

GI BILL TUITION FAIRNESS ACT OF 2013

JUNE 3, 2013.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

Mr. MILLER of Florida, from the Committee on Veterans' Affairs,  
submitted the following

R E P O R T

[To accompany H.R. 357]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 357) 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, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

CONTENTS

	Page
Amendment .....	2
Purpose and Summary .....	5
Background and Need for Legislation .....	5
Hearings .....	14
Subcommittee Consideration .....	15
Committee Consideration .....	15
Committee Votes .....	16
Committee Oversight Findings .....	16
Statement of General Performance Goals and Objectives .....	16
New Budget Authority, Entitlement Authority, and Tax Expenditures .....	16
Earmarks and Tax and Tariff Benefits .....	16
Committee Cost Estimate .....	16
Congressional Budget Office Cost Estimate .....	16
Federal Mandates Statement .....	24
Advisory Committee Statement .....	24
Statement of Constitutional Authority .....	24
Applicability to Legislative Branch .....	24
Statement on Duplication of Federal Programs .....	24
Disclosure of Directed Rulemaking .....	25
Section-by-Section Analysis of the Legislation .....	25
Changes in Existing Law Made by the Bill, as Reported .....	27

## AMENDMENT

The amendments are as follows:  
Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

(b) **TABLE OF CONTENTS.**—The table of contents for 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 institutions for purposes of educational assistance programs administered 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 Reintegration 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 indemnity compensation.
- Sec. 13. Performance awards in the senior executive service.

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

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

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

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

“(c) Notwithstanding any other provision of this subtitle, the Secretary or the Secretary’s designee shall disapprove a course of education provided by a public educational institution unless the institution charges tuition and fees for a veteran at up to the same rate as the institution charges for residents of the State in which the institution is located, regardless of the veteran’s State of residence. The Secretary shall notify the State approving agency of the Secretary’s disapproval of a course of education under this subsection.”.

(b) **TREATMENT OF ENROLLED BENEFITS RECIPIENTS.**—

(1) **IN GENERAL.**—In the case of a veteran or eligible person who is enrolled before July 1, 2015, in a course of education provided by a public educational institution that was approved under chapter 36 of title 38, United States Code, at the time of the initial enrollment of the veteran or eligible person but that is disapproved by the Secretary of Veterans Affairs or the Secretary’s designee by reason of subsection (c) of section 3679 of such title, as added by subsection (a), the Secretary shall treat such institution as an institution that is approved under such chapter for purposes of the laws administered by the Secretary with respect to the veteran or eligible person until the veteran or eligible person completes the program of education in which the veteran or eligible person is enrolled.

(2) **TERMINATION.**—

(A) **LIMITATION.**—Except as provided in subparagraph (B), the Secretary of Veterans Affairs may not treat such an institution as an approved institution under paragraph (1) after July 1, 2019.

(B) **WAIVER.**—The Secretary may waive the limitation under subparagraph (A) if the Secretary determines such a waiver is appropriate.

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

**SEC. 4. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR PAYMENT OF A MONTHLY ASSISTANCE ALLOWANCE TO DISABLED VETERANS TRAINING OR COMPETING FOR THE PARALYMPIC TEAM.**

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

**SEC. 5. EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR ASSISTANCE TO UNITED STATES PARALYMPICS, INC.**

Section 521A is amended—

- (1) in subsection (g), by striking “2013” and inserting “2018”; and
- (2) in subsection (l), by striking “2013” and inserting “2018”.

**SEC. 6. CLARIFICATION OF ELIGIBILITY FOR SERVICES UNDER THE HOMELESS VETERANS REINTEGRATION PROGRAM.**

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

- “(1) homeless veterans;
- “(2) veterans participating in the Department of Veterans Affairs supported housing program for which rental assistance provided pursuant to section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)); and
- “(3) veterans who are transitioning from being incarcerated.”

**SEC. 7. EXTENSION OF ELIGIBILITY PERIOD FOR VOCATIONAL REHABILITATION PROGRAMS.**

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

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

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

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

**SEC. 9. RESPONSIBILITIES OF THE DIRECTORS OF VETERANS’ EMPLOYMENT AND TRAINING.**

Section 4103 is amended—

- (1) by redesignating subsection (b) as subsection (c); and
- (2) by inserting after subsection (a) the following new subsection (b):

“(b) RESPONSIBILITIES.—Each Director assigned to a State under subsection (a) shall carry out the following responsibilities:

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

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

“(3) Suggesting to the Assistant Secretary of Labor for Veterans’ Employment and Training corrective actions that could be taken by the State workforce agency to address deficiencies in the performance of veterans’ training and employment programs in the State.

“(4) Annually negotiating with the State workforce agency to establish performance goals for veterans’ training and employment programs in the State.

“(5) Reviewing the State’s requests for funding for veterans’ training and employment programs and providing advice to the State workforce agency and the Assistant Secretary regarding such funding requests.

“(6) Forwarding complaints regarding possible violations of chapter 43 of this title to the appropriate Regional Administrator or to the to the Assistant Secretary, as required.

“(7) Carrying out grant officer technical representative responsibilities for grants issued under programs administered by the Department.

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

“(9) Supervising and managing all support staff, including Assistant Directors, establishing workload priorities, managing all personnel actions, and evaluating all assigned personnel.

“(10) Submitting to the Assistant Secretary regular reports on the matters described in paragraphs (1), (2), (4), and (8), and any other matters the Assistant Secretary determine appropriate.

“(11) Performing such other related duties as directed by the Assistant Secretary.”

**SEC. 10. CONTENTS OF TRANSITION ASSISTANCE PROGRAM.**

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

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

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

- (2) by redesignating subsections (c), (d), and (e), as subsections (d), (e), and (f), respectively; and

- (3) by inserting after subsection (b) the following new subsection (c):

“(c) **ADDITIONAL ELEMENTS OF PROGRAM.**—The mandatory program carried out by this section shall include—

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

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

“(B) testing to determine academic readiness for post-secondary education, courses of post-secondary education appropriate for the member, courses of post-secondary education compatible with the member’s education goals, and instruction on how to finance the member’s post-secondary education; and

“(2) instruction in the benefits under laws administered by the Secretary of Veterans Affairs and in other subjects determined by the Secretary concerned.”.

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

(c) **FEASIBILITY STUDY.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives the results of a study carried out by the Secretary to determine the feasibility of providing the instruction described in subsection (b) of section 1142 of title 10, United States Code, at all overseas locations where such instruction is provided by entering into a contract jointly with the Secretary of Labor for the provision of such instruction.

**SEC. 11. THREE-MONTH EXTENSION OF VETERANS RETRAINING ASSISTANCE PROGRAM.**

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

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

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

(b) **INTERIM REPORT.**—

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

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) The total number of—

(i) eligible veterans who have participated in the program established under such section as of the date of the enactment of this Act; and

(ii) associates degrees or certificates awarded (or other similar evidence of the completion of the program of education or training earned) to veterans participating in the program established under such section as of such date.

(B) Data related to the employment status of eligible veterans who participated in such program.

**SEC. 12. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.**

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

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

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

(2) **ADDITIONAL COMPENSATION FOR DEPENDENTS.**—Each of the dollar amounts under section 1115(1) of such title.

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

(4) **DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.**—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) **DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.**—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) **DETERMINATION OF INCREASE.**—

(1) PERCENTAGE.—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2012, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

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

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

(e) PUBLICATION OF ADJUSTED RATES.—The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2014.

#### SEC. 13. PERFORMANCE AWARDS IN THE SENIOR EXECUTIVE SERVICE.

For each of fiscal years 2014 through 2018, the Secretary of Veterans Affairs may not pay any performance awards under section 5384 of title 5, United States Code.

Amend the title 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.

#### PURPOSE AND SUMMARY

H.R. 357 was introduced on January 23, 2013, by Representative Jeff Miller of Florida. H.R. 357, as amended, incorporates provisions from H.R. 562, introduced by Representative Jeff Miller of Florida, H.R. 569, introduced by Representative Jon Runyan of New Jersey; H.R. 631, as amended, introduced by Representative Bill Flores of Texas; H.R. 844 introduced by Representative Mark Takano of California; H.R. 1305, introduced by Representative Brad Wenstrup of Ohio; H.R. 1316, as amended, introduced by Representative Bill Flores of Texas; H.R. 1402, introduced by Representative Mike Coffman of Colorado; and H.R. 1453, introduced by Representative Mark Takano of California. Additionally, the bill as amended contains a free-standing provision that would place a five year moratorium on bonuses for members of the senior executive service at the Department of Veterans Affairs (VA).

