



441 G St. N.W.
Washington, DC 20548

B-337024

February 10, 2025

The Honorable Jerry Moran
Chairman
The Honorable Richard Blumenthal
Ranking Member
Committee on Veterans' Affairs
United States Senate

The Honorable Mike Bost
Chairman
The Honorable Mark Takano
Ranking Member
Committee on Veterans' Affairs
House of Representatives

Subject: *Department of Veterans Affairs: Post-9/11 Improvements, Fry Scholarship, and Interval Payments Amendments*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Veterans Affairs (VA) entitled "Post-9/11 Improvements, Fry Scholarship, and Interval Payments Amendments" (RIN: 2900-AQ88). We received the rule on January 17, 2025. It was published in the *Federal Register* on January 16, 2025. 90 Fed. Reg. 5324. The stated effective date of the rule is March 17, 2025.

This rule amends the regulations that govern VA's administration of educational assistance programs to implement the provisions of the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, which modified the manner in which payments of educational assistance are determined and expanded the types of programs students may pursue under the Post-9/11 GI Bill; section 1002 of the Supplemental Appropriations Act, 2009, which authorized the "Marine Gunnery Sergeant John David Fry Scholarship;" and a select number of provisions of the Harry W. Colmery Veterans Educational Assistance Act of 2017.

The Congressional Review Act (CRA) requires a 60-day delay in the effective date of a major rule from the date of publication in the *Federal Register* or receipt of the rule by Congress, whichever is later. 5 U.S.C. § 801(a)(3)(A). The *Congressional Record* does not reflect the date of receipt by the House of Representatives or the Senate. According to documents submitted by VA, the House of Representatives and the Senate received the rule on January 24, 2025. Email from Office of Regulation Policy and Management, VA, to CRA Rules, GAO, Subject: *RE: Regulatory Compliance w/CRA - AQ88(F) Post 911 Improvements, Fry Scholarship and Interval Payments Amendment* (Jan. 29, 2025). The rule has a stated effective date of March 17, 2025. Therefore, the rule does not have the required 60-day delay in its effective date.

Enclosed is our assessment of VA's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to the subject matter of the rule, please contact Charlie McKiver, Assistant General Counsel, at (202) 512-5992.

A handwritten signature in black ink that reads "Shirley A. Jones". The signature is written in a cursive, flowing style.

Shirley A. Jones
Managing Associate General Counsel

Enclosure

cc: Luvenia Potts
Office of Regulation Policy and Management
Office of General Counsel
Department of Veterans Affairs

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF VETERANS AFFAIRS
ENTITLED
“POST-9/11 IMPROVEMENTS, FRY SCHOLARSHIP,
AND INTERVAL PAYMENTS AMENDMENTS”
(RIN: 2900-AQ88)

(i) Cost-benefit analysis

The Department of Veterans Affairs (VA) prepared an analysis of the costs and benefits for this rule. VA estimated that the transfers to the Readjustment Benefits account associated with the rulemaking are estimated to be \$420.3 million in 2026, \$2.8 billion over five years, and \$6.5 billion over 10 years. According to VA, veterans and individuals who are eligible and potentially eligible to receive educational assistance under the Post-9/11 GI Bill and other VA educational assistance programs will benefit significantly from this rulemaking.

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603–605, 607, and 609

VA stated that the Secretary of Veterans Affairs has certified that this rule will not have a significant economic impact on a substantial number of small entities. See 90 Fed. Reg. 5326 (Jan. 16, 2025).

(iii) Agency actions relevant to sections 202–205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532–1535

VA determined that this rule will not have an effect on state, local, or tribal governments, in the aggregate, or on the private sector, of \$100 million in 1995 dollars, updated annually for inflation, in any one year. See 90 Fed. Reg. 5326.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

On May 24, 2023, VA published a proposed rule. 88 Fed. Reg. 33672. VA stated that they received comments from various interested parties. See 90 Fed. Reg. 5324. VA responded to comments in this rule. *Id.*

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501–3520

VA determined that this rule contains information collection requirements under the Act. 90 Fed. Reg. 5326.

Statutory authorization for the rule

VA promulgated this rule pursuant to 38 U.S.C. §§ 501(a), 512, 3500–3566, and other authorities as noted in specific sections of the rule.

Executive Order No. 12866 (Regulatory Planning and Review)

VA stated that this rule is significant under the Order. See 90 Fed. Reg. 5326. VA stated that the rule was submitted to the Office of Management and Budget for review. *Id.*

Executive Order No. 13132 (Federalism)

In its submission to us, VA indicated that the Order is not applicable to this rule.