

116TH CONGRESS  
2D SESSION

# H. R. 8483

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

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 1, 2020

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

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## A BILL

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Pandemic Assistance  
5 for Student Veterans Act of 2020”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

11 and

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

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

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

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

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

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

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

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

13 (3) access or availability of childcare;

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

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

18 (6) employment changes or financial hardship;

19 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 “(G) In this paragraph:

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

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

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

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

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

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

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

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

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

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

22          (d) EXTENSION OF TIME LIMITATIONS.—

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



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

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

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

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

16 (1) in subsection (b)—

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

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

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

1 “(2) Four weeks.”; and

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

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

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

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

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

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

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

○