

114TH CONGRESS
2D SESSION

S. 3021

AN ACT

To amend title 38, United States Code, to authorize the use of Post-9/11 Educational Assistance to pursue independent study programs at certain educational institutions that are not institutions of higher learning.

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

★(Star Print)

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Veterans Education
3 Improvement Act of 2016” or the “VEI Act of 2016”.

4 **SEC. 2. AUTHORIZATION FOR USE OF POST-9/11 EDU-
5 CATIONAL ASSISTANCE TO PURSUE INDE-
6 PENDENT STUDY PROGRAMS AT CERTAIN
7 EDUCATIONAL INSTITUTIONS THAT ARE NOT
8 INSTITUTIONS OF HIGHER LEARNING.**

9 Paragraph (4) of section 3680A(a) of title 38, United
10 States Code, is amended to read as follows:

11 “(4) any independent study program except—

12 “(A) with respect to enrollments occurring
13 during the period beginning on the date of the
14 enactment of the Veterans Education Improve-
15 ment Act of 2016 and ending on September 30,
16 2018, an independent study program (including
17 open circuit television) that—

18 “(i) is accredited by a nationally rec-
19 ognized accrediting agency; and

20 “(ii) leads—

21 “(I) to a standard college degree;

22 “(II) to a certificate that reflects
23 educational attainment offered by an
24 institution of higher learning; or

1 “(III) to a certificate that re-
2 flects completion of a course of study
3 offered by—

4 “(aa) an area career and
5 technical education school (as de-
6 fined in subparagraphs (C) and
7 (D) of section 3(3) of the Carl D.
8 Perkins Career and Technical
9 Education Act of 2006 (20
10 U.S.C. 2302(3))) that provides
11 education at the postsecondary
12 level; or

13 “(bb) a postsecondary voca-
14 tional institution (as defined in
15 section 102(c) of the Higher
16 Education Act of 1965 (20
17 U.S.C. 1002(c))) that provides
18 education at the postsecondary
19 level; and

20 “(B) with respect to enrollments occurring
21 during any period other than the period de-
22 scribed in subparagraph (A), an accredited
23 independent study program (including open cir-
24 cuit television) leading—

25 “(i) to a standard college degree; or

1 “(ii) to a certificate that reflects edu-
2 cational attainment offered by an institu-
3 tion of higher learning.”.

4 **SEC. 3. APPROVAL OF COURSES OF EDUCATION AND**
5 **TRAINING FOR PURPOSES OF THE VOCA-**
6 **TIONAL REHABILITATION PROGRAM OF THE**
7 **DEPARTMENT OF VETERANS AFFAIRS.**

8 (a) IN GENERAL.—Section 3104(b) of title 38,
9 United States Code, is amended—

10 (1) by inserting “(1)” before “A rehabilitation”;

11 and

12 (2) by adding at the end the following new
13 paragraph:

14 “(2)(A) Except as provided in subparagraph (B), to
15 the maximum extent practicable, a course of education or
16 training may be pursued by a veteran as part of a rehabili-
17 tation program under this chapter only if the course is
18 approved for purposes of chapter 30 or 33 of this title.

19 “(B) The Secretary may waive the requirement under
20 subparagraph (A) to the extent the Secretary determines
21 appropriate.”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 subsection (a) shall apply with respect to a course of edu-
24 cation or training pursued by a veteran who first begins
25 a program of rehabilitation under chapter 31 of title 38,

1 United States Code, on or after the date that is one year
2 after the date of the enactment of this Act.

3 **SEC. 4. AUTHORITY TO PRIORITIZE VOCATIONAL REHA-**
4 **BILITATION SERVICES BASED ON NEED.**

5 Section 3104 of title 38, United States Code, as
6 amended by section 3, is further amended by adding at
7 the end the following new subsection:

8 “(c)(1) The Secretary shall have the authority to ad-
9 minister this chapter by prioritizing the provision of serv-
10 ices under this chapter based on need, as determined by
11 the Secretary.

