

Union Calendar No. 563

114TH CONGRESS
2^D SESSION

H. R. 5178

[Report No. 114-727]

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide educational and vocational counseling for veterans on campuses of institutions of higher learning, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2016

Mr. WENSTRUP (for himself, Mr. TAKANO, and Miss RICE of New York) introduced the following bill; which was referred to the Committee on Veterans' Affairs

SEPTEMBER 7, 2016

Additional sponsor: Mrs. RADEWAGEN

SEPTEMBER 7, 2016

Reported with an amendment, 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 italic]

[For text of introduced bill, see copy of bill as introduced on May 10, 2016]

A BILL

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide educational and vocational counseling for veterans on campuses of institutions of higher learning, 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 “Veterans Success on*
5 *Campus Act of 2016”.*

6 **SEC. 2. DEPARTMENT OF VETERANS AFFAIRS PROVISION**
7 **OF ON-CAMPUS EDUCATIONAL AND VOCA-**
8 **TIONAL COUNSELING FOR VETERANS.**

9 *(a) IN GENERAL.—Chapter 36 of title 38, United*
10 *States Code, is amended by inserting after section 3697A*
11 *the following new section:*

12 **“§ 3697B. On-campus educational and vocational**
13 **counseling**

14 *“(a) IN GENERAL.—The Secretary shall provide edu-*
15 *cational and vocational counseling services for veterans at*
16 *locations on the campuses of institutions of higher learning*
17 *selected by the Secretary. Such counseling services shall be*
18 *provided by employees of the Department who provide such*
19 *services under section 3697A of this title.*

20 *“(b) SELECTION OF LOCATIONS.—(1) To be selected by*
21 *the Secretary under this section, an institution of higher*
22 *learning shall provide an appropriate space on the campus*
23 *of the institution where counseling services can be provided*
24 *under this section.*

1 “(2) *In selecting locations for the provision of coun-*
2 *seling services under this section, the Secretary shall seek*
3 *to select locations where the maximum number of veterans*
4 *would have access to such services.*

5 “(c) *ANNUAL REPORT.*—*Not later than 180 days after*
6 *the date of the enactment of this section, and each year*
7 *thereafter, the Secretary shall submit to Congress a report*
8 *on the counseling services provided under this section. Such*
9 *report shall include, for the year covered by the report—*

10 “(1) *the average ratio of counselors providing*
11 *such services to veterans who received such services at*
12 *each location where such services were provided;*

13 “(2) *a description of such services provided;*

14 “(3) *the recommendations of the Secretary for*
15 *improving the provision of such services; and*

16 “(4) *any other matters the Secretary determines*
17 *appropriate.”.*

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

“3697B. On-campus educational and vocational counseling.”.

1 **SEC. 3. CHARGE TO ENTITLEMENT FOR CERTAIN LICEN-**
2 **SURE AND CERTIFICATION TESTS AND NA-**
3 **TIONAL TESTS UNDER DEPARTMENT OF VET-**
4 **ERANS AFFAIRS POST-9/11 EDUCATIONAL AS-**
5 **SISTANCE PROGRAM.**

6 (a) *LICENSURE AND CERTIFICATION TESTS.*—Section
7 3315(c) of title 38, United States Code, is amended by strik-
8 ing “shall be determined” and all that follows and inserting
9 “shall be pro-rated based on the actual amount of the fee
10 charged for the test.”.

11 (b) *NATIONAL TESTS.*—Section 3315A of such title is
12 amended—

13 (1) in subsection (a), by adding at the end the
14 following new paragraph:

15 “(3) A national test that evaluates prior learn-
16 ing and knowledge and provides an opportunity for
17 course credit at an institution of higher learning as
18 so described.”; and

19 (2) in subsection (c), by striking “shall be deter-
20 mined” and all that follows and inserting “shall be
21 pro-rated based on the actual amount of the fee
22 charged for the test.”.

23 (c) *EFFECTIVE DATE.*—The amendments made by this
24 Act shall apply to a test taken after the date that is 90
25 days after the date of the enactment of this Act.

