

Union Calendar No. 19

117TH CONGRESS
1ST SESSION

H. R. 2167

[Report No. 117-34]

To amend title 38, United States Code, to provide for extensions of the time limitations for use of entitlement under Department of Veterans Affairs educational assistance programs by reason of school closures due to emergency and other situations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2021

Ms. SHERRILL (for herself and Mrs. MILLER-MEEKS) introduced the following bill; which was referred to the Committee on Veterans' Affairs

MAY 14, 2021

Additional sponsors: Mr. RYAN, Mrs. LURIA, Mr. FITZPATRICK, and Mr. KATKO

MAY 14, 2021

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on March 23, 2021]

A BILL

To amend title 38, United States Code, to provide for extensions of the time limitations for use of entitlement under Department of Veterans Affairs educational assistance programs by reason of school closures due to emergency and other 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.**

4 *This Act may be cited as the “GI Bill National Emer-*
5 *gency Extended Deadline Act”.*

6 **SEC. 2. EXTENSION OF TIME LIMITATION FOR USE OF ENTI-**
7 **TLEMENT UNDER DEPARTMENT OF VET-**
8 **ERANS AFFAIRS EDUCATIONAL ASSISTANCE**
9 **PROGRAMS BY REASON OF SCHOOL CLO-**
10 **SURES DUE TO EMERGENCY AND OTHER SIT-**
11 **UATIONS.**

12 *(a) MONTGOMERY GI BILL.—Section 3031 of title 38,*
13 *United States Code, is amended—*

14 *(1) in subsection (a), by inserting “and sub-*
15 *section (i)” after “through (g)”;* and

16 *(2) by adding at the end the following new sub-*
17 *section:*

18 *“(i)(1) In the case of an individual eligible for edu-*
19 *cational assistance under this chapter who is prevented*
20 *from pursuing the individual’s chosen program of education*
21 *before the expiration of the 10-year period for the use of*
22 *entitlement under this chapter otherwise applicable under*
23 *this section because of a covered reason, as determined by*
24 *the Secretary, such 10-year period—*

1 “(A) shall not run during the period the indi-
2 vidual is so prevented from pursuing such program;
3 and

4 “(B) shall again begin running on a date deter-
5 mined by the Secretary that is—

6 “(i) not earlier than the first day after the
7 individual is able to resume pursuit of a pro-
8 gram of education with educational assistance
9 under this chapter; and

10 “(ii) not later than 90 days after that day.

11 “(2) In this subsection, a covered reason is—

12 “(A) the temporary or permanent closure of an
13 educational institution by reason of an emergency sit-
14 uation; or

15 “(B) another reason that prevents the individual
16 from pursuing the individual’s chosen program of
17 education, as determined by the Secretary.”.

18 (b) *POST-9/11 EDUCATIONAL ASSISTANCE*.— Section
19 3321(b)(1) of such title is amended—

20 (1) by inserting “(A)” before “Subsections”;

21 (2) by striking “and (d)” and inserting “(d),
22 and (i)”; and

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

1 “(B) Subsection (i) of section 3031 of this title
2 shall apply with respect to the running of the 15-year
3 period described in paragraphs (4)(A) and (5)(A) of
4 this subsection in the same manner as such subsection
5 applies under section 3031 with respect to the run-
6 ning of the 10-year period described in section
7 3031(a).”.

8 **SEC. 3. EXTENSION OF PERIOD OF ELIGIBILITY BY REASON**
9 **OF SCHOOL CLOSURES DUE TO EMERGENCY**
10 **AND OTHER SITUATIONS UNDER DEPART-**
11 **MENT OF VETERANS AFFAIRS TRAINING AND**
12 **REHABILITATION PROGRAM FOR VETERANS**
13 **WITH SERVICE-CONNECTED DISABILITIES.**

14 Section 3103 of title 38, United States Code, is amend-
15 ed—

16 (1) in subsection (a), by striking “or (g)” and
17 inserting “(g), or (h)”; and

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

20 “(h)(1) In the case of a veteran who is eligible for a
21 vocational rehabilitation program under this chapter and
22 who is prevented from participating in the vocational reha-
23 bilitation program within the period of eligibility pre-
24 scribed in subsection (a) because of a covered reason, as de-
25 termined by the Secretary, such period of eligibility—

1 “(A) shall not run during the period the veteran
2 is so prevented from participating in such program;
3 and

4 “(B) shall again begin running on a date deter-
5 mined by the Secretary that is—

6 “(i) not earlier than the first day after the
7 veteran is able to resume participation in a vo-
8 cational rehabilitation program under this chap-
9 ter; and

10 “(ii) not later than 90 days after that day.