12 “(2) In evaluating need for purposes of this sub-
13 section, the Secretary shall consider disability ratings, the
14 severity of employment handicaps, qualification for a pro-
15 gram of independent living services and assistance, in-
16 come, and such other factors as the Secretary considers
17 appropriate.

18 “(3) Not later than 90 days before making any
19 changes to the prioritization of the provision of services
20 under this chapter as authorized under paragraph (1), the
21 Secretary shall submit to Congress a plan describing such
22 changes.”.

1 **SEC. 5. CODIFICATION AND IMPROVEMENT OF ELECTION**
2 **PROCESS FOR POST-9/11 EDUCATIONAL AS-**
3 **SISTANCE PROGRAM.**

4 (a) IN GENERAL.—Subchapter III of chapter 33 of
5 title 38, United States Code, is amended—

6 (1) by redesignating section 3325 as section
7 3326; and

8 (2) by inserting after section 3324 the following
9 new section 3325:

10 **“§ 3325. Election to receive educational assistance**

11 “(a) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPA-
12 TION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An indi-
13 vidual may elect to receive educational assistance under
14 this chapter if such individual—

15 “(1) as of August 1, 2009—

16 “(A) is entitled to basic educational assist-
17 ance under chapter 30 of this title and has
18 used, but retains unused, entitlement under
19 that chapter;

20 “(B) is entitled to educational assistance
21 under chapter 107, 1606, or 1607 of title 10
22 and has used, but retains unused, entitlement
23 under the applicable chapter;

24 “(C) is entitled to basic educational assist-
25 ance under chapter 30 of this title but has not
26 used any entitlement under that chapter;

1 “(D) is entitled to educational assistance
2 under chapter 107, 1606, or 1607 of title 10
3 but has not used any entitlement under such
4 chapter;

5 “(E) is a member of the Armed Forces
6 who is eligible for receipt of basic educational
7 assistance under chapter 30 of this title and is
8 making contributions toward such assistance
9 under section 3011(b) or 3012(c) of this title;
10 or

11 “(F) is a member of the Armed Forces
12 who is not entitled to basic educational assist-
13 ance under chapter 30 of this title by reason of
14 an election under section 3011(c)(1) or
15 3012(d)(1) of this title; and

16 “(2) as of the date of the individual’s election
17 under this paragraph, meets the requirements for
18 entitlement to educational assistance under this
19 chapter.

20 “(b) CESSATION OF CONTRIBUTIONS TOWARD GI
21 BILL.—Effective as of the first month beginning on or
22 after the date of an election under subsection (a) of an
23 individual described by paragraph (1)(E) of that sub-
24 section, the obligation of the individual to make contribu-
25 tions under section 3011(b) or 3012(c) of this title, as

1 applicable, shall cease, and the requirements of such sec-
2 tion shall be deemed to be no longer applicable to the indi-
3 vidual.

4 “(c) REVOCATION OF REMAINING TRANSFERRED
5 ENTITLEMENT.—

6 “(1) ELECTION TO REVOKE.—If, on the date an
7 individual described in paragraph (1)(A) or (1)(C) of
8 subsection (a) makes an election under that sub-
9 section, a transfer of the entitlement of the indi-
10 vidual to basic educational assistance under section
11 3020 of this title is in effect and a number of
12 months of the entitlement so transferred remain un-
13 utilized, the individual may elect to revoke all or a
14 portion of the entitlement so transferred that re-
15 mains unutilized.

16 “(2) AVAILABILITY OF REVOKED ENTITLE-
17 MENT.—Any entitlement revoked by an individual
18 under this paragraph shall no longer be available to
19 the dependent to whom transferred, but shall be
20 available to the individual instead for educational as-
21 sistance under chapter 33 of this title in accordance
22 with the provisions of this section.

