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

On March 13, 2020, President Donald Trump declared the Coronavirus Disease 2019 (COVID-19) outbreak a national emergency, beginning March 1, 2020. 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 by

- P.L. 116-128 on March 21, 2020, and
- the Student Veteran Coronavirus Response Act of 2020 (P.L. 116-140) on April 28, 2020.

The special authorities were extended by Section 5202 of the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159). These authorities and one administrative action reduce the effect of such disruptions on some beneficiaries by either extending benefits or not reducing benefit levels during the period beginning on March 1, 2020, and through December 21, 2021.

After a brief introduction to veterans' educational assistance programs, this InFocus describes the special authorities granted by the statutes.

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 Vocational Rehabilitation and Employment Program*.

Continued GI Bill Payments for Distance Learning

Programs of education offered in part or exclusively through distance learning may be approved for GI Bill purposes if they meet the requirements in 38 U.S.C. Section 3680A(a)(4) and, as applicable, 38 U.S.C. Section 3523(a)(4), in addition to other statutory and regulatory requirements.

P.L. 116-128, as amended by P.L. 116-159, allows the VA to continue to provide GI Bill benefits from March 1, 2020, through December 21, 2021, for courses at educational institutions that are converted from approved in-residence courses to distance learning by reason of an emergency or health-related situation. VA guidance applies the special authority to on-the-job and apprenticeship programs as well.

In the absence of the special authority, programs of education that are transitioned to distance learning must be approved for beneficiaries to continue receiving benefits. Some of these programs of education that were converted as a result of the COVID-19 emergency would not otherwise be approvable for distance learning. For example, prior to P.L. 116-128, nonaccredited programs were not eligible to be approved if they were offered by distance learning.

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.

GI Bill Payments for Closed Educational Institutions and Suspended Courses

Since the 1970s, the VA has had authority to pay GI Bill and VR&E allowances during periods when an educational institution temporarily closes under an established policy based on an executive order of the President or due to an emergency situation. In 2011, such allowances were limited to four weeks in any 12-month interval.

P.L. 116-140, as amended by P.L. 116-159, authorizes the VA to provide up to an additional four weeks (eight weeks total) of GI Bill and VR&E payments during the period

beginning on March 1, 2020, and ending on December 21, 2021, if an educational institution closes or the program of education is suspended due to an emergency situation. VA guidance indicates that the special authority “only provides protection for stoppage in training when the school ceases operations completely (temporary or permanent)” and that it does not apply “if the educational institution remains partially open (continues to provide training to some students) but must discontinue training to students enrolled in select programs or individual classes.”

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 period from March 1, 2020, to December 21, 2021, 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 paid during the emergency period 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 eligible Work Study participant during the emergency.

Restoration of GI Bill Entitlement for Students Unable to Pursue a Program of Education

In general, the GI Bills provide eligible persons a 36-month (or its equivalent in part-time educational assistance) entitlement to educational assistance; while VR&E provides 48 months. Most GI Bill payments are associated with a number of months or days of entitlement. Such payments reduce the available entitlement period.

P.L. 116-140, as amended by P.L. 116-159, requires that the VA restore entitlement for an incomplete course if a beneficiary is unable to receive credit or lost training time under one of two conditions. The conditions are the temporary closure of an educational institution or the temporary termination of a course or program of education by reason of an emergency situation during the period beginning on March 1, 2020, and ending on December 21, 2021.

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 GI Bill benefits may be paid. When applicable, 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, such as those whose last discharge or release from active duty was on or after January 1, 2013, are not subject to a delimiting date.

P.L. 116-140, as amended by P.L. 116-159, exempts from the time limitation the period during which an individual is prevented from pursuing a program of education 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. The authority is limited to closures occurring during the period beginning on March 1, 2020, and ending on December 21, 2021. The authority applies to the following:

- the Montgomery GI Bill-Active Duty (MGIB-AD) 10-year limitation,
- the Post-9/11 GI Bill 15-year limitation and age limitation for children using transferred benefits,
- the VR&E 12-year limitation and the period of a vocational rehabilitation program, and
- the Montgomery GI Bill-Selected Reserve (MGIB-SR) limitation.

Suspension of Debt Collections

When a beneficiary or educational institution receives educational assistance payments for which the beneficiary or institution is not eligible, a debt may be created. A debt may be variously resolved through repayment, benefit offsets, waivers, compromises, dispute resolution, and hardship refunds, as applicable.

Starting on April 3, 2020, through the end of 2020, the VA has announced that it is suspending the collection of institutions' and veterans' debt, including for debts under the jurisdiction of the Department of the Treasury.

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