#### BACKGROUND AND NEED FOR LEGISLATION

*Section 3. Approval of courses of education provided by public educational institutions for purposes of educational assistance programs administered by Secretary of Veterans Affairs conditional on in-state tuition rate for veterans*

Our nation's veterans have always been a source of strength for America's economy. The Post 9/11 GI Bill has given thousands of veterans the option of attending college or receiving other types of vocational training at little or no out-of-pocket cost to them. Every dollar that we provide in education and training benefits to vet-

erans under the GI Bill goes right back into our economy when these veterans graduate and enter the workforce.

According to the College Board, for the 2012–2013 school year, the average in-state tuition and fees at public institutions was \$8,655 per year. For out-of-state students, the average was \$21,706 per year (roughly a 250 percent difference). Under current law, the Post 9/11 GI Bill only covers tuition and fees at the in-state rates at public schools. As a result, out-of-state student veterans can incur significant debt to make up the \$13,000 average yearly difference.

The Committee believes that this disparity must end. First, the men and women who served this nation did not just defend the citizens of their home states, but the citizens of all 50 states.

Second, nearly every state already offers significant tuition discounts at many state institutions to non-resident students. For example, there are four regional state compacts that offer non-resident students discounts, usually about 150 percent of in-state rates. Again, using College Board data, that is a significant difference from the average of 250 percent now being charged non-resident veterans.

Third, those who have served in the military should not be required to subsidize the education of the majority who did not. The Committee has also received anecdotal evidence that the non-resident tuition rates at some schools are set to defray some of the cost for in-state students. It is absolutely inappropriate that schools balance their revenue streams on the backs of veterans and the nation's taxpayers who are providing a very generous education benefit. Annual VA expenditures for GI Bill benefits has increased dramatically with the advent of the Post-9/11 GI Bill from about \$3.5 billion in FY 2009 to about \$11.5 billion predicted for FY 14. Of those totals, about one half are paid to schools for tuition and fees. Put succinctly, state boundaries should not trump a veteran's choice in schools.

To solve this inequity, section 3 would require that public schools charge veterans no more than the in-state tuition and fee rates as a condition of approval by VA for GI Bill benefits. If the school chooses not to provide in-state tuition to veterans, regardless of their state of residence, the school would not be approved to enroll new students using their GI Bill benefits. Under this section, students who are attending these institutions prior to this section's effective date of July 1, 2015 would be grandfathered and would be able to use their GI Bill benefits at this institution until July 1, 2019. The expanded effective date of July 1, 2015 would provide states and institutions time to comply with this section.

To address concerns that this section is potentially a violation of the 10th Amendment to the Constitution, the Committee staff requested an opinion on those issues from Constitutional experts at the Congressional Research Service (CRS). The CRS replied as follows:

This e-mail is to memorialize a conversation between Ken Thomas of this office and Mike Brinck, Republican Staff Director, House Committee on Veterans Affairs, on the constitutionality of H.R. 357, the proposed GI Bill Tuition Fairness Act of 2013. Specifically, the question that was discussed was whether the Congress is prohibited by

the Spending Clause or the Tenth Amendment from requiring, as a condition of receiving federal education benefits from the U.S. Department of Veterans Affairs, that veterans attending a public university be charged the same rate as the institution charges for residents of the state in which the institution is located, regardless of the veteran's state of residence.

In *South Dakota v. Dole*, 483 U.S. 203 (1987), the Supreme Court held that, in order for a federal grant condition imposed on a state to pass constitutional muster under the Spending Clause, the condition must be related to the particular national project or programs to which the money was being directed. In *NFIB v. Sebelius*, No. 11-393, slip op. (June 28, 2012), Justice Roberts, in a controlling opinion, suggested that the withdrawal of program funds based on a grant condition that modifies an existing program would, in most foreseeable cases, be constitutional under the Spending Clause. *NFIB*, slip op. at 53-55. As the tuition discount in H.R. 357 is an amendment to an existing program that is generally related to the policy goal of making affordable higher education available to veterans, this proposed bill would appear likely to be found to be consistent with the Spending Clause.

The Court in *Dole* also considered whether the Tenth Amendment (which provides that state legislatures or executive branch officials may not be "commandeered") could be an independent constitutional bar to certain grant conditions. The Court suggested that, in some instances, financial inducements offered by Congress might be so coercive as to pass the point at which "pressure turns into compulsion." In *NFIB*, the Court found that, as long as a particular grant condition was related to an existing underlying program, a grant constituting as much as 10% of a state's overall budget could be withdrawn without violating the Tenth Amendment. *NFIB*, slip op. at 55. Since withholding of veteran's education benefits in order to encourage states to lower education costs for veterans would be related to those existing programs designed to make affordable higher education available to veterans, and since the withholding of such benefits is unlikely to reach 10% of a state's overall budget, the requirements of H.R. 357 would appear to be constitutional.

The Committee acknowledges that many states already provide reduced tuition benefit to out-of-state veterans. We applaud the effort of these states and their efforts to serve veteran students. Should all 50 states choose to apply in-state rates in the spirit of this section, this changes will have a minor effect on the vast majority of schools' revenue model since 85 percent of schools approved for GI Bill benefits enroll fewer than 100 veterans.

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

Public Law 110-389 (122 Stat. 4145) authorized VA to provide monthly assistance allowance stipends equal to the allowance pro-

vided to veterans under the Vocational Rehabilitation and Employment Program to disabled veterans who are competing at the elite level in Paralympic sports. Since 2010, VA has distributed training stipends to over 115 veteran athletes and 43 of these athletes have met the national team standard in their respective sports. The stipends help these athletes defray living expenses while they train and compete at an elite level in their respective sports.

The Committee supports these stipends as a way to further facilitate rehabilitation of disabled veterans beginning at the grass-roots level and, for those who are capable, at elite levels. For example, as a result of this program, 17 disabled veteran athletes were on the 2012 London Paralympic Team where they combined to win seven medals. This section would extend the existing authorization at the currently authorized rate of \$2 million per year to provide these stipends through fiscal year 2018.

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

With the passage of P.L. 110-389, Congress required VA to conclude a Memorandum of Agreement with the US Olympic Committee (USOC) to increase participation in sports by disabled veterans as a way to speed rehabilitation and promote a healthy lifestyle.

The program focuses on increasing adaptive sports programs at the community level and opportunities for disabled veteran athletes to progress to elite levels of competition such as the Paralympic Games. The USOC provides a full range of assistance, from advice to direct training services and facilities.

The law authorizes \$8 million per year for VA to continue supporting a program of grants made by the USOC Paralympic Program to local and national providers of adaptive sports programs. According to USOC, more than 350 USOC partner organizations in 46 states and the District of Columbia are investing millions in private resources, staff and facilities to cost effectively implement these programs.

The USOC has told the Committee that over 16,000 veterans have benefited from programs funding through this program. The Committee applauds the efforts of VA and USOC to help disabled veterans and we are heartened that VA and USOC have implemented the recommendations made by the Government Accountability Office to improve financial management and tracking of performance of this program. This section would extend the existing \$8 million authorization of appropriations for this program through fiscal year 2018.

*Section 6. Clarification of eligibility for services under the Homeless Veteran Reintegration Program*

As our country continues its efforts to eliminate homelessness among veterans, the Committee believes that every effort must be made to provide homeless veterans, or veterans who are at risk for homelessness, access to job training and placement programs that can help them find meaningful employment.

Earlier this year, a decision by the U.S. Department of Labor excluded veterans who were participating in the Housing and Urban Development-Veteran Affairs Supportive Housing Program (HUD-



VASH) from participating in the Homeless Veteran Reintegration Program (HVRP) funded job-skill training and placement services. The decision concluded that because the HUD-VASH participants are defined as residing in “permanent housing” veterans were no longer “homeless,” and, therefore, were not eligible for the needed job-skill training under HVRP.

