

112TH CONGRESS
2D SESSION

H. R. 6101

To amend title 38, United States Code, to improve educational counseling opportunities for veterans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2012

Ms. CHU (for herself, Mr. RANGEL, Ms. LORETTA SANCHEZ of California, Mr. FILNER, and Mr. JONES) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 38, United States Code, to improve educational counseling opportunities for veterans, and for other purposes.

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. SHORT TITLE.**

4 This Act may be cited as the “Student Veteran Aca-
5 demic Counseling Enhancement Act” or the “Student Vet-
6 eran ACE Act”.

1 **SEC. 2. EDUCATIONAL COUNSELING FOR VETERANS.**

2 (a) IN GENERAL.—Chapter 36 of title 38, United
3 States Code, is amended by adding at the end the fol-
4 lowing new section:

5 **“§ 3698. Educational counseling**

6 “(a) PROVISION OF COUNSELING.—(1) The Sec-
7 retary shall make available educational counseling under
8 this section to covered students in accordance with para-
9 graph (4).

10 “(2) An institution offering a program of education
11 may only be approved for purposes of this chapter if such
12 institution transmits to the Secretary information nec-
13 essary for the Secretary to provide educational counseling
14 under this section, including information relating to ma-
15 triculation requirements, degree information, and enroll-
16 ment requirements and deadlines.

17 “(3) In carrying out paragraph (1), the Secretary
18 shall—

19 “(A) assign one educational counselor per each
20 100 covered students in a geographical area as de-
21 termined by the Secretary; and

22 “(B) provide covered students who are located
23 in remote areas that are not within a geographical
24 area determined under subparagraph (A) with ade-
25 quate opportunities to receive counseling under this
26 section.

1 “(4)(A) A covered student who is a veteran shall
2 automatically receive educational counseling under this
3 section unless the student declines to receive such coun-
4 seling pursuant to subparagraph (C).

5 “(B) A covered student who is not a veteran may
6 elect to receive educational counseling under this section.

7 “(C) The Secretary shall ensure that a covered stu-
8 dent may decline or elect to receive educational counseling
9 under this section pursuant to subparagraph (A) or (B),
10 as the case may be, through a streamlined process on the
11 Internet Web site of the Department.

12 “(b) SCOPE OF COUNSELING.—In providing edu-
13 cational counseling under this section to covered students
14 enrolled in an institution, an educational counselor shall—

15 “(1) answer inquiries by such students regard-
16 ing educational assistance provided by the Depart-
17 ment;

18 “(2) coordinate with the institution to resolve
19 inquiries described by paragraph (1), including in-
20 quiries regarding the payment of such assistance;

21 “(3) assist such students with applications for
22 such assistance;

23 “(4) act as a liaison between the Department
24 and the institution;

1 “(5) provide academic counseling and transition
2 assistance, including—

3 “(A) discussing course work, academic
4 goals, degree progress, workload, and other rel-
5 evant topics; and

6 “(B) providing guidance on—

7 “(i) selecting courses;

8 “(ii) seeking—

9 “(I) additional financial re-
10 sources;

11 “(II) student support services;

12 “(III) tutoring; and

13 “(IV) job placement counseling;

14 and

15 “(iii) understanding benefits provided
16 by the Department and the requirements
17 for receiving educational assistance pro-
18 vided by the Department; and

19 “(6) carry out relevant outreach activities.

20 “(c) LOCATION OF COUNSELORS.—(1) An edu-
21 cational counselor may be located—

22 “(A) on the campus or facility of an institution
23 that elects to allow such counselor to be located at
24 the institution; or

1 “(B) at a facility of the Department, including
2 a Vet Center established under section 1712A of this
3 title or a mobile Vet Center.

4 “(2) The Secretary shall ensure that an educational
5 counselor is able to provide counseling to covered students
6 through the use of interactive technology, including video
7 conferencing using common Internet applications.

8 “(d) PREFERENCE.—In hiring educational counselors
9 under this section, the Secretary shall apply the principles
10 of preference for the hiring of veterans established in sub-
11 chapter I of chapter 33 of title 5.

