

GI BILL NATIONAL EMERGENCY EXTENDED DEADLINE  
ACT

MAY 14, 2021.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

Mr. TAKANO, from the Committee on Veterans' Affairs,  
submitted the following

R E P O R T

[To accompany H.R. 2167]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 2167) 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, 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 “GI Bill National Emergency Extended Deadline Act”.

**SEC. 2. EXTENSION OF TIME LIMITATION FOR USE OF ENTITLEMENT UNDER DEPARTMENT OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE PROGRAMS BY REASON OF SCHOOL CLOSURES DUE TO EMERGENCY AND OTHER SITUATIONS.**

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

(1) in subsection (a), by inserting “and subsection (i)” after “through (g)”; and  
 (2) by adding at the end the following new subsection:

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

“(A) shall not run during the period the individual is so prevented from pursuing such program; and

“(B) shall again begin running on a date determined by the Secretary that is—

“(i) not earlier than the first day after the individual is able to resume pursuit of a program of education with educational assistance under this chapter; and

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

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

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

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

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

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

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

(3) by adding at the end the following new subparagraph:

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

**SEC. 3. EXTENSION OF PERIOD OF ELIGIBILITY BY REASON OF SCHOOL CLOSURES DUE TO EMERGENCY AND OTHER SITUATIONS UNDER DEPARTMENT OF VETERANS AFFAIRS TRAINING AND REHABILITATION PROGRAM FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.**

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

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

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

“(h)(1) In the case of a veteran who is eligible for a vocational rehabilitation program under this chapter and who is prevented from participating in the vocational rehabilitation program within the period of eligibility prescribed in subsection (a) because of a covered reason, as determined by the Secretary, such period of eligibility—

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

“(B) shall again begin running on a date determined by the Secretary that is—

“(i) not earlier than the first day after the veteran is able to resume participation in a vocational rehabilitation program under this chapter; and

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

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

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

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

**SEC. 4. DEPARTMENT OF VETERANS AFFAIRS DISAPPROVAL OF COURSES OFFERED BY PUBLIC INSTITUTIONS OF HIGHER LEARNING THAT DO NOT CHARGE VETERANS THE IN-STATE TUITION RATE FOR PURPOSES OF SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL ASSISTANCE PROGRAM.**

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

- (1) in paragraph (1), by striking “or 33” and inserting “33, or 35”;
  - (2) in paragraph (2), by adding at the end the following new subparagraph: “(D) An individual who is entitled to assistance under section 3510 of this title.”; and
  - (3) in paragraph (6), by striking “and 33” and inserting “33, and 35”.
- (b) CONFORMING AMENDMENTS.—Section 3679(e) of such title is amended—
- (1) in paragraph (1)—
    - (A) in subparagraph (A), by striking “or 33” and inserting “, 33, or 35”; and
    - (B) in subparagraph (B), by striking “or 33” and inserting “33, or 35”; and
  - (2) in paragraph (2), by striking “or 33” and inserting “33, or 35”.
- (c) EFFECTIVE DATE.—The amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply with respect to an academic period that begins on or after August 1, 2022.

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

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

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

- (1) As compared to legacy information technology systems—
  - (A) the ability to process claims faster and in a more efficient manner by improving processing integration and accuracy;
  - (B) improved data exchange and reporting; and
  - (C) improved customer integration and simplification of the online experience.
- (2) Timely communication by employees of the Department of Veterans Affairs to individuals and educational institutions using an online portal that can provide real-time information on claims for educational assistance.
- (3) The ability to be customized to address future capabilities required by law.
- (4) Fully automated to the extent practicable for all original and supplemental claims, including with respect to calculating accurate awards.
- (5) The ability for individuals entitled to educational assistance to electronically apply for, withdraw from, and amend such entitlement, and to reallocate a transferred entitlement.
- (6) The ability to electronically process changes made by educational institutions.
- (7) The ability to verify attendance at an educational institution.
- (8) The ability to process validations made by an educational institution.

(c) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans’ Affairs of the House of Representatives and the Senate a report containing information on the cost, schedule, and performance of the project for implementing such system, including, with respect to such project, the following:

- (1) An estimate of acquisition, implementation, and life cycle costs (including all direct and indirect costs to acquire, implement, operate, and maintain such system).
- (2) An intended implementation schedule indicating significant milestones, initial operating capability, and full operating capability or completion.
- (3) Key business, functional, or performance objectives.
- (4) With respect to both original claims and supplemental claims processed on a monthly basis, statistics regarding—
  - (A) the number of such claims processed using legacy information systems;
  - (B) the number of such claims that were off-ramped and processed manually; and
  - (C) the number of such claims estimated to be processed using the modern information technology service.
- (5) The amount of savings that are estimated to be realized from using the modern information technology service rather than legacy information technology systems.
- (6) The estimated accuracy of processing claims.
- (7) The estimated timeliness for—
  - (A) processing original claims; and
  - (B) processing supplemental claims.
- (8) A description of how the modern information technology service will—

