

Union Calendar No. 52

116TH CONGRESS
1ST SESSION

H. R. 1947

[Report No. 116-76]

To amend title 38, United States Code, to exempt transfers of funds from Federal agencies to the Department of Veterans Affairs for nonprofit corporations established under subchapter IV of chapter 73 of such title from certain provisions of the Economy Act.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2019

Mr. DAVID P. ROE of Tennessee (for himself and Mr. BRINDISI) introduced the following bill; which was referred to the Committee on Veterans' Affairs

MAY 20, 2019

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on March 28, 2019]

A BILL

To amend title 38, United States Code, to exempt transfers of funds from Federal agencies to the Department of Veterans Affairs for nonprofit corporations established under subchapter IV of chapter 73 of such title from certain provisions of the Economy Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. EXEMPTION OF CERTAIN TRANSFERS.**

4 *Section 7364(b)(1) of title 38, United States Code, is*
5 *amended by adding at the end the following new sentence:*
6 *“Any amounts so transferred after September 30, 2016,*
7 *shall be available without regard to fiscal year limitations,*
8 *notwithstanding section 1535(d) of title 31.”.*

9 **SEC. 2. IMPROVEMENTS TO ASSISTANCE FOR CERTAIN**
10 **FLIGHT TRAINING AND OTHER PROGRAMS OF**
11 **EDUCATION.**

12 *(a) USE OF ENTITLEMENT FOR PRIVATE PILOT’S LI-*
13 *CENSES.—Section 3034(d) of title 38, United States Code,*
14 *is amended—*

15 *(1) in paragraph (1) by striking the semicolon*
16 *and inserting the following: “and is required for the*
17 *course of education being pursued (including with re-*
18 *spect to a dual major, concentration, or other element*
19 *of a degree); and”;*

20 *(2) by striking paragraph (2); and*

21 *(3) by redesignating paragraph (3) as para-*
22 *graph (2).*

23 *(b) ACCELERATED PAYMENTS FOR FLIGHT TRAIN-*
24 *ING.—Section 3313 of such title is amended by adding at*
25 *the end the following new subsection:*

1 “(1) *ACCELERATED PAYMENTS FOR CERTAIN FLIGHT*
2 *TRAINING.*—

3 “(1) *PAYMENTS.*—*An individual enrolled in a*
4 *program of education pursued at a vocational school*
5 *or institution of higher learning in which flight*
6 *training is required to earn the degree being pursued*
7 *(including with respect to a dual major, concentra-*
8 *tion, or other element of such a degree) may elect to*
9 *receive accelerated payments of amounts for tuition*
10 *and fees determined under subsection (c). The amount*
11 *of each accelerated payment shall be an amount equal*
12 *to twice the amount for tuition and fee so determined*
13 *under such subsection, but the total amount of such*
14 *payments may not exceed the total amount of tuition*
15 *and fees for the program of education. The amount of*
16 *monthly stipends shall be determined in accordance*
17 *with such subsection (c) and may not be accelerated*
18 *under this paragraph.*

19 “(2) *EDUCATIONAL COUNSELING.*—*An indi-*
20 *vidual may make an election under paragraph (1)*
21 *only if the individual receives educational counseling*
22 *under section 3697A(a) of this title.*

23 “(3) *CHARGE AGAINST ENTITLEMENT.*—*The*
24 *number of months of entitlement charged an indi-*
25 *vidual for accelerated payments made pursuant to*

1 *paragraph (1) shall be determined at the rate of two*
2 *months for each month in which such an accelerated*
3 *payment is made.”.*

4 *(c) FLIGHT TRAINING AT PUBLIC INSTITUTIONS.—*

5 *Subsection (c)(1)(A) of such section 3313 is amended—*

6 *(1) in clause (i)—*

7 *(A) by redesignating subclauses (I) and (II)*
8 *as items (aa) and (bb), respectively;*

9 *(B) by striking “In the case of a program*
10 *of education pursued at a public institution of*
11 *higher learning” and inserting “(I) Subject to*
12 *subclause (II), in the case of a program of edu-*
13 *cation pursued at a public institution of higher*
14 *learning not described in clause (i)(II)(bb)”;*
15 *and*

16 *(C) by adding at the end the following new*
17 *subclause:*

18 *“(II) In determining the actual net*
19 *cost for in-State tuition and fees pursuant*
20 *to subclause (I), the Secretary may not pay*
21 *for tuition and fees relating to flight train-*
22 *ing.”; and*

23 *(2) in clause (ii)—*

1 (A) in subclause (I), by redesignating items
2 (aa) and (bb) as subitems (AA) and (BB), re-
3 spectively;

4 (B) in subclause (II), by redesignating
5 items (aa) and (bb) as subitems (AA) and (BB),
6 respectively;

7 (C) by redesignating subclauses (I) and (II)
8 as items (aa) and (bb), respectively;

9 (D) by striking “In the case of a program
10 of education pursued at a non-public or foreign
11 institution of higher learning” and inserting
12 “(I) In the case of a program of education de-
13 scribed in subclause (II)”;

14 (E) by adding at the end the following new
15 subclause:

16 “(II) A program of education described
17 in this subclause is any of the following:

18 “(aa) A program of education
19 pursued at a non-public or foreign in-
20 stitution of higher learning.

21 “(bb) A program of education
22 pursued at a public institution of high-
23 er learning in which flight training is
24 required to earn the degree being pur-
25 sued (including with respect to a dual

1 *major, concentration, or other element*
2 *of such a degree).”.*

3 *(d) CERTAIN PROGRAMS OF EDUCATION CARRIED OUT*
4 *UNDER CONTRACT.—Section 3313(c)(1)(A)(ii)(II) of title*
5 *38, United States Code, as added by subsection (c)(2)(E),*
6 *is amended by adding at the end the following new item:*

7 *“(cc) A program of education pur-*
8 *sued at a public institution of higher*
9 *learning in which the public institu-*
10 *tion of higher learning enters into a*
11 *contract or agreement with an entity*
12 *(other than another public institution*
13 *of higher learning) to provide such pro-*
14 *gram of education or a portion of such*
15 *program of education.”.*

16 *(e) APPLICATION.—*

17 *(1) IN GENERAL.—Except as provided by para-*
18 *graph (2), the amendments made by this section shall*
19 *apply with respect to a quarter, semester, or term, as*
20 *applicable, commencing on or after the date of the en-*
21 *actment of this Act.*

22 *(2) SPECIAL RULE FOR CURRENT STUDENTS.—*
23 *In the case of an individual who, as of the date of the*
24 *enactment of this Act, is using educational assistance*
25 *under chapter 33 of title 38, United States Code, to*

1 *pursue a course of education that includes a program*
2 *of education described in item (bb) or (cc) of section*
3 *3313(c)(1)(A)(ii)(II) of title 38, United States Code,*
4 *as added by subsections (c) and (d), respectively, the*
5 *amendment made by such subsection shall apply with*
6 *respect to a quarter, semester, or term, as applicable,*
7 *commencing on or after the date that is two years*
8 *after the date of the enactment of this Act.*

9 **SEC. 3. PROVISION OF INSCRIPTIONS FOR SPOUSES AND**
10 **CHILDREN ON CERTAIN HEADSTONES AND**
11 **MARKERS FURNISHED BY THE SECRETARY OF**
12 **VETERANS AFFAIRS.**

13 *(a) IN GENERAL.—Section 2306 of title 38, United*
14 *States Code, is amended by adding at the end the following*
15 *new subsection:*

16 *“(j)(1) In addition to any other authority under this*
17 *section, in the case of an individual whose grave is not in*
18 *a covered cemetery (as that term is defined in subsection*
19 *(f)(2)) and for whom the Secretary has furnished a head-*
20 *stone or marker under subsection (a) or (d), the Secretary,*
21 *if feasible and upon request, may replace the headstone or*
22 *marker to add an inscription for the surviving spouse or*
23 *eligible dependent child of such individual following the*
24 *death of the surviving spouse or eligible dependent child.*

1 “(2) *If the spouse or eligible dependent child of an in-*
2 *dividual referred to in paragraph (1) predeceases the indi-*
3 *vidual, the Secretary may, if feasible and upon request, in-*
4 *clude an inscription for the spouse or dependent child on*
5 *the headstone or marker furnished for the individual under*
6 *subsection (a) or (d).”.*

7 **(b) APPLICATION.**—*Subsection (j) of section 2306 of*
8 *title 38, United States Code, as added by subsection (a),*
9 *shall apply with respect to an individual who dies on or*
10 *after October 1, 2019.*

Amend the title so as to read: “A bill to amend title 38, United States Code, to exempt transfers of funds from Federal agencies to the Department of Veterans Affairs for nonprofit corporations established under subchapter IV of chapter 73 of such title from certain provisions of the Economy Act, and for other purposes.”.

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