23 “(3) AVAILABILITY OF UNREVOKED ENTITLE-
24 MENT.—Any entitlement described in paragraph (1)
25 that is not revoked by an individual in accordance

1 with that paragraph shall remain available to the de-
2 pendent or dependents concerned in accordance with
3 the current transfer of such entitlement under sec-
4 tion 3020 of this title.

5 “(d) POST-9/11 EDUCATIONAL ASSISTANCE.—

6 “(1) IN GENERAL.—Subject to paragraph (2)
7 and except as provided in subsection (e), an indi-
8 vidual making an election under subsection (a) shall
9 be entitled to educational assistance under this chap-
10 ter in accordance with the provisions of this chapter,
11 instead of basic educational assistance under chapter
12 30 of this title, or educational assistance under
13 chapter 107, 1606, or 1607 of title 10, as applicable.

14 “(2) LIMITATION ON ENTITLEMENT FOR CER-
15 TAIN INDIVIDUALS.—In the case of an individual
16 making an election under subsection (a) who is de-
17 scribed by paragraph (1)(A) of that subsection, the
18 number of months of entitlement of the individual to
19 educational assistance under this chapter shall be
20 the number of months equal to—

21 “(A) the number of months of unused enti-
22 tlement of the individual under chapter 30 of
23 this title, as of the date of the election, plus

1 “(B) the number of months, if any, of enti-
2 tlement revoked by the individual under sub-
3 section (c)(1).

4 “(e) CONTINUING ENTITLEMENT TO EDUCATIONAL
5 ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE
6 PROGRAM.—

7 “(1) IN GENERAL.—In the event educational
8 assistance to which an individual making an election
9 under subsection (a) would be entitled under chapter
10 30 of this title, or chapter 107, 1606, or 1607 of
11 title 10, as applicable, is not authorized to be avail-
12 able to the individual under the provisions of this
13 chapter the individual shall remain entitled to such
14 educational assistance in accordance with the provi-
15 sions of the applicable chapter.

16 “(2) CHARGE FOR USE OF ENTITLEMENT.—
17 The utilization by an individual of entitlement under
18 paragraph (1) shall be chargeable against the enti-
19 tlement of the individual to educational assistance
20 under this chapter at the rate of one month of enti-
21 tlement under this chapter for each month of entitle-
22 ment utilized by the individual under paragraph (1)
23 (as determined as if such entitlement were utilized
24 under the provisions of chapter 30 of this title, or

1 chapter 107, 1606, or 1607 of title 10, as applica-
2 ble).

3 “(f) ADDITIONAL POST-9/11 ASSISTANCE FOR MEM-
4 BERS HAVING MADE CONTRIBUTIONS TOWARD GI
5 BILL.—

6 “(1) ADDITIONAL ASSISTANCE.—In the case of
7 an individual making an election under subsection
8 (a) who is described by subparagraph (A), (C), or
9 (E) of paragraph (1) of that subsection, the amount
10 of educational assistance payable to the individual
11 under this chapter as a monthly stipend payable
12 under paragraph (1)(B) of section 3313(c) of this
13 title, or under paragraphs (2) through (7) of that
14 section (as applicable), shall be the amount other-
15 wise payable as a monthly stipend under the applica-
16 ble paragraph increased by the amount equal to—

17 “(A) the total amount of contributions to-
18 ward basic educational assistance made by the
19 individual under section 3011(b) or 3012(c) of
20 this title, as of the date of the election, multi-
21 plied by

22 “(B) the fraction—

23 “(i) the numerator of which is—

24 “(I) the number of months of en-
25 titlement to basic educational assist-

1 ance under chapter 30 of this title re-
2 maining to the individual at the time
3 of the election; plus

4 “**(II)** the number of months, if
5 any, of entitlement under chapter 30
6 revoked by the individual under sub-
7 section (c)(1); and

8 “(ii) the denominator of which is 36
9 months.