- (A) automate the processing of original claims; and
  - (B) automate the processing of supplemental claims.
- (d) **UPDATED INFORMATION.**—
- (1) **ANNUAL REPORTS.**—On an annual basis during the period in which the Secretary is implementing the modern information technology service, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report containing updated information regarding the matters specified in subsection (c). Each such updated report shall identify any changes to the cost, schedule, or performance of the project to implement such system.
  - (2) **NOTIFICATION.**—
    - (A) **REQUIREMENT.**—Not later than 60 days after the date on which an action described in subparagraph (B) occurs, the Secretary shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a notification of such action, including a description of and explanation for such action.
    - (B) **ACTION DESCRIBED.**—An action described in this subparagraph is, with respect to the project to implement the modern information technology service, any of the following:
      - (i) With respect to the acquisition, implementation, or life cycle cost of the project, or an increment therein, a change or variance that is 10 percent or greater compared to the amount identified in the most recent report submitted under paragraph (1).
      - (ii) With respect to the schedule for achieving a significant milestone, initial operating capability, or final completion of the project, a change or variance that is 180 days or greater compared to the schedule identified in the most recent report submitted under paragraph (1).
      - (iii) With respect to the performance, an instance where a key business, functional, or performance objective is not attained, or is not anticipated to be attained, in whole or in part.
- (e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of Veterans Affairs for fiscal years 2022 through 2024 a total of \$250,000,000 to carry out this section.
- (f) **DEFINITIONS.**—In this section:
- (1) The term “legacy information technology system” means an information technology system used by the Department of Veterans Affairs to process claims for educational assistance under chapters 30, 33, 35, and 36 of title 38, United States Code, before the date on which the Secretary of Veterans Affairs awards a contract under subsection (a) for the modern information technology service.
  - (2) The term “modern information technology service” means the information technology service implemented under subsection (a) to process claims for educational assistance under chapters 30, 33, 35, and 36 of title 38, United States Code.
- SEC. 6. TIME PERIOD FOR ELIGIBILITY UNDER SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.**
- (a) **IN GENERAL.**—Section 3512 of title 38, United States Code, is amended—
- (1) by redesignating subsection (h) as subsection (f); and
  - (2) by adding at the end the following new subsection:
- “(g) Notwithstanding any other provision of this section, the following persons may be afforded educational assistance under this chapter at any time after August 1, 2023, and without regard to the age of the person:
- “(1) A person who first becomes an eligible person on or after August 1, 2023.
  - “(2) A person who—
    - “(A) first becomes an eligible person before August 1, 2023; and
    - “(B) has not received any payment of educational assistance under this chapter before such date.”.
- (b) **CONFORMING AMENDMENTS.**—Such section is further amended—
- (1) in subsection (a), by striking “The educational” and inserting “Except as provided in subsection (g), the educational”;
  - (2) in subsection (b)—
    - (A) in paragraph (1)(A), by inserting “subsection (g) or” after “provided in”; and
    - (B) in paragraph (2), by striking “Notwithstanding” and inserting “Except as provided in subsection (g), notwithstanding”; and
  - (3) in subsection (e), by striking “No person” and inserting “Except as provided in subsection (g), no person”.

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

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

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

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

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

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

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

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

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

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

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

**PURPOSE AND SUMMARY**

H.R. 2167, as introduced, authorizes VA to extend the time limit for use of educational assistance benefits by reason of temporary or permanent school closure due to an emergency or other reason that prevents the individual’s continuation of their chosen program of education. H.R. 2167, as amended, expands educational benefits in a number of ways, including expanding the extension of time limits for Montgomery GI Bill, the Veteran Readiness and Employment program, usage of the Chapter 35 benefit, expanding in-state tuition benefits to Chapter 35 recipients, improves to the education information technology systems at VA, and the creation of a pilot program at DOL VETS for a short term fellowship program.

**BACKGROUND AND NEED FOR LEGISLATION**

The COVID–19 pandemic exposed the limit on VA authority to extend the time for use of its educational assistance programs amid an emergency. Without the proposed changes in this legislation, in circumstances that close or suspend an institution’s programs, veterans utilizing the educational assistance program would potentially be unfairly time penalized in regards to this benefit during the closure. This change authorizes VA to “pause the clock” as needed when an institution must close temporarily or permanently due to an emergency or when an individual is prevented from continuing their program for other reasons.

