

Suspend the Rules And Pass the Bill, H.R. 357, with Amendments

(The amendments strike all after the enacting clause and insert a new text and a new title)

113TH CONGRESS
1ST SESSION

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.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2013

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

A BILL

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

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

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

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

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

- Sec. 1. Short title; table of contents.
- Sec. 2. References to title 38, United States Code.
- Sec. 3. Scoring of budgetary effects.
- Sec. 4. Approval of courses of education provided by public institutions of higher education for purposes of All-Volunteer Force Educational Assistance Program and Post-9/11 Educational Assistance conditional on in-State tuition rate for veterans.
- Sec. 5. Clarification of eligibility for services under the Homeless Veterans Reintegration Program.
- Sec. 6. Extension of eligibility period for vocational rehabilitation programs.
- Sec. 7. Work-study allowance.
- Sec. 8. Responsibilities of the Directors of Veterans’ Employment and Training.
- Sec. 9. Contents of Transition Assistance Program.
- Sec. 10. Rounding down of increase in rates of disability compensation and dependency and indemnity compensation.
- Sec. 11. Limitation on performance awards in the senior executive service.
- Sec. 12. Semiannual reports to Congress on cost of certain travel.
- Sec. 13. Report of infectious disease at medical facilities of Department of Veterans Affairs.
- Sec. 14. Prohibition of visual recording without informed consent.
- Sec. 15. Two-month extension of Veterans Retraining Assistance Program.

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

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

13 **SEC. 3. SCORING OF BUDGETARY EFFECTS.**

14 The budgetary effects of this Act, for the purpose of
15 complying with the Statutory Pay-As-You-Go Act of 2010,
16 shall be determined by reference to the latest statement

1 titled “Budgetary Effects of PAYGO Legislation” for this
2 Act, submitted for printing in the Congressional Record
3 by the Chairman of the House Budget Committee, pro-
4 vided that such statement has been submitted prior to the
5 vote on passage.

6 **SEC. 4. APPROVAL OF COURSES OF EDUCATION PROVIDED**
7 **BY PUBLIC INSTITUTIONS OF HIGHER EDU-**
8 **CATION FOR PURPOSES OF ALL-VOLUNTEER**
9 **FORCE EDUCATIONAL ASSISTANCE PRO-**
10 **GRAM AND POST-9/11 EDUCATIONAL ASSIST-**
11 **ANCE CONDITIONAL ON IN-STATE TUITION**
12 **RATE FOR VETERANS.**

13 (a) IN GENERAL.—Section 3679 is amended by add-
14 ing at the end the following new subsection:

15 “(c)(1) Notwithstanding any other provision of this
16 chapter and subject to paragraphs (3) through (6), the
17 Secretary shall disapprove a course of education provided
18 by a public institution of higher education to a covered
19 individual pursuing a course of education with educational
20 assistance under chapter 30 or 33 of this title while living
21 in the State in which the public institution of higher edu-
22 cation is located if the institution charges tuition and fees
23 for that course for the covered individual at a rate that
24 is higher than the rate the institution charges for tuition
25 and fees for that course for residents of the State in which

1 the institution is located, regardless of the covered individ-
2 ual's State of residence.

3 “(2) For purposes of this subsection, a covered indi-
4 vidual is a veteran who was discharged or released from
5 a period of not fewer than 90 days of service in the active
6 military, naval, or air service less than three years before
7 the date of enrollment in the course concerned

8 “(3) If after enrollment in a course of education that
9 is subject to disapproval under paragraph (1) a covered
10 individual pursues one or more courses of education at the
11 same public institution of higher education while remain-
12 ing continuously enrolled (other than during regularly
13 scheduled breaks between courses, semesters or terms) at
14 that institution of higher education, any course so pursued
15 by the covered individual at that institution of higher edu-
16 cation while so continuously enrolled shall also be subject
17 to disapproval under paragraph (1).

18 “(4) It shall not be grounds to disapprove a course
19 of education under paragraph (1) if a public institution
20 of higher education requires a covered individual pursuing
21 a course of education at the institution to demonstrate an
22 intent, by means other than satisfying a physical presence
23 requirement, to establish residency in the State in which
24 the institution is located, or to satisfy other requirements
25 not relating to the establishment of residency, in order to

1 be charged tuition and fees for that course at a rate that
2 is equal to or less than the rate the institution charges
3 for tuition and fees for that course for residents of the
4 State.

5 “(5) The Secretary may waive such requirements of
6 paragraph (1) as the Secretary considers appropriate.

7 “(6) Disapproval under paragraph (1) shall apply
8 only with respect to educational assistance under chapters
9 30 and 33 of this title.”