10 “(2) **MONTHS OF REMAINING ENTITLEMENT**
11 **FOR CERTAIN INDIVIDUALS.**—In the case of an indi-
12 vidual covered by paragraph (1) who is described by
13 subsection (a)(1)(E), the number of months of enti-
14 tlement to basic educational assistance remaining to
15 the individual for purposes of paragraph
16 (1)(B)(i)(II) shall be 36 months.

17 “(3) **TIMING OF PAYMENT.**—The amount pay-
18 able with respect to an individual under paragraph
19 (1) shall be paid to the individual together with the
20 last payment of the monthly stipend payable to the
21 individual under paragraph (1)(B) of section
22 3313(e) of this title, or under paragraphs (2)
23 through (7) of that section (as applicable), before
24 the exhaustion of the individual’s entitlement to edu-
25 cational assistance under this chapter.

1 “(g) CONTINUING ENTITLEMENT TO ADDITIONAL
2 ASSISTANCE FOR CRITICAL SKILLS OR SPECIALITY AND
3 ADDITIONAL SERVICE.—An individual making an election
4 under subsection (a)(1) who, at the time of the election,
5 is entitled to increased educational assistance under sec-
6 tion 3015(d) of this title, or section 16131(i) of title 10,
7 or supplemental educational assistance under subchapter
8 III of chapter 30 of this title, shall remain entitled to such
9 increased educational assistance or supplemental edu-
10 cational assistance in the utilization of entitlement to edu-
11 cational assistance under this chapter, in an amount equal
12 to the quarter, semester, or term, as applicable, equivalent
13 of the monthly amount of such increased educational as-
14 sistance or supplemental educational assistance payable
15 with respect to the individual at the time of the election.

16 “(h) ALTERNATIVE ELECTION BY SECRETARY.—

17 “(1) IN GENERAL.—In the case of an individual
18 who, on or after January 1, 2016, submits to the
19 Secretary an election under this section that the
20 Secretary determines is clearly against the interests
21 of the individual, or who fails to make an election
22 under this section, the Secretary may make an alter-
23 native election on behalf of the individual that the
24 Secretary determines is in the best interests of the
25 individual.

1 “(2) NOTICE.—If the Secretary makes an elec-
 2 tion on behalf of an individual under this subsection,
 3 the Secretary shall notify the individual by not later
 4 than seven days after making such election and shall
 5 provide the individual with a 30-day period, begin-
 6 ning on the date of the individual’s receipt of such
 7 notice, during which the individual may modify or
 8 revoke the election made by the Secretary on the in-
 9 dividual’s behalf. The Secretary shall include, as
 10 part of such notice, a clear statement of why the al-
 11 ternative election made by the Secretary is in the
 12 best interests of the individual as compared to the
 13 election submitted by the individual. The Secretary
 14 shall provide the notice required under this para-
 15 graph by electronic means whenever possible.

16 “(i) IRREVOCABILITY OF ELECTIONS.—An election
 17 under subsection (a) or (c)(1) is irrevocable.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
 19 at the beginning of such chapter is amended by striking
 20 the item relating to section 3325 and inserting the fol-
 21 lowing new items:

“3325. Election to receive educational assistance.

“3326. Reporting requirement.”.

22 (c) CONFORMING REPEAL.—Subsection (c) of section
 23 5003 of the Post-9/11 Veterans Educational Assistance

1 Act of 2008 (Public Law 110–252; 38 U.S.C. 3301 note)
2 is hereby repealed.

3 **SEC. 6. WORK-STUDY ALLOWANCE.**

4 Section 3485(a)(4) of title 38, United States Code,
5 is amended by striking “June 30, 2013” each place it ap-
6 pears and inserting “June 30, 2013, or the period begin-
7 ning on June 30, 2017, and ending on June 30, 2022”.