**HEARINGS**

H.R. 2167, as introduced, was examined at a legislative hearing by the Subcommittee on Economic Opportunity on April 14, 2021. The following witnesses testified at the hearing: The Honorable

Ruben Gallego, U.S. House of Representatives, 7th Congressional District of Arizona; The Honorable Tracey Mann, U.S. House of Representatives, 1st Congressional District of Kansas; The Honorable Mikie Sherrill, U.S. House of Representatives, 11th Congressional District of New Jersey; The Honorable Nancy Mace, U.S. House of Representatives, 1st Congressional District of South Carolina; The Honorable Madison Cawthorn, U.S. House of Representatives, 11th Congressional District of North Carolina; The Honorable Mariannette Miller-Meeks, U.S. House of Representatives, 2nd Congressional District of Iowa; The Honorable Brad Wenstrup, U.S. House of Representatives, 2nd Congressional District of Ohio; Ms. Kaitlynn Hetrick, Associate, Government Affairs, Iraq and Afghanistan Veterans of America; Mr. Justin Hauschild, Legal Fellow, Student Veterans of America; Ms. Maureen Elias, Associate Legislative Director of Government Relations, Paralyzed Veterans of America; Ms. Ashlynn Haycock, Deputy Director, Policy and Legislation, Tragedy Assistance Program for Survivors; Mr. Matthew Doyle, Deputy Director, National Legislative Service, Veterans of Foreign Wars; Mr. Mike Freuh, Principal Deputy Under Secretary for Benefits, Veterans Benefits Administration, U.S. Department of Veterans Affairs; Mr. James Ruhlman, Deputy Director for Program Management, Education Service, Veterans Benefits Administration, U.S. Department of Veterans Affairs; Mr. Michael W. Fisher, MSW, Chief Readjustment Counseling Officer Readjustment Counseling Service, 10RCS, Veterans Health Administration, U.S. Department of Veterans Affairs.

#### SUBCOMMITTEE CONSIDERATION

H.R. 2167, as introduced, was considered before the Subcommittee on Economic Opportunity on April 14, 2021.

#### COMMITTEE CONSIDERATION

On May 4, 2021, the full Committee met in an open session, a quorum being present, to consider H.R. 2167. The bill was agreed to by voice vote. The Committee ordered that H.R. 2167, as amended, be ordered favorably reported to the House of Representatives.

#### COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report the legislation and amendments thereto. Representative Moore offered an Amendment in the Nature of a Substitute to the bill. Representatives Mace and Cawthorn offered Amendments to the bill.

Representatives Mace and Cawthorn's amendments were passed by a voice vote. Representative Moore's Amendment in the Nature of a Substitute was passed by a voice vote.

A motion to favorably report H.R. 2167, as amended, to the House of Representatives was offered by Ranking Member Mike Bost of Illinois and adopted by a voice vote.

#### SECTION-BY-SECTION DESCRIPTION

Section 1 is the short title of the legislation.

Section 2 of this legislation provides for the extension of the time limit of the Montgomery GI Bill by reason of school closures due to emergency and other situations.

Section 3 of this legislation provides for the extension of the time limit of the Veteran Readiness and Employment program by reason of school closures due to emergency and other situations.

Section 4 of this legislation provides in-state tuition at public institutions for recipients of Chapter 35 educational benefits.

Section 5 of this legislation directs the Secretary of Veterans Affairs to modernize information technology services for education programs at the agency, and requires the modernizations to provide expedited claim processing, improved data exchange, and an improved customer experience for beneficiaries. This section also includes reporting requirements and definitions.

Section 6 of this legislation extends the time period Chapter 35 educational benefits can be used.

Section 7 of this legislation creates a limited pilot program at the Department of Labor Veterans' Employment and Training Service. This pilot has states, non-profits, and employers to partner and create a short-term fellowship program that provides participating veterans a stipend, and an opportunity for long-term employment with participating employers. This section authorizes the program at \$15,000,000 from fiscal years 2021 through 2025.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

The Committee did not receive a formal score on the amended bill in time for filing.

#### 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.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to Article I, section 8 of the United States Constitution, H.R. 2167, as amended is authorized by Congress' power to "provide for the common Defense and general Welfare of the United States."

#### EARMARK STATEMENT

H.R. 2167, 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.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates regarding H.R. 2167, as amended, prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates 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. 2167, as amended.

## PERFORMANCE GOALS

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 are to improve the ability of veterans and beneficiaries to utilize education and employment programs.

## SUPPLEMENTAL, ADDITIONAL, DISSENTING, AND MINORITY VIEWS

There are no supplemental, additional, dissenting, and minority views.

## APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that H.R. 2167, as amended, does not relate to the terms and condition 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. 2167, 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.

