

SIT-REP ACT

MAY 21, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ROE of Tennessee, from the Committee on Veterans' Affairs, submitted the following

R E P O R T

[To accompany H.R. 4830]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 4830) to amend title 38, United States Code, to provide for the disapproval of any course of education for purposes of the educational assistance programs of the Department of Veterans Affairs unless the educational institution providing the course permits individuals to attend or participate in courses pending payment by Department, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Servicemembers Improved Transition through Reforms for Ensuring Progress Act” or the “SIT-REP Act”.

SEC. 2. DISAPPROVAL FOR PURPOSES OF EDUCATIONAL ASSISTANCE PROGRAMS OF DEPARTMENT OF VETERANS AFFAIRS OF CERTAIN COURSES OF EDUCATION THAT DO NOT PERMIT INDIVIDUALS TO ATTEND OR PARTICIPATE IN COURSES PENDING PAYMENT.

Section 3679 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) Notwithstanding any other provision of this chapter, beginning on August 1, 2018, a State approving agency, or the Secretary when acting in the role of the State approving agency, shall disapprove a course of education provided by an educational institution unless the educational institution has adopted the following policies:

“(A) A policy that permits any covered individual to attend or participate in the course of education during the period beginning on the date on which the individual provides to the educational institution a certificate of eligibility for entitlement to educational assistance under chapter 31 or 33 of this title and ending on the earlier of the following dates:

“(i) The date on which the Secretary provides payment for such course of education to such institution.

“(ii) The date that is 90 days after the date on which the individual provides to the educational institution such certificate of eligibility.

“(B) A policy that ensures that the educational institution will not impose any penalty, including the assessment of late fees, the denial of access to classes, libraries, or other institutional facilities, or the requirement that a covered individual borrow additional funds, on any covered individual because of the individual’s inability to meet his or her financial obligations to the institution as a result of the delayed disbursement of any payment to be provided by the Secretary.

“(2) For purposes of this subsection, a covered individual is any individual who is entitled to educational assistance under chapter 31 or 33 of this title.

“(3) The Secretary may waive such requirements of paragraph (1) as the Secretary considers appropriate.”.

SEC. 3. CLARIFICATION REGARDING APPLICABILITY OF AUTHORITY TO USE EDUCATIONAL ASSISTANCE TO PURSUE INDEPENDENT STUDY PROGRAMS AT CERTAIN EDUCATIONAL INSTITUTIONS THAT ARE NOT INSTITUTIONS OF HIGHER LEARNING.

The section heading for section 302 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48) is amended to read as follows (and the table of contents for such Act is conformed accordingly):

“**SEC. 302. AUTHORIZATION FOR USE OF EDUCATIONAL ASSISTANCE UNDER ANY OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS TO PURSUE INDEPENDENT STUDY PROGRAMS AT CERTAIN EDUCATIONAL INSTITUTIONS THAT ARE NOT INSTITUTIONS OF HIGHER LEARNING.**”.

PURPOSE AND SUMMARY

H.R. 4830, as amended, the “Servicemembers Improved Transition through Reforms for Ensuring Progress Act” or the “SIT-REP Act” would require that, in order for a school or training program to become approved for GI Bill benefits, they must adopt a policy that disallows the institution from imposing a late fee, denial of access to classes or facilities or other penalty on a veteran or their eligible dependent due to a late payment from the Department of Veterans Affairs (VA). This would only apply if the payments have not been received within ninety days of the beginning of the term and the VA Secretary would have the authority to waive this requirement. Representative Gus Bilirakis of Florida introduced H.R. 4830 on January 18, 2018.

BACKGROUND AND NEED FOR LEGISLATION

Section 2. Disapproval for Purposes of Educational Assistance Programs of Department of Veterans Affairs for Certain Courses of Education that do not Permit Individuals to Attend or Participate in Courses Pending Payment.