11 “(2) In this subsection, a covered reason is—

12 “(A) the temporary or permanent closure of an
13 educational institution by reason of an emergency sit-
14 uation; or

15 “(B) another reason that prevents the veteran
16 from participating in the vocational rehabilitation
17 program, as determined by the Secretary.”.

1 **SEC. 4. DEPARTMENT OF VETERANS AFFAIRS DISAPPROVAL**
2 **OF COURSES OFFERED BY PUBLIC INSTITU-**
3 **TIONS OF HIGHER LEARNING THAT DO NOT**
4 **CHARGE VETERANS THE IN-STATE TUITION**
5 **RATE FOR PURPOSES OF SURVIVORS' AND**
6 **DEPENDENTS' EDUCATIONAL ASSISTANCE**
7 **PROGRAM.**

8 (a) *IN GENERAL.*—Section 3679(c) of title 38, United
9 States Code, is amended—

10 (1) in paragraph (1), by striking “or 33” and
11 inserting “33, or 35”;

12 (2) in paragraph (2), by adding at the end the
13 following new subparagraph:

14 “(D) An individual who is entitled to assistance
15 under section 3510 of this title.”; and

16 (3) in paragraph (6), by striking “and 33” and
17 inserting “33, and 35”.

18 (b) *CONFORMING AMENDMENTS.*—Section 3679(e) of
19 such title is amended—

20 (1) in paragraph (1)—

21 (A) in subparagraph (A), by striking “or
22 33” and inserting “, 33, or 35”; and

23 (B) in subparagraph (B), by striking “or
24 33” and inserting “33, or 35”; and

25 (2) in paragraph (2), by striking “or 33” and
26 inserting “33, or 35”.

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *Act shall take effect on the date of the enactment of this*
3 *Act and shall apply with respect to an academic period*
4 *that begins on or after August 1, 2022.*

5 **SEC. 5. IMPROVEMENTS TO INFORMATION TECHNOLOGY**
6 **SERVICES USED TO PROCESS CLAIMS FOR**
7 **EDUCATIONAL ASSISTANCE.**

8 (a) *MODERN INFORMATION TECHNOLOGY SERVICE.*—
9 *The Secretary of Veterans Affairs shall implement an infor-*
10 *mation technology service to process claims for educational*
11 *assistance under chapters 30, 33, 35, and 36 of title 38,*
12 *United States Code, using one or more commercial software*
13 *systems. The Secretary shall complete such implementation*
14 *not later than August 1, 2024.*

15 (b) *REQUIRED CAPABILITIES.*—*The Secretary shall*
16 *ensure that the modern information technology service*
17 *under subsection (a) has the following capabilities:*

18 (1) *As compared to legacy information tech-*
19 *nology systems—*

20 (A) *the ability to process claims faster and*
21 *in a more efficient manner by improving proc-*
22 *essing integration and accuracy;*

23 (B) *improved data exchange and reporting;*
24 *and*

1 (C) *improved customer integration and sim-*
2 *plification of the online experience.*

3 (2) *Timely communication by employees of the*
4 *Department of Veterans Affairs to individuals and*
5 *educational institutions using an online portal that*
6 *can provide real-time information on claims for edu-*
7 *cational assistance.*

8 (3) *The ability to be customized to address future*
9 *capabilities required by law.*

10 (4) *Fully automated to the extent practicable for*
11 *all original and supplemental claims, including with*
12 *respect to calculating accurate awards.*

13 (5) *The ability for individuals entitled to edu-*
14 *cational assistance to electronically apply for, with-*
15 *draw from, and amend such entitlement, and to re-*
16 *allocate a transferred entitlement.*

17 (6) *The ability to electronically process changes*
18 *made by educational institutions.*

19 (7) *The ability to verify attendance at an edu-*
20 *cational institution.*

21 (8) *The ability to process validations made by*
22 *an educational institution.*