8 **SEC. 7. RETENTION OF ENTITLEMENT TO EDUCATIONAL**
9 **ASSISTANCE DURING CERTAIN ADDITIONAL**
10 **PERIODS OF ACTIVE DUTY.**

11 (a) **EDUCATIONAL ASSISTANCE ALLOWANCE.**—Sec-
12 tion 16131(e)(3)(B)(i) of title 10, United States Code, is
13 amended by striking “or 12304” and inserting “12304,
14 12304a, or 12304b”.

15 (b) **EXPIRATION DATE.**—Section 16133(b)(4) of
16 such title is amended by striking “or 12304” and inserting
17 “12304, 12304a, or 12304b”.

18 **SEC. 8. REPORTS ON PROGRESS OF STUDENTS RECEIVING**
19 **POST-9/11 EDUCATIONAL ASSISTANCE.**

20 (a) **IN GENERAL.**—Chapter 33 of title 38, United
21 States Code, as amended by section 5, is further amend-
22 ed—

23 (1) in subsection 3326(c), as redesignated—

24 (A) in paragraph (2), by striking “and”
25 after the semicolon;

1 (B) by redesignating paragraph (3) as
2 paragraph (4); and

3 (C) by inserting after paragraph (2) the
4 following new paragraph (3):

5 “(3) the information received by the Secretary
6 under section 3327 of this title; and”;

7 (2) by adding at the end the following new sec-
8 tion:

9 **“§ 3327. Report on student progress**

10 “As a condition on approval under chapter 36 of this
11 title of a course offered by an educational institution (as
12 defined in section 3452 of this title), each year, each edu-
13 cational institution (as so defined) that received a payment
14 in that year on behalf of an individual entitled to edu-
15 cational assistance under this chapter shall submit to the
16 Secretary such information regarding the academic
17 progress of the individual as the Secretary may require.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter, as amended by section
20 5, is further amended by adding at the end the following
21 new item:

“3327. Report on student progress.”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect on the date that is one year
24 after the date of the enactment of this Act.

1 **SEC. 9. CENTRALIZED REPORTING OF VETERAN ENROLL-**
 2 **MENT BY CERTAIN GROUPS, DISTRICTS, AND**
 3 **CONSORTIUMS OF EDUCATIONAL INSTITU-**
 4 **TIONS.**

5 (a) IN GENERAL.—Section 3684(a) of title 38,
 6 United States Code, is amended—

7 (1) in paragraph (1), by inserting “32, 33,”
 8 after “31,”; and

9 (2) by adding at the end the following new
 10 paragraph:

11 “(4) For purposes of this subsection, the term ‘edu-
 12 cational institution’ may include a group, district, or con-
 13 sortium of separately accredited educational institutions
 14 located in the same State that are organized in a manner
 15 that facilitates the centralized reporting of the enrollments
 16 in such group, district, or consortium of institutions.”.

17 (b) EFFECTIVE DATE.—The amendments made by
 18 subsection (a) shall apply with respect to reports sub-
 19 mitted on or after the date of the enactment of this Act.

20 **SEC. 10. ROLE OF STATE APPROVING AGENCIES.**

21 (a) APPROVAL OF CERTAIN COURSES.—Section
 22 3672(b)(2)(A) of title 38, United States Code, is amended
 23 by striking “the following” and all that follows through
 24 the colon and inserting the following: “a program of edu-
 25 cation is deemed to be approved for purposes of this chap-
 26 ter if a State approving agency, or the Secretary when

1 acting in the role of a State approving agency, determines
2 that the program is one of the following programs.”.