Institutions of higher learning (IHL) and other training programs that are approved for GI Bill benefits by the State Approving Agency (SAA) must certify to VA the courses that an eligible individual (i.e. a veteran, servicemember, dependent or surviving dependent) is taking at that IHL so that VA can then pay the school directly for the necessary tuition and fees. In some cases, VA does not issue the payment on the first day of the term. This occurs for various reasons, for instance, some IHLs wait to certify the individual's classes to VA until after the school's add-drop period has passed in the event the individual changes their classes so that an overpayment or underpayment is not issued by VA to the school. Additionally, there can often be delays in the time it takes VA to issue the payments and these delays can be increased in peak times of the school year, such as January and August when most new school terms are beginning. In general, VA processes claims in 16.7 days for new claims and 6.8 for supplemental claims.

Veterans organizations have come to the Committee with concerns that some schools may require students to take out loans or assess unfair late fees, due to the delays that have been caused by VA or the school's own certification processes. The Committee is also aware of instances where, due to the delay in payment from VA, an IHL has restricted an individual's access to certain campus facilities until the payment is received or until the individual provides the payment on their own in lieu of VA's GI Bill payment. The Committee believes that the policies some IHLs and training programs have enacted are placing an unfair financial burden on individuals for something that is out of their control and are not veteran-friendly policies. At the March 20, 2018 subcommittee legislative hearing on several bills, including H.R. 4830, Mr. William Hubbard with Student Veterans of America said the following in testimony:

In some cases, families of the fallen have been unfairly targeted with late fees due to the VA's delayed or late payments at no fault of the student. While some schools have received billions of dollars of Post-9/11 GI Bill dollars, we call on higher education as an industry to be flexible with service-affiliated students using VA education benefits, as it is greatly in their interest to find ways to support this important population of non-traditional students. Schools that already provide this level of flexibility to these students should have no additional burden in compliance with these rules, and Student Veterans of America supports the passage of this bill.¹

Therefore, this section would require that in order for a school or training program to be approved for GI Bill benefits they must

¹Testimony of Mr. William Hubbard, Vice President of Government Affairs, Student Veterans of America before the Subcommittee on Economic Opportunity of the House Committee on Veterans' Affairs at the March 20, 2018 legislative hearing <https://docs.house.gov/meetings/VR/VR10/20180320/108011/HHRG-115-VR10-Wstate-HubbardW-20180320.pdf>

adopt a policy that disallows the school or training program from imposing a late fee, denial of access to classes or facilities or other penalty against the veteran or eligible dependent due to a late payment from VA. This would only apply for individuals receiving educational assistance under chapters 31 or 33 of title 38, United States Code (U.S.C.). Further, this requirement on the schools would only apply if the payments have not been received within 90 days of the beginning of the term and the Secretary would have the authority to waive this requirement as they deem appropriate.

Section 3. Clarification Regarding Applicability of Authority to Use Educational Assistance to Pursue Independent Study Programs at Certain Educational Institutions that are not Institutions of Higher Learning.

One of the historical values of GI Bill is the ability to use education benefits at training and education programs like career and technical education that are not at traditional institutions of higher education. Prior to passage of the Harry W. Colmery Veterans Educational Assistance Act of 2017 or the “Forever GI Bill” (Public Law 115–48), some of these programs were being disapproved for GI Bill benefits due to changes in how these types of schools provide training. The Committee believed that these programs provide another avenue for training for GI Bill users to receive an education and the growth in use of online education at these schools should be approved if the program is appropriately accredited. Section 302 of the “Forever GI Bill” addressed this concern and authorized that an eligible individual could use their GI Bill benefits at an accredited independent study program (including open circuit television) that is an area career and technical education school or a postsecondary vocational school providing postsecondary level education.

Unfortunately, the VA did not interpret the language in the “Forever GI Bill” as including surviving dependents who are using their benefits under chapter 35 of title 38, U.S.C. That disparity was not the intent of the Committee, therefore, section 3 would amend the section heading of section 302 of the Forever GI Bill to include any individuals who are receiving any VA educational assistance benefits as being eligible to attend these accredited independent study programs or a postsecondary vocational school providing postsecondary level education.

