

116TH CONGRESS
2D SESSION

S. 3678

To amend title 38, United States Code, to provide for payment of work-study allowances during a public health emergency relating to COVID-19 and for allowances to veterans enrolled in educational institutions closed for emergency situations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 11, 2020

Mr. MORAN (for himself, Mr. TESTER, Mr. CASSIDY, Mr. TILLIS, Mr. ROUNDS, Mrs. BLACKBURN, Ms. SINEMA, Mr. BOOKER, Mr. BROWN, Mr. BLUMENTHAL, Mrs. MURRAY, Mrs. LOEFFLER, Ms. HIRONO, and Mr. INHOFE) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide for payment of work-study allowances during a public health emergency relating to COVID-19 and for allowances to veterans enrolled in educational institutions closed for 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,*

1 **SECTION 1. PAYMENT BY DEPARTMENT OF VETERANS AF-**
2 **FAIRS OF WORK-STUDY ALLOWANCES DUR-**
3 **ING PUBLIC HEALTH EMERGENCY RELATING**
4 **TO COVID-19.**

5 (a) IN GENERAL.—In the case of an individual who
6 is in receipt of work-study allowance pursuant to an agree-
7 ment described in subsection (a)(3) of section 3485 of title
8 38, United States Code, as of the date on which a covered
9 public health emergency occurs and who is unable to con-
10 tinue to perform qualifying work-study activities described
11 in subsection (a)(4) of such section by reason of the cov-
12 ered public health emergency—

13 (1) the Secretary may continue to pay work-
14 study allowance under such section or make deduc-
15 tions described in subsection (e)(1) of such section
16 during the period of the covered public health emer-
17 gency, notwithstanding the inability of the individual
18 to perform such work-study activities by reason of
19 the covered public health emergency; and

20 (2) at the option of the individual, the Sec-
21 retary shall extend the agreement described in sub-
22 section (a)(3) of such section with the individual for
23 any subsequent period of enrollment initiated during
24 the covered public health emergency, notwith-
25 standing the inability of the individual to perform

1 work-study activities described in subsection (a)(4)
 2 by reason of the covered public health emergency.

3 (b) AMOUNT PAYABLE.—The amount of work-study
 4 allowance payable to an individual under subsection (a)(1)
 5 during the period of a covered public health emergency
 6 shall be an amount determined by the Secretary but may
 7 not exceed the amount that would be payable under sub-
 8 section (a)(2) of such section if the individual worked 25
 9 hours per week paid during such period.

10 (c) COVERED PUBLIC HEALTH EMERGENCY DE-
 11 FINED.—In this section, the term “covered public health
 12 emergency” means an emergency with respect to COVID—
 13 19 declared by a Federal, State, or local authority.

14 **SEC. 2. TEMPORARY AUTHORITY FOR PAYMENT BY DE-**
 15 **PARTMENT OF VETERANS AFFAIRS OF AL-**
 16 **LOWANCES TO VETERANS ENROLLED IN EDU-**
 17 **CATIONAL INSTITUTIONS CLOSED FOR EMER-**
 18 **GENCY SITUATIONS.**

19 (a) IN GENERAL.—During the period beginning on
 20 March 1, 2020, and ending on December 21, 2020, the
 21 Secretary may pay allowances to an eligible veteran or eli-
 22 gible person under section 3680(a)(2)(A) of title 38,
 23 United States Code, if the veteran or person is enrolled
 24 in a program or course of education that—

1 (1) is provided by an educational institution
 2 that is closed by reason of an emergency situation;
 3 or

4 (2) is suspended by reason of an emergency sit-
 5 uation.

6 (b) AMOUNT OF ALLOWANCE.—The total number of
 7 weeks for which allowances may be paid under this section
 8 may not exceed four weeks.

9 (c) NOT COUNTED FOR PURPOSES OF LIMITA-
 10 TION.—Any amount paid under this section shall not be
 11 counted for purposes of the limitation on allowed under
 12 section 3680(a)(2)(A) of title 38, United States Code.

13 **SEC. 3. TEMPORARY PROHIBITION OF CHARGE TO ENTI-**
 14 **TLEMENT OF STUDENTS UNABLE TO PURSUE**
 15 **A PROGRAM OF EDUCATION DUE TO AN**
 16 **EMERGENCY SITUATION.**

17 Section 3699(b)(1) of title 38, United States Code,
 18 is amended—

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

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

23 (3) by adding at the end the following new sub-
 24 paragraph:

“(C) the temporary closure of an educational institution or the temporary closure or termination of a course or program of education by reason of an emergency situation occurring during the period beginning on March 1, 2020, and ending on December 21, 2020; and”.

