U.S. Department of Veterans Affairs
Veterans Benefits Administration

# Isakson and Roe Veterans Health Care and Benefits Improvement Act of 2020

On January 5, 2021, the President signed the ***Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020*** (P.L.116-315) into law**.** This new law brings significant changes to Veterans' education benefits. Many of the changes enhance or expand education benefits for Veterans, Service members, families and survivors and provide for the improvement and/or expansion of various GI Bill® programs.

**Section 1001. Improvements to Edith Nourse Rogers STEM Scholarship program**
Expands eligibility under the Edith Nourse Rogers STEM Scholarship program to allow scholarships for those enrolled in dual-secondary degrees and health care professionals completing clinical training to become licensed to practice in a State or locality. This section also ensures benefits under the Edith Nourse Rogers STEM Scholarship program are not subject to the months of entitlement limitations under section 3695 of title 38, U.S.C. Effective: ***January 5, 2021***.

**Section 1002. Expansion of eligibility for Fry Scholarship**
Expands eligibility for the Fry Scholarship to a child or spouse of a person who dies on or after September 11, 2001, in the line of duty while serving on duty other than active duty as a member of the Armed Forces, and a child or spouse of a member of the Selected Reserve who dies on or after September 11, 2001, from a service-connected disability while a member of the Selected Reserve. Effective: with respect to a quarter, semester, or term, as applicable, commencing on or after ***August 1, 2021***.

**Section 1003. Period for election to receive benefits under All-Volunteer Educational Assistance Program (MGIB)**
This section changes the period for election to receive benefits under Montgomery GI Bill® (MGIB) from the time of initial entry on active duty to a 90-day period following 180 days after the date on which the individual initially enters initial training. Effective: ***January 5, 2023***.

**Section 1004. Phase out of All-Volunteer Educational Assistance Program (MGIB)**
Phases out the All-Volunteer Educational Assistance Program (Montgomery GI Bill®; MGIB) beginning in 2030. Sunset would merely stop people from entering MGIB but those eligible for the program prior to *September 30, 2030*, would retain eligibility until ten years after they leave service. Effective: ***September 30, 2030***

**Section 1005. Requirements for in-State tuition**
Removes the requirement for covered individuals to enroll in a course at a public institution of higher learning within three years of being discharged to receive in-state tuition. Also, VA will make publicly available on the VA website a database explaining any public institution's requirements for beneficiaries to be charged in-state tuition. Effective: ***August 1, 2021***.

**Section 1006. Expansion of certain qualifying work-study activities to include outreach services provided through congressional offices**
Expands authority for qualifying work study activities of the VA's educational assistance programs to include outreach services provided through congressional offices. Effective: ***August 1, 2021***.

**Section 1007. Restoration of entitlement to chapter 31 for Veterans affected by school closure or disapproval**
This section provides restoration of benefits for participants in a Veteran Readiness and Employment (VR&E) program under chapter 31 in the event of a closure of an educational institution, to provide parity between these individuals and individuals who are provided this restoration under the Post-9/11 GI Bill®. Effective ***January 5, 2021***.

**Section 1008. Clarifies eligibility for participation in Yellow Ribbon Program.**
Updates terminology to provide consistency across other sections of law. Effective ***January 5, 2021***.

**Section 1009. Clarification MHA assistance for individuals who attend school while on active duty**
Clarifies that individuals pursuing a program of education while on active duty must be serving at least 30 days on active duty to no longer be eligible to receive a monthly housing allowance while using their GI Bill® benefits since they will receive a housing allowance through the Department of Defense (DoD). Effective: ***August 1, 2022***.

**Section 1010. Verification of enrollment to receive Post-9/11 Educational Assistance benefits**
Creates a dual certification for the receipt of Post-9/11 GI Bill® benefits. The school will certify the student's enrollment after the add-drop date, and then each month thereafter, the student would be required to electronically verify with VA their continued enrollment in that school. If a student fails to certify for two consecutive months, VA will withhold monthly housing allowance payments until the student certifies. Effective: ***August 1, 2021***.

**Section 1011. Expansion of Transfer of Entitlement for Dependents under the Post-9/11 GI Bill®**
Expands the eligibility for dependents to whom Post-9/11 GI Bill® benefits can be transferred. Eligibility now includes certain unmarried children placed in the legal custody of the service member for at least 12 months as a result of a court order. Effective: ***January 5, 2021***.

