

Union Calendar No. 66

113TH CONGRESS
1ST SESSION

H. R. 357

[Report No. 113-94]

To amend title 38, United States Code, to require courses of education provided by public institutions of higher education that are approved for purposes of the educational assistance programs administered by the Secretary of Veterans Affairs to charge veterans tuition and fees at the in-State tuition rate.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2013

Mr. MILLER of Florida (for himself and Mr. MICHAUD) introduced the following bill; which was referred to the Committee on Veterans' Affairs

JUNE 3, 2013

Additional sponsors: Mr. JONES, Mr. GRIFFIN of Arkansas, Mr. NUGENT, Mr. PASTOR of Arizona, Mr. O'ROURKE, Mr. ROSS, Mr. HUNTER, Mrs. MCCARTHY of New York, Mr. WILSON of South Carolina, Mr. COLLINS of New York, Mr. CICILLINE, Mr. COLE, Mr. RUIZ, Ms. WILSON of Florida, Mr. LOBIONDO, Mr. LAMBORN, Mr. PETERSON, Ms. FRANKEL of Florida, Mr. WALZ, Ms. SHEA-PORTER, Ms. TITUS, Mr. YOUNG of Alaska, Ms. SEWELL of Alabama, Mr. TAKANO, Mr. JOHNSON of Ohio, Mr. COURTNEY, Mr. HONDA, Mr. STIVERS, Mrs. NEGRETE MCLEOD, Ms. SCHWARTZ, Mr. BISHOP of New York, Mr. CARSON of Indiana, Mrs. KIRKPATRICK, Ms. KUSTER, Mr. BENISHEK, Mr. HOLT, Mr. LATTA, Mr. BILIRAKIS, Mr. AMODEI, Mr. RUNYAN, Mr. FORBES, Mr. BARBER, Mr. ROE of Tennessee, Mr. PETERS of California, Ms. BROWNLEY of California, Mrs. WALORSKI, Mr. MESSER, Ms. SINEMA, and Mr. GERLACH

JUNE 3, 2013

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 italic]

[For text of introduced bill, see copy of bill as introduced on January 23, 2013]

A BILL

To amend title 38, United States Code, to require courses of education provided by public institutions of higher education that are approved for purposes of the educational assistance programs administered by the Secretary of Veterans Affairs to charge veterans tuition and fees at the in-State tuition rate.

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; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the “GI*
 5 *Bill Tuition Fairness Act of 2013”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 7 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

Sec. 3. Approval of courses of education provided by public educational institu-
tions for purposes of educational assistance programs adminis-
tered by Secretary of Veterans Affairs conditional on in-State
tuition rate for veterans.

Sec. 4. Extension of authorization of appropriations for payment of a monthly
assistance allowance to disabled veterans training or competing
for the Paralympic Team.

Sec. 5. Extension of authorization of appropriations for assistance to United
States Paralympics, Inc.

Sec. 6. Clarification of eligibility for services under the Homeless Veterans Re-
integration Program.

Sec. 7. Extension of eligibility period for vocational rehabilitation programs.

Sec. 8. Work-study allowance.

Sec. 9. Responsibilities of the Directors of Veterans’ Employment and Training.

Sec. 10. Contents of Transition Assistance Program.

Sec. 11. Three-month extension of Veterans Retraining Assistance Program.

Sec. 12. Increase in rates of disability compensation and dependency and indem-
nity compensation.

Sec. 13. Performance awards in the senior executive service.