SEC. 4. 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 closed (temporarily or permanently) under an established policy based on an Executive order of the President or due to an emergency situation occurring during the period beginning on March 1, 2020, and ending on December 21, 2020, such 10-year period—

“(1) shall not run during the period the individual is so prevented from pursuing such program; and

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

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

6 (1) IN GENERAL.—Section 3321(b)(1) of such
 7 title is amended—

8 (A) by inserting “(A)” before “Sub-
 9 sections”;

10 (B) by striking “and (d)” and inserting
 11 “(d), and (i)”;

12 (C) by adding at the end the following new
 13 subparagraph:

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

20 (2) TRANSFER PERIOD.—Section 3319(h)(5) is
 21 amended—

22 (A) in subparagraph (A) by inserting “or
 23 (C)” after “subparagraph (B)”;

24 (B) by adding at the end the following new
 25 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 closed (temporarily or permanently) under an established policy based on an Executive order of the President or due to an emergency situation occurring during the period beginning on March 1, 2020, and ending on December 21, 2020, 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:

1 “(g) In any case in which the Secretary determines
 2 that a veteran has been prevented from participating in
 3 a vocational rehabilitation program under this chapter
 4 within the 12-year period of eligibility prescribed in sub-
 5 section (a) by reason of an Executive order of the Presi-
 6 dent or due to an emergency situation occurring during
 7 the period beginning on March 1, 2020, and ending on
 8 December 21, 2020, such twelve-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 by reason of an Executive order of the President or
2 due to an emergency situation occurring during the period
3 beginning on March 1, 2020, and ending on December 21,
4 2020, the Secretary shall extend the period during which
5 the Secretary may provide such counseling and placement
6 and postplacement services for the veteran for a period
7 equal to the number of months that the veteran was so
8 prevented from participating in such counseling and serv-
9 ices, as determined by the Secretary.

10 “(B) In any case in which the Secretary determines
11 that a veteran has been prevented from participating in
12 a vocational rehabilitation program under this chapter by
13 reason of an Executive order of the President or due to
14 an emergency situation occurring during the period begin-
15 ning on March 1, 2020, and ending on December 21,
16 2020, the Secretary shall extend the period of the vet-
17 eran’s vocational rehabilitation program for a period equal
18 to the number of months that the veteran was so pre-
19 vented from participating in the vocational rehabilitation
20 program, as determined by the Secretary.”.

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

1 “(5) In any case in which the Secretary concerned
 2 determines that a person entitled to educational assistance
 3 under this chapter has been prevented from using such
 4 person’s entitlement by reason of an Executive order of
 5 the President or due to an emergency situation occurring
 6 during the period beginning on March 1, 2020, and ending
 7 on December 21, 2020, the Secretary concerned shall ex-
 8 tend the period of entitlement prescribed in subsection (a)
 9 for a period equal to the number of months that the per-
 10 son was so prevented from using such entitlement, as de-
 11 termined by the Secretary.”.

12 **SEC. 5. RESTORATION OF ENTITLEMENT TO REHABILITA-**
 13 **TION PROGRAMS FOR VETERANS AFFECTED**
 14 **BY SCHOOL CLOSURE OR DISAPPROVAL.**

15 (a) ENTITLEMENT.—During the period beginning on
 16 March 1, 2020, and ending on December 21, 2020, section
 17 3699 of title 38, United States Code, shall read as if it
 18 was amended by striking “chapter 30,” each time it ap-
 19 pears and inserting “chapter 30, 31,”.

20 (b) PAYMENT OF SUBSISTENCE ALLOWANCES.—
 21 During the period beginning on March 1, 2020, section
 22 3680(a)(2)(B) of title 38, United States Code, shall read
 23 as if it was amended—

24 (1) by inserting “or a subsistence allowance de-
 25 scribed in section 3108” before “, during”; and

1 (2) by inserting “or allowance” after “such a
2 stipend”.

3 **SEC. 6. EXTENSION OF PAYMENT OF VOCATIONAL REHA-**
4 **BILITATION SUBSISTENCE ALLOWANCES.**

5 In the case of any veteran who the Secretary of Vet-
6 erans Affairs determines is satisfactorily following a pro-
7 gram of employment services provided under section
8 3104(a)(5) of title 38, United States Code, during the pe-
9 riod beginning on March 1, 2020, and ending on Decem-
10 ber 21, 2020, the Secretary may pay the veteran a subsist-
11 ence allowance, as prescribed in section 3108 of such title
12 for full-time training for the type of program that the vet-
13 eran was pursuing, for two additional months.

14 **SEC. 7. EMERGENCY DESIGNATIONS.**

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

18 (b) DESIGNATION IN SENATE.—In the Senate, this
19 Act is designated as an emergency requirement pursuant
20 to section 4112(a) of H. Con. Res. 71 (115th Congress),
21 the concurrent resolution on the budget for fiscal year
22 2018.

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