2)(A),
10 if the veteran or person is enrolled in a program or course
11 of education that—

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

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

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

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

23 (b) CONFORMING REPEAL.—Section 4 of the Student
24 Veteran Coronavirus Response Act of 2020 (Public Law
25 116–140) is repealed.

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

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

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

12 “(B) In the case of an individual who is unemployed
13 during any month, the 120-hour requirement under sub-
14 paragraph (A) for that month shall be reduced proportion-
15 ately to reflect the individual’s period of unemployment,
16 except that the amount of monthly training assistance oth-
17 erwise payable to the individual under subsection (b)(3)
18 shall not be reduced.

19 “(C) Any period during which an individual is unem-
20 ployed shall not—

21 “(i) be charged against any entitlement to edu-
22 cational assistance of the individual; or

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

1 “(D) Any amount by which the entitlement of an in-
2 dividual is reduced under subparagraph (A) shall not—

3 “(i) be charged against any entitlement to edu-
4 cational assistance of the individual; or

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

8 “(E) In the case of an individual who fails to com-
9 plete 120 hours of training during a month, but who com-
10 pleted more than 120 hours of training during the pre-
11 ceding month, the individual may apply the number of
12 hours in excess of 120 that the individual completed for
13 that month to the month for which the individual failed
14 to complete 120 hours. If the addition of such excess hours
15 results in a total of 120 hours or more, the individual shall
16 be treated as an individual who has completed 120 hours
17 of training for that month. Any excess hours applied to
18 a different month under this subparagraph may only be
19 applied to one such month.

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

23 “(G) In this paragraph:

24 “(i) The term ‘unemployed’ includes being fur-
25 loughed or being scheduled to work zero hours.

1 “(ii) The term ‘fails to complete 120 hours of
2 training’ means, with respect to an individual, that
3 during any month, the individual completes at least
4 one hour, but fewer than 120 hours, of training, in-
5 cluding in a case in which the individual is unem-
6 ployed for part of, but not the whole, month.”.

7 (b) CONFORMING REPEAL.—Section 1105 of the
8 Johnny Isakson and David P. Roe, M.D. Veterans Health
9 Care and Benefits Improvement Act of 2020 (Public Law
10 116–315) is repealed.

11 **SEC. 8. PROHIBITION OF CHARGE TO ENTITLEMENT OF**
12 **STUDENTS UNABLE TO PURSUE A PROGRAM**
13 **OF EDUCATION DUE TO AN EMERGENCY SIT-**
14 **UATION.**

15 (a) PERMANENT APPLICABILITY.—Section
16 3699(b)(1) of title 38, United States Code, is amended—

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

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

21 (3) by adding at the end the following new sub-
22 paragraph:

23 “(C) the temporary closure of an edu-
24 cational institution or training establishment or
25 the temporary closure or termination of a

1 course or program of education by reason of an
2 emergency situation; and”.

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

6 **SEC. 9. EMERGENCY DESIGNATIONS.**

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

10 (b) DESIGNATION IN SENATE.—In the Senate, this
11 Act is designated as an emergency requirement pursuant
12 to section 4112(a) of H. Con. Res. 71 (115th Congress),
13 the concurrent resolution on the budget for fiscal year
14 2018.