Nearly all veterans who are in the HUD-VASH program were unemployed and could benefit from HVRP services as a means to become economically self-sufficient and eventually exit from the program. In fact, the concept behind HUD-VASH is to provide comprehensive wrap-around services to veterans so that recidivism is prevented. A large component of such wrap-around training services is job training, the provided under HVRP. The Committee strongly believes that it is counterintuitive to place a homeless and unemployed person—especially one who has been “on the streets” for extended periods, in housing and expect they will find employment without basic services. Thus, this section redefines eligibility for HVRP to include homeless veterans, veterans who are transitioning from being incarcerated, and veterans participating in HUD-VASH program.

*Section 7. Extension of eligibility for period for Vocational Rehabilitation Programs*

The Vocational Rehabilitation and Employment Program (VR&E) provides job training and related services to veterans with service-connected disabilities. To be entitled to VR&E services, veterans must have received a discharge other than dishonorable and be found to have either (1) a 20 percent service-connected disability and an employment handicap, or (2) a 10 percent service-connected disability and a serious employment handicap. After veterans are found to be entitled to VR&E, a counselor helps the veteran identify a suitable employment goal and determines what services will be necessary to achieve that goal. Under section 3103 of title 38, United States Code, veterans are eligible for VR&E services for 12 years following their discharge from active duty, except under limited circumstances.

The Committee has received testimony that at the end of the 12-year period veterans may not yet be ready to make a determination as to what they want to do career-wise, such as going to school, going to work, or getting licensed or certified in their military area of expertise. Veterans may need to take some time to reach the level where they can take advantage of the services offered by VR&E. Some veterans do not even become aware of the VR&E program until after they are no longer eligible.

Some veterans with traumatic brain injuries, spinal cord injuries and other serious injuries often require years to properly heal and complete their rehabilitation. After completing their rehabilitation, veterans then need to adjust to the everyday activities of daily living. After taking years to adjust to their injuries veterans then face the challenge of reintegrating with families and communities.

In order to provide disabled veterans with sufficient time to be physically and mentally ready to face those challenges outlined above, this section would extend the delimiting date for VR&E services from 12 to 17 years following discharge. This extension would ensure that all veterans, and seriously injured veterans in

particular, are given the time to heal, rehabilitate, re-connect with their families and reintegrate back into their communities without missing the opportunities offered by VR&E.

*Section 8. Work study allowance*

Under current law, certain veterans and dependents enrolled in school through a VA educational program are eligible to perform a certain number of hours of work in exchange for compensation through VA's work study program. Eligible individuals may work for up to 25 hours times the number of weeks contained in an enrollment period. Participants receive the greater of the state's minimum wage rate or the national minimum wage rate under section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)). Eligible work-study activities are:

- VA outreach services programs or, prior to June 30, 2013, outreach services to servicemembers and veterans furnished by employees of a state approving agency (SAA);
- preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the VA;
- hospital and domiciliary care and medical treatment at VA facilities, and, prior to June 30, 2013, care to veterans in a state home;
- any other activity of the VA as the Secretary determines appropriate;
- activities related to the administration of MGIB-SR and REAP at DOD, Coast Guard, or National Guard facilities (for reservists only);
- prior to June 30, 2013, activities relating to the administration of a national cemetery or a state veterans' cemetery;
- activities of a state veterans agency related to providing assistance to veterans in obtaining state and VA benefits;
- a position working in a cooperative program carried out jointly by the VA and an IHL; and
- any other veterans-related position in an IHL.

The existing legal authority for VA's work study program expires on June 1, 2013. The Committee believes that reauthorization of this program would be beneficial to veterans pursuing a college degree. This program gives veterans and dependents an alternative means to supplement their income without incurring more debt. In recent years the average student has been leaving college with an average debt of \$24,000 to cover all college expenses. Accordingly, section eight of the Committee bill would extend the authorization of this program through June 1, 2018.

*Section 9. Responsibilities of the Directors of Veterans' Employment and Training*

One of the Committee's highest priorities is to improve the performance of existing federal programs that provide job training and placement assistance to veterans. To improve the performance of those programs by setting a minimum standard for those Federal employees responsible for oversight, this section would codify the roles and responsibilities of Directors of Veteran Employment and Training (DVETS). DVETS are Federal employees who represent the U.S. Department of Labor's Veterans Employment and Train-

ing Service (VETS) at the state level. Their primary responsibility is to oversee the Disabled Veteran Outreach Program Specialists (DVOPS) and Local Veteran Employment Representatives (LVERS) who are funded by the Jobs for Veterans State Grant Program.

The DVOPS and LVERS are charged with helping disabled and non-disabled veterans with employment assistance at American Job Centers across the country. The inconsistent performance of the DVOPS and LVERS continues to be a topic of concern for the Committee. Codifying the responsibilities of DVETS would strengthen their position with their state to improve the performance of the DVOPS and LVERS.

The roles and responsibilities that would be codified by this section generally reflect the current position description for DVETS that was provided to the Committee by VETS.

#### *Section 10. Contents of the Transition Assistance Program*

The VOW to Hire Heroes Act (Title II of P.L. 112-56; 125 Stat. 711) made the transition assistance program (TAP) mandatory for all but a very few servicemembers. Since the enactment of that bill, the military Services and the Administration have nearly completed an overhaul of the TAP program for the first time in decades. The military Services have wide latitude in how TAP is structured, i.e. which instructional element would be mandatory and which would be optional. Based on information gleaned during Committee staff site visits, the new TAP curriculum is much improved but still fails to include detailed instruction on the use of GI Bill benefits as part of the mandatory curriculum.

The Mandatory curriculum includes detailed instruction designed to facilitate a departing servicemember's ability to find a good job. DoD has also created several tracks or courses for servicemembers that focus on some of the most common transition paths that servicemembers take when separating. These tracks focus on the following areas: education, vocational-tech, and entrepreneurship and are meant to provide in-depth training that best fits servicemembers' transition goals. Unfortunately, these tracks are considered as "optional" by senior DoD staff and not part of the mandatory TAP program.

From Committee staff's observations while attending several TAP sessions, the most popular of these tracks is the education track with about 50 percent of participants indicating their intent to use their GI Bill benefits soon after discharge. The education track should help them decide whether they are ready for post-secondary education, and if not, how to get ready, what their education or training goal should be, what schools would best meet their education or training goal, how to complete the admissions process, and finally, how to finance their education or training while avoiding some common mistakes.

It is therefore imperative that these future students depart military service with a thorough understanding of a very generous GI Bill benefit and receive assistance in preparing for what can be a very diverse and potentially confusing education industry.

The Post 9/11 G.I. Bill benefit has the potential to provide over \$270,000 over four years to an eligible veteran. If taxpayers are going to provide this very generous benefit, it is important to en-

sure that program beneficiaries are prepared to make best use of this benefit.

Unfortunately, because the educational instruction track is now a non-mandatory option, servicemembers can only take the track if their supervisor allows them to miss the additional days of work, or if servicemembers are deemed not to meet the “career readiness standards,” which standards are currently undefined.

Therefore, this section would require that if a servicemember intends to use their VA education benefits following discharge, they must be allowed to attend the education track. This section would also require the U.S. Department of Labor (DoL) to include information on disability-related employment and education protections in its portion of TAP. Doing so is necessary because the current version of the DoL employment workshop fails to mention the various employment and education protections disabled veterans have under federal and state law.

*Section 11. Three month extension of Veterans Retraining Assistance Program (VRAP)*

The Veterans Retraining Assistance Program was authorized by the VOW to Hire Heroes Act of 2011 (title II of P.L. 112–56; 125 Stat. 711) and is a joint program between VA and VETS aimed at providing older, unemployed veterans access to short-term training to help them qualify for meaningful employment. The program provides unemployed veterans between the ages of 35 and 60 up to one year of Chapter 30 Montgomery G.I. Bill benefits to attend training for an in-demand occupation at a community college or tech school. The program was capped at 99,000 participants and runs from July 1, 2012 through March 31, 2014. Once the program expired, the law also required, VA and VETS to provide a joint report on the effectiveness of the program including the number of participants who found work.

As of May 9, 2013 VA has received 116,731 applications for VRAP, has approved 100,825 certificates of eligibility, and 46,699 veterans are currently in training. While the Committee is encouraged by these numbers we note that less than half of the veterans who possess a certificate of eligibility are actually involved in training and expect the VA and Department of Labor to renew efforts to increase actual enrollment.

Section 11 would extend the ending period for the VRAP program from March 31, 2014 to June 30, 2014. This extension would allow veterans more time to use their VRAP benefits and better aligns with the traditional school year. Additionally, this section requires VA and DoL to submit to Congress an interim report within 30 days of enactment on the effectiveness of the VRAP program. This report will help better inform Congress on the success of this program and whether the program should be continued at some point or serve as a model to reduce future unemployment rates among veterans.