3 (b) APPROVAL OF OTHER COURSES.—Section 3675
4 of such title is amended—

5 (1) in subsection (a)(1)—

6 (A) by striking “The Secretary or a State
7 approving agency” and inserting “A State ap-
8 proving agency, or the Secretary when acting in
9 the role of a State approving agency,”; and

10 (B) by striking “offered by proprietary for-
11 profit educational institutions” and inserting
12 “not covered by section 3672 of this title”; and

13 (2) in subsection (b)—

14 (A) in the matter before paragraph (1), by
15 striking “the Secretary or the State approving
16 agency” and inserting “the State approving
17 agency, or the Secretary when acting in the role
18 of a State approving agency,”; and

19 (B) in paragraph (1), by striking “the Sec-
20 retary or the State approving agency” and in-
21 serting “the State approving agency, or the
22 Secretary when acting in the role of a State ap-
23 proving agency”.

1 **SEC. 11. MODIFICATION OF REQUIREMENTS FOR AP-**
2 **PROVAL FOR PURPOSES OF EDUCATIONAL**
3 **ASSISTANCE PROVIDED BY DEPARTMENT OF**
4 **VETERANS AFFAIRS OF PROGRAMS DE-**
5 **SIGNED TO PREPARE INDIVIDUALS FOR LI-**
6 **CENSURE OR CERTIFICATION.**

7 (a) APPROVAL OF NONACCREDITED COURSES.—Sub-
8 section (c) of section 3676 of title 38, United States Code,
9 is amended—

10 (1) by redesignating paragraph (14) as para-
11 graph (16); and

12 (2) by inserting after paragraph (13) the fol-
13 lowing new paragraphs:

14 “(14) In the case of a course designed to pre-
15 pare an individual for licensure or certification in a
16 State, the course—

17 “(A) meets all instructional curriculum li-
18 censure or certification requirements of such
19 State; and

20 “(B) in the case of a course designed to
21 prepare an individual for licensure to practice
22 law in a State, is accredited by an accrediting
23 agency or association recognized by the Sec-
24 retary of Education under subpart 2 of part H
25 of title IV of the Higher Education Act of 1965
26 (20 U.S.C. 1099b).

1 “(15) In the case of a course designed to pre-
2 pare an individual for employment pursuant to
3 standards developed by a board or agency of a State
4 in an occupation that requires approval, licensure, or
5 certification, the course—

6 “(A) meets such standards; and

7 “(B) in the case of a course designed to
8 prepare an individual for licensure to practice
9 law in a State, is accredited by an accrediting
10 agency or association recognized by the Sec-
11 retary of Education under subpart 2 of part H
12 of title IV of the Higher Education Act of 1965
13 (20 U.S.C. 1099b).”.

14 (b) EXCEPTIONS.—Such section is further amended
15 by adding at the end the following new subsection:

16 “(f)(1) The Secretary may waive the requirements of
17 paragraph (14) or (15) of subsection (c) in the case of
18 a course of education offered by an educational institution
19 (either accredited or not accredited) if the Secretary deter-
20 mines all of the following:

21 “(A) The educational institution is not accred-
22 ited by an agency or association recognized by the
23 Secretary of Education.

1 “(B) The course did not meet the requirements
2 of such paragraph at any time during the two-year
3 period preceding the date of the waiver.

4 “(C) The waiver furthers the purposes of the
5 educational assistance programs administered by the
6 Secretary or would further the education interests of
7 individuals eligible for assistance under such pro-
8 grams.

9 “(D) The educational institution does not pro-
10 vide any commission, bonus, or other incentive pay-
11 ment based directly or indirectly on success in secur-
12 ing enrollments or financial aid to any persons or
13 entities engaged in any student recruiting or admis-
14 sion activities or in making decisions regarding the
15 award of student financial assistance, except for the
16 recruitment of foreign students residing in foreign
17 countries who are not eligible to receive Federal stu-
18 dent assistance.

19 “(2) Not later than 30 days after the date on which
20 the Secretary issues a waiver under paragraph (1), the
21 Secretary shall submit to Congress notice of such waiver
22 and a justification for issuing such waiver.”.