1 **SEC. 4. MODIFICATION OF PERCENTAGE INCREASE IN**
2 **RATES PAYABLE UNDER DEPARTMENT OF**
3 **VETERANS AFFAIRS EDUCATIONAL ASSIST-**
4 **ANCE PROGRAMS.**

5 (a) *ALL-VOLUNTEER FORCE*.—Section 3015(h)(2) of
6 title 38, United States Code, is amended—

7 (1) by striking “fiscal year 2014” and inserting
8 “fiscal year 2025”; and

9 (2) by striking “fiscal year 2013” and inserting
10 “fiscal year 2024”.

11 (b) *SURVIVORS AND DEPENDENTS*.—Section 3564(b)
12 of such title is amended—

13 (1) by striking “fiscal year 2014” and inserting
14 “fiscal year 2025”; and

15 (2) by striking “fiscal year 2013” and inserting
16 “fiscal year 2024”.

17 **SEC. 5. EXTENSION OF AUTHORITY FOR VETERANS’ ADVI-**
18 **SORY COMMITTEE ON EDUCATION.**

19 Section 3692(c) of such title is amended by striking
20 “December 31, 2016” and inserting “December 31, 2021”.

21 **SEC. 6. TRAINING FOR SCHOOL CERTIFYING OFFICIALS.**

22 (a) *TRAINING REQUIREMENT*.—The Secretary of Vet-
23 erans Affairs shall, in consultation with the State approv-
24 ing agencies, set forth requirements relating to training for
25 school certifying officials employed by covered educational
26 institutions offering courses of education approved under

1 *chapter 36 of title 38, United States Code. If a covered edu-*
2 *cational institution does not ensure that a school certifying*
3 *official employed by the educational institution meets such*
4 *requirements, the Secretary may disapprove any course of*
5 *education offered by such educational institution.*

6 (b) *DEFINITIONS.—In this section:*

7 (1) *The term “covered educational institution”*
8 *means an educational institution that has enrolled 20*
9 *or more individuals using educational assistance*
10 *under title 38, United States Code.*

11 (2) *The term “school certifying official” means*
12 *an employee of an educational institution with pri-*
13 *mary responsibility for certifying veteran enrollment*
14 *at the educational institution.*

15 (3) *The term “State approving agency” means a*
16 *department or agency of a State designated under sec-*
17 *tion 3671 of title 38, United States Code.*

18 **SEC. 7. LIMITATION ON USE OF REPORTING FEES PAYABLE**
19 **TO EDUCATIONAL INSTITUTIONS AND JOINT**
20 **APPRENTICESHIP TRAINING COMMITTEES.**

21 *Section 3684(c) of title 38, United States Code, is*
22 *amended to read as follows:*

23 *“(c)(1) The Secretary may pay to any educational in-*
24 *stitution, or to the sponsor of a program of apprenticeship,*
25 *furnishing education or training under either this chapter*

1 or chapter 31, 34, or 35 of this title, a reporting fee which
2 will be in lieu of any other compensation or reimbursement
3 for reports or certifications which such educational institu-
4 tion or joint apprenticeship training committee is required
5 to submit to the Secretary by law or regulation.

6 “(2) Such reporting fee shall be computed for each cal-
7 endar year by multiplying \$12 by the number of eligible
8 veterans or eligible persons enrolled under this chapter or
9 chapter 31, 34, or 35 of this title, or \$15 in the case of
10 those eligible veterans and eligible persons whose edu-
11 cational assistance checks are directed in care of each insti-
12 tution for temporary custody and delivery and are delivered
13 at the time of registration as provided under section
14 3680(d)(4) of this title, during the calendar year. The re-
15 porting fee shall be paid to such educational institution or
16 joint apprenticeship training committee as soon as feasible
17 after the end of the calendar year for which it is applicable.

18 “(3) No reporting fee payable to an educational insti-
19 tution under this subsection shall be subject to offset by the
20 Secretary against any liability of such institution for any
21 overpayment for which such institution may be administra-
22 tively determined to be liable under section 3685 of this title
23 unless such liability is not contested by such institution or
24 has been upheld by a final decree of a court of appropriate
25 jurisdiction.