10 (b) EFFECTIVE DATE.—Subsection (c) of section
11 3679 of title 38, United States Code (as added by sub-
12 section (a) of this section), shall apply with respect to edu-
13 cational assistance provided for pursuit of programs of
14 education during academic terms that begin after July 1,
15 2016, through courses of education that commence on or
16 after that date.

17 **SEC. 5. CLARIFICATION OF ELIGIBILITY FOR SERVICES**
18 **UNDER THE HOMELESS VETERANS RE-**
19 **INTEGRATION PROGRAM.**

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

24 “(1) homeless veterans;

1 “(2) veterans participating in the Department
2 of Veterans Affairs supported housing program for
3 which rental assistance provided pursuant to section
4 8(o)(19) of the United States Housing Act of 1937
5 (42 U.S.C. 1437f(o)(19)); and

6 “(3) veterans who are transitioning from being
7 incarcerated.”.

8 **SEC. 6. EXTENSION OF ELIGIBILITY PERIOD FOR VOCA-**
9 **TIONAL REHABILITATION PROGRAMS.**

10 (a) **EXTENSION.**—Section 3103 is amended by strik-
11 ing “twelve-year period” and inserting “17-year period”
12 each place it appears.

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

18 **SEC. 7. WORK-STUDY ALLOWANCE.**

19 Section 3485(a)(4) is amended by striking “June 30,
20 2013” each place it appears and inserting “June 30,
21 2018”.

22 **SEC. 8. RESPONSIBILITIES OF THE DIRECTORS OF VET-**
23 **ERANS’ EMPLOYMENT AND TRAINING.**

24 Section 4103 is amended—

1 (1) by redesignating subsection (b) as sub-
2 section (c); and

3 (2) by inserting after subsection (a) the fol-
4 lowing new subsection (b):

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

8 “(1) Monitoring the performance of veterans’
9 training and employment programs in the State,
10 with special emphasis on services to disabled vet-
11 erans.

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

15 “(3) Suggesting to the Assistant Secretary of
16 Labor for Veterans’ Employment and Training cor-
17 rective actions that could be taken by the State
18 workforce agency to address deficiencies in the per-
19 formance of veterans’ training and employment pro-
20 grams in the State.

21 “(4) Annually negotiating with the State work-
22 force agency to establish performance goals for vet-
23 erans’ training and employment programs in the
24 State.

1 “(5) Reviewing the State’s requests for funding
2 for veterans’ training and employment programs and
3 providing advice to the State workforce agency and
4 the Assistant Secretary regarding such funding re-
5 quests.

6 “(6) Forwarding complaints regarding possible
7 violations of chapter 43 of this title to the appro-
8 priate Regional Administrator or to the to the As-
9 sistant Secretary, as required.

10 “(7) Carrying out grant officer technical rep-
11 resentative responsibilities for grants issued under
12 programs administered by the Department.

13 “(8) Providing advice to the State workforce
14 agency on strategies to market veterans to employ-
15 ers.

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

20 “(10) Submitting to the Assistant Secretary
21 regular reports on the matters described in para-
22 graphs (1), (2), (4), and (8), and any other matters
23 the Assistant Secretary determine appropriate.

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

1 **SEC. 9. CONTENTS OF TRANSITION ASSISTANCE PROGRAM.**

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

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

6 “(9) Provide information about disability-re-
7 lated employment and education protections.”.

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

10 (3) by inserting after subsection (b) the fol-
11 lowing new subsection (c):

12 “(c) ADDITIONAL ELEMENTS OF PROGRAM.—The
13 mandatory program carried out by this section shall in-
14 clude—

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

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

20 “(B) courses of post-secondary education
21 appropriate for the member, courses of post-
22 secondary education compatible with the mem-
23 ber’s education goals, and instruction on how to
24 finance the member’s post-secondary education;
25 and

1 “(2) instruction in the benefits under laws ad-
2 ministered by the Secretary of Veterans Affairs and
3 in other subjects determined by the Secretary con-
4 cerned.”.

5 (b) DEADLINE FOR IMPLEMENTATION.—The pro-
6 gram carried out under section 1144 of title 10, United
7 States Code, shall comply with the requirements of sub-
8 sections (b)(9) and (c) of such section, as added by sub-
9 section (a), by not later than April 1, 2015.

10 (c) FEASIBILITY STUDY.—Not later than 270 days
11 after the date of the enactment of this Act, the Secretary
12 of Veterans Affairs shall submit to the Committee on Vet-
13 erans’ Affairs and the Committee on Armed Services of
14 the Senate and the Committee on Veterans’ Affairs and
15 the Committee on Armed Services of the House of Rep-
16 resentatives the results of a study carried out by the Sec-
17 retary to determine the feasibility of providing the instruc-
18 tion described in subsection (b) of section 1142 of title
19 10, United States Code, at all overseas locations where
20 such instruction is provided by entering into a contract
21 jointly with the Secretary of Labor for the provision of
22 such instruction.