23 (c) APPROVAL OF ACCREDITED COURSES.—Section
24 3675(b)(3) of such title, as amended by section 10, is fur-
25 ther amended—

1 (1) by striking “and (3)” and inserting “(3),
2 (14), (15), and (16)”; and

3 (2) by inserting before the period at the end the
4 following: “(or, with respect to such paragraphs (14)
5 and (15), the requirements under such paragraphs
6 are waived pursuant to subsection (f)(1) of section
7 3676 of this title)”.

8 (d) APPROVAL OF ACCREDITED STANDARD COLLEGE
9 DEGREE PROGRAMS OFFERED AT PUBLIC OR NOT-FOR-
10 PROFIT EDUCATIONAL INSTITUTIONS.—Section
11 3672(b)(2) of such title is amended—

12 (1) in subparagraph (A)(i), by striking “An ac-
13 credited” and inserting “Except as provided in sub-
14 paragraph (C), an accredited”; and

15 (2) by adding at the end the following new sub-
16 paragraph:

17 “(C) A course that is described in both subparagraph
18 (A)(i) of this paragraph and in paragraph (14) or (15)
19 of section 3676(c) of this title shall not be deemed to be
20 approved for purposes of this chapter unless—

21 “(i) a State approving agency, or the Secretary
22 when acting in the role of a State approving agency,
23 determines that the course meets the applicable cri-
24 teria in such paragraphs; or

1 “(ii) the Secretary issues a waiver for such
2 course under section 3676(f)(1) of this title.”.

3 (e) DISAPPROVAL OF COURSES.—Section 3679 of
4 such title is amended by adding at the end the following
5 new subsection:

6 “(d) Notwithstanding any other provision of this
7 chapter, the Secretary or the applicable State approving
8 agency shall disapprove a course of education described
9 in paragraph (14) or (15) of section 3676(c) of this title
10 unless the educational institution providing the course of
11 education—

12 “(1) publicly discloses any conditions or addi-
13 tional requirements, including training, experience,
14 or examinations, required to obtain the license, cer-
15 tification, or approval for which the course of edu-
16 cation is designed to provide preparation; and

17 “(2) makes each disclosure required by para-
18 graph (1) in a manner that the Secretary considers
19 prominent (as specified by the Secretary in regula-
20 tions prescribed for purposes of this subsection).”.

21 (f) APPLICABILITY.—If after enrollment in a course
22 of education that is subject to disapproval by reason of
23 an amendment made by this Act, an individual pursues
24 one or more courses of education at the same educational
25 institution while remaining continuously enrolled (other

1 than during regularly scheduled breaks between courses,
2 semesters, or terms) at that institution, any course so pur-
3 sued by the individual at that institution while so continu-
4 ously enrolled shall not be subject to disapproval by reason
5 of such amendment.

6 **SEC. 12. COMPLIANCE SURVEYS.**

7 (a) IN GENERAL.—Section 3693 of title 38, United
8 States Code, is amended—

9 (1) by striking subsection (a) and inserting the
10 following new subsection (a):

11 “(a)(1) Except as provided in subsection (b), the Sec-
12 retary shall conduct an annual compliance survey of edu-
13 cational institutions and training establishments offering
14 one or more courses approved for the enrollment of eligible
15 veterans or persons if at least 20 such veterans or persons
16 are enrolled in any such course.

17 “(2) The Secretary shall—

18 “(A) design the compliance surveys required by
19 paragraph (1) to ensure that such institutions or es-
20 tablishments described in such paragraph, as the
21 case may be, and approved courses are in compliance
22 with all applicable provisions of chapters 30 through
23 36 of this title;

1 “(B) survey each such educational institution
2 and training establishment not less than once during
3 every two-year period; and

4 “(C) assign not fewer than one education com-
5 pliance specialist to work on compliance surveys in
6 any year for each 40 compliance surveys required to
7 be made under this section for such year.