**Section 1012. Expansion of reasons for which a course of education may be disapproved**
This section expands the reasons for which a course of education may be disapproved for usage of Post-9/11 GI Bill® benefits. A school that is at risk of losing accreditation from their accreditor would no longer be deemed approved under title 38 standards. Effective: ***August 1, 2021***.

**Section 1013. Oversight of educational institutions with approved programs: risk-based surveys**
This section requires the Secretary of Veteran Affairs to work with State Approving Agencies (SAAs) to develop a comprehensive program to conduct risk-based surveys. Effective: ***October 1, 2022***.

**Section 1014. Oversight of educational institutions subject to Government action for purposes of educational assistance programs of the Department of Veterans Affairs**
This section requires the Secretary of Veterans Affairs to provide to an SAA any notice from a Federal, State, or accreditation agency of a punitive action that will be taken against an educational institution and requires the SAA to then conduct a risk-based survey and taken additional punitive action against the institution if needed. SAAs would also have to provide notice to VA and other SAAs when they take action against an educational institution. Effective: ***August 1, 2021***.

**Section 1015. Additional requirement for approval of educational institutions for purposes of the educational assistance programs of the Department of Veterans Affairs**
This section requires accredited institutions (even those "deemed approved") to be eligible for participation in the Federal Student Aid program through Title IV of the Higher Education Act in order to be eligible to receive GI Bill® funds. Effective: ***August 1, 2021***.

**Section 1016. Accreditation for law schools**
For a law school to be approved for GI Bill® enrollments, it must be accredited by a specialized accrediting agency for legal programs (i.e. the American Bar Association is the only specialized accrediting agency for legal education currently recognized by the Secretary of Education). Effective: ***August 1, 2021***.

**Section 1017. Grounds for disapproval of a course for purposes of the educational assistance programs**
This section allows for a course to be disapproved for GI Bill® enrollments if the institution does not comply with a risk-based survey by an SAA. Effective: ***August 1, 2021***.

**Section 1018. Requirements for educational institutions participating in the educational assistance programs of the Department of Veterans Affairs**
This section essentially codifies in statute the requirements of the Principles of Excellence Program, currently in Executive Order 13607. It also makes compliance with those requirements mandatory for approval of a course of education. Effective: ***June 15, 2021*** and apply to educational institutions beginning on ***August 1, 2021***.

**Section 1019. Overpayments to eligible persons or Veterans**
This section adds a requirement that schools and training programs be financially responsible, instead of the student, for benefits paid directly to an educational institution pursuant to the Post-9/11 GI Bill® for tuition and fees or the Yellow Ribbon program, and advance payments of initial educational assistance, without consideration of whether the overpayment was the result of the willful or negligent failure of the school. Effective: ***January 5, 2021***.

**Section 1020. Improvements to limitation on certain advertising, sales, and enrollment practices**
This section provides greater detail on the limitations on the type of advertising, sales, and marketing that schools can undertake and remain eligible for GI Bill® funds. The new standards would align VA with those applicable for the schools participating in the Federal Student Aid program. This section would also create a tiered penalty system for institutions that do not comply with the law and sets up a mechanism for institutions to work with the SAAs and the VA on coming back into compliance. It also places the decision authority with the Under Secretary for Benefits, with an appeal to the Secretary of Veterans Affairs. These decision authorities are non-delegable and not subject to appeal to the Board of Veterans Appeals. Effective: ***August 1, 2021***.

**Section 1021. Charge to entitlement to educational assistance for individuals who do not transfer credits from certain closed or disapproved programs of education**
This section adds to the VA's authority to restore GI Bill® entitlement to eligible students who lose credit due to school closure or disapproval. The VA is now able to restore entitlement for the entire program of education, not just the last term, quarter or semester, if the student is not able to transfer at least 12 credits to a new school. Effective: ***August 1, 2021***.

**Section 1022. VA treatment of for-profit educational institutions that convert to nonprofit educational institutions**
This is a new requirement for how VA and SAAs treat an institution that converts from a for-profit to a nonprofit educational institution. Institutions are required to receive annual risk-based surveys for a period of three years after converting to a nonprofit institution. Effective: ***January 5, 2021***.