8 **SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

9 *Except as otherwise expressly provided, whenever in*
 10 *this Act an amendment or repeal is expressed in terms of*
 11 *an amendment to, or a repeal of, a section or other provi-*
 12 *sion, the reference shall be considered to be made to a section*
 13 *or other provision of title 38, United States Code.*

1 **SEC. 3. APPROVAL OF COURSES OF EDUCATION PROVIDED**
2 **BY PUBLIC EDUCATIONAL INSTITUTIONS FOR**
3 **PURPOSES OF EDUCATIONAL ASSISTANCE**
4 **PROGRAMS ADMINISTERED BY SECRETARY**
5 **OF VETERANS AFFAIRS CONDITIONAL ON IN-**
6 **STATE TUITION RATE FOR VETERANS.**

7 (a) *IN GENERAL.*—Section 3679 is amended by adding
8 *at the end the following new subsection:*

9 “(c) *Notwithstanding any other provision of this sub-*
10 *title, the Secretary or the Secretary’s designee shall dis-*
11 *approve a course of education provided by a public edu-*
12 *cational institution unless the institution charges tuition*
13 *and fees for a veteran at up to the same rate as the institu-*
14 *tion charges for residents of the State in which the institu-*
15 *tion is located, regardless of the veteran’s State of residence.*
16 *The Secretary shall notify the State approving agency of*
17 *the Secretary’s disapproval of a course of education under*
18 *this subsection.”.*

19 (b) *TREATMENT OF ENROLLED BENEFITS RECIPI-*
20 *ENTS.*—

21 (1) *IN GENERAL.*—*In the case of a veteran or eli-*
22 *gible person who is enrolled before July 1, 2015, in*
23 *a course of education provided by a public edu-*
24 *cational institution that was approved under chapter*
25 *36 of title 38, United States Code, at the time of the*
26 *initial enrollment of the veteran or eligible person but*

1 *that is disapproved by the Secretary of Veterans Af-*
2 *fairs or the Secretary's designee by reason of sub-*
3 *section (c) of section 3679 of such title, as added by*
4 *subsection (a), the Secretary shall treat such institu-*
5 *tion as an institution that is approved under such*
6 *chapter for purposes of the laws administered by the*
7 *Secretary with respect to the veteran or eligible per-*
8 *son until the veteran or eligible person completes the*
9 *program of education in which the veteran or eligible*
10 *person is enrolled.*

11 (2) *TERMINATION.*—

12 (A) *LIMITATION.*—*Except as provided in*
13 *subparagraph (B), the Secretary of Veterans Af-*
14 *fairs may not treat such an institution as an*
15 *approved institution under paragraph (1) after*
16 *July 1, 2019.*

17 (B) *WAIVER.*—*The Secretary may waive the*
18 *limitation under subparagraph (A) if the Sec-*
19 *retary determines such a waiver is appropriate.*

20 (c) *EFFECTIVE DATE.*—*Subsection (c) of section 3679*
21 *of title 38, United States Code, as added by subsection (a)*
22 *shall apply with respect to educational assistance provided*
23 *after July 1, 2015.*

1 **SEC. 4. EXTENSION OF AUTHORIZATION OF APPROPRIA-**
2 **TIONS FOR PAYMENT OF A MONTHLY ASSIST-**
3 **ANCE ALLOWANCE TO DISABLED VETERANS**
4 **TRAINING OR COMPETING FOR THE**
5 **PARALYMPIC TEAM.**

6 *Section 322(d)(4) is amended by striking “2013” and*
7 *inserting “2018”.*

8 **SEC. 5. EXTENSION OF AUTHORIZATION OF APPROPRIA-**
9 **TIONS FOR ASSISTANCE TO UNITED STATES**
10 **PARALYMPICS, INC.**

11 *Section 521A is amended—*

12 *(1) in subsection (g), by striking “2013” and in-*
13 *serting “2018”; and*

14 *(2) in subsection (l), by striking “2013” and in-*
15 *serting “2018”.*

16 **SEC. 6. CLARIFICATION OF ELIGIBILITY FOR SERVICES**
17 **UNDER THE HOMELESS VETERANS RE-**
18 **INTEGRATION PROGRAM.**

19 *Subsection (a) of section 2021 is amended by striking*
20 *“reintegration of homeless veterans into the labor force.”*
21 *and inserting the following: “reintegration into the labor*
22 *force of—”*

23 *“(1) homeless veterans;*

24 *“(2) veterans participating in the Department of*
25 *Veterans Affairs supported housing program for*
26 *which rental assistance provided pursuant to section*

1 8(o)(19) of the United States Housing Act of 1937 (42
2 U.S.C. 1437f(o)(19)); and
3 “(3) veterans who are transitioning from being
4 incarcerated.”.

