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Special Authorities for Veterans' Educational Assistance Programs During the COVID-19 Emergency

On January 31, 2020, the Secretary of Health and Human Services declared a public health emergency (COVID-19 emergency) under Section 319 of the Public Health Service Act (42 U.S.C. §247d). The Department of Veterans Affairs (VA) and veterans' educational assistance beneficiaries raised concerns that abrupt disruptions to programs of education, educational institutions, and employment could negatively impact the short-term finances of beneficiaries and their continued pursuit of educational programs. In response, special authorities were enacted, and amended, by

- P.L. 116-128 on March 21, 2020;
- the Student Veteran Coronavirus Response Act of 2020 (P.L. 116-140) on April 28, 2020;
- the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159) on October 1, 2020; and
- the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (P.L. 116-315) on January 5, 2021.

The authorities reduce the effect of such disruptions on beneficiaries by extending benefits or not reducing benefit levels during the covered period from March 1, 2020, through December 21, 2021. Additionally, a VA administrative action provides temporary debt relief.

After a brief introduction to veterans' educational assistance programs, this InFocus describes the special authorities and administrative action.

Veterans' Educational Assistance Programs

Veterans educational assistance programs, including the GI Bills, provide benefits or services to eligible servicemembers and veterans and their family members, as applicable, to help such individuals pursue education or training. The GI Bills are entitlement programs that provide financial assistance while recipients are enrolled in approved programs of education, which include training programs. Other educational assistance programs, including Work Study, either provide grant aid or help eligible individuals take advantage of the GI Bills. For a detailed description of the programs, see CRS Report R42785, *Veterans' Educational Assistance Programs and Benefits: A Primer*.

The Veteran Readiness and Employment program (VR&E; formerly Vocational Rehabilitation and Employment) is an entitlement program that provides job training and other employment-related services to veterans with service-

connected disabilities. In many cases, VR&E provides educational assistance. For a detailed description of VR&E, see CRS Report RL34627, *Veterans' Benefits: The Veteran Readiness and Employment Program*.

Continued GI Bill Payments for Distance Learning

Many programs of education offered in part or exclusively through distance learning may be approved for GI Bill purposes, but unaccredited programs and certificate programs that are not offered by a limited group of educational institutions cannot.

P.L. 116-128, as amended by P.L. 116-159 and P.L. 116-315, allows the VA to continue to provide GI Bill benefits during the covered period for courses at educational institutions and training establishments that are converted from approved in-residence courses to distance learning by reason of an emergency or health-related situation.

P.L. 116-128, as amended by P.L. 116-159, further permits the VA to pay the Post-9/11 GI Bill housing stipend at the higher in-residence rates for those converted courses throughout the same period. Without the special authority, Post-9/11 GI Bill beneficiaries enrolled exclusively via distance learning are eligible for no more than one-half the national average of in-residence housing stipends.

Reduced Entitlement Charge for Participants Unable to Pursue a Program of Education

In general, the GI Bills provide eligible persons a 36-month (or its part-time equivalent) entitlement to educational assistance, while VR&E provides 48 months. Most GI Bill and VR&E payments reduce a beneficiary's available entitlement. However, entitlement is not charged for payments related to (1) an incomplete course or program for which the individual is unable to receive credit or lost training time as a result of an educational institution closing; (2) a necessary but disapproved course or program if disapproved by a subsequently established or modified policy, regulation, or law; and (3) the Post-9/11 GI Bill housing allowance or VR&E subsistence allowance paid following either a permanent closure or such course disapproval.

P.L. 116-140, as amended by P.L. 116-159 and P.L. 116-315, requires that the VA not charge entitlement for an incomplete course or program if a beneficiary is unable to receive credit or lost training time under one of two conditions: (1) the temporary closure of an educational institution or training establishment due to an emergency

situation or (2) the temporary termination of a course or program of education due to an emergency situation.

Under P.L. 116-315, entitlement is not charged for an incomplete course or program if a beneficiary is unable to receive credit or lost training time under one of two conditions: (1) the closure of an educational institution or the full or partial cancellation of a course or program by reason of the COVID-19 emergency or (2) the disapproval of a course because the course was modified by reason of the COVID-19 emergency. This special authority applies only to the Post-9/11 GI Bill housing allowance and other GI Bill and VR&E subsistence allowance payments.