8 “(3) The Secretary, in consultation with the State ap-
9 proving agencies, shall—

10 “(A) annually determine the parameters of the
11 surveys required under paragraph (1); and

12 “(B) not later than September 1 of each year,
13 make available to the State approving agencies a list
14 of the educational institutions and training estab-
15 lishments that will be surveyed during the fiscal year
16 following the date of making such list available.”;
17 and

18 (2) by adding at the end the following new sub-
19 section:

20 “(c) In this section, the terms ‘educational institu-
21 tion’ and ‘training establishment’ have the meanings given
22 such terms in section 3452 of this title.”.

23 (b) CONFORMING AMENDMENTS.—Subsection (b) of
24 such section is amended—

1 (1) by striking “subsection (a) of this section
2 for an annual compliance survey” and inserting
3 “subsection (a)(1) for a compliance survey”;

4 (2) by striking “institution” and inserting
5 “educational institution or training establishment”;
6 and

7 (3) by striking “institution’s demonstrated
8 record of compliance” and inserting “record of com-
9 pliance of such institution or establishment”.

10 **SEC. 13. TECHNICAL AMENDMENT RELATING TO IN-STATE**
11 **TUITION RATE FOR INDIVIDUALS TO WHOM**
12 **ENTITLEMENT IS TRANSFERRED UNDER ALL-**
13 **VOLUNTEER FORCE EDUCATIONAL ASSIST-**
14 **ANCE PROGRAM AND POST-9/11 EDU-**
15 **CATIONAL ASSISTANCE.**

16 (a) TECHNICAL AMENDMENT.—Subparagraph (B) of
17 section 3679(c)(2) of title 38, United States Code, is
18 amended to read as follows:

19 “(B) An individual who is entitled to assistance
20 under—

21 “(i) section 3311(b)(9) of this title; or

22 “(ii) section 3319 of this title by virtue of
23 the individual’s relationship to—

24 “(I) a veteran described in subpara-
25 graph (A); or

1 “(II) a member of the uniformed serv-
2 ices described in section 3319(b) of this
3 title who is serving on active duty.”.

4 (b) **APPLICABILITY.**—The amendment made by sub-
5 section (a) shall apply with respect to a course, semester,
6 or term that begins after July 1, 2017.

7 **SEC. 14. AUTHORITY OF DIRECTORS OF VETERANS INTE-**
8 **GRATED SERVICE NETWORKS TO INVES-**
9 **TIGATE MEDICAL CENTERS OF THE DEPART-**
10 **MENT OF VETERANS AFFAIRS.**

11 (a) **IN GENERAL.**—The Director of a Veterans Inte-
12 grated Service Network of the Department of Veterans Af-
13 fairs may contract with an appropriate entity specializing
14 in civilian accreditation or health care evaluation to inves-
15 tigate any medical center within such Network to assess
16 and report deficiencies of the facilities at such medical
17 center.

18 (b) **COORDINATION.**—Before entering into any con-
19 tract under subsection (a), the Director of a Veterans In-
20 tegrated Service Network shall notify the Secretary of Vet-
21 erans Affairs, the Inspector General of the Department
22 of Veterans Affairs, and the Comptroller General of the
23 United States for purposes of coordinating any investiga-
24 tion conducted pursuant to such contract with any other
25 investigations or accreditations that may be ongoing.

1 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion may be construed—

3 (1) to prevent the Office of the Inspector Gen-
4 eral of the Department of Veterans Affairs from
5 conducting any review, audit, evaluation, or inspec-
6 tion regarding a topic for which a review is con-
7 ducted under subsection (a); or

8 (2) to modify the requirement that employees of
9 the Department assist with any review, audit, eval-
10 uation, or inspection conducted by the Office of the
11 Inspector General of the Department.

Passed the Senate December 10 (legislative day, De-
cember 9), 2016.

Attest:

Secretary.

114TH CONGRESS
2^D SESSION

S. 3021

AN ACT

To amend title 38, United States Code, to authorize the use of Post-9/11 Educational Assistance to pursue independent study programs at certain educational institutions that are not institutions of higher learning.