## 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**

\* \* \* \* \*

**PART III—READJUSTMENT AND RELATED BENEFITS**

\* \* \* \* \*

**CHAPTER 30—ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM**

\* \* \* \* \*



SUBCHAPTER IV—TIME LIMITATION FOR USE OF ELIGIBILITY AND ENTITLEMENT; GENERAL AND ADMINISTRATIVE PROVISIONS

**§ 3031. Time limitation for use of eligibility and entitlement**

(a) Except as provided in subsections (b) through (g) *and subsection (i)*, and subject to subsection (h), of this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement expires at the end of the 10-year period beginning on the date of such individual's last discharge or release from active duty, except that such 10-year period shall begin—

(1) in the case of an individual who becomes entitled to such assistance under clause (A) or (B) of section 3012(a)(1) of this title, on the later of the date of such individual's last discharge or release from active duty or the date on which the four-year requirement described in clause (A)(ii) or (B)(ii), respectively, of such section 3012(a)(1) is met;

(2) in the case of an individual who becomes entitled to such assistance under section 3011(a)(1)(B), on the later of the date of such individual's last discharge or release from active duty or January 1, 1990; and

(3) in the case of an individual who becomes entitled to such assistance under section 3011(a)(1)(C) or 3012(a)(1)(C) of this title, on December 27, 2001.

(b) In the case of any eligible individual who has been prevented, as determined by the Secretary, from pursuing a program of education under this chapter within the 10-year period prescribed by subsection (a) of this section because such individual had not met the nature of discharge requirement of this chapter before the nature of such individual's discharge or release was changed by appropriate authority, such 10-year period shall not run during the period of time that such individual was so prevented from pursuing such program of education.

(c) In the case of an individual eligible for educational assistance under the provisions of this chapter who, after such individual's last discharge or release from active duty, was detained by a foreign government or power, the 10-year period described in subsection (a) of this section shall not run (1) while such individual is so detained, or (2) during any period immediately following such individual's release from such detention during which such individual is hospitalized at a military, civilian, or Department of Veterans Affairs medical facility.

(d)(1) In the case of an individual eligible for educational assistance under this chapter who is prevented from pursuing the individual's chosen program of education before the expiration of the 10-year period for the use of entitlement under this chapter otherwise applicable under this section because of a physical or mental disability which is not the result of the individual's own willful misconduct, such 10-year period—

(A) shall not run during the period the individual is so prevented from pursuing such program; and

(B) shall again begin running on the first day after the individual's recovery from such disability on which it is reasonably feasible, as determined under regulations prescribed by the

Secretary, for the individual to initiate or resume pursuit of a program of education with educational assistance under this chapter.

(2)(A) Subject to subparagraph (B), in the case of an individual eligible for educational assistance under this chapter who is prevented from pursuing the individual's chosen program of education before the expiration of the 10-year period for the use of entitlement under this chapter otherwise applicable under this section by reason of acting as the primary provider of personal care services for a veteran or member of the Armed Forces under section 1720G(a) of this title, such 10-year period—

(i) shall not run during the period the individual is so prevented from pursuing such program; and

(ii) shall again begin running on the first day after the date of the recovery of the veteran or member from the injury, or the date on which the individual ceases to be the primary provider of personal care services for the veteran or member, whichever is earlier, on which it is reasonably feasible, as so determined, for the individual to initiate or resume pursuit of a program of education with educational assistance under this chapter.

(B) Subparagraph (A) shall not apply with respect to the period of an individual as a primary provider of personal care services if the period concludes with the revocation of the individual's designation as such a primary provider under section 1720G(a)(7)(D) of this title.

(e)(1) Except as provided in paragraph (2) of this subsection, in the case of an individual described in section 3011(a)(1)(B), 3011(a)(1)(C), 3012(a)(1)(B), or 3012(a)(1)(C) of this title who is entitled to basic educational assistance under this chapter, the 10-year period prescribed in subsection (a) of this section shall be reduced by an amount of time equal to the amount of time that such individual was not serving on active duty during the period beginning on January 1, 1977, and ending on June 30, 1985.

(2) In the case of an individual to which paragraph (1) of this subsection is applicable and who is described in section 3452(a)(1)(B) of this title, the 10-year period prescribed in subsection (a) of this section shall not be reduced by any period in 1977 before the individual began serving on active duty.

(f)(1) If an individual eligible for educational assistance under this chapter is enrolled under this chapter in an educational institution regularly operated on the quarter or semester system and the period of such individual's entitlement under this chapter would, under section 3013, expire during a quarter or semester, such period shall be extended to the end of such quarter or semester.

(2) If an individual eligible for educational assistance under this chapter is enrolled under this chapter in an educational institution not regularly operated on the quarter or semester system and the period of such individual's entitlement under this chapter would, under section 3013, expire after a major portion of the course is completed, such period shall be extended to the end of the course or for 12 weeks, whichever is the lesser period of extension.