**Section 1023. Authority for SAAs to conduct outreach activities**
SAAs are already authorized and routinely engage in outreach activities; this section merely codifies that outreach activities may be done. Effective: ***January 5, 2021***.

**Section 1024. Limitations on collocation SAAs**
This section bars VA from recognizing as an SAA a State agency that is collocated with a university or university system whose courses or programs of education would be subject to approval by the SAA. This is safeguard against any conflicts of interest. Effective: ***July 4, 2021***.

**Section 1102. Continuation of educational assistance benefits during COVID-19**
Allows for the continuation of education benefits during the COVID–19 emergency if it's determined a student was negatively impacted by training being truncated, delayed, relocated, canceled, partially canceled, converted to online training, or otherwise modified or made unavailable. The school must certify to VA that such action has occurred, and VA must determine such action would reduce the amount of benefits payable had the action not occurred. If a negative impact occurs, VA will continue to pay benefits at the rate payable before the action. Authority to continue payments is limited to four weeks but will not count against entitlement if the student did not earn credits for this time. Effective: ***January 5, 2021***.

**Section 1103. Effects of closure of educational institution and modification of courses by reason of COVID-19 emergency**
If a school closes, cancels training, or has training disapproved due to COVID-19, certain entitlement used by an individual at that school will not be charged against their overall entitlement. It also allows an enrolled student to continue in a program disapproved due to COVID-19. Lastly, a student who was full-time on March 1, 2020, will be treated as full-time for subsequent period of enrollment, regardless of student's actual rate of pursuit. Effective: ***January 5, 2021***.

**Section 1104. Payment of education benefits in cases of withdrawal due to COVID-19**
This section requires VA to view a student's withdrawal from a school due to covered reasons as a result of the COVID-19 as being due to mitigating circumstance. Effective: ***January 5, 2021***.

**Section 1105. Delimiting date extension due to COVID-19**
Simplifies the extensions of time limits to use certain educational and VR&E benefits. The current limitation that the interruption must be due to a school closure (permanent or temporary) continues; however, the delimiting date will be extended for the entire COVID-19 period (March 1, 2020 – December 21, 2021 = 661 days) with the delimiting date period resuming on December 22, 2021. Effective: ***January 5, 2021***.

**Section 1106. Apprenticeship or On-the-job training (OJT) requirements during COVID-19**
This section ensures that a Veteran who is enrolled in an OJT program or apprenticeship and is unable to fulfill the 120-hour requirement due to unemployment during COVID-19 or inability to attend the program in person due to COVID-19 is not negatively impacted. This section recognizes the number of hours the individual was able to work, to receive payment from the VA. It also allows a Veteran to roll-over hours worked in excess of 120 hours from the previous month to the subsequent month to achieve the required 120 hours for full-time benefits. Effective: ***January 5, 2021***.

**Section 1107. Inclusion of training establishments in certain provisions related to COVID-19 emergency**
This section amends relevant statutes to ensure the COVID-19 protections afforded to students in earlier legislation (PLs 116-128 and 116-140) includes "training establishments" in addition to "educational institutions". Effective: ***January 5, 2021***.

**Section 1108. Treatment of payment of allowances under Student Veteran Coronavirus Response Act**
This section amends the Student Veteran Coronavirus Response Act of 2020 to ensure that a student's entitlement and payment allowances are not charged for the time the student's payments are continued after the closure or program hiatus (4 -week payments). Effective: ***January 5, 2021***.

**Section 4302. Expansion of VET TEC Program**
This section expands the Veteran Employment through Technology Education Courses (VET TEC) pilot program to transitioning service members within 180 days of their separation. It also increases the annual funding for the program from $15M to $45M, due to the high demand and usage of the program. Effective: ***January 5, 2021***.

Our Education Call Center is available at 1-888-442-4551 (Monday-Friday, 7 a.m. - 6 p.m. CST) for any questions about **GI Bill®** benefits.

Join the conversation on Facebook at www.facebook.com/gibillEducation and follow us on Twitter @VAVetBenefits.

**GI Bill®** is a registered trademark of the U.S. Department of Veterans Affairs (VA). More information about education benefits offered by VA is available at https://www.benefits.va.gov/gibill