HEARINGS

On March 20, 2018, the Subcommittee on Economic Opportunity held a legislative hearing on several bills pending before the Subcommittee including H.R. 4830.

The following witnesses testified:

The Honorable Gus Bilirakis, U.S. House of Representatives, 12th District, Florida; The Honorable Brad Wenstrup, U.S. House of Representatives, 2nd District, Ohio; The Honorable Ted Poe, U.S. House of Representatives, 2nd District, Texas; The Honorable Luke Messer, U.S. House of Representatives, 6th District, Indiana; The Honorable Steve Russell, U.S. House of Representatives, 5th District, Oklahoma; MG Robert M. Worley II, USAF (Ret.), Director, Education Service, Veterans Benefit Administration, U.S. Department of Veterans Affairs who was accompanied by Mr. Jeffrey London, Director, Loan

Guaranty Service, Veterans Benefits Administration, U.S. Department of Veterans Affairs; Mr. John J. Kamin, Assistant Director, Veterans Employment and Education Division, The American Legion; Ms. Ashlynn Haycock, Manager, Education Services, Tragedy Assistance Program for Survivors; and Mr. William Hubbard, Vice President of Government Affairs, Student Veterans of America.

Statements for the record were submitted by:

The Honorable Steve Chabot, U.S. House of Representatives, 1st District, Ohio; the U.S. Department of Labor; the National Association of State Approving Agencies; and the National Association of Veterans' Programs Administrators

SUBCOMMITTEE CONSIDERATION

On April 11, 2018, the Subcommittee on Economic Opportunity met in open markup session, a quorum being present and favorably forwarded H.R. 4830, as amended, to the Full Committee. During consideration of the bills, the following amendment was considered and agreed to by voice vote:

An amendment in the nature of a substitute offered by Rep. Bilirakis of Florida, which removed individuals who receive benefits under chapters 30 or 35 of title 38, U.S.C., from the requirement in section two of the bill as they receive payments directly from VA as opposed to the school receiving the payments. The amendment also inserted the language in section three of the bill, as amended.

COMMITTEE CONSIDERATION

On May 8, 2018, the full Committee met in open markup session, a quorum being present, and ordered H.R. 4830, as amended, be favorably reported to the House of Representatives by voice vote.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, no recorded votes were taken on amendments or in connection with ordering H.R. 4830, as amended, favorably reported to the House of Representatives.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives of H.R. 4830, as amended, are protect student veterans and their eligible dependents from being penalized by the school they are attending due to a delay in payments by VA.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX
EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 4830, as amended, does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate on H.R. 4830, as amended, prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate for H.R. 4830, as amended, is provided by the Director of the Congressional Budget Office. Pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 9, 2018.

Hon. PHIL ROE, M.D.,
*Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4830, the Servicemembers Improved Transition through Reforms for Ensuring Progress Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is David Newman.

Sincerely,

KEITH HALL,
Director.

Enclosure.

*H.R. 4830—Servicemembers Improved Transition through Reforms
for Ensuring Progress Act*

The Department of Veterans Affairs (VA) pays for the tuition and fees of veterans and certain other beneficiaries at institutions of higher learning under the Post-9/11 GI Bill and the vocational rehabilitation and education benefits program. The department makes those payments from mandatory appropriations directly to the institutions, usually at the start of the academic term. However, those payments are occasionally delayed for various reasons,

and in those instances, some institutions will not allow beneficiaries to begin or to continue with their courses of education.

H.R. 4830 would require the Secretary of Veterans Affairs to approve, for the purposes of participating in education benefits programs administered by VA, only those institutions that allow beneficiaries to attend the institution for up to 90 days after VA certifies that the student is eligible for benefits regardless of whether VA has made payments of tuition and fees. The bill would allow the Secretary to waive the requirement to disapprove institutions that do not adopt such a policy.

CBO expects very few institutions would be disapproved for the use of VA benefits and that most beneficiaries who would have attended any disapproved institutions would use their benefits at another institution instead. To the extent that a few beneficiaries would pursue fewer courses of education as a result of the disapproval of some institutions, direct spending would decrease by an insignificant amount, CBO estimates.