1 **SEC. 10. ROUNDING DOWN OF INCREASE IN RATES OF DIS-**
2 **ABILITY COMPENSATION AND DEPENDENCY**
3 **AND INDEMNITY COMPENSATION.**

4 (a) ROUNDING.—Each dollar amount increased
5 under section 2 of the Veterans' Compensation Cost- of-
6 Living Adjustment Act of 2013 (Public Law 113–52), if
7 not a whole dollar amount, shall be rounded to the next
8 lower whole dollar amount.

9 (b) APPLICABILITY.—Subsection (a) shall apply with
10 respect to a payment made after the date of the enactment
11 of this Act.

12 **SEC. 11. LIMITATION ON PERFORMANCE AWARDS IN THE**
13 **SENIOR EXECUTIVE SERVICE.**

14 For each of fiscal years 2014 through 2018, the Sec-
15 retary of Veterans Affairs may not make any performance
16 awards under section 5384 of title 5, United States Code.

17 **SEC. 12. SEMIANNUAL REPORTS TO CONGRESS ON COST OF**
18 **CERTAIN TRAVEL.**

19 (a) IN GENERAL.—Subchapter I of chapter 5 is
20 amended by adding at the end the following new section:
21 **“§ 518. Semiannual reports to Congress on cost of cer-**
22 **tain travel**

23 **“(a) SEMIANNUAL REPORTS.—Not later than June**
24 **30, 2014, and not later than 60 days after each 180-day**
25 **period thereafter, the Secretary shall submit to the Com-**
26 **mittee on Veterans' Affairs of the House of Representa-**

1 tives and the Committee on Veterans' Affairs of the Sen-
2 ate a semiannual report on covered travel made during
3 the 180-day period covered by the report.

4 “(b) MATTERS INCLUDED.—Each report under sub-
5 section (a) shall include the following:

6 “(1) With respect to each instance of covered
7 travel made during the period covered by the re-
8 port—

9 “(A) the purpose of such travel;

10 “(B) the destination;

11 “(C) the name and title of each employee
12 included on such travel;

13 “(D) the duration of such travel;

14 “(E) the total cost to the Department of
15 such travel; and

16 “(F) with respect to covered travel de-
17 scribed in subsection (d)(2), the identity of the
18 person or entity that paid or reimbursed for
19 such travel.

20 “(2) The final costs to the Department with re-
21 spect to all covered travel made during the period
22 covered by the report, including costs relating to—

23 “(A) transportation, including fares for
24 travel by air, rail, bus, ferry, cruise ship, taxi,
25 mass transit, or other mode of transportation;

1 “(B) expenses or reimbursements relating
2 to operating and maintaining a car, including
3 the costs of fuel and mileage;

4 “(C) passport and visa fees;

5 “(D) lodging;

6 “(E) per diem payments;

7 “(F) baggage charges;

8 “(G) computer rental fees;

9 “(H) rental of halls, auditoriums, or other
10 spaces;

11 “(I) entertainment;

12 “(J) contractors;

13 “(K) registration fees; and

14 “(L) promotional items.

15 “(c) DUPLICATIVE INFORMATION.—Each report
16 under subsection (a) shall include the information de-
17 scribed in subsection (b) regardless of whether such infor-
18 mation is also included in a report under section 517 of
19 this title.

20 “(d) COVERED TRAVEL DEFINED.—In this section,
21 the term ‘covered travel’ means travel made by an em-
22 ployee of the Department of Veterans Affairs, including
23 an employee who is stationed in a foreign country, on offi-
24 cial business to any of the following locations:

1 “(f)(1) The Secretary shall report to the appropriate
2 entity each case of a notifiable infectious disease or condi-
3 tion that is diagnosed at a medical facility of the Depart-
4 ment of Veterans Affairs in accordance with the laws of
5 the State in which the facility is located.

6 “(2) In addition to reporting each case of a notifiable
7 infectious disease or condition at a medical facility of the
8 Department pursuant to paragraph (1), the Secretary
9 shall report each such case that is classified as a health-
10 care-associated infection sentinel event to the accrediting
11 organization of such facility.

12 “(3)(A) If the Secretary fails to report a case of a
13 notifiable infectious disease or condition at a medical facil-
14 ity of the Department in accordance with State law pursu-
15 ant to paragraph (1), the Secretary shall—

16 “(i) take any remedial action required under
17 the laws of the State to correct such failure; and

18 “(ii) if the Secretary does not correct such fail-
19 ure pursuant to clause (i), pay to the State an
20 amount equal to the amount that a medical facility
21 not owned by the Federal Government that is lo-
22 cated in the same State would pay as a penalty to
23 such State for such failure.