5 **SEC. 7. EXTENSION OF ELIGIBILITY PERIOD FOR VOCA-**
6 **TIONAL REHABILITATION PROGRAMS.**

7 (a) *EXTENSION.*—Section 3103 is amended by striking
8 “twelve-year period” and inserting “17-year period” each
9 place it appears.

10 (b) *EFFECTIVE DATE.*—The amendment made by sub-
11 section (a) shall apply with respect to a veteran applying
12 for assistance under chapter 31 of title 38, United States
13 Code, on or after the date of the enactment of this Act.

14 **SEC. 8. WORK-STUDY ALLOWANCE.**

15 Section 3485(a)(4) is amended by striking “June 30,
16 2013” each place it appears and inserting “June 30, 2018”.

17 **SEC. 9. RESPONSIBILITIES OF THE DIRECTORS OF VET-**
18 **ERANS’ EMPLOYMENT AND TRAINING.**

19 Section 4103 is amended—

20 (1) by redesignating subsection (b) as subsection
21 (c); and

22 (2) by inserting after subsection (a) the following
23 new subsection (b):

1 “(b) *RESPONSIBILITIES.*—*Each Director assigned to a*
2 *State under subsection (a) shall carry out the following re-*
3 *sponsibilities:*

4 “(1) *Monitoring the performance of veterans’*
5 *training and employment programs in the State,*
6 *with special emphasis on services to disabled veterans.*

7 “(2) *Monitoring the performance of the State*
8 *workforce agency in complying with section 4212 of*
9 *this title.*

10 “(3) *Suggesting to the Assistant Secretary of*
11 *Labor for Veterans’ Employment and Training cor-*
12 *rective actions that could be taken by the State work-*
13 *force agency to address deficiencies in the perform-*
14 *ance of veterans’ training and employment programs*
15 *in the State.*

16 “(4) *Annually negotiating with the State work-*
17 *force agency to establish performance goals for vet-*
18 *erans’ training and employment programs in the*
19 *State.*

20 “(5) *Reviewing the State’s requests for funding*
21 *for veterans’ training and employment programs and*
22 *providing advice to the State workforce agency and*
23 *the Assistant Secretary regarding such funding re-*
24 *quests.*

1 “(6) *Forwarding complaints regarding possible*
2 *violations of chapter 43 of this title to the appropriate*
3 *Regional Administrator or to the to the Assistant Sec-*
4 *retary, as required.*

5 “(7) *Carrying out grant officer technical rep-*
6 *resentative responsibilities for grants issued under*
7 *programs administered by the Department.*

8 “(8) *Providing advice to the State workforce*
9 *agency on strategies to market veterans to employers.*

10 “(9) *Supervising and managing all support*
11 *staff, including Assistant Directors, establishing work-*
12 *load priorities, managing all personnel actions, and*
13 *evaluating all assigned personnel.*

14 “(10) *Submitting to the Assistant Secretary reg-*
15 *ular reports on the matters described in paragraphs*
16 *(1), (2), (4), and (8), and any other matters the As-*
17 *stant Secretary determine appropriate.*

18 “(11) *Performing such other related duties as di-*
19 *rected by the Assistant Secretary.”.*

20 **SEC. 10. CONTENTS OF TRANSITION ASSISTANCE PRO-**
21 **GRAM.**

22 (a) *IN GENERAL.*—Section 1144 of title 10, United
23 *States Code, is amended—*

24 (1) *in subsection (b), by adding at the end the*
25 *following new paragraph:*

1 “(9) *Provide information about disability-related*
2 *employment and education protections.*”