*Section 12. Increase in rates of disability compensation and dependency and indemnity compensation*

This section would increase, effective December 1, 2013, the rates of compensation for service-connected disabilities and the rates of dependency and indemnity compensation (DIC) for surviving

spouses and children of veterans who die of service-connected causes, as well as the additional amounts for dependents and survivors, and clothing allowances for certain veterans. Congress has provided annual increases in these rates for every fiscal year since 1976.

The Committee is following its longstanding practice of setting the cost-of-living adjustment (COLA) by reference to the yet-to-be-determined Social Security increase. At the time of the filing of this report, the increase is expected to be 2.1 percent, but it may be higher or lower depending on changes in the Consumer Price Index.

The basic purpose of the disability compensation program is to provide relief from the impaired earning capacity of veterans disabled as the result of their military service. The amount of compensation payable varies according to the degree of disability. This amount in turn is required by law to represent, to the extent practicable, the average impairment in earning capacity in civilian occupations resulting from such disability or combination of disabilities.

To be eligible to receive disability compensation, a veteran must have a disability incurred or aggravated during military service, which is not the result of willful misconduct, and have been discharged under other than dishonorable conditions. The responsibility for determining a veteran's entitlement to service-connection for a disability rests with the Department of Veterans Affairs (VA).

Surviving spouses and dependent children of veterans who died of disabilities determined by VA to be service-connected (including veterans who died while on active duty) or who had a service-connected disability rated at 100 percent for certain periods of time prior to death are entitled to receive monthly DIC benefits. Additional amounts are paid to survivors who are housebound, in need of aid and attendance, or have minor children. The purpose of DIC benefits authorized under chapter 13 of title 38, United States Code, is to provide partial compensation to the appropriate survivors for the loss in financial support due to the service-connected death. Income and need are not factors in determining a surviving spouse's or child's entitlement because the Nation, in part, assumes the legal and moral obligation of the veteran to support the spouse and children.

#### *Section 13—Performance awards in Senior Executive Services*

Section 5384 of title 5, United States Code, sets out the authority for Federal agencies to allocate performance incentives to employees of the Senior Executive Service (SES). According to information supplied by VA, 221 SES bonuses were awarded in FY 2008 at a total cost of \$3,816,330; 219 bonuses were awarded in FY 2009 at a total cost of \$3,728,536; 227 bonuses were awarded in FY 2010 at a total cost of \$3,342,100; and, 243 bonuses were awarded in FY 2011 at a total cost of \$2,799,618. The Committee notes that historically, about two-thirds of all SES employees receive bonuses which have averaged about \$15,000 per employee.

In light of the highly publicized problems over the past few years involving VA healthcare, contracting and benefits officials, as well as the tight fiscal climate, the Committee questions the effectiveness of the bonus program. Despite generous bonuses, lapses in the

quality of healthcare, cost overruns in VA contracts, and the significant increase in claims backlog continue. The Committee believes that as an incentive to improve performance, bonuses have failed and they have become nothing more than a poorly-justified subsidy to SES salaries.

To facilitate a reevaluation of VA's SES bonus program, this section would prohibit VA from paying SES performance awards to senior staff for fiscal years 2013 to 2018.

#### HEARINGS

On April 10, 2013, the Subcommittee on Economic Opportunity conducted a legislative hearing on various bills introduced during the 113th Congress, including H.R. 357, H.R. 562, H.R. 631, H.R. 844, H.R. 1305, H.R. 1316, H.R. 1402, and H.R. 1453. The following witnesses testified:

Mr. Curtis Coy, Deputy Under Secretary for Economic Opportunity, Veterans Benefits Administration, U.S. Department of Veterans Affairs, who was accompanied by Mr. Danny Pummill, Director, Veterans Benefits Administration/Department of Defense Program Office, U.S. Department of Veterans Affairs; Dr. Susan Kelly, Deputy Director, Transition to Veterans Program Office, U.S. Department of Defense; The Honorable Keith Kelly, Assistant Secretary, Veterans' Employment and Training Service, U.S. Department of Labor; Mr. Charles Huebner, Chief of U.S. Paralympics, U.S. Olympic Committee; Dr. Susan Aldridge, Senior Fellow, American Association of State Colleges and Universities; Col. G. Michael Denning (USMC) Ret., Director of Graduate Military Programs, The University of Kansas, on behalf of the Association of Public and Land Grant Universities; LtGen Joseph F. Weber (USMC) Ret., Vice President for Student Affairs, Texas A&M University; Mr. Alexander Nicholson, Chief Policy Officer, Iraq and Afghanistan Veterans of America; Mr. Ryan M. Gallucci, Deputy Director, National Legislative Service, Veterans of Foreign Wars of the United States; Mr. Steve L. Gonzalez, Assistant Director, National Economic Commission, The American Legion; and Mr. Michael Dakduk, Executive Director, Student Veterans of America. The following groups submitted statements for the record: The National Coalition for Homeless Veterans; VETSFirst; and Gold Star Wives of America, Inc.

On April 16, 2013, the Subcommittee on Disability Assistance and Memorial Affairs conducted a legislative hearing on various bills introduced during the 113th Congress, including H.R. 569 (from which section 12 of H.R. 357, as amended, is derived), H.R. 570, H.R. 602, H.R. 671, H.R. 679, H.R. 733, H.R. 894 and H.R. 1405. The following witnesses testified:

The Honorable Bill Johnson, U.S. House of Representatives; The Honorable Chellie Pingree, U.S. House of Representatives; The Honorable Timothy Walz, U.S. House of Representatives; Mr. Jeff Hall, Assistant National Legislative Director, Disabled American Veterans; Mr. Raymond Kelley, Director of National Legislative Service, Veterans of Foreign Wars; Colonel Robert F. Norton, USA (Ret.), Deputy Director of Government Relations, Military Officers Association of America; Heather Ansley, Esq., MSW, Vice President of Veterans Policy, VetsFirst, a program of United Spinal Association; Mr. Michael D. Murphy, Executive Director, National Associa-

tion of County Veterans Service Officers; Mr. Richard Hipolit, Assistant General Counsel, U.S. Department of Veterans Affairs; Mr. David R. McLenachen, Director, Pension and Fiduciary Service, U.S. Department of Veterans Affairs, accompanied by Ms. Mary Ann Flynn, Deputy Director, Policy and Procedures, Compensation Service, U.S. Department of Veterans Affairs. The following groups submitted statements for the record: The American Legion; Iraq and Afghanistan Veterans of America; National Organization of Veterans Advocates; and Wounded Warrior Project.

#### SUBCOMMITTEE CONSIDERATION

On April 25, 2013, the Subcommittee on Economic Opportunity met in an open markup session, a quorum being present, and favorably forwarded to the full Committee H.R. 357, as amended, H.R. 562, H.R. 631, as amended, H.R. 844, H.R. 1305, H.R. 1316, as amended, H.R. 1402, and H.R. 1453, as amended, by voice vote.

During consideration of H.R. 357 the following amendment was considered and agreed to by voice vote:

An amendment in the nature of a substitute offered by Mr. Runyan of New Jersey modified the bill to clarify that to be eligible for VA education benefits a school or training program could charge up to the in-state tuition rate. The amendment in the nature of a substitute also extended the effective date of the bill to July 1, 2015.

During consideration of H.R. 631 the following amendment was considered and agreed to by voice vote:

An amendment in the nature of a substitute offered by Mr. Runyan of New Jersey that modified the original bill to remove the requirement that listed a specific amount of days of training required with each subject of TAP. The amendment also required that if a servicemember plans to use education benefits following discharge they will be required to take the education track as part of the mandatory portion of TAP. This training would include information about the education benefits available to servicemembers, testing for academic readiness, information about financing the education or training, and training on matching a school to the servicemembers' interests.

During consideration of H.R. 1316 the following amendment was considered and agreed to by voice vote:

An amendment in the nature of a substitute offered by Mr. Runyan of New Jersey that removed two provisions of the original bill that would have required DVETS to provide outreach to employers about veterans preference requirements under chapter 43 of title 38 U.S.C. and review and administer a compliance program to ensure that Federal contractors have an affirmative action plan to hire veterans.