With respect to apprenticeship or on-the-job training under the Montgomery GI Bill-Active Duty (MGIB-AD), Post-9/11 GI Bill, and Montgomery GI Bill-Selected Reserve (MGIB-SR), P.L. 116-315 proportionally reduces the entitlement charged to beneficiaries who cannot complete 120 training hours in a month due to unemployment without reducing the training allowance.

Continued Payments for Closed Schools and Modified Courses

The VA has special authority during the covered period to provide up to four aggregate weeks of GI Bill or VR&E payments for the following closed school and modified or unavailable course situations:

- If an educational institution or training establishment closes or a program is suspended due to an emergency situation, P.L. 116-140, as amended by P.L. 116-159 and P.L. 116-315, authorizes the VA to provide up to four weeks of payments but no more than the period of time that the beneficiary would have been enrolled but for the emergency situation. GI Bill and VR&E entitlement is not charged for the up to four-week period.
- If an educational institution or training establishment modifies or makes unavailable a course by reason of the COVID-19 emergency such that a beneficiary's payment is reduced, the VA is authorized to provide up to four weeks of payments at a level that has not been so reduced. In addition, entitlement is not charged for the up to four-week period if the beneficiary did not make progress toward the completion of the program of education.

P.L. 116-315 further permits the VA to pay the Post-9/11 GI Bill housing stipend and VR&E subsistence allowance at the full-time enrollment rate for those beneficiaries who had been enrolled full-time on March 1, 2020, but reduced their enrollment rate because of the partial or full cancellation of course(s) by reason of the COVID-19 emergency. Without the special authority, beneficiaries enrolled part-time receive reduced payments.

Under P.L. 116-315, the VA may continue paying benefits, if it is in the individual's best interest, to GI Bill and VR&E beneficiaries who remain enrolled in courses or programs disapproved because the course or program was modified by reason of the COVID-19 emergency.

Continued Work Study Allowances

The Veterans Work Study Program allows GI Bill and VR&E beneficiaries to receive additional financial assistance in exchange for employment.

P.L. 116-140, as amended by P.L. 116-159, authorizes the VA to provide Work Study payments during the covered period in accordance with a Work Study agreement in effect on March 1, 2020, despite the participant's inability to perform such work by reason of an emergency situation. The amount of the Work Study allowance must not exceed the full-time amount specified in the agreement. The special authority further requires the VA to extend an agreement in effect on March 1, 2020, for a subsequent period if requested by the participant during the covered period.

Extension of GI Bill Delimiting Date

Many GI Bill participants must use their GI Bill entitlement before a delimiting date—the date after which no benefits may be paid. The delimiting date generally occurs after a specified number of years following an individual's last discharge or release from active duty, or when a dependent child reaches a specified age. Some Post-9/11 GI Bill participants are not subject to a delimiting date.

P.L. 116-140, as amended by P.L. 116-159 and P.L. 116-315, exempts from the time limitation a prescribed period during which the beneficiary was unable to pursue a program of education as a result of an executive order of the President or due to an emergency situation during the covered period. The whole covered period is exempt from the MGIB-AD, Post-9/11 GI Bill, and VR&E year limitation if an individual is so prevented because an educational institution or training establishment closed (temporarily or permanently). For Post-9/11 GI Bill child transferees, the exemption period is limited to the number of months that the individual was so prevented because an educational institution or training establishment closed (temporarily or permanently). For the MGIB-SR period, the exemption period is limited to the number of months that the individual was so prevented from using entitlement.

No Debt for Student Withdrawal

GI Bill and VR&E payments for courses from which beneficiaries withdraw are overpayments if the student's course grade is non-punitive and there are no mitigating circumstances. P.L. 116-315 defines a withdrawal for any reason related to the COVID-19 emergency as a mitigating circumstance during the covered period.

Suspension of Debt Collections

When GI Bill or VR&E payments are made for which a beneficiary is not eligible, a debt may be created. A debt may be resolved through repayment or various debt relief options. The VA has suspended collection of VA benefit debts incurred between April 1, 2020, and September 30, 2021, including for debts under the jurisdiction of the Department of the Treasury.

Cassandra Dortch, Specialist in Education Policy

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