(g) In the case of an individual described in section 3011(f)(3) of this title, the period during which that individual may use the indi-

vidual's entitlement to educational assistance allowance expires on the last day of the 10-year period beginning on the date of the enactment of the Veterans Millennium Health Care and Benefits Act if that date is later than the date that would otherwise be applicable to that individual under this section.

(h) For purposes of subsection (a) of this section, an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service unless the individual involved is discharged or released for a service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, for hardship, or as a result of a reduction in force as described in section 3011(a)(1)(A)(ii)(III) of this title.

*(i)(1) In the case of an individual eligible for educational assistance under this chapter who is prevented from pursuing the individual's chosen program of education before the expiration of the 10-year period for the use of entitlement under this chapter otherwise applicable under this section because of a covered reason, as determined by the Secretary, such 10-year period—*

*(A) shall not run during the period the individual is so prevented from pursuing such program; and*

*(B) shall again begin running on a date determined by the Secretary that is—*

*(i) not earlier than the first day after the individual is able to resume pursuit of a program of education with educational assistance under this chapter; and*

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

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

*(A) the temporary or permanent closure of an educational institution by reason of an emergency situation; or*

*(B) another reason that prevents the individual from pursuing the individual's chosen program of education, as determined by the Secretary.*

\* \* \* \* \*

**CHAPTER 31—TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES**

\* \* \* \* \*

**§ 3103. Periods of eligibility**

(a) Except as provided in subsection (b), (c), (d), (e), **[or (g)]** (g), or (h) of this section, a rehabilitation program may not be afforded to a veteran under this chapter after the end of the twelve-year period beginning on the date of such veteran's discharge or release from active military, naval, air or space service.

(b)(1) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because a medical condition of such veteran made it infeasible for such veteran to participate in such a program, the twelve-year period of eligibility shall not run during the period of time that such veteran was so prevented from participating in such a program, and such period

of eligibility shall again begin to run on the first day following such veteran's recovery from such condition on which it is reasonably feasible, as determined under regulations which the Secretary shall prescribe, for such veteran to participate in such a program.

(2) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because—

(A) such veteran had not met the requirement of a discharge or release from active military, naval, air or space service under conditions other than dishonorable before (i) the nature of such discharge or release was changed by appropriate authority, or (ii) the Secretary determined, under regulations prescribed by the Secretary, that such discharge or release was under conditions other than dishonorable, or

(B) such veteran's discharge or dismissal was, under section 5303 of this title, a bar to benefits under this title before the Secretary made a determination that such discharge or dismissal is not a bar to such benefits,

the twelve-year period of eligibility shall not run during the period of time that such veteran was so prevented from participating in such a program.

(3) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because such veteran had not established the existence of a service-connected disability rated at 10 percent or more, the twelve-year period of eligibility shall not run during the period such veteran was so prevented from participating in such a program.

(c) In any case in which the Secretary determines that a veteran is in need of services to overcome a serious employment handicap, such veteran may be afforded a vocational rehabilitation program after the expiration of the period of eligibility otherwise applicable to such veteran if the Secretary also determines, on the basis of such veteran's current employment handicap and need for such services, that an extension of the applicable period of eligibility is necessary for such veteran and—

(1) that such veteran had not previously been rehabilitated to the point of employability;

(2) that such veteran had previously been rehabilitated to the point of employability but (A) the need for such services had arisen out of a worsening of such veteran's service-connected disability that precludes such veteran from performing the duties of the occupation for which such veteran was previously trained in a vocational rehabilitation program under this chapter, or (B) the occupation for which such veteran had been so trained is not suitable in view of such veteran's current employment handicap and capabilities; or

(3) under regulations which the Secretary shall prescribe, that an extension of the period of eligibility of such veteran is necessary to accomplish the purposes of a rehabilitation program for such veteran.

(d) In any case in which the Secretary has determined that a veteran's disability or disabilities are so severe that the achievement

of a vocational goal currently is not reasonably feasible, such veteran may be afforded a program of independent living services and assistance in accordance with the provisions of section 3120 of this title after the expiration of the period of eligibility otherwise applicable to such veteran if the Secretary also determines that an extension of the period of eligibility of such veteran is necessary for such veteran to achieve maximum independence in daily living.

(e)(1) The limitation in subsection (a) shall not apply to a rehabilitation program described in paragraph (2).

(2) A rehabilitation program described in this paragraph is a rehabilitation program pursued by a veteran under section 3102(b) of this title.

(f) In any case in which the Secretary has determined that a veteran was prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility otherwise prescribed in this section as a result of being ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, 12304, 12304a, or 12304b of title 10, such period of eligibility shall not run for the period of such active duty service plus four months.

(g) Subsection (a) shall not apply to a veteran who was discharged or released from active military, naval, or air service on or after January 1, 2013.

