

114TH CONGRESS
1ST SESSION

H. R. 475

To amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to educational assistance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 22, 2015

Mr. WENSTRUP introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to educational assistance, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “GI Bill Processing Im-
5 provement Act of 2015”.

1 **SEC. 2. IMPROVEMENT OF INFORMATION TECHNOLOGY OF**
2 **THE VETERANS BENEFITS ADMINISTRATION**
3 **OF THE DEPARTMENT OF VETERANS AF-**
4 **FAIRS.**

5 (a) PROCESSING OF CERTAIN EDUCATIONAL ASSIST-
6 ANCE CLAIMS.—The Secretary of Veterans Affairs shall,
7 to the maximum extent possible, make such changes and
8 improvements to the information technology system of the
9 Veterans Benefits Administration of the Department of
10 Veterans Affairs to ensure that—

11 (1) to the maximum extent possible, all original
12 and supplemental claims for educational assistance
13 under chapter 33 of title 38, United States Code,
14 are adjudicated electronically; and

15 (2) rules-based processing is used to make deci-
16 sions with respect to such claims with little human
17 intervention.

18 (b) REPORT.—Not later than 180 days after the date
19 of the enactment of this Act, the Secretary of Veterans
20 Affairs shall submit to Congress a report on the changes
21 made pursuant to the requirements of subsection (a).

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to the Secretary of Veterans
24 Affairs \$30,000,000 to carry out this section during fiscal
25 years 2015 and 2016.

1 **SEC. 3. APPROVAL OF COURSES OF EDUCATION PROVIDED**
2 **BY PUBLIC INSTITUTIONS OF HIGHER LEARN-**
3 **ING FOR PURPOSES OF ALL-VOLUNTEER**
4 **FORCE EDUCATIONAL ASSISTANCE PRO-**
5 **GRAM AND POST-9/11 EDUCATIONAL ASSIST-**
6 **ANCE CONDITIONAL ON IN-STATE TUITION**
7 **RATE FOR VETERANS.**

8 (a) **EXTENSION OF EFFECTIVE DATE.**—Section
9 702(b) of the Veterans Access, Choice, and Accountability
10 Act of 2014 (Public Law 113–146) is amended by striking
11 “July 1, 2015” and inserting “July 1, 2016”.

12 (b) **TECHNICAL AMENDMENT.**—Section
13 3679(c)(2)(B) of title 38, United States Code, is amended
14 by striking “or 3319” and all that follows and inserting
15 “of this title or to whom educational assistance is trans-
16 ferred under section 3319 of this title”.

17 **SEC. 4. RECODIFICATION AND IMPROVEMENT OF ELEC-**
18 **TION PROCESS FOR POST-9/11 EDUCATIONAL**
19 **ASSISTANCE PROGRAM.**

20 (a) **IN GENERAL.**—Subchapter III of chapter 33 is
21 amended by adding at the end the following new section:

22 **“§ 3326. Election to receive educational assistance**

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

1 “(1) as of August 1, 2009—

2 “(A) is entitled to basic educational assist-
3 ance under chapter 30 of the title and has used,
4 but retains unused, entitlement under that
5 chapter;

6 “(B) is entitled to educational assistance
7 under chapter 107, 1606, or 1607 of title 10
8 and has used, but retains unused, entitlement
9 under the applicable chapter;

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

13 “(D) is entitled to educational assistance
14 under chapter 107, 1606, or 1607 of title 10
15 but has not used any entitlement under such
16 chapter;

17 “(E) is a member of the Armed Forces
18 who is eligible for receipt of basic educational
19 assistance under chapter 30 this title and is
20 making contributions toward such assistance
21 under section 3011(b) or 3012(c) of this title;
22 or

23 “(F) is a member of the Armed Forces
24 who is not entitled to basic educational assist-
25 ance under chapter 30 of this title by reason of

1 an election under section 3011(c)(1) or
2 3012(d)(1) of this title; and

3 “(2) as of the date of the individual’s election
4 under this paragraph, meets the requirements for
5 entitlement to educational assistance under this
6 chapter.

7 “(b) CESSATION OF CONTRIBUTIONS TOWARD GI
8 BILL.—Effective as of the first month beginning on or
9 after the date of an election under subsection (a) of an
10 individual described by paragraph (1)(E) of that sub-
11 section, the obligation of the individual to make contribu-
12 tions under section 3011(b) or 3012(c) of this title, as
13 applicable, shall cease, and the requirements of such sec-
14 tion shall be deemed to be no longer applicable to the indi-
15 vidual.

16 “(c) REVOCATION OF REMAINING TRANSFERRED
17 ENTITLEMENT.—

18 “(1) ELECTION TO REVOKE.—If, on the date an
19 individual described in paragraph (1)(A) or (1)(C) of
20 subsection (a) makes an election under that sub-
21 section, a transfer of the entitlement of the indi-
22 vidual to basic educational assistance under section
23 3020 of this title is in effect and a number of
24 months of the entitlement so transferred remain un-
25 utilized, the individual may elect to revoke all or a

1 portion of the entitlement so transferred that re-
2 mains unutilized.

3 “(2) AVAILABILITY OF REVOKED ENTITLE-
4 MENT.—Any entitlement revoked by an individual
5 under this paragraph shall no longer be available to
6 the dependent to whom transferred, but shall be
7 available to the individual instead for educational as-
8 sistance under chapter 33 of this title in accordance
9 with the provisions of this section.

10 “(3) AVAILABILITY OF UNREVOKED ENTITLE-
11 MENT.—Any entitlement described in paragraph (1)
12 that is not revoked by an individual in accordance
13 with that paragraph shall remain available to the de-
14 pendent or dependents concerned in accordance with
15 the current transfer of such entitlement under sec-
16 tion 3020 of this title.

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

18 “(1) IN GENERAL.—Subject to paragraph (2)
19 and except as provided in subsection (e), an indi-
20 vidual making an election under subsection (a) shall
21 be entitled to educational assistance under this chap-
22 ter in accordance with the provisions of this chapter,
23 instead of basic educational assistance under chapter
24 30 this title, or educational assistance under chapter
25 107, 1606, or 1607 of title 10, as applicable.

1 “(2) LIMITATION ON ENTITLEMENT FOR CER-
2 TAIN INDIVIDUALS.—In the case of an individual
3 making an election under subsection (a) who is de-
4 scribed by paragraph (1)(A) of that subsection, the
5 number of months of entitlement of the individual to
6 educational assistance under this chapter 33 shall be
7 the number of months equal to—

8 “(A) the number of months of unused enti-
9 tlement of the individual under chapter 30 of
10 this title, as of the date of the election, plus

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

14 “(e) CONTINUING ENTITLEMENT TO EDUCATIONAL
15 ASSISTANCE NOT AVAILABLE UNDER 9/11 ASSISTANCE
16 PROGRAM.—

17 “(1) IN GENERAL.—In the event educational
18 assistance to which an individual making an election
19 under subsection (a) would be entitled under chapter
20 30 of this title, or chapter 107, 1606, or 1607 of
21 title 10, as applicable, is not authorized to be avail-
22 able to the individual under the provisions of this
23 chapter the individual shall remain entitled to such
24 educational assistance in accordance with the provi-
25 sions of the applicable chapter.

1 “(2) CHARGE FOR USE OF ENTITLEMENT.—

2 The utilization by an individual of entitlement under
3 paragraph (1) shall be chargeable against the enti-
4 tlement of the individual to educational assistance
5 under this chapter at the rate of one month of enti-
6 tlement under this chapter for each month of entitle-
7 ment utilized by the individual under paragraph (1)
8 (as determined as if such entitlement were utilized
9 under the provisions of chapter 30 of this title, or
10 chapter 107, 1606, or 1607 of title 10, as applica-
11 ble).

12 “(f) ADDITIONAL POST-9/11 ASSISTANCE FOR MEM-
13 BERS HAVING MADE CONTRIBUTIONS TOWARD GI
14 BILL.—

15 “(1) ADDITIONAL ASSISTANCE.—In the case of
16 an individual making an election under subsection
17 (a) who is described by subparagraph (A), (C), or
18 (E) of paragraph (1) of that subsection, the amount
19 of educational assistance payable to the individual
20 under this chapter 33 as a monthly stipend payable
21 under paragraph (1)(B) of section 3313(c) of this
22 title, or under paragraphs (2) through (7) of that
23 section (as applicable), shall be the amount other-
24 wise payable as a monthly stipend under the applica-
25 ble paragraph increased by the amount equal to—

1 “(A) the total amount of contributions to-
2 ward basic educational assistance made by the
3 individual under section 3011(b) or 3012(c) of
4 this title, as of the date of the election, multi-
5 plied by

6 “(B) the fraction—

7 “(i) the numerator of which is—

8 “(I) the number of months of en-
9 titlement to basic educational assist-
10 ance under chapter 30 of this title re-
11 maining to the individual at the time
12 of the election; plus

13 “(II) the number of months, if
14 any, of entitlement under such chap-
15 ter 30 revoked by the individual under
16 subsection (c)(1); and

17 “(ii) the denominator of which is 36
18 months.

19 “(2) MONTHS OF REMAINING ENTITLEMENT
20 FOR CERTAIN INDIVIDUALS.—In the case of an indi-
21 vidual covered by paragraph (1) who is described by
22 subsection (a)(1)(E), the number of months of enti-
23 tlement to basic educational assistance remaining to
24 the individual for purposes of paragraph
25 (1)(B)(i)(II) shall be 36 months.

1 “(3) TIMING OF PAYMENT.—The amount pay-
2 able with respect to an individual under paragraph
3 (1) shall be paid to the individual together with the
4 last payment of the monthly stipend payable to the
5 individual under paragraph (1)(B) of section
6 3313(c) of this title, or under subsections (b)
7 through (g) of that section (as applicable), before
8 the exhaustion of the individual’s entitlement to edu-
9 cational assistance under this chapter.

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

25 “(h) ALTERNATIVE ELECTION BY SECRETARY.—

1 “(1) IN GENERAL.—In the case of an individual
2 who, on or after January 1, 2016, submits to the
3 Secretary an election under this section that the
4 Secretary determines is clearly against the interests
5 of the individual, the Secretary may make an alter-
6 native election on behalf of the individual that the
7 Secretary determines is in the best interests of the
8 individual.

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

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

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of such chapter is amended by adding
3 at the end the following new item:

“3326. Election to receive educational assistance.”.

4 (c) CONFORMING REPEAL.—Subsection (c