3 (2) *by redesignating subsections (c), (d), and (e),*
4 *as subsections (d), (e), and (f), respectively; and*

5 (3) *by inserting after subsection (b) the following*
6 *new subsection (c):*

7 “(c) *ADDITIONAL ELEMENTS OF PROGRAM.—The*
8 *mandatory program carried out by this section shall in-*
9 *clude—*

10 “(1) *for any such member who plans to use the*
11 *member’s entitlement to educational assistance under*
12 *title 38—*

13 “(A) *instruction providing an overview of*
14 *the use of such entitlement; and*

15 “(B) *testing to determine academic readi-*
16 *ness for post-secondary education, courses of*
17 *post-secondary education appropriate for the*
18 *member, courses of post-secondary education*
19 *compatible with the member’s education goals,*
20 *and instruction on how to finance the member’s*
21 *post-secondary education; and*

22 “(2) *instruction in the benefits under laws ad-*
23 *ministered by the Secretary of Veterans Affairs and*
24 *in other subjects determined by the Secretary con-*
25 *cerned.*”

1 (b) *DEADLINE FOR IMPLEMENTATION.*—*The program*
2 *carried out under section 1144 of title 10, United States*
3 *Code, shall comply with the requirements of subsections*
4 *(b)(9) and (c) of such section, as added by subsection (a),*
5 *by not later than April 1, 2015.*

6 (c) *FEASIBILITY STUDY.*—*Not later than 270 days*
7 *after the date of the enactment of this Act, the Secretary*
8 *of Veterans Affairs shall submit to the Committees on Vet-*
9 *erans' Affairs of the Senate and House of Representatives*
10 *the results of a study carried out by the Secretary to deter-*
11 *mine the feasibility of providing the instruction described*
12 *in subsection (b) of section 1142 of title 10, United States*
13 *Code, at all overseas locations where such instruction is pro-*
14 *vided by entering into a contract jointly with the Secretary*
15 *of Labor for the provision of such instruction.*

16 **SEC. 11. THREE-MONTH EXTENSION OF VETERANS RE-**
17 **TRAINING ASSISTANCE PROGRAM.**

18 (a) *EXTENSION.*—*Section 211 of the VOW to Hire He-*
19 *roes Act of 2011 (Public Law 112–56; 125 Stat. 713; 38*
20 *U.S.C. 4100 note) is amended—*

21 (1) *in subsection (a)(2)(B), by striking “March*
22 *31, 2014” and inserting “June 30, 2014”; and*

23 (2) *in subsection (k), by striking “March 31,*
24 *2014” and inserting “June 30, 2014”.*

25 (b) *INTERIM REPORT.*—

1 (1) *REPORT REQUIRED.*—Not later than 30 days
2 after the date of the enactment of this Act, the Sec-
3 retary of Veterans Affairs, in collaboration with the
4 Secretary of Labor, shall submit to the appropriate
5 committees of Congress an interim report on the re-
6 training assistance provided under section 211 of the
7 VOW to Hire Heroes Act of 2011 (Public Law 112-
8 56; 125 Stat. 713; 38 U.S.C. 4100 note).

9 (2) *ELEMENTS.*—The report required by para-
10 graph (1) shall include the following:

11 (A) *The total number of—*

12 (i) *eligible veterans who have partici-*
13 *ipated in the program established under such*
14 *section as of the date of the enactment of*
15 *this Act; and*

16 (ii) *associates degrees or certificates*
17 *awarded (or other similar evidence of the*
18 *completion of the program of education or*
19 *training earned) to veterans participating*
20 *in the program established under such sec-*
21 *tion as of such date.*

22 (B) *Data related to the employment status*
23 *of eligible veterans who participated in such pro-*
24 *gram.*

1 **SEC. 12. INCREASE IN RATES OF DISABILITY COMPENSA-**
2 **TION AND DEPENDENCY AND INDEMNITY**
3 **COMPENSATION.**

4 (a) *RATE ADJUSTMENT.*—Effective on December 1,
5 2013, the Secretary of Veterans Affairs shall increase, in
6 accordance with subsection (c), the dollar amounts in effect
7 on November 30, 2013, for the payment of disability com-
8 pensation and dependency and indemnity compensation
9 under the provisions specified in subsection (b).