23 (c) *INITIAL REPORT.*—*Not later than 120 days after*
24 *the date of the enactment of this Act, the Secretary shall*
25 *submit to the Committees on Veterans' Affairs of the House*

1 *of Representatives and the Senate a report containing infor-*
2 *mation on the cost, schedule, and performance of the project*
3 *for implementing such system, including, with respect to*
4 *such project, the following:*

5 (1) *An estimate of acquisition, implementation,*
6 *and life cycle costs (including all direct and indirect*
7 *costs to acquire, implement, operate, and maintain*
8 *such system).*

9 (2) *An intended implementation schedule indi-*
10 *cating significant milestones, initial operating capa-*
11 *bility, and full operating capability or completion.*

12 (3) *Key business, functional, or performance ob-*
13 *jectives.*

14 (4) *With respect to both original claims and sup-*
15 *plemental claims processed on a monthly basis, statis-*
16 *tics regarding—*

17 (A) *the number of such claims processed*
18 *using legacy information systems;*

19 (B) *the number of such claims that were off-*
20 *ramped and processed manually; and*

21 (C) *the number of such claims estimated to*
22 *be processed using the modern information tech-*
23 *nology service.*

24 (5) *The amount of savings that are estimated to*
25 *be realized from using the modern information tech-*

1 *nology service rather than legacy information tech-*
2 *nology systems.*

3 (6) *The estimated accuracy of processing claims.*

4 (7) *The estimated timeliness for—*

5 (A) *processing original claims; and*

6 (B) *processing supplemental claims.*

7 (8) *A description of how the modern information*
8 *technology service will—*

9 (A) *automate the processing of original*
10 *claims; and*

11 (B) *automate the processing of supple-*
12 *mental claims.*

13 (d) *UPDATED INFORMATION.—*

14 (1) *ANNUAL REPORTS.—On an annual basis*
15 *during the period in which the Secretary is imple-*
16 *menting the modern information technology service,*
17 *the Secretary shall submit to the Committees on Vet-*
18 *erans' Affairs of the House of Representatives and the*
19 *Senate a report containing updated information re-*
20 *garding the matters specified in subsection (c). Each*
21 *such updated report shall identify any changes to the*
22 *cost, schedule, or performance of the project to imple-*
23 *ment such system.*

24 (2) *NOTIFICATION.—*

1 (A) *REQUIREMENT.*—Not later than 60
2 days after the date on which an action described
3 in subparagraph (B) occurs, the Secretary shall
4 submit to the Committees on Veterans' Affairs of
5 the House of Representatives and the Senate a
6 notification of such action, including a descrip-
7 tion of and explanation for such action.

8 (B) *ACTION DESCRIBED.*—An action de-
9 scribed in this subparagraph is, with respect to
10 the project to implement the modern information
11 technology service, any of the following:

12 (i) With respect to the acquisition, im-
13 plementation, or life cycle cost of the
14 project, or an increment therein, a change
15 or variance that is 10 percent or greater
16 compared to the amount identified the most
17 recent report submitted under paragraph
18 (1).

19 (ii) With respect to the schedule for
20 achieving a significant milestone, initial
21 operating capability, or final completion of
22 the project, a change or variance that is 180
23 days or greater compared to the schedule
24 identified the most recent report submitted
25 under paragraph (1).

1 (iii) *With respect to the performance,*
2 *an instance where a key business, func-*
3 *tional, or performance objective is not at-*
4 *tained, or is not anticipated to be attained,*
5 *in whole or in part.*

6 (e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
7 *authorized to be appropriated to the Secretary of Veterans*
8 *Affairs for fiscal years 2022 through 2024 a total of*
9 *\$250,000,000 to carry out this section.*

10 (f) *DEFINITIONS.—In this section:*

11 (1) *The term “legacy information technology sys-*
12 *tem” means an information technology system used*
13 *by the Department of Veterans Affairs to process*
14 *claims for educational assistance under chapters 30,*
15 *33, 35, and 36 of title 38, United States Code, before*
16 *the date on which the Secretary of Veterans Affairs*
17 *awards a contract under subsection (a) for the mod-*
18 *ern information technology service.*

19 (2) *The term “modern information technology*
20 *service” means the information technology service im-*
21 *plemented under subsection (a) to process claims for*
22 *educational assistance under chapters 30, 33, 35, and*
23 *36 of title 38, United States Code.*

1 **SEC. 6. TIME PERIOD FOR ELIGIBILITY UNDER SURVIVORS'**
2 **AND DEPENDENTS' EDUCATIONAL ASSIST-**
3 **ANCE PROGRAM OF DEPARTMENT OF VET-**
4 **ERANS AFFAIRS.**

5 (a) *IN GENERAL.*—Section 3512 of title 38, United
6 States Code, is amended—

7 (1) *by redesignating subsection (h) as subsection*
8 *(f); and*

9 (2) *by adding at the end the following new sub-*
10 *section:*

11 “(g) *Notwithstanding any other provision of this sec-*
12 *tion, the following persons may be afforded educational as-*
13 *sistance under this chapter at any time after August 1,*
14 *2023, and without regard to the age of the person:*

15 “(1) *A person who first becomes an eligible per-*
16 *son on or after August 1, 2023.*

17 “(2) *A person who—*

18 “(A) *first becomes an eligible person before*
19 *August 1, 2023; and*

20 “(B) *has not received any payment of edu-*
21 *cational assistance under this chapter before such*
22 *date.”.*

23 (b) *CONFORMING AMENDMENTS.*—*Such section is fur-*
24 *ther amended—*

1 (1) *in subsection (a), by striking “The edu-*
2 *catational” and inserting “Except as provided in sub-*
3 *section (g), the educational”;*

4 (2) *in subsection (b)—*

5 (A) *in paragraph (1)(A), by inserting “sub-*
6 *section (g) or” after “provided in”; and*

7 (B) *in paragraph (2), by striking “Notwith-*
8 *standing” and inserting “Except as provided in*
9 *subsection (g), notwithstanding”; and*

10 (3) *in subsection (e), by striking “No person”*
11 *and inserting “Except as provided in subsection (g),*
12 *no person”.*

13 **SEC. 7. PILOT PROGRAM ON SHORT-TERM FELLOWSHIP**
14 **PROGRAMS.**

15 (a) *AUTHORITY.—The Assistant Secretary of Labor for*
16 *Veterans’ Employment and Training shall carry out a pilot*
17 *program under which a State may use a grant or contract*
18 *under section 4102A(b)(5) of title 38, United States Code,*
19 *to carry out a short-term fellowship program.*

20 (b) *LOCATIONS; AGREEMENTS.—The Secretary shall*
21 *select at least three, but not more than five, States to carry*
22 *out a short-term fellowship program pursuant to subsection*
23 *(a). Each such State shall enter into an agreement with*
24 *a non-profit organization to carry out such program.*

1 (c) *SHORT-TERM FELLOWSHIP PROGRAM.*—Each
2 *short-term fellowship program carried out by a State pur-*
3 *suant to subsection (a) shall—*

4 (1) *consist of veterans participating as fellows*
5 *with an employer for a period not exceeding 20 weeks;*

6 (2) *provide to such veterans a monthly stipend*
7 *during such period; and*

8 (3) *provide to such veterans an opportunity to be*
9 *employed on a long-term basis with the employer fol-*
10 *lowing such period.*

11 (d) *AMOUNT OF STIPEND.*—*The amount of the stipend*
12 *provided to a veteran pursuant to subsection (c)(2) for a*
13 *month shall be the amount equal to the amount of the wages*
14 *earned by the veteran during that month for participating*
15 *in the fellowship*

16 (e) *COMPTROLLER GENERAL REPORT.*—*Not later than*
17 *four years after the date on which the pilot program com-*
18 *mences under this section, the Comptroller General of the*
19 *United States shall submit to the Committees on Veterans’*
20 *Affairs of the House of Representatives and the Senate a*
21 *report on the pilot program.*

22 (f) *DEFINITION OF STATE.*—*In this section, the term*
23 *“State” has the meaning given such term in section 4101(6)*
24 *of title 38, United States Code.*

1 (g) *AUTHORIZATION OF APPROPRIATIONS.*—*In addi-*
2 *tion to funds made available under section 4102A(b)(5) of*
3 *title 38, United States Code, there is authorized to be appro-*
4 *priated to the Assistant Secretary to carry out the pilot pro-*
5 *gram under this section \$15,000,000 for each of fiscal years*
6 *2021 through 2025.*

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