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

JUNE 3, 2022

Mr. LEVIN of California (for himself and Ms. MACE) introduced the following bill; which was referred to the Committee on Veterans’ Affairs, and in addition to the Committees on Armed Services, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To 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.

Be it enacted by the Senate and House of Representa-

tives 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
“Student Veteran Emergency Relief Act of 2022”.

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(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. Emergency designations.

SEC. 2. EDUCATIONAL ASSISTANCE BENEFITS DURING EMERGENCY SITUATIONS.

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

(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:

"**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 Sec-
§ 3602. Continuation of educational assistance benefits during emergency situations

(a) AUTHORITY.—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. 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, 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.

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

“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 chapters 1606 and 1607 of title 10.

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

“(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 assist-
ance 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—

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

“(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.

“(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.

“(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 5 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

“(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—

(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”;

and

(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.

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

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

“(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”; and

(B) by striking “and (d)” and inserting “(d), and (i)”; and 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 with respect to the running of the 10-year period described in section 3031(a).”.

(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 (e)” and inserting “(e), or (g)”; and
(B) by adding at the end the following new subsection:

“(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 twelve-year period of eligibility prescribed in subsection (a) due to an emergency situation, such twelve-year period—

“(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)”;

(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 section 3104(a)(2) and (5) 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.

“(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.”.

(e) Emergency Situation Defined.—

(1) Post-9/11 Educational Assistance Program.—Section 3301 of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(5) 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.—Section 3101 of such title is amended by adding at the end the following new paragraph:

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

(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) 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:

“(f) In the case of any veteran whom the Secretary of Veterans Affairs 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 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 re-
duced.

“(C) Any period during which an individual is unem-
ployed by reason of an emergency situation shall not—
“(i) be charged against any entitlement to edu-
cational 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.

“(D) Any amount by which the entitlement of an in-
dividual is reduced under subparagraph (A) shall not—
“(i) be charged against any entitlement to edu-
cational 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) In the case of an individual who fails to com-
plete 120 hours of training during a month, but who com-
pleted more than 120 hours of training during the pre-
ceding 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
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.

“(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.
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.

SEC. 9. EMERGENCY DESIGNATIONS.

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

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