

117TH CONGRESS
2D SESSION

H. R. 7939

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.

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 “Student Veteran Emergency Relief 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 benefits
10 in emergency situations, but in no case may the Secretary
11 provide more than a total of four weeks of additional edu-
12 cational assistance by reason of any other such authority
13 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;

7 “(3) access or availability of childcare;

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

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

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

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

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

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

“SUBCHAPTER III—MISCELLANEOUS PROVISIONS”;

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

“SUBCHAPTER II—STATE APPROVING AGENCIES”;

22 and

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 “(h) 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) due to an emergency situation, such twelve-
8 year period—

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

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

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

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

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

22 “(3)(A) In any case in which the Secretary deter-
23 mines that a veteran has been prevented from partici-
24 pating in counseling and placement and postplacement
25 services described in section 3104(a)(2) and (5) of this

1 title due to an emergency situation, the Secretary shall
2 extend the period during which the Secretary may provide
3 such counseling and placement and postplacement services
4 for the veteran for a period equal to the number of months
5 that the veteran was so prevented from participating in
6 such counseling and services, as determined by the Sec-
7 retary.

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

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

20 “(5) In any case in which the Secretary con-
21 cerned determines that a person entitled to edu-
22 cational assistance under this chapter has been pre-
23 vented from using such person’s entitlement due to
24 an emergency situation, the Secretary concerned
25 shall extend the period of entitlement prescribed in

1 subsection (a) for a period equal to the number of
2 months that the person was so prevented from using
3 such entitlement, as determined by the Secretary.”.

4 (e) EMERGENCY SITUATION DEFINED.—

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

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

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

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

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

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

24 (4) EDUCATIONAL ASSISTANCE FOR MEMBERS
25 OF THE SELECTED RESERVE.—Section 16133 of

1 title 10, United States Code, is amended by adding
2 at the end the following new subsection:

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

5 (f) CONFORMING REPEAL.—Section 6 of the Student
6 Veteran Coronavirus Response Act of 2020 (Public Law
7 116–140) is repealed.

8 **SEC. 4. EXTENSION OF PAYMENT OF VOCATIONAL REHA-**
9 **BILITATION SUBSISTENCE ALLOWANCES.**

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

13 “(f) In the case of any veteran whom the Secretary
14 of Veterans Affairs determines is satisfactorily following
15 a program of employment services provided under sub-
16 section (a)(5) during the period of an emergency situation,
17 the Secretary may pay the veteran a subsistence allow-
18 ance, as prescribed in section 3108 of this title for full-
19 time training for the type of program that the veteran was
20 pursuing, for two additional months, if the Secretary de-
21 termines that the veteran is negatively affected by the
22 emergency situation.”.

23 (b) CONFORMING REPEAL.—Section 8 of the Student
24 Veteran Coronavirus Response Act of 2020 (Public Law
25 116–140) is repealed.

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

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

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

12 “(A) the Secretary may continue to pay work-
13 study allowance under this section or make deduc-
14 tions described in subsection (e)(1) during the pe-
15 riod of such emergency situation, notwithstanding
16 the inability of the individual to perform such work-
17 study activities by reason of such emergency situa-
18 tion; and

19 “(B) at the option of the individual, the Sec-
20 retary shall extend the agreement described in sub-
21 section (a)(3) with the individual for any subsequent
22 period of enrollment initiated during the emergency
23 situation, notwithstanding the inability of the indi-
24 vidual to perform work-study activities described in
25 subsection (a)(4) by reason of such emergency situa-
26 tion.

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

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

9 (b) CONFORMING REPEAL.—Section 3 of the Student
 10 Veteran Coronavirus Response Act of 2020 (Public Law
 11 116–140) is repealed.

12 **SEC. 6. PAYMENT OF ALLOWANCES TO VETERANS EN-**
 13 **ROLLED IN EDUCATIONAL INSTITUTIONS**
 14 **CLOSED FOR EMERGENCY SITUATIONS.**

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

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

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

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

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

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

9 (b) CONFORMING REPEAL.—Section 4 of the Student
10 Veteran Coronavirus Response Act of 2020 (Public Law
11 116–140) is repealed.

12 **SEC. 7. APPRENTICESHIP OR ON-JOB TRAINING REQUIRE-**
13 **MENTS.**

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

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

23 “(B) In the case of an individual who is unemployed
24 by reason of an emergency situation during any month,
25 the 120-hour requirement under subparagraph (A) for

1 that month shall be reduced proportionately to reflect the
2 individual's period of unemployment, except that the
3 amount of monthly training assistance otherwise payable
4 to the individual under subsection (b)(3) shall not be re-
5 duced.

6 “(C) Any period during which an individual is unem-
7 ployed by reason of an emergency situation shall not—

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

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

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

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

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

20 “(E) In the case of an individual who fails to com-
21 plete 120 hours of training during a month, but who com-
22 pleted more than 120 hours of training during the pre-
23 ceding month, the individual may apply the number of
24 hours in excess of 120 that the individual completed for
25 that month to the month for which the individual failed

1 to complete 120 hours. If the addition of such excess hours
2 results in a total of 120 hours or more, the individual shall
3 be treated as an individual who has completed 120 hours
4 of training for that month. Any excess hours applied to
5 a different month under this subparagraph may only be
6 applied to one such month.

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

10 “(G) In this paragraph:

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

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

19 (b) CONFORMING REPEAL.—Section 1106 of the
20 Johnny Isakson and David P. Roe, M.D. Veterans Health
21 Care and Benefits Improvement Act of 2020 (Public Law
22 116–315) is repealed.

1 **SEC. 8. PROHIBITION OF CHARGE TO ENTITLEMENT OF**
2 **STUDENTS UNABLE TO PURSUE A PROGRAM**
3 **OF EDUCATION DUE TO AN EMERGENCY SIT-**
4 **UATION.**

5 (a) PERMANENT APPLICABILITY.—Section
6 3699(b)(1) of title 38, United States Code, is amended—

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

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

11 (3) by adding at the end the following new sub-
12 paragraph:

13 “(C) the temporary closure of an edu-
14 cational institution or training establishment or
15 the temporary closure or termination of a
16 course or program of education by reason of an
17 emergency situation; and”.

18 (b) CONFORMING REPEAL.—Section 5 of the Student
19 Veteran Coronavirus Response Act of 2020 (Public Law
20 116–140) is repealed.

21 **SEC. 9. EMERGENCY DESIGNATIONS.**

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

25 (b) DESIGNATION IN SENATE.—In the Senate, this
26 Act is designated as an emergency requirement pursuant

1 to section 4112(a) of H. Con. Res. 71 (115th Congress),
2 the concurrent resolution on the budget for fiscal year
3 2018.