Enacting H.R. 4830 would affect direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that the net effects would be insignificant for each year. Enacting the bill would not affect revenues.

CBO estimates that enacting H.R. 4830 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 4830 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). In order for institutions of higher learning to continue to participate in education benefits programs administered by the VA, the bill would require those institutions to adopt policies that allow eligible students to attend for a period of time while payment of tuition and fees is pending from the VA. Since educational institutions may avoid the requirements by foregoing such assistance from the VA, it is not a mandate as defined in UMRA.

The CBO staff contacts for this estimate are David Newman (for federal costs) and Andrew Laughlin (for mandates). The estimate was reviewed by Leo Lex, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates regarding H.R. 4830, as amended, prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandated Reform Act.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 4830, as amended.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to Article I, section 8 of the United States Constitution, H.R. 4830, as amended, is authorized by Congress' power to "provide for the common Defense and general Welfare of the United States."

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that H.R. 4830, as amended, does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

STATEMENT ON DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 4830, as amended, establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULEMAKING

Pursuant to section 3(i) of H. Res. 5, 115th Cong. (2017), H.R. 4830, as amended, contains no direct rule making.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section cites the short of this bill to be, the “Servicemembers Improved Transition through Reforms for Ensuring Progress Act” or the “SIT-REP Act.”

Section 2. Disapproval for purposes of educational assistance programs of Department of Veterans Affairs for certain courses of education that do not permit individuals to attend or participate in courses pending payment

Section two would amend section 3679 of title 38, U.S.C., by adding a new subsection at the end.

Section 3679(e)(1) would state that notwithstanding any other provision of this chapter, beginning on August 1, 2018, a State Approving Agency, or the VA Secretary when acting in the role of a State Approving Agency, shall disapprove a course of education provided by an educational institution unless the institution adopts: a policy that permits any covered individual to attend the course of education during the period beginning on the date on which the individual provides a certificate of eligibility to the institution for entitlement to assistance under chapters 31 or 33 of title 38, U.S.C. This section would also require the institution to allow the individual to attend the course of education even if the institution has not received payment from the VA for up to 90 days after the individual provided the certificate of eligibility to the institution. The institution would also be required to adopt a policy that ensures that the educational institution will not impose any penalty, including the assessment of late fees, the denial of access to classes, libraries, or other institutional facilities, or the requirement that a covered individual funds, on any covered individual because of the individual’s inability to meet his or her financial obligations to the institution as a result of the delayed disbursement of any payment to be provided by VA.

Section 3679(e)(2) would define a “covered individual” as any individual who is entitled to educational assistance under chapter 31 or 33 of title 38, U.S.C.

Section 3679(e)(3) would allow the Secretary to waive such requirements of section 3679(e)(1) as the Secretary considers appropriate.

Section 3. Clarification regarding applicability of authority to use educational assistance to pursue independent study programs at certain educational institutions that are not institutions of higher learning

Section 3 would amend the section heading for section 302 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115–48) to as follows: “Sec. 302. Authorization for use of educational assistance under any of the educational assistance programs of the department of veterans affairs to pursue independent study programs at certain educational institutions that are not institutions of higher learning.”

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

TITLE 38, UNITED STATES CODE

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PART III—READJUSTMENT AND RELATED BENEFITS

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CHAPTER 36—ADMINISTRATION OF EDUCATIONAL BENEFITS

SUBCHAPTER I—STATE APPROVING AGENCIES

* * * * *

§ 3679. Disapproval of courses

(a)(1) Except as provided by paragraph (2), any course approved for the purposes of this chapter which fails to meet any of the requirements of this chapter shall be immediately disapproved by the Secretary or the appropriate State approving agency. An edu-

cational institution which has its courses disapproved by the Secretary or a State approving agency will be notified of such disapproval by a certified or registered letter of notification and a return receipt secured.