24 “(B) The State may file a civil action against the Sec-
25 retary in the United States district court for the district

1 in which the medical facility is located to recover from the
2 United States the amount described in subparagraph
3 (A)(ii).

4 “(C) A civil action under subparagraph (B) may not
5 be commenced later than two years after the cause of ac-
6 tion accrues.

7 “(4)(A) In any case in which the Inspector General
8 of the Department suspects that a director of a Veterans
9 Integrated Service Network has failed to comply with an
10 applicable provision of this subsection, the Inspector Gen-
11 eral shall conduct an investigation to determine whether
12 such director failed to comply with an applicable provision
13 of this section.

14 “(B) If the Inspector General determines under sub-
15 paragraph (A) that a director has failed to comply with
16 a provision of this subsection, the Secretary shall suspend
17 such director for such period as the Secretary considers
18 appropriate under subchapter I or subchapter II of chap-
19 ter 75 of title 5, as the case may be. In addition to such
20 suspension, the Secretary may impose such other adminis-
21 trative disciplinary action on the director as the Secretary
22 considers appropriate and for which the Secretary is oth-
23 erwise authorized.

24 “(5) The Secretary shall—

1 “(A) maintain records of each notifiable infec-
2 tious disease or condition reported pursuant to para-
3 graph (1); and

4 “(B) submit to the Committees on Veterans’
5 Affairs of the House of Representatives and the Sen-
6 ate a notification of each such notifiable infectious
7 disease or condition.

8 “(6) In this subsection, the term ‘notifiable infectious
9 disease or condition’ means any infectious disease or con-
10 dition that is—

11 “(A) on the list of nationally notifiable diseases
12 or conditions published by the Council of State and
13 Territorial Epidemiologists and the Centers for Dis-
14 ease Control and Prevention; or

15 “(B) covered by a provision of law of a State
16 that requires the reporting of infectious diseases or
17 conditions.”.

18 (b) EFFECTIVE DATE.—The reporting requirement
19 under section 7311(f) of title 38, United States Code, as
20 added by subsection (a), shall apply with respect to a case
21 of a notifiable infectious disease or condition diagnosed at
22 a medical facility of the Department of Veterans Affairs
23 on or after the date that is 60 days after the date of the
24 enactment of this Act.

1 **SEC. 14. PROHIBITION OF VISUAL RECORDING WITHOUT**
2 **INFORMED CONSENT.**

3 Section 7331 is amended—

4 (1) by striking “The Secretary, upon” and in-
5 serting “(a) IN GENERAL.—The Secretary, upon”;
6 and

7 (2) by adding at the end the following new sub-
8 section:

9 “(b) VISUAL RECORDING.—(1) The Secretary shall
10 prescribe regulations establishing procedures to ensure
11 that, except as provided by paragraph (2), any visual re-
12 cording made by the Secretary of a patient during the
13 course of furnishing care under this title is carried out
14 only with the full and informed consent of the patient or,
15 in appropriate cases, a representative thereof.

16 “(2) The Secretary may waive the requirement for
17 informed consent under paragraph (1) with respect to the
18 visual recording of a patient if such recording is made—

19 “(A) pursuant to a determination by a physi-
20 cian or psychologist that such recording is medically
21 necessary or necessary for the safety of the patient;

22 “(B) pursuant to a warrant or order of a court
23 of competent jurisdiction; or

24 “(C) in a public setting where a person would
25 not have a reasonable expectation to privacy, such as
26 a waiting room or hallway, and such recording is for

1 general security purposes not particularized to the
2 patient.

3 “(3) In this subsection, the term ‘visual recording’
4 means the recording or transmission of images or video,
5 but does not include—

6 “(A) medical imaging, including such imaging
7 produced by radiographic procedures, nuclear medi-
8 cine, endoscopy, ultrasound, or other similar proce-
9 dures; or

10 “(B) images, video, and other clinical informa-
11 tion transmitted for the purposes of providing treat-
12 ment through telehealth and telemedicine tech-
13 nologies.”.

14 **SEC. 15. TWO-MONTH EXTENSION OF VETERANS RETRAIN-**
15 **ING ASSISTANCE PROGRAM.**

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

19 (1) in subsection (a)(2)(B), by striking “March
20 31, 2014” and inserting “May 31, 2014”; and

21 (2) in subsection (k), by striking “March 31,
22 2014” and inserting “May 31, 2014”.

Amend the title so as to read: “A bill to amend title
38, United States Code, to require courses of education
provided by public institutions of higher education that
are approved for purposes of the educational assistance

programs administered by the Secretary of Veterans Affairs to charge veterans tuition and fees at the in-State tuition rate, to make other improvements in the laws relating to benefits administered by the Secretary of Veterans Affairs, and for other purposes.”.