*(h)(1) In the case of a veteran who is eligible for a vocational rehabilitation program under this chapter and who is prevented from participating in the vocational rehabilitation program within the period of eligibility prescribed in subsection (a) because of a covered reason, as determined by the Secretary, such period of eligibility—*

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

*(B) shall again begin running on a date determined by the Secretary that is—*

*(i) not earlier than the first day after the veteran is able to resume participation in a vocational rehabilitation program under this chapter; and*

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

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

*(A) the temporary or permanent closure of an educational institution by reason of an emergency situation; or*

*(B) another reason that prevents the veteran from participating in the vocational rehabilitation program, as determined by the Secretary.*

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**CHAPTER 33—POST-9/11 EDUCATIONAL ASSISTANCE**

\* \* \* \* \*

**SUBCHAPTER III—ADMINISTRATIVE PROVISIONS**

**§ 3321. Time limitation for use of and eligibility for entitlement**

(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual’s entitlement—

(1) in the case of an individual whose last discharge or release from active duty is before January 1, 2013, expires at the end of the 15-year period beginning on the date of such discharge or release; or

(2) in the case of an individual whose last discharge or release from active duty is on or after January 1, 2013, shall not expire.

(b) EXCEPTIONS.—

(1) APPLICABILITY OF SECTION 3031 TO RUNNING OF PERIOD.—  
 (A) Subsections (b), (c), ~~and (d)~~ (d), and (i) of section 3031 shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 with respect to the running of the 10-year period described in section 3031(a).

(B) *Subsection (i) of section 3031 of this title shall apply with respect to the running of the 15-year period described in paragraphs (4)(A) and (5)(A) of this subsection in the same manner as such subsection applies under section 3031 with respect to the running of the 10-year period described in section 3031(a).*

(2) APPLICABILITY OF SECTION 3031 TO TERMINATION.—Section 3031(f) shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 shall be deemed to be a reference to section 3312 of this title.

(3) DETERMINATION OF LAST DISCHARGE OR RELEASE.—For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2).

(4) APPLICABILITY TO CHILDREN OF DECEASED MEMBERS.—The period during which a child entitled to educational assistance by reason of section 3311(b)(8) of this title may use such child's entitlement—

(A) in the case of a child who first becomes entitled to such entitlement before January 1, 2013, expires at the end of the 15-year period beginning on the date of such child's eighteenth birthday; or

(B) in the case of a child who first becomes entitled to such entitlement on or after January 1, 2013, shall not expire.

(5) APPLICABILITY TO SPOUSES OF DECEASED MEMBERS.—The period during which a spouse entitled to educational assistance by reason of section 3311(b)(9) may use such spouse's entitlement—

(A) in the case of a spouse who first becomes entitled to such entitlement before January 1, 2013, expires at the end of the 15-year period beginning on the date on which the spouse first becomes entitled to such entitlement; or

(B) in the case of a spouse who first becomes entitled to such entitlement on or after January 1, 2013, shall not expire.

\* \* \* \* \*

**CHAPTER 35—SURVIVORS’ AND DEPENDENTS’  
EDUCATIONAL ASSISTANCE**

\* \* \* \* \*

**SUBCHAPTER II—ELIGIBILITY AND ENTITLEMENT**

\* \* \* \* \*

**§ 3512. Periods of eligibility**

(a) **[The educational]** *Except as provided in subsection (g), the educational assistance to which an eligible person whose eligibility is based on the death or disability of a parent or on a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title is entitled under section 3511 of this title or subchapter V of this chapter may be afforded the person during the period beginning on the person’s eighteenth birthday, or on the successful completion of the person’s secondary schooling, whichever first occurs, and ending on the person’s twenty-sixth birthday, except that—*

(1) if the person is above the age of compulsory school attendance under applicable State law, and the Secretary determines that the person’s best interests will be served thereby, such period may begin before the person’s eighteenth birthday;

(2) if the person has a mental or physical handicap, and the Secretary determines that the person’s best interests will be served by pursuing a program of special restorative training or a specialized course of vocational training approved under section 3536 of this title, such period may begin before the person’s eighteenth birthday, but not before the person’s fourteenth birthday;

(3) if the Secretary first finds that the parent from whom eligibility is derived has a service-connected total disability permanent in nature, or if the death of the parent from whom eligibility is derived occurs, after the eligible person’s eighteenth birthday but before the person’s twenty-sixth birthday, then (unless paragraph (4) or (5) applies) such period shall end 8 years after the date that is elected by that person to be the beginning date of entitlement under section 3511 of this title or subchapter V of this chapter if—

(A) the Secretary approves that beginning date;