12 “(e) PERIODIC COUNSELING SESSIONS.—(1) Except
13 as provided by paragraph (3), each covered student as-
14 signed an educational counselor under this section shall
15 attend at least one counseling session per quarter, semes-
16 ter, or term, as the case may be, with such counselor.

17 “(2) Except as provided by paragraph (3), an edu-
18 cational counselor shall notify the Secretary and the rel-
19 evant institution of any covered student who does not at-
20 tend a counseling session under paragraph (1).

21 “(3)(A) The Secretary may waive the periodic coun-
22 seling sessions under paragraph (1) for a covered student
23 if the Secretary determines that such sessions would place
24 an undue hardship on the student.

1 “(B) Paragraph (1) and (2) shall not apply to a cov-
2 ered student who declines to receive educational coun-
3 seling under this section pursuant to subsection (a)(4)(A).

4 “(f) ANNUAL REPORT.—The Secretary shall submit
5 to the Committees on Veterans’ Affairs of the Senate and
6 the House of Representatives an annual report on the edu-
7 cational counseling provided under this section, including
8 the following information listed by each institution:

9 “(1) The number of covered students who re-
10 ceived such counseling during the year covered by
11 the report.

12 “(2) The number of covered students who de-
13 clined such counseling under subsection (a)(4) dur-
14 ing such year.

15 “(3) The number of covered students issued a
16 waiver under subsection (e)(3) during such year.

17 “(4) For each quarter, semester, or term of the
18 institution covered by the report, the number of fail-
19 ing grades earned by covered students receiving such
20 counseling.

21 “(5) The graduation rate of covered students
22 who received such counseling as compared to the
23 overall graduation rate of students during such year.

24 “(g) DEFINITIONS.—In this section:

1 “(1) The term ‘covered student’ means an indi-
2 vidual pursuing an approved program of education
3 using educational assistance under chapter 30, 32,
4 33, or 35 of this title or chapter 1606 or 1607 of
5 title 10.

6 “(2) The term ‘educational counselor’ means an
7 employee of the Department who provides edu-
8 cational counseling under this section.

9 “(3) The term ‘institution’ means an institution
10 that offers an approved program of education.

11 “(4) The term ‘approved program of education’
12 means a program of education that may be pursued
13 using educational assistance under chapter 30, 32,
14 33, or 35 of this title or chapter 1606 or 1607 of
15 title 10.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of such chapter is amended by adding
18 after the item relating to section 3697A the following new
19 item:

 “3698. Educational counseling.”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect on the date that is 180 days
22 after the date of the enactment of this Act.

23 (d) USE OF CURRENT PROGRAMS.—The Secretary of
24 Veterans Affairs may—

1 (1) use a current program of the Department
2 of Veterans Affairs as of the date of the enactment
3 of this Act, including the VetSuccess on Campus
4 program, to carry out section 3698 of title 38,
5 United States Code, as added by subsection (a), if
6 the Secretary determines such program meets the
7 requirements of such section; or

8 (2) expand such a current program to carry out
9 such section 3698.

10 (e) COOPERATION AND CONSULTATION.—The Sec-
11 retary of Veterans Affairs shall consult and cooperate with
12 the Secretary of Defense, the Secretary of Education, and
13 any other appropriate head of a Federal department or
14 agency in carrying out the amendments made by this Act.

15 **SEC. 3. TRAINING AND COUNSELING SO VETERANS AND**
16 **MEMBERS OF THE ARMED FORCES CAN**
17 **MAKE INFORMED DECISIONS ABOUT EDU-**
18 **CATION.**

19 (a) IN GENERAL.—Chapter 36 of title 38, United
20 States Code, is further amended by adding after section
21 3698, as added by section 2(a), the following new section:

22 **“§ 3699. Required one-on-one educational counseling**

23 “(a) PROVISION OF COUNSELING REQUIRED.—(1)
24 The Secretary of Veterans Affairs shall provide individual-
25 ized, one-on-one educational counseling to an individual

1 considering pursuing a program of education with assist-
2 ance furnished under this chapter or any of chapters 30
3 through 35 of this title unless the individual declines to
4 receive such counseling. The Secretary shall ensure that
5 an individual may decline to receive such counseling
6 through a streamlined process on the Internet Web site
7 of the Department of Veterans Affairs.