#### COMMITTEE CONSIDERATION

On May 8, 2013, the full Committee met in an open markup session, a quorum being present, and ordered H.R. 357, as amended, reported favorably to the House of Representatives, by voice vote. During consideration of the bill, the following amendment was considered and agreed to by voice vote:

An amendment in the nature of a substitute, by Mr. Miller of Florida incorporated the provisions from H.R. 562, H.R. 631, as amended, H.R. 844, H.R. 1305, H.R. 1316, as amended, H.R. 1402, and H.R. 1453. Additionally, the amendment in the nature of a substitute added a free-standing provision that would eliminate bonuses for SES employees at VA for fiscal years 2014–2018.

#### COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the recorded votes on the motion to report the legislation and amendments thereto. There were no recorded votes taken on amendments or in connection with ordering H.R. 357, as amended, reported to the full House. A motion by Ranking Member Michael H. Michaud of Maine to order H.R. 357, as amended, reported favorably to the full House was agreed to by voice vote.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

#### STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c) (4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are reflected in the descriptive portions of this report.

#### NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c) (2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

#### EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 357, as amended, does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

#### COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate on H.R. 357, as amended, prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate for H.R. 357,



as amended, provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

U.S. CONGRESS,  
 CONGRESSIONAL BUDGET OFFICE,  
 Washington, DC, May 16, 2013.

Hon. JEFF MILLER,  
 Chairman, Committee on Veterans' Affairs,  
 House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 357, the GI Bill Tuition Fairness Act of 2013.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is William Ma.

Sincerely,

ROBERT A. SUNSHINE  
 (For Douglas W. Elmendorf, Director).

Enclosure.

*H.R. 357—GI Bill Tuition Fairness Act of 2013*

Summary: H.R. 357 would: modify the monthly rates payable to veterans, their dependents, and survivors for disability compensation and dependency and indemnity compensation; amend the approval criteria for educational institutions at which veterans may use their education benefits; and make other changes to programs administered by the Department of Veterans Affairs (VA), the Department of Defense (DoD), and the Department of Labor (DOL).

If enacted, CBO estimates that, on net, the bill would decrease direct spending by \$139 million over the 2014–2018 period and by \$347 million over the 2014–2023 period. Because the bill would affect direct spending, pay-as-you-go procedures apply. Enacting H.R. 357 would not affect revenues.

In addition, CBO estimates that implementing H.R. 357 would have a discretionary cost of \$132 million over the 2014–2018 period, assuming appropriation of the estimated amounts.

H.R. 357 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 357 is shown in Table 1. The costs of this legislation fall within budget functions 700 (veterans benefits and services) and 050 (national defense).

TABLE 1—ESTIMATED BUDGETARY EFFECTS OF H.R. 357

	By fiscal year, in millions of dollars—					
	2014	2015	2016	2017	2018	2014–2018
<b>CHANGES IN DIRECT SPENDING</b>						
Estimated Budget Authority .....	-1	-28	-36	-37	-37	-139
Estimated Outlays .....	-1	-28	-36	-37	-37	-139
<b>CHANGES IN SPENDING SUBJECT TO APPROPRIATION</b>						
Estimated Authorization Level .....	16	25	34	35	35	147
Estimated Outlays .....	7	21	33	34	35	132

Notes: In addition to the direct spending effects shown here, enacting H.R. 357 would have effects on direct spending beyond 2018 (see Table 2). CBO estimates that total direct spending would decrease by \$347 million over the 2014–2023 period. Components may not sum to totals because of rounding.

Basis of estimate: For the purposes of this estimate, CBO assumes that the legislation will be enacted near the beginning of fiscal year 2014, that the necessary amounts will be appropriated each year, and that outlays will follow historical spending patterns for similar and existing programs.

*Direct spending*

Table 2 summarizes H.R. 357's effects on direct spending for veterans' compensation and pension programs and veterans' education, training and rehabilitation programs. In total, CBO estimates that enacting those provisions would reduce direct spending for veterans' programs by \$347 million over the 2014–2023 period.

TABLE 2—IMPACT OF H.R. 357 ON DIRECT SPENDING

	By fiscal year, in millions of dollars—											
	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2014– 2018	2014– 2023
<b>Rate Adjustment:</b>												
Estimated Budget Authority .....	-25	-26	-26	-27	-27	-28	-29	-29	-30	-31	-131	-278
Estimated Outlays .....	-25	-26	-26	-27	-27	-28	-29	-29	-30	-31	-131	-278
<b>In— State Tuition for Veterans:</b>												
Estimated Budget Authority .....	0	-6	-14	-15	-16	-16	-17	-18	-18	-19	-51	-139
Estimated Outlays .....	0	-6	-14	-15	-16	-16	-17	-18	-18	-19	-51	-139
<b>Increase to Eligibility Period for Vocational Rehabilitation and Training Assistance:</b>												
Estimated Budget Authority .....	3	3	3	4	5	5	5	5	6	6	18	45
Estimated Outlays .....	3	3	3	4	5	5	5	5	6	6	18	45
<b>Extension of Veterans Retraining Assistance Program:</b>												
Estimated Budget Authority .....	20	0	0	0	0	0	0	0	0	0	20	20
Estimated Outlays .....	20	0	0	0	0	0	0	0	0	0	20	20
<b>Extension of Work Study Program:</b>												
Estimated Budget Authority .....	1	1	1	1	1	1	0	0	0	0	5	5
Estimated Outlays .....	1	1	1	1	1	1	0	0	0	0	5	5
<b>Total Changes in Direct Spending:</b>												
Estimated Budget Authority .....	-1	-28	-36	-37	-37	-39	-41	-42	-42	-44	-139	-347
Estimated Outlays .....	-1	-28	-36	-37	-37	-39	-41	-42	-42	-44	-139	-347

Rate Adjustment. Section 12 would increase the amounts paid to veterans for disability compensation and to their survivors for dependency and indemnity compensation by the same cost-of-living adjustment (COLA) payable to Social Security recipients. The increase would take effect on December 1, 2013. The COLA that would be authorized by this bill is assumed in CBO's baseline, consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act.

Because the COLA is assumed in CBO's baseline, the COLA provision would have no budgetary effect relative to the baseline. Relative to current law, CBO estimates that enacting this bill would increase spending for those programs by \$1.9 billion in fiscal year 2014. (The annualized cost would be about \$2.6 billion in subsequent years.) This estimate reflects the assumption that the COLA effective on December 1, 2013, would be 1.5 percent.

Section 12 also would extend for a year a provision of law that requires the increased monthly rates resulting from the COLA to be rounded down to the next lower whole dollar. This provision of law applies to both disability compensation and dependency and indemnity compensation payments. This provision is set to expire at the end of fiscal year 2013. Based on projections of the number of beneficiaries and number of payments made each year, CBO estimates that this section would result in direct spending savings of \$278million over the 2014–2023 period.

In-State Tuition for Veterans. Section 3 would require the Secretary of Veterans Affairs to approve, for the purposes of participating in education benefits programs administered by VA, only those public institutions of higher education that charge all veterans tuition and fees no more than the in-state rate. Eligible individuals would no longer be able to use their education benefits at institutions not approved; however, individuals enrolled in those institutions before July 1, 2015, would still be able to use their benefits through July 1, 2019.

Under current law, VA pays up to the actual net cost of in-state tuition and fees for individuals who are eligible for the full Post-9/11 GI Bill benefit. Students attending public institutions where non-resident tuition and fees exceed the maximum amount payable may be eligible for additional assistance under the Yellow Ribbon GI Education Enhancement Program. When an institution enters into a Yellow Ribbon Program (YRP) agreement with VA, it agrees to cover a portion of the student's tuition shortfall. VA then matches the institution's contribution to further reduce or eliminate the student's out-of-pocket expenses.

Based on information from VA, CBO estimates that, if H.R. 357 is enacted, approximately 3,800 veterans would no longer be charged tuition and fees at the non-resident rate each year. Under current law, those veterans will receive about \$3,900 each in YRP assistance in 2015 and, after taking into consideration annual increases in tuition costs, \$4,900 each by 2023. In total, CBO estimates that the reduction in YRP assistance would decrease direct spending by \$139 million over the 2014–2023 period.