10 (b) *AMOUNTS TO BE INCREASED.*—The dollar
11 amounts to be increased pursuant to subsection (a) are the
12 following:

13 (1) *WARTIME DISABILITY COMPENSATION.*—Each
14 of the dollar amounts under section 1114 of title 38,
15 United States Code.

16 (2) *ADDITIONAL COMPENSATION FOR DEPEND-*
17 *ENTS.*—Each of the dollar amounts under section
18 1115(1) of such title.

19 (3) *CLOTHING ALLOWANCE.*—The dollar amount
20 under section 1162 of such title.

21 (4) *DEPENDENCY AND INDEMNITY COMPENSA-*
22 *TION TO SURVIVING SPOUSE.*—Each of the dollar
23 amounts under subsections (a) through (d) of section
24 1311 of such title.

1 (5) *DEPENDENCY AND INDEMNITY COMPENSA-*
2 *TION TO CHILDREN.*—*Each of the dollar amounts*
3 *under sections 1313(a) and 1314 of such title.*

4 (c) *DETERMINATION OF INCREASE.*—

5 (1) *PERCENTAGE.*—*Except as provided in para-*
6 *graph (2), each dollar amount described in subsection*
7 *(b) shall be increased by the same percentage as the*
8 *percentage by which benefit amounts payable under*
9 *title II of the Social Security Act (42 U.S.C. 401 et*
10 *seq.) are increased effective December 1, 2012, as a re-*
11 *sult of a determination under section 215(i) of such*
12 *Act (42 U.S.C. 415(i)).*

13 (2) *ROUNDING.*—*Each dollar amount increased*
14 *under paragraph (1), if not a whole dollar amount,*
15 *shall be rounded to the next lower whole dollar*
16 *amount.*

17 (d) *SPECIAL RULE.*—*The Secretary of Veterans Affairs*
18 *may adjust administratively, consistent with the increases*
19 *made under subsection (a), the rates of disability compensa-*
20 *tion payable to persons under section 10 of Public Law 85-*
21 *857 (72 Stat. 1263) who have not received compensation*
22 *under chapter 11 of title 38, United States Code.*

23 (e) *PUBLICATION OF ADJUSTED RATES.*—*The Sec-*
24 *retary of Veterans Affairs shall publish in the Federal Reg-*
25 *ister the amounts specified in subsection (b), as increased*

1 *under that section, not later than the date on which the*
2 *matters specified in section 215(i)(2)(D) of the Social Secu-*
3 *rity Act (42 U.S.C. 415(i)(2)(D)) are required to be pub-*
4 *lished by reason of a determination made under section*
5 *215(i) of such Act during fiscal year 2014.*

6 **SEC. 13. PERFORMANCE AWARDS IN THE SENIOR EXECU-**
7 **TIVE SERVICE.**

8 *For each of fiscal years 2014 through 2018, the Sec-*
9 *retary of Veterans Affairs may not pay any performance*
10 *awards under section 5384 of title 5, United States Code.*

Amend the title so as to read: “A bill to amend title 38, United States Code, to require courses of education provided by public institutions of higher education that are approved for purposes of the educational assistance programs administered by the Secretary of Veterans Affairs to charge veterans tuition and fees at the in-State tuition rate, to make other improvements in the laws relating to benefits administered by the Secretary of Veterans Affairs, and for other purposes.”.

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[Report No. 113-94]

A BILL

To amend title 38, United States Code, to require courses of education provided by public institutions of higher education that are approved for purposes of the educational assistance programs administered by the Secretary of Veterans Affairs to charge veterans tuition and fees at the in-State tuition rate.

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