(2) In the case of a course of education that would be subject to disapproval under paragraph (1) solely for the reason that the Secretary of Education withdraws the recognition of the accrediting agency that accredited the course, the Secretary of Veterans Affairs, in consultation with the Secretary of Education, and notwithstanding the withdrawal, may continue to treat the course as an approved course of education under this chapter for a period not to exceed 18 months from the date of the withdrawal of recognition of the accrediting agency, unless the Secretary of Veterans Affairs or the appropriate State approving agency determines that there is evidence to support the disapproval of the course under this chapter. The Secretary shall provide to any veteran enrolled in such a course of education notice of the status of the course of education.

(b) Each State approving agency shall notify the Secretary of each course which it has disapproved under this section. The Secretary shall notify the State approving agency of the Secretary's disapproval of any educational institution under chapter 31 of this title.

(c)(1) Notwithstanding any other provision of this chapter and subject to paragraphs (3) through (6), the Secretary shall disapprove a course of education provided by a public institution of higher learning if the institution charges tuition and fees for that course for covered individuals who are pursuing the course with educational assistance under chapter 30 or 33 of this title while living in the State in which the institution is located at a rate that is higher than the rate the institution charges for tuition and fees for that course for residents of the State in which the institution is located, regardless of the covered individual's State of residence.

(2) For purposes of this subsection, a covered individual is any individual as follows:

(A) A veteran who was discharged or released from a period of not fewer than 90 days of service in the active military, naval, or air service less than three years before the date of enrollment in the course concerned.

(B) An individual who is entitled to assistance under—

(i) section 3311(b)(9) of this title; or

(ii) section 3319 of this title by virtue of the individual's relationship to—

(I) a veteran described in subparagraph (A); or

(II) a member of the uniformed services described in section 3319(b) of this title who is serving on active duty.

(3) If after enrollment in a course of education that is subject to disapproval under paragraph (1) by reason of paragraph (2)(A) or (2)(B) a covered individual pursues one or more courses of education at the same public institution of higher learning while remaining continuously enrolled (other than during regularly scheduled breaks between courses, semesters or terms) at that institution of higher learning, any course so pursued by the covered individual at that institution of higher learning while so continuously enrolled shall also be subject to disapproval under paragraph (1).

(4) It shall not be grounds to disapprove a course of education under paragraph (1) if a public institution of higher learning requires a covered individual pursuing a course of education at the institution to demonstrate an intent, by means other than satisfying a physical presence requirement, to establish residency in the State in which the institution is located, or to satisfy other requirements not relating to the establishment of residency, in order to be charged tuition and fees for that course at a rate that is equal to or less than the rate the institution charges for tuition and fees for that course for residents of the State.

(5) The Secretary may waive such requirements of paragraph (1) as the Secretary considers appropriate.

(6) Disapproval under paragraph (1) shall apply only with respect to educational assistance under chapters 30 and 33 of this title.

(d) Notwithstanding any other provision of this chapter, the Secretary or the applicable State approving agency shall disapprove a course of education described in paragraph (14) or (15) of section 3676(c) of this title unless the educational institution providing the course of education—

(1) publicly discloses any conditions or additional requirements, including training, experience, or examinations, required to obtain the license, certification, or approval for which the course of education is designed to provide preparation; and

(2) makes each disclosure required by paragraph (1) in a manner that the Secretary considers prominent (as specified by the Secretary in regulations prescribed for purposes of this subsection).

(e)(1) Notwithstanding any other provision of this chapter, beginning on August 1, 2018, a State approving agency, or the Secretary when acting in the role of the State approving agency, shall disapprove a course of education provided by an educational institution unless the educational institution has adopted the following policies:

(A) A policy that permits any covered individual to attend or participate in the course of education during the period beginning on the date on which the individual provides to the educational institution a certificate of eligibility for entitlement to educational assistance under chapter 31 or 33 of this title and ending on the earlier of the following dates:

(i) The date on which the Secretary provides payment for such course of education to such institution.