1 “(4) Any reporting fee paid to an educational institu-
2 tion or joint apprenticeship training committee after the
3 date of the enactment of the Post-9/11 Veterans Educational
4 Assistance Improvements Act of 2011 (Public Law 111–
5 377)—

6 “(A) shall be utilized by such institution or com-
7 mittee solely for the making of certifications required
8 under this chapter or chapter 31, 34, or 35 of this
9 title or for otherwise supporting programs for vet-
10 erans; and

11 “(B) with respect to an institution that has 75
12 or more enrollees described in paragraph (2), may not
13 be used for or merged with amounts available for the
14 general fund of the educational institution or joint
15 apprenticeship training committee.

16 “(5) The reporting fee payable under this subsection
17 shall be paid from amounts appropriated for readjustment
18 benefits.”.

19 **SEC. 8. DEPARTMENT OF VETERANS AFFAIRS INSPECTOR**
20 **GENERAL HEIGHTENED SCRUTINY OF PRO-**
21 **GRAMS OF EDUCATION.**

22 (a) *IN GENERAL.*—Subchapter II of chapter 36 of title
23 38, United States Code, is amended by adding at the end
24 the following new section:

1 **“§ 3699. Inspector General heightened scrutiny of pro-**
2 **grams of education**

3 “(a) *HEIGHTENED SCRUTINY REQUIRED.—The In-*
4 *spector General of the Department shall apply heightened*
5 *scrutiny to any program of education if any Federal or*
6 *State agency has made a final judgment or settlement that*
7 *the program of education used deceptive or misleading*
8 *practices that are potentially in violation of section 3696*
9 *of this title.*

10 “(b) *NOTICE TO STUDENTS.—(1) Upon commencement*
11 *of heightened scrutiny with respect to a program of edu-*
12 *cation under this section, the Secretary shall provide notice*
13 *of the heightened scrutiny and the reasons for such height-*
14 *ened scrutiny to any individual who—*

15 “(A) *is enrolled in a course of education ap-*
16 *proved under this chapter provided by the program of*
17 *education; and*

18 “(B) *is entitled to educational assistance under*
19 *the laws administered by the Secretary.*

20 “(2) *The Secretary shall provide to any individual*
21 *who receives notice under this subsection advice that the in-*
22 *dividual—*

23 “(A) *request a copy of the individual’s tran-*
24 *script; and*

1 “(B) seek counseling from an appropriate advi-
 2 sor about transferring any credits earned at the pro-
 3 gram of education.

4 “(c) *MONITORING OF ALLEGATIONS.*—*The Secretary*
 5 *shall monitor allegations of deceptive and misleading prac-*
 6 *tices made against programs of education offering courses*
 7 *of education approved for purposes of this chapter, includ-*
 8 *ing Federal and State investigations. The Secretary shall*
 9 *include information about any such allegation on the GI*
 10 *Bill Comparison Tool, or any similar Internet website of*
 11 *the Department.”.*

12 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 13 *the beginning of such chapter is amended by adding at the*
 14 *end of the items relating to subchapter II the following new*
 15 *item:*

 “3699. *Inspector General heightened scrutiny of programs of education.”.*

16 **SEC. 9. DEPARTMENT OF VETERANS AFFAIRS DISAPPROVAL**
 17 **OF COURSES OF EDUCATION OFFERED BY IN-**
 18 **STITUTIONS OF HIGHER LEARNING ACCUSED**
 19 **OF CERTAIN DECEPTIVE OR MISLEADING**
 20 **PRACTICES.**

21 *Section 3679 of title 38, United States Code, is amend-*
 22 *ed by adding at the end the following new subsection:*

23 “(d)(1) *The Secretary shall disapprove a course of edu-*
 24 *cation provided by an institution of higher learning if the*
 25 *Secretary determines pursuant to heightened scrutiny ap-*

1 *plied by the Inspector General under section 3699 of this*
2 *title that the institution of higher learning has engaged in*
3 *practices that are in violation of section 3696 of this title.*

4 *“(2) The Secretary shall provide counseling services to*
5 *individuals enrolled in a course of education disapproved*
6 *under paragraph (1) to assist such individuals in transfer-*
7 *ring to another institution of higher learning.”.*

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