Increase to Eligibility Period for Vocational Rehabilitation and Training Assistance. Under current law, VA may provide assistance for vocational training and rehabilitation to certain eligible veterans for up to 12 years following the veteran's discharge or sep-

aration from service on active duty. Section 7 would extend that period to 17 years. Based on information from VA, CBO estimates that under this provision, about 400 additional veterans would receive assistance each year. Based on data from VA, CBO estimates the average cost of providing vocational rehabilitation and training assistance to each of those veterans would be about \$10,000 in 2014 and, after accounting for inflation, about \$13,000 by 2023. In total, this provision would increase direct spending by \$45 million over the 2014–2023 period, CBO estimates.

**Extension of Veterans Training Assistance Program (VRAP).** VRAP provides up to 12 months of assistance to certain unemployed veterans pursuing programs that prepare them to work in fields determined by DOL to have significant employment opportunities. The monthly amount of assistance is equal to the maximum monthly amount of basic assistance payable under the Montgomery GI Bill (in 2014, that monthly amount will be about \$1,640). Under current law, VA may not provide such assistance beyond March 31, 2014. Section 11 would extend VRAP through June 30, 2014. Based on information from VA, CBO estimates that about 5,000 veterans would benefit from this three-month extension, with each of those veterans receiving, on average, about 2½ months of additional assistance. CBO estimates that extending the VRAP by three months would increase direct spending by \$20 million over the 2014–2023 period.

**Extension of Work-Study Program.** Veterans using their educational benefits on a full-time or ¾-time basis may be eligible to receive a work-study allowance for performing VA-related work on school campuses and at other qualifying locations. Those veterans are paid the federal minimum wage or their state’s minimum wage, whichever is greater. Under current law, VA’s authority to pay work-study allowances to certain veterans performing outreach services, providing hospital and domiciliary care to veterans in state homes, or performing activities at national or state veterans’ cemeteries expires on June 30, 2013. Section 8 would extend that authority through June 30, 2018. Assuming the legislation is enacted near the beginning of fiscal year 2014, there would be an interruption in VA’s authority to pay work-study allowances for about 400 positions. Based on information from VA, CBO estimates that, if H.R. 357 is enacted, VA would quickly fill those 400 work-study positions and the veterans filling those positions would each be paid, on average, about \$2,800 annually. Over the 2014–2023 period, this provision would increase direct spending by \$5 million, CBO estimates.

*Spending subject to appropriation*

H.R. 357 contains provisions that would extend or modify several discretionary programs that provide assistance to servicemembers separating from active duty and certain other veterans. It also would limit the amount of performance awards VA may pay to senior staff. CBO estimates that implementing those provisions of the bill would cost \$132 million over the 2014–2018 period, assuming appropriation of the estimated amounts (see Table 3).

TABLE 3—IMPACT OF H.R. 357 ON SPENDING SUBJECT TO APPROPRIATION

	By fiscal year, in millions of dollars—					
	2014	2015	2016	2017	2018	2014–2018
Required Contents of the Transition Assistance Program:						
Estimated Authorization Level .....	*	9	18	19	19	65
Estimated Outlays .....	*	8	18	18	19	63
VA Support of Paralympic Program:						
Authorization Level .....	10	10	10	10	10	50
Estimated Outlays .....	10	10	10	10	10	50
Homeless Veterans Reintegration Program Eligibility:						
Estimated Authorization Level .....	10	10	10	10	10	50
Estimated Outlays .....	1	7	9	10	10	37
Performance Awards for Senior Executive Staff:						
Estimated Authorization Level .....	–4	–4	–4	–4	–4	–18
Estimated Outlays .....	–4	–4	–4	–4	–4	–18
Total Changes in Discretionary Spending:						
Estimated Authorization Level .....	16	25	34	35	35	147
Estimated Outlays .....	7	21	33	34	35	132

Notes: Components may not add to totals because of rounding.  
\* = less than \$500,000.

Required Contents of the Transition Assistance Program (TAP). Under current law, servicemembers receive pre-separation counseling through the TAP to help prepare them for the transition from military service. Section 10 would require DoD to provide the following elements as a component of TAP to all separating servicemembers planning to use their education benefits upon discharge or release from active duty:

- An overview of the servicemember’s use of such entitlement;
- Testing to determine the academic preparedness of the servicemember for postsecondary education,
- Counseling on how to finance postsecondary education, and
- Information on the veterans’ benefits programs administered by VA.

Based on information from DoD, CBO estimates that the department would have to hire about 180 full-time employees to provide the required instruction, academic preparedness testing, and education counseling to about 85,000 separating servicemembers each year.

CBO estimates that hiring those employees and carrying out the provisions of section 10 would cost \$63 million over the 2014–2018 period.

Section 10 also would require DOL to incorporate into its existing TAP curriculum information about disability-related employment and education protections. Based on information from DOL, CBO estimates that revising DOL’s TAP curriculum and updating its handout materials would cost less than \$500,000 over the 2014–2018 period.

VA Support of Paralympic Program. Sections 4 and 5 would extend, through 2018, two programs related to VA’s authority to support the United States Olympic Committee (USOC) Paralympic Program. Those provisions are scheduled to expire at the end of fiscal year 2013. The first program authorizes VA to provide an allowance to certain veterans for any month in which they are in training for a USOC event or are residing at the USOC training center.

Under section 4, \$2 million would be authorized annually to provide the monthly allowances through the Office of National Veterans Sports and Special Events.

The second program authorizes VA to make grants to the USOC to plan, develop, manage, and implement the Paralympic Program for disabled veterans and disabled members of the armed service. Section 5 would authorize VA to provide \$8 million in grant money per year to the USOC for those purposes.

Together, CBO expects that implementing sections 4 and 5 would cost \$50 million over the 2014–2018 period, assuming appropriation of the authorized amounts.

Homeless Veterans Reintegration Program (HVRP) Eligibility. Section 6 would expand the number of veterans eligible to receive benefits under HVRP. That program, administered by DOL, provides job placement, training, and vocational counseling to homeless veterans to expedite their reintegration into the labor force. This provision would expand eligibility under HVRP to include veterans participating in the Department of Housing and Urban Development-VA Supportive Housing (HUD-VASH) program and veterans transitioning from being incarcerated. Under current law, the authorization of appropriations for the HVRP will expire at the end of fiscal year 2013; however, the authority for DOL to provide those reintegration services is indefinite (subject to the availability of appropriations). Based on information from DOL, VA, and the Department of Justice, CBO estimates that an additional 5,000 veterans would receive those services each year at a cost of \$37 million over the 2014–2018 period.

Performance Awards for Senior Executive Staff. Section 13 would eliminate performance awards to senior executive staff at VA over the 2014–2018 period. In recent years, VA paid slightly less than \$4 million annually for performance awards. Assuming that similar amounts would be provided under current law going forward, CBO estimates that implementing section 13 would reduce costs for pay and performance by \$18 million over the 2014–2018 period.

Responsibilities of the Directors of Veterans' Employment and Training (DVETs). Under current law, the Secretary of Labor appoints DVETs in each state to manage and coordinate training and employment activities of the state. Section 9 would require DVETs to complete certain functions in the performance of their duties. Based on information from DOL, those prescribed functions are either already specified in statute or included in the performance standards of all DVETs. Thus, CBO estimates that implementing section 9 would codify those existing performance standards and have no effect on the federal budget.

Pay-as-You-Go Considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays that are subject to those pay-as-you-go procedures are shown in the following table.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 357 AS ORDERED REPORTED BY THE  
HOUSE COMMITTEE ON VETERANS' AFFAIRS ON MAY 8, 2013

	By fiscal year, in millions of dollars—												
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2013– 2018	2013– 2023
	NET DECREASE (–) IN THE DEFICIT												
Statutory Pay-As- You-Go Impact	0	–1	–28	–36	–37	–37	–39	–41	–42	–42	–44	–139	–347

Estimated impact on state, local, and tribal governments: H.R. 357 contains no intergovernmental mandates as defined in UMRA. The bill would require public institutions of higher education to charge veterans no more than in-state tuition and fees regardless of the veteran's state of residency if veterans enrolled in those institutions are to be eligible to use their VA education benefits at those institutions. Any costs those institutions might incur to comply would be incurred voluntarily as conditions of participating in a voluntary federal program.

Estimated impact on the private sector: H.R. 357 contains no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal costs: William Ma and Dwayne Wright; Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum; Impact on the Private Sector: Elizabeth Bass.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates regarding H.R. 357, as amended, prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 357, as amended.