(ii) The date that is 90 days after the date on which the individual provides to the educational institution such certificate of eligibility.

(B) A policy that ensures that the educational institution will not impose any penalty, including the assessment of late fees, the denial of access to classes, libraries, or other institutional facilities, or the requirement that a covered individual borrow additional funds, on any covered individual because of the individual's inability to meet his or her financial obligations to the institution as a result of the delayed disbursement of any payment to be provided by the Secretary.

(2) For purposes of this subsection, a covered individual is any individual who is entitled to educational assistance under chapter 31 or 33 of this title.

(3) The Secretary may waive such requirements of paragraph (1) as the Secretary considers appropriate.

* * * * *

HARRY W. COLMERY VETERANS EDUCATIONAL ASSISTANCE ACT OF 2017

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Harry W. Colmery Veterans Educational Assistance Act of 2017”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

* * * * *

TITLE III—ADMINISTRATION OF EDUCATIONAL ASSISTANCE PROGRAMS

Sec. 301. State approving agency funding.

[Sec. 302. Authorization for use of Post-9/11 Educational Assistance to pursue independent study programs at certain educational institutions that are not institutions of higher learning.]

Sec. 302. Authorization for use of educational assistance under any of the educational assistance programs of the Department of Veterans Affairs to pursue independent study programs at certain educational institutions that are not institutions of higher learning.

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TITLE III—ADMINISTRATION OF EDUCATIONAL ASSISTANCE PROGRAMS

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SEC. 302. [AUTHORIZATION FOR USE OF POST-9/11 EDUCATIONAL ASSISTANCE TO PURSUE INDEPENDENT STUDY PROGRAMS AT CERTAIN EDUCATIONAL INSTITUTIONS THAT ARE NOT INSTITUTIONS OF HIGHER LEARNING.] AUTHORIZATION FOR USE OF EDUCATIONAL ASSISTANCE UNDER ANY OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS TO PURSUE INDEPENDENT STUDY PROGRAMS AT CERTAIN EDUCATIONAL INSTITUTIONS THAT ARE NOT INSTITUTIONS OF HIGHER LEARNING.

Section 3680A is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “in—” and inserting “in any of the following:”;

(B) in paragraph (1)—

(i) by striking “any” and inserting “Any”; and

(ii) by striking the semicolon at the end and inserting a period;

(C) in paragraph (2)—

(i) by striking “any” and inserting “Any”; and

(ii) by striking the semicolon at the end and inserting a period;

(D) in paragraph (3)—

- (i) by striking “any” and inserting “Any”; and
- (ii) by striking “; or” and inserting a period; and

(E) by striking paragraph (4) and inserting the following new paragraph (4):

“(4) Any independent study program except an independent study program (including such a program taken over open circuit television) that—

“(A) is accredited by an accrediting agency or association recognized by the Secretary of Education under subpart 2 of part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099b);

“(B) leads to—

- “(i) a standard college degree;
- “(ii) a certificate that reflects educational attainment offered by an institution of higher learning; or
- “(iii) a certificate that reflects completion of a course of study offered by—

“(I) an area career and technical education school (as defined in subparagraphs (C) and (D) of section 3(3) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(3))) that provides education at the postsecondary level; or

“(II) a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c))) that provides education at the postsecondary level; and

“(C) in the case of a program described in subparagraph (B)(iii)—

- “(i) provides training aligned with the requirements of employers in the State or local area where the program is located, which may include in-demand industry sectors or occupations; and
- “(ii) provides a student, upon completion of the program, with a recognized postsecondary credential that is recognized by employers in the relevant industry, which may include a credential recognized by industry or sector partnerships in the State or local area where the industry is located; and
- “(iii) meets such content and instructional standards as may be required to comply with the criteria under section 3676(c)(14) and(15) of this title.”; and

(2) by adding at the end the following new subsection:

“(h) In this section, the terms ‘State or local area’, ‘recognized postsecondary credential’, ‘industry or sector partnership’, and ‘in-demand industry sector or occupation’ have the meaning given such terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).”.

* * * * *