

117TH CONGRESS
1ST SESSION

S. 1936

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 SENATE OF THE UNITED STATES

MAY 27, 2021

Mr. BOOKER 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 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 of 2021”.

1 **SEC. 2. EXTENSION OF TIME LIMITATION FOR USE OF ENTI-**
 2 **TLEMENT UNDER DEPARTMENT OF VET-**
 3 **ERANS AFFAIRS EDUCATIONAL ASSISTANCE**
 4 **PROGRAMS BY REASON OF SCHOOL CLO-**
 5 **SURES DUE TO EMERGENCY AND OTHER SIT-**
 6 **UATIONS.**

7 (a) MONTGOMERY GI BILL.—Section 3031 of title
 8 38, United States Code, is amended—

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

11 (2) by adding at the end the following new sub-
 12 section:

13 “(i)(1) 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 of a covered reason, as deter-
 19 mined by the Secretary, such 10-year period—

20 “(A) shall not run during the period the indi-
 21 vidual is so prevented from pursuing such program;
 22 and

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

25 “(i) not earlier than the first day after the
 26 individual is able to resume pursuit of a pro-

1 gram of education with educational assistance
2 under this chapter; and

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

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

5 “(A) the temporary or permanent closure of an
6 educational institution by reason of an emergency
7 situation; or

8 “(B) another reason that prevents the indi-
9 vidual from pursuing the individual’s chosen pro-
10 gram of education, as determined by the Sec-
11 retary.”.

12 (b) POST-9/11 EDUCATIONAL ASSISTANCE.— Section
13 3321(b)(1) of such title is amended—

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

15 (2) by striking “and (d)” and inserting “(d),
16 and (i)”; and

17 (3) by adding at the end the following new sub-
18 paragraph:

19 “(B) Subsection (i) of section 3031 of this title
20 shall apply with respect to the running of the 15-
21 year period described in paragraphs (4)(A) and
22 (5)(A) of this subsection in the same manner as
23 such subsection applies under such section 3031
24 with respect to the running of the 10-year period de-
25 scribed in subsection (a) of such section.”.

1 **SEC. 3. EXTENSION OF PERIOD OF ELIGIBILITY BY REASON**
 2 **OF SCHOOL CLOSURES DUE TO EMERGENCY**
 3 **AND OTHER SITUATIONS UNDER DEPART-**
 4 **MENT OF VETERANS AFFAIRS TRAINING AND**
 5 **REHABILITATION PROGRAM FOR VETERANS**
 6 **WITH SERVICE-CONNECTED DISABILITIES.**

7 Section 3103 of title 38, United States Code, is
 8 amended—

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

11 (2) by adding at the end the following new sub-
 12 section:

13 “(h)(1) In the case of a veteran who is eligible for
 14 a vocational rehabilitation program under this chapter and
 15 who is prevented from participating in the vocational reha-
 16 bilitation program within the period of eligibility pre-
 17 scribed in subsection (a) because of a covered reason, as
 18 determined by the Secretary, such period of eligibility—

19 “(A) shall not run during the period the vet-
 20 eran is so prevented from participating in such pro-
 21 gram; and

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

24 “(i) not earlier than the first day after the
 25 veteran is able to resume participation in a vo-

1 cational rehabilitation program under this chap-
2 ter; and

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

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

5 “(A) the temporary or permanent closure of an
6 educational institution by reason of an emergency
7 situation; or

8 “(B) another reason that prevents the veteran
9 from participating in the vocational rehabilitation
10 program, as determined by the Secretary.”.