#### STATEMENT OF CONSTITUTIONAL AUTHORITY

Pursuant to Article I, section 8 of the United States Constitution, the reported bill is authorized by Congress' power to "provide for the common Defense and general Welfare of the United States."

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### STATEMENT ON DUPLICATION OF FEDERAL PROGRAMS

Pursuant to section 3(j) of H. Res. 5, 113th Cong. (2013), the Committee finds that no provision of H.R. 357, as amended, the "GI Bill Tuition Fairness Act of 2013," establishes or reauthorizes a program of the Federal Government known to be duplicative of



another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### DISCLOSURE OF DIRECTED RULEMAKING

Pursuant to section 3(k) of H. Res. 5, 113th Cong. (2013), the Committee estimates that H.R. 357, as amended, does not require any directed rule makings.

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Short title*

This section provides the short title of H.R. 357, as amended, as the “GI Bill Tuition Fairness Act of 2013.”

##### *Section 2. References to Title 38, United States Code*

Section 2 provides that unless otherwise expressly provided all references to the United States Code shall be considered to be in reference to title 38, United States Code.

##### *Section 3. Approval of courses of education provided by public educational institutions for the purposes of education assistance programs administered by Secretary of Veterans Affairs conditional on in-state tuition rate for veterans*

Section 3(a) would amend section 3679 of title 38, United States Code, by adding a new subsection (c) that would require the Secretary of VA, or a designee to disapprove a course of education at a public institution unless the institution charges veteran students no more than the in-state tuition rate regardless of the veteran’s state of residence.

Section 3(b) would continue benefits to any student veteran who is enrolled at an approved institution before July 1, 2015. These students would be able to continue to use their VA education benefits regardless of the institution’s compliance with section 3(a) through July 1, 2019. This subsection also provides the Secretary waiver authority for this restriction where appropriate.

Section 3(c) would set an effective date for this section of July 1, 2015.

##### *Section 4. Extension of authorization of appropriations for payment of a monthly assistance allowance to disabled veterans training or competing for the paralympic team*

Section 4 would amend section 322(d)(4) of title 38, United States Code, by extending the existing authorization of appropriations for monthly assistance allowance to disabled veterans who are training at U.S. Olympic or other advanced training facilities for possible inclusion in U.S. Paralympic events for elite athletes. The existing \$2 million authorization would be extended from FY 2013 to FY 2018.

##### *Section 5. Extension of authorization of appropriations for assistance to United States Paralympics, INC.*

Section 5 would amend subsections (g) and (l) of section 521A of title 38, United States Code, to extend the existing \$8 million au-

thorization of appropriations for the adaptive sports program funding that the United States Paralympic Committee provides to local grantees. The authorization would be extended from FY 2013 to FY 2018.

*Section 6. Clarification of eligibility for services under the Homeless Veteran Reintegration Program*

Section 6 would amend subsection (a) of section 2021 of title 38, United States Code, to clarify that veterans living in HUD-VASH housing (supported housing program under section 8(o)(19) of the United States Housing Act of 1937) as well as incarcerated veterans would be eligible for job training services under the Homeless Veterans Reintegration Program.

*Section 7. Extension of eligibility for period for vocational rehabilitation programs*

Section 7 would amend section 3102 of title 38, United States Code by extending the delimiting date for a veteran to use their Vocational Rehabilitation benefits from 12 years to 17 years following discharge from active duty. This section would make this change effective for any veteran who applies for Vocational Rehabilitation benefits on or after the date of enactment of this section.

*Section 8. Work study allowance*

Section 8 would amend section 3485(a)(4) of title 38, United States Code by extending the authority for the VA's work study program from June 30, 2013 to June 30, 2018.

*Section 9. Responsibilities of the Directors of Veterans' Employment and Training*

Section 9 would amend section 4103 of title 38, United States Code, to codify the major duties of DVETs of the Veterans Employment and Training Service using the essential functions contained in the position description for DVETs. Their basic responsibilities would be to track the funding and performance of Disabled Veteran Outreach Program Specialists (DVOPS) and Local Veterans Employment Representatives (LVERS) who are funded through the Jobs for Veterans State Grant Program (JVSG). Under this section they would also be responsible for monitoring and advising state and local workforce agencies on all other VETS programs such as the HVRP.

*Section 10. Contents of the Transition Assistance Program*

Section 10 would amend section 1144 of title 10, United States Code to require that if a servicemember plans to use their education benefits following discharge they will be required to take the education track as part of the mandatory portion of TAP. This training would include information about the education benefits available to servicemembers, testing for academic readiness, information about financing the education or training, and training on matching a school to the servicemembers' interests. This section would also require that TAP instruction also cover topics related to disability-related and education protections provided to disabled veterans. The section also requires that VA conduct a feasibility study to determine if they could contract out for TAP instruction.

*Section 11. Three month extension of Veterans Retraining Assistance Program (VRAP)*

Section 11 would amend section 211 of the VOW to Hire Heroes Act of 2011 (title II of P.L. 112–56; 125 Stat. 711 ) to extend the authorization for a veteran to use VRAP from March 31, 2014 to June 30, 2014. The section would also require an interim report on the effectiveness of VRAP from VA and the department of Labor’s Veterans Employment and Training Service (VETS) no later than 30 days after enactment.

*Section 12. Increase in rates of disability compensation and dependency and indemnity compensation*

Section 12 would authorize the Secretary of Veterans Affairs to increase, effective December 1, 2013, the dollar amounts in effect for payment of disability compensation and dependency and indemnity compensation by the same percentage by which benefits are increased under title II of the Social Security Act (42 U.S.C. 401 et seq.), which would include the Wartime Disability Compensation, under section 1114 of title 38, United States Code, the Additional Compensation for Dependents, under section 1115(1) of title 38, U.S.C., the Clothing Allowance, under section 1162 of title 38, United States Code., the Dependency and Indemnity Compensation to Surviving Spouses, under section 1311 of title 38, United States Code., the Dependency and Indemnity Compensation to Children, under section 1313(a) and 1314 of title 38, United States Code.

This section would require the rounding down to the next lower dollar amount all compensation and DIC benefits, when the amount is not a whole dollar amount, would authorize the Secretary of Veterans Affairs to administratively adjust, consistent with the increases made, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263), who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code, and would require the Secretary of Veterans Affairs to publish in the Federal Register the amounts to be increased, as increased pursuant to this section.

*Section 13. Performance awards in Senior Executive Services*

Section 13, would require VA to eliminate the amount paid in performance awards to members of the Senior Executive Service under section 5384 of title 5, United States Code, for fiscal years 2014 to 2018.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

**TITLE 38, UNITED STATES CODE**

\* \* \* \* \*

**PART I—GENERAL PROVISIONS**

\* \* \* \* \*

**CHAPTER 3—DEPARTMENT OF VETERANS AFFAIRS**

\* \* \* \* \*

**§ 322. Office of National Veterans Sports Programs and Special Events**

(a) \* \* \*

\* \* \* \* \*

(d) MONTHLY ASSISTANCE ALLOWANCE.—(1) \* \* \*

\* \* \* \* \*

(4) There is authorized to be appropriated to carry out this subsection \$2,000,000 for each of fiscal years 2010 through **[2013] 2018**.

\* \* \* \* \*

**CHAPTER 5—AUTHORITY AND DUTIES OF THE SECRETARY**

\* \* \* \* \*

**SUBCHAPTER II—SPECIFIED FUNCTIONS**

\* \* \* \* \*

**§ 521A. Assistance for United States Paralympics, Inc**

(a) \* \* \*

\* \* \* \* \*

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated \$8,000,000 for each of fiscal years 2010 through **[2013] 2018** to carry out this section. Amounts appropriated pursuant to this subsection shall remain available without fiscal year limitation.

\* \* \* \* \*

(1) TERMINATION.—The Secretary may only provide assistance under this section during fiscal years 2010 through **[2013] 2018**.