(B) the eligible person elects that beginning date by not later than the end of the 60-day period beginning on the date on which the Secretary provides written notice to that person of that person’s opportunity to make such election, such notice including a statement of the deadline for the election imposed under this subparagraph; and

(C) that beginning date—

(i) in the case of a person whose eligibility is based on a parent who has a service-connected total disability permanent in nature, is the date determined

pursuant to subsection (d), or any date between the two dates described in subsection (d); and

(ii) in the case of a person whose eligibility is based on the death of a parent, is between—

(I) the date of the parent's death; and

(II) the date of the Secretary's decision that the death was service-connected;

(4) if the person otherwise eligible under paragraph (3) fails to elect a beginning date of entitlement in accordance with that paragraph, the beginning date of the person's entitlement shall be the date of the Secretary's decision that the parent has a service-connected total disability permanent in nature, or that the parent's death was service-connected, whichever is applicable;

(5) if the person serves on duty with the Armed Forces as an eligible person after the person's eighteenth birthday but before the person's twenty-sixth birthday, then such period shall end 8 years after the person's first discharge or release from such duty with the Armed Forces (excluding from such 8 years all periods during which the eligible person served on active duty before August 1, 1962, pursuant to (A) a call or order thereto issued to the person as a Reserve after July 30, 1961, or (B) an extension of enlistment, appointment, or period of duty with the Armed Forces pursuant to section 2 of Public Law 87-117); however, in no event shall such period be extended beyond the person's thirty-first birthday by reason of this paragraph;

(6) if the person becomes eligible by reason of a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title after the person's eighteenth birthday but before the person's twenty-sixth birthday, then (unless paragraph (5) applies) such period shall end eight years after the date on which the person becomes eligible by reason of such provisions, but in no event shall such period be extended beyond the person's thirty-first birthday by reason of this paragraph;

(7)(A) if such person is enrolled in an educational institution regularly operated on the quarter or semester system and such period ends during a quarter or semester, such period shall be extended to the end of the quarter or semester; or

(B) if such person is enrolled in an educational institution operated on other than a quarter or semester system and such period ends after a major portion of the course is completed, such period shall be extended to the end of the course, or until 12 weeks have expired, whichever first occurs; and

(8) if the person is pursuing a preparatory course described in section 3002(3)(B) of this title, such period may begin on the date that is the first day of such course pursuit, notwithstanding that such date may be before the person's eighteenth birthday, except that in no case may such person be afforded educational assistance under this chapter for pursuit of secondary schooling unless such course pursuit would otherwise be authorized under this subsection.

(b)(1)(A) Except as provided in *subsection (g) or subparagraph (B), (C), or (D)*, a person made eligible by subparagraph (B) or (D)



of section 3501(a)(1) of this title or a person made eligible by the disability of a spouse under section 3501(a)(1)(E) of this title may be afforded educational assistance under this chapter during the 10-year period beginning on the date (as determined by the Secretary) the person becomes an eligible person within the meaning of section 3501(a)(1)(B), 3501(a)(1)(D)(i), 3501(a)(1)(D)(ii), or 3501(a)(1)(E) of this title. In the case of a surviving spouse made eligible by clause (ii) of section 3501(a)(1)(D) of this title, the 10-year period may not be reduced by any earlier period during which the person was eligible for educational assistance under this chapter as a spouse made eligible by clause (i) of that section.

(B) Notwithstanding subparagraph (A), an eligible person referred to in that subparagraph may, subject to the Secretary's approval, elect a later beginning date for the 10-year period than would otherwise be applicable to the person under that subparagraph. The beginning date so elected may be any date between the beginning date determined for the person under subparagraph (A) and whichever of the following dates applies:

(i) The date on which the Secretary notifies the veteran from whom eligibility is derived that the veteran has a service-connected total disability permanent in nature.

(ii) The date on which the Secretary determines that the veteran from whom eligibility is derived died of a service-connected disability.

(iii) The date on which the Secretary notifies the member of the Armed Forces from whom eligibility is derived that the member has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, air or space service.

(C) Notwithstanding subparagraph (A), an eligible person referred to in that subparagraph who is made eligible under section 3501(a)(1)(B) of this title by reason of the death of a person on active duty may be afforded educational assistance under this chapter during the 20-year period beginning on the date (as determined by the Secretary) such person becomes an eligible person within the meaning of such section.

(D) Notwithstanding subparagraph (A), an eligible person referred to in that subparagraph who is made eligible under section 3501(a)(1)(D)(i) of this title by reason of a service-connected disability that was determined to be a total disability permanent in nature not later than three years after discharge from service may be afforded educational assistance under this chapter during the 20-year period beginning on the date the disability was so determined to be a total disability permanent in nature, but only if the eligible person remains the spouse of the disabled person throughout the period.

(2) **[Notwithstanding]** *Except as provided in subsection (g), notwithstanding* the provisions of paragraph (1) of this subsection, in the case of any eligible person (as defined in section 3501(a)(1)(B), (C), (D), or (E) of this title) whose eligibility is based on the death or disability of a spouse or on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title who was prevented from initiating or completing such person's chosen program of education within such period because of a physical or mental disability which was not the result of such person's own willful

misconduct, such person shall, upon application made within one year after (A) the last date of the delimiting period otherwise applicable under this section, (B) the termination of the period of mental or physical disability, or (C) October 1, 1980, whichever is the latest, be granted an extension of the applicable delimiting period for such length of time as the Secretary determines, from the evidence, that such person was so prevented from initiating or completing such program of education. When an extension of the applicable delimiting period is granted under the exception in the preceding sentence, the delimiting period will again begin running on the first day following such eligible person's recovery from such disability on which it is reasonably feasible, as determined in accordance with regulations which the Secretary shall prescribe, for such eligible person to initiate or resume pursuit of a program of education with educational assistance under this chapter.

(c)(1) Notwithstanding subsection (a) and subject to paragraph (2), an eligible person may be afforded educational assistance beyond the age limitation applicable to the person under such subsection if—

(A) the person suspends pursuit of such person's program of education after having enrolled in such program within the time period applicable to such person under such subsection;

(B) the person is unable to complete such program after the period of suspension and before attaining the age limitation applicable to the person under such subsection; and

(C) the Secretary finds that the suspension was due to either of the following:

(i) The actions of the person as the primary provider of personal care services for a veteran or member of the Armed Forces under section 1720G(a) of this title.

(ii) Conditions otherwise beyond the control of the person.

(2) Paragraph (1) shall not apply with respect to the period of an individual as a primary provider of personal care services if the period concludes with the revocation of the individual's designation as such a primary provider under section 1720G(a)(7)(D) of this title.

(3) Educational assistance may not be afforded a person under paragraph (1) after the earlier of—

(A) the age limitation applicable to the person under subsection (a), plus a period of time equal to the period the person was required to suspend pursuit of the person's program of education as described in paragraph (1); or

(B) the date of the person's thirty-first birthday.

(d) The term "first finds" as used in this section means the effective date of the rating or date of notification to the person from whom eligibility is derived establishing a service-connected total disability permanent in nature whichever is more advantageous to the eligible person.

(e) **[No person]** *Except as provided in subsection (g), no person made eligible by section 3501(a)(1)(C) of this title based on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title may be afforded educational assistance under this chapter beyond 10 years after the date on which the spouse was so listed.*

[(h)] (f) Notwithstanding any other provision of this section, if an eligible person, during the delimiting period otherwise applicable to such person under this section, serves on active duty pursuant to an order to active duty issued under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10, or is involuntarily ordered to full-time National Guard duty under section 502(f) of title 32, such person shall be granted an extension of such delimiting period for the length of time equal to the period of such active duty plus four months.

(g) *Notwithstanding any other provision of this section, the following persons may be afforded educational assistance under this chapter at any time after August 1, 2023, and without regard to the age of the person:*

(1) *A person who first becomes an eligible person on or after August 1, 2023.*

(2) *A person who—*

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

(B) *has not received any payment of educational assistance under this chapter before such date.*

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**CHAPTER 36—ADMINISTRATION OF EDUCATIONAL BENEFITS**

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**SUBCHAPTER I—STATE APPROVING AGENCIES**

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**§ 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 educational 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, 31, ~~[or 33]~~ 33, or 35 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, air or space 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)(8) 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.

(C) An individual who is entitled to rehabilitation under section 3102(a) of this title.

(D) *An individual who is entitled to assistance under section 3510 of this title.*

(3) If after enrollment in a course of education that is subject to disapproval under paragraph (1) by reason of paragraph (2)(A), (2)(B), or (2)(C) 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, 31, ~~and 33~~ 33, and 35 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, 2019, 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 that has in effect a policy that is inconsistent with any of the following:

(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~~, 33, or 35 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 educational institution certifies for tuition and fees following receipt from the student 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 due to the delayed disbursement of a payment to be provided by the Secretary under chapter 31 ~~or 33~~ 33, or 35 of this title.

(2) For purposes of this subsection, a covered individual is any individual who is entitled to educational assistance under chapter 31 ~~or 33~~ 33, or 35 of this title.

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

(4) It shall not be inconsistent with a policy described in paragraph (1) for an educational institution to require a covered individual to take the following additional actions:

(A) Submit a certificate of eligibility for entitlement to educational assistance not later than the first day of a course of education for which the individual has indicated the individual

wishes to use the individual's entitlement to educational assistance.

(B) Submit a written request to use such entitlement.

(C) Provide additional information necessary to the proper certification of enrollment by the educational institution.

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