11 **SEC. 4. DEPARTMENT OF VETERANS AFFAIRS DIS-**
12 **APPROVAL OF COURSES OFFERED BY PUBLIC**
13 **INSTITUTIONS OF HIGHER LEARNING THAT**
14 **DO NOT CHARGE VETERANS THE IN-STATE**
15 **TUITION RATE FOR PURPOSES OF SUR-**
16 **VIVORS’ AND DEPENDENTS’ EDUCATIONAL**
17 **ASSISTANCE PROGRAM.**

18 (a) IN GENERAL.—Section 3679(c) of title 38,
19 United States Code, is amended—

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

22 (2) in paragraph (2), by adding at the end the
23 following new subparagraph:

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

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

3 (b) CONFORMING AMENDMENTS.—Section 3679(e)
 4 of such title is amended—

5 (1) in paragraph (1)—

6 (A) in subparagraph (A), by striking “or
 7 33” and inserting “, 33, or 35”; and

8 (B) in subparagraph (B), by striking “or
 9 33” and inserting “33, or 35”; and

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

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

16 **SEC. 5. IMPROVEMENTS TO INFORMATION TECHNOLOGY**
 17 **SERVICES USED TO PROCESS CLAIMS FOR**
 18 **EDUCATIONAL ASSISTANCE.**

19 (a) MODERN INFORMATION TECHNOLOGY SERV-
 20 ICE.—The Secretary of Veterans Affairs shall implement
 21 an information technology service to process claims for
 22 educational assistance under chapters 30, 33, 35, and 36
 23 of title 38, United States Code, using one or more com-
 24 mercial software systems. The Secretary shall complete
 25 such implementation not later than August 1, 2024.

1 (b) REQUIRED CAPABILITIES.—The Secretary shall
2 ensure that the modern information technology service
3 under subsection (a) has the following capabilities:

4 (1) As compared to legacy information tech-
5 nology systems—

6 (A) the ability to process claims faster and
7 in a more efficient manner by improving proc-
8 essing integration and accuracy;

9 (B) improved data exchange and reporting;
10 and

11 (C) improved customer integration and
12 simplification of the online experience.

13 (2) Timely communication by employees of the
14 Department of Veterans Affairs to individuals and
15 educational institutions using an online portal that
16 can provide real-time information on claims for edu-
17 cational assistance.

18 (3) The ability to be customized to address fu-
19 ture capabilities required by law.

20 (4) Fully automated to the extent practicable
21 for all original and supplemental claims, including
22 with respect to calculating accurate awards.

23 (5) The ability for individuals entitled to edu-
24 cational assistance to electronically apply for, with-

1 draw from, and amend such entitlement, and to re-
2 allocate a transferred entitlement.

3 (6) The ability to electronically process changes
4 made by educational institutions.

5 (7) The ability to verify attendance at an edu-
6 cational institution.

7 (8) The ability to process validations made by
8 an educational institution.

9 (c) INITIAL REPORT.—Not later than 120 days after
10 the date of the enactment of this Act, the Secretary shall
11 submit to the Committee on Veterans' Affairs of the Sen-
12 ate and the Committee on Veterans' Affairs of the House
13 of Representatives a report on the cost, schedule, and per-
14 formance of the project for implementing the information
15 technology service required by subsection (a), including,
16 with respect to such project, the following:

17 (1) An estimate of acquisition, implementation,
18 and life cycle costs (including all direct and indirect
19 costs to acquire, implement, operate, and maintain
20 such system).

21 (2) An intended implementation schedule indi-
22 cating significant milestones, initial operating capa-
23 bility, and full operating capability or completion.

24 (3) Key business, functional, or performance
25 objectives.

1 (4) With respect to both original claims and
2 supplemental claims processed on a monthly basis,
3 statistics regarding—

4 (A) the number of such claims processed
5 using legacy information systems;

6 (B) the number of such claims that were
7 off-ramped and processed manually; and

8 (C) the number of such claims estimated
9 to be processed using the modern information
10 technology service.

11 (5) The amount of savings that are estimated
12 to be realized from using the modern information
13 technology service rather than legacy information
14 technology systems.

15 (6) The estimated accuracy of processing
16 claims.

17 (7) The estimated timeliness for—

18 (A) processing original claims; and

19 (B) processing supplemental claims.

20 (8) A description of how the modern informa-
21 tion technology service will—

22 (A) automate the processing of original
23 claims; and

24 (B) automate the processing of supple-
25 mental claims.