\* \* \* \* \*

**PART II—GENERAL BENEFITS**

\* \* \* \* \*

**CHAPTER 20—BENEFITS FOR HOMELESS VETERANS**

\* \* \* \* \*

**SUBCHAPTER III—TRAINING AND OUTREACH**

**§ 2021. Homeless veterans reintegration programs**

(a) IN GENERAL.—Subject to the availability of appropriations provided for such purpose, the Secretary of Labor shall conduct, di-

rectly or through grant or contract, such programs as the Secretary determines appropriate to provide job training, counseling, and placement services (including job readiness and literacy and skills training) to expedite the [reintegration of homeless veterans into the labor force.] *reintegration into the labor force of—*

- (1) *homeless veterans;*
- (2) *veterans participating in the Department of Veterans Affairs supported housing program for which rental assistance provided pursuant to section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)); and*
- (3) *veterans who are transitioning from being incarcerated.*

\* \* \* \* \*

**PART III—READJUSTMENT AND RELATED BENEFITS**

\* \* \* \* \*

**CHAPTER 31—TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES**

\* \* \* \* \*

**§ 3103. Periods of eligibility**

(a) Except as provided in subsection (b), (c), (d), or (e) of this section, a rehabilitation program may not be afforded to a veteran under this chapter after the end of the [twelve-year period] *17-year period* beginning on the date of such veteran’s discharge or release from active military, naval, or air service.

(b)(1) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because a medical condition of such veteran made it infeasible for such veteran to participate in such a program, the [twelve-year period] *17-year period* of eligibility shall not run during the period of time that such veteran was so prevented from participating in such a program, and such period of eligibility shall again begin to run on the first day following such veteran’s recovery from such condition on which it is reasonably feasible, as determined under regulations which the Secretary shall prescribe, for such veteran to participate in such a program.

(2) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because—

(A) \* \* \*

\* \* \* \* \*

the [twelve-year period] *17-year period* of eligibility shall not run during the period of time that such veteran was so prevented from participating in such a program.

(3) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility pre-

scribed in subsection (a) of this section because such veteran had not established the existence of a service-connected disability rated at 10 percent or more, the ~~twelve-year period~~ *17-year period* of eligibility shall not run during the period such veteran was so prevented from participating in such a program.

\* \* \* \* \*

**CHAPTER 34—VETERANS’ EDUCATIONAL ASSISTANCE**

\* \* \* \* \*

**SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS;  
VETERAN-STUDENT SERVICES**

\* \* \* \* \*

**§ 3485. Work-study allowance**

(a)(1) \* \* \*

\* \* \* \* \*

(4) For the purposes of this section, the term “qualifying work-study activity” means any of the following:

(A) The outreach services program under chapter 63 of this title as carried out under the supervision of a Department employee or, during the period preceding ~~June 30, 2013~~ *June 30, 2018*, outreach services to servicemembers and veterans furnished by employees of a State approving agency.

\* \* \* \* \*

(C) The provision of hospital and domiciliary care and medical treatment under chapter 17 of this title, including, during the period preceding ~~June 30, 2013~~ *June 30, 2018*, the provision of such care to veterans in a State home for which payment is made under section 1741 of this title.

\* \* \* \* \*

(F) During the period preceding ~~June 30, 2013~~ *June 30, 2018*, an activity relating to the administration of a national cemetery or a State veterans’ cemetery.

\* \* \* \* \*

**CHAPTER 36—ADMINISTRATION OF EDUCATIONAL  
BENEFITS**

**SUBCHAPTER I—STATE APPROVING AGENCIES**

\* \* \* \* \*

**§ 3679. Disapproval of courses**

(a) \* \* \*

\* \* \* \* \*

(c) *Notwithstanding any other provision of this subtitle, the Secretary or the Secretary’s designee shall disapprove a course of education provided by a public educational institution unless the institution charges tuition and fees for a veteran at up to the same rate as the institution charges for residents of the State in which the institution is located, regardless of the veteran’s State of residence.*

*The Secretary shall notify the State approving agency of the Secretary's disapproval of a course of education under this subsection.*

\* \* \* \* \*

**CHAPTER 41—JOB COUNSELING, TRAINING, AND  
PLACEMENT SERVICE FOR VETERANS**

\* \* \* \* \*

**§ 4103. Directors and Assistant Directors for Veterans' Employment and Training; additional Federal personnel**

(a) \* \* \*

(b) *RESPONSIBILITIES.*—*Each Director assigned to a State under subsection (a) shall carry out the following responsibilities:*

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

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

(3) *Suggesting to the Assistant Secretary of Labor for Veterans' Employment and Training corrective actions that could be taken by the State workforce agency to address deficiencies in the performance of veterans' training and employment programs in the State.*

(4) *Annually negotiating with the State workforce agency to establish performance goals for veterans' training and employment programs in the State.*

(5) *Reviewing the State's requests for funding for veterans' training and employment programs and providing advice to the State workforce agency and the Assistant Secretary regarding such funding requests.*

(6) *Forwarding complaints regarding possible violations of chapter 43 of this title to the appropriate Regional Administrator or to the Assistant Secretary, as required.*

(7) *Carrying out grant officer technical representative responsibilities for grants issued under programs administered by the Department.*

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

(9) *Supervising and managing all support staff, including Assistant Directors, establishing workload priorities, managing all personnel actions, and evaluating all assigned personnel.*

(10) *Submitting to the Assistant Secretary regular reports on the matters described in paragraphs (1), (2), (4), and (8), and any other matters the Assistant Secretary determine appropriate.*

(11) *Performing such other related duties as directed by the Assistant Secretary.*

**[(b)] (c) ADDITIONAL FEDERAL PERSONNEL.**—*The Secretary may also assign as supervisory personnel such representatives of the Veterans' Employment and Training Service as the Secretary determines appropriate to carry out the employment, training, and*

placement services required under this chapter, including Assistant Directors for Veterans' Employment and Training.

\* \* \* \* \*

**TITLE 10, UNITED STATES CODE**

\* \* \* \* \*

**SUBTITLE A—GENERAL MILITARY LAW**

\* \* \* \* \*

**PART II—PERSONNEL**

\* \* \* \* \*

**CHAPTER 58—BENEFITS AND SERVICES FOR MEMBERS BEING SEPARATED OR RECENTLY SEPARATED**

\* \* \* \* \*

**§ 1144. Employment assistance, job training assistance, and other transitional services: Department of Labor**

(a) \* \* \*

(b) ELEMENTS OF PROGRAM.—In establishing and carrying out a program under this section, the Secretary of Labor shall do the following:

(1) \* \* \*

\* \* \* \* \*

(9) *Provide information about disability-related employment and education protections.*

(c) ADDITIONAL ELEMENTS OF PROGRAM.—The mandatory program carried out by this section shall include—

(1) *for any such member who plans to use the member's entitlement to educational assistance under title 38—*

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

(B) *testing to determine academic readiness for post-secondary education, courses of post-secondary education appropriate for the member, courses of post-secondary education compatible with the member's education goals, and instruction on how to finance the member's post-secondary education; and*

(2) *instruction in the benefits under laws administered by the Secretary of Veterans Affairs and in other subjects determined by the Secretary concerned.*

[(c)] (d) PARTICIPATION.—The Secretary of Defense and the Secretary of Homeland Security shall encourage and otherwise promote maximum participation by members of the armed forces eligible for assistance under the program carried out under this section.

[(d)] (e) USE OF PERSONNEL AND ORGANIZATIONS.—In carrying out the program established under this section, the Secretaries may—



(1) \* \* \*

\* \* \* \* \*

[(e)] (f) PARTICIPATION IN APPRENTICESHIP PROGRAMS.—As part of the program carried out under this section, the Secretary of Defense and the Secretary of Homeland Security may permit a member of the armed forces eligible for assistance under the program to participate in an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), or a pre-apprenticeship program that provides credit toward a program registered under such Act, that provides members of the armed forces with the education, training, and services necessary to transition to meaningful employment that leads to economic self-sufficiency.

\* \* \* \* \*

**VOW TO HIRE HEROES ACT OF 2011**

\* \* \* \* \*

**TITLE II—VOW TO HIRE HEROES**

\* \* \* \* \*

**Subtitle A—Retraining Veterans**

**SEC. 211. VETERANS RETRAINING ASSISTANCE PROGRAM.**

(a) PROGRAM AUTHORIZED.—

(1) \* \* \*

(2) NUMBER OF ELIGIBLE VETERANS.—The number of unique eligible veterans who participate in the program established under paragraph (1) may not exceed—

(A) \* \* \*

(B) 54,000 during the period beginning October 1, 2012, and ending [March 31, 2014] *June 30, 2014*.

\* \* \* \* \*

(k) TERMINATION OF AUTHORITY.—The authority to make payments under this section shall terminate on [March 31, 2014] *June 30, 2014*.

\* \* \* \* \*