8 “(2) The Secretary of Defense shall provide individ-
9 ualized, one-on-one educational counseling to an individual
10 considering pursuing a program of education with assist-
11 ance furnished under chapter 106A or 1606 of title 10
12 unless the individual declines to receive such counseling.
13 The Secretary shall ensure that an individual may decline
14 to receive such counseling through a streamlined process
15 on the Internet Web site of the Department of Defense.

16 “(b) TIME AND MANNER OF COUNSELING.—(1)
17 Counseling provided under subsection (a) to an individual
18 described in such subsection considering a program of
19 education shall be provided at or before the individual en-
20 rolls in such program as follows:

21 “(A) To such individuals who have received
22 fewer than $\frac{1}{3}$ of the credits necessary to complete
23 the program of education, a complete version of such
24 counseling.

1 “(B) To such individuals who have received $\frac{1}{3}$
2 or more of the credits necessary to complete the pro-
3 gram of education, a condensed version of such
4 counseling as the Secretary of Veterans Affairs or
5 the Secretary of Defense, as the case may be, con-
6 siders appropriate.

7 “(2) To the extent practicable, counseling provided
8 under subsection (a) to an individual described in para-
9 graph (1)(A) of this subsection shall be provided in per-
10 son.

11 “(3) The Secretary of Veterans Affairs and the Sec-
12 retary of Defense shall each establish, by regulation, pro-
13 cedures by which individuals may receive counseling pro-
14 vided under subsection (a) when receipt of such counseling
15 in person is not practicable.

16 “(c) ELEMENTS.—A complete version of counseling
17 provided under subsection (b)(1) for an individual shall
18 include the following:

19 “(1) An overview of educational assistance
20 available to the individual under this chapter and
21 chapters 30 through 35 of this title or under chap-
22 ters 106A and 1606 of title 10, as the case may be.

23 “(2) Development of a personalized academic
24 and career plan.

1 “(3) An overview of the information disclosed
2 and made readily available under section 3672(f)(1)
3 of this title relevant to the academic and career plan
4 developed under paragraph (2).

5 “(4) A discussion of how enrollment in the pro-
6 gram of education at the educational institution will
7 affect the individual’s academic and career plan and
8 the financial implications for such individual of such
9 enrollment.

10 “(5) An introduction to the College Navigator
11 Internet Web site of the Department of Education.

12 “(d) QUALIFIED COUNSELORS.—Counseling provided
13 under subsection (a) may only be provided by properly
14 trained counselors, as determined by the Secretary of Vet-
15 erans Affairs and the Secretary of Defense.

16 “(e) USE OF INFORMATION DISCLOSED BY EDU-
17 CATIONAL INSTITUTIONS.—In providing educational as-
18 sistance under this section, the Secretary of Veterans Af-
19 fairs and the Secretary of Defense shall, to the degree
20 practicable, use the information disclosed and made read-
21 ily available under section 3672(f)(1) of this title.

22 “(f) LINKS TO COLLEGE NAVIGATOR INTERNET WEB
23 SITE OF DEPARTMENT OF EDUCATION.—The Secretary
24 of Veterans Affairs and the Secretary of Defense shall pro-
25 vide links on the Internet Web sites of the Department

1 of Veterans Affairs of the Department of Defense, respec-
 2 tively, to the College Navigator Internet Web site of the
 3 Department of Education in such a manner as the Sec-
 4 retary of Veterans Affairs and the Secretary of Defense
 5 consider appropriate to inform veterans and members of
 6 the Armed Forces of the availability of and the benefits
 7 of using the College Navigator Internet Web site.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
 9 for chapter 36 of such title, as amended by section 2(b),
 10 is amended by adding at the end the following new item:

“3699. Required one-on-one educational counseling.”.

11 (c) CLARIFICATION.—

12 (1) HEADING OF SECTION 3697A OF TITLE 38.—

13 Section 3697A of such title is amended, in the head-
 14 ing, by adding “**by election**” at the end.

15 (2) TABLE OF SECTIONS.—The table of sections
 16 for chapter 36 of such title is amended by amending
 17 the item relating to section 3697A to read as fol-
 18 lows:

“3697A. Educational and vocational counseling by election.”.

19 (d) EFFECTIVE DATE.—Section 3697B of such title,
 20 as added by paragraph (1), shall take effect on August
 21 1, 2013, and shall apply with respect to individuals consid-
 22 ering pursuing programs of education as described in sub-
 23 section (a) of such section after such date.

1 **SEC. 4. REPEAL OF LIMITATION ON PAYMENTS FOR CON-**
2 **TRACT EDUCATIONAL AND VOCATIONAL**
3 **COUNSELING PROVIDED BY SECRETARY OF**
4 **VETERANS AFFAIRS.**

5 Section 3697 of title 38, United States Code, is
6 amended—

7 (1) by striking subsection (b);

8 (2) in subsection (a), by striking “(a) Subject
9 to subsection (b) of this section, educational” and
10 inserting “Educational”; and

11 (3) by striking “section 3697A” and inserting
12 “sections 3697A, 3698, or 3699”.

13 **SEC. 5. VETERANS’ EDUCATION CONSUMER COMPLAINT**
14 **TRACKING SYSTEM.**

15 (a) **IN GENERAL.**—Chapter 36 of title 38, United
16 States Code, is further amended by inserting after section
17 3693 the following new section:

18 **“§ 3693A. Complaint tracking system**

19 “(a) **ESTABLISHMENT.**—Not later than 180 days
20 after the date of the enactment of this section, the Sec-
21 retary shall establish a system to collect, process, and
22 track complaints submitted to the Secretary by individuals
23 who are enrolled in programs of education at educational
24 institutions to report instances of fraud, waste, and abuse
25 by such institutions with respect to the benefits and serv-
26 ices provided by such institutions to such individuals.

1 “(b) REQUIREMENTS.—This system established
2 under subsection (a) shall meet the following require-
3 ments:

4 “(1) The system shall create an individual case
5 number for each complaint processed and tracked in
6 the system.

7 “(2) The system shall allow for the reporting of
8 complaints, disaggregated by educational institution.

9 “(3) The system shall allow for the reporting of
10 complaints, disaggregated by topic or subject matter.

11 “(4) The system shall allow for the submittal of
12 complaints by—

13 “(A) Internet Web site; and

14 “(B) telephone via a toll-free number that
15 is available every day at all hours.

16 “(5) The system shall allow for the sharing of
17 complaints with the following:

18 “(A) The educational institutions that are
19 the subjects of the complaints.

20 “(B) The Secretary of Education.

21 “(C) The Secretary of Defense.

22 “(D) State approving agencies.

23 “(E) Nationally or regionally recognized
24 accrediting agencies and associations.

1 “(F) Such other Federal agencies as the
2 Secretary of Veterans Affairs considers appro-
3 priate.

4 “(c) OUTREACH.—The Secretary shall conduct such
5 outreach as may be necessary to inform individuals de-
6 scribed in subsection (a) of the system and process estab-
7 lished under such subsection.

8 “(d) CONSIDERATION BY STATE APPROVING AGEN-
9 CIES.—Whenever a State approving agency considers
10 whether to approve a course of education of an educational
11 institution under this chapter, the State approving agency
12 shall review and take into consideration the complaints
13 processed and tracked by the system established under
14 subsection (a) regarding the educational institution.

15 “(e) PRIVACY.—(1) Whenever a complaint is shared
16 under subsection (b)(5), the complaint shall be
17 anonymized, unless the complainant gives permission to
18 the Secretary to share the complainant’s identity.

19 “(2) The Secretary may not share a complaint under
20 subsection (b)(5) with an educational institution if the
21 complainant requests that such complaint not be shared
22 with an educational institution.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of chapter 36 of such title is amended

- 1 by inserting after the item relating to section 3693 the
- 2 following new item:

“3693A. Complaint tracking system.”.