1 (d) DEFINITIONS.—In this section:

2 (1) LEGACY INFORMATION TECHNOLOGY SYS-
 3 TEM.—The term “legacy information technology sys-
 4 tem” means an information technology system used
 5 by the Department of Veterans Affairs to process
 6 claims for educational assistance under chapters 30,
 7 33, 35, and 36 of title 38, United States Code, be-
 8 fore the date on which the Secretary of Veterans Af-
 9 fairs commences implementation under subsection
 10 (a) of the modern information technology service.

11 (2) MODERN INFORMATION TECHNOLOGY SERV-
 12 ICE.—The term “modern information technology
 13 service” means the information technology service
 14 implemented under subsection (a) to process claims
 15 for educational assistance under chapters 30, 33, 35,
 16 and 36 of title 38, United States Code.

17 **SEC. 6. TIME PERIOD FOR ELIGIBILITY UNDER SURVIVORS’**
 18 **AND DEPENDENTS’ EDUCATIONAL ASSIST-**
 19 **ANCE PROGRAM OF DEPARTMENT OF VET-**
 20 **ERANS AFFAIRS.**

21 (a) IN GENERAL.—Section 3512 of title 38, United
 22 States Code, is amended—

23 (1) by redesignating subsection (h) as sub-
 24 section (f); and

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

3 “(g) Notwithstanding any other provision of this sec-
4 tion, the following persons may be afforded educational
5 assistance under this chapter at any time after August
6 1, 2023, and without regard to the age of the person:

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

9 “(2) A person who—

10 “(A) first becomes an eligible person be-
11 fore August 1, 2023; and

12 “(B) becomes 18 years of age, or com-
13 pletes secondary schooling, on or after August
14 1, 2023.”.

15 (b) CONFORMING AMENDMENTS.—Such section is
16 further amended—

17 (1) in subsection (a), by striking “The edu-
18 cational” and inserting “Except as provided in sub-
19 section (g), the educational”;

20 (2) in subsection (b)—

21 (A) in paragraph (1)(A), by inserting
22 “subsection (g) or” after “provided in”; and

23 (B) in paragraph (2), by striking “Not-
24 withstanding” and inserting “Except as pro-
25 vided in subsection (g), notwithstanding”; and

1 (3) in subsection (e), by striking “No person”
 2 and inserting “Except as provided in subsection (g),
 3 no person”.

4 **SEC. 7. PILOT PROGRAM ON SHORT-TERM FELLOWSHIP**
 5 **PROGRAMS.**

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

11 (b) **LOCATIONS; AGREEMENTS.**—The Secretary shall
 12 select at least three, but not more than five, States to
 13 carry out a short-term fellowship program pursuant to
 14 subsection (a). Each such State shall enter into an agree-
 15 ment with a non-profit organization to carry out such pro-
 16 gram.

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

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

23 (2) provide to such veterans a monthly stipend
 24 during such period; and

1 (3) provide to such veterans an opportunity to
2 be employed on a long-term basis with the employer
3 following such period.

4 (d) AMOUNT OF STIPEND.—The amount of the sti-
5 pend provided to a veteran pursuant to subsection (c)(2)
6 for a month shall be the amount equal to the amount of
7 the wages earned by the veteran during that month for
8 participating in the fellowship.

9 (e) COMPTROLLER GENERAL REPORT.—Not later
10 than four years after the date on which the pilot program
11 commences under this section, the Comptroller General of
12 the United States shall submit to the Committees on Vet-
13 erans' Affairs of the House of Representatives and the
14 Senate a report on the pilot program.

15 (f) DEFINITION OF STATE.—In this section, the term
16 “State” has the meaning given such term in section
17 4101(6) of title 38, United States Code.

18 (g) AUTHORIZATION OF APPROPRIATIONS.—In addi-
19 tion to funds made available under section 4102A(b)(5)
20 of title 38, United States Code, there is authorized to be
21 appropriated to the Assistant Secretary to carry out the
22 pilot program under this section \$15,000,000 for each of
23 fiscal years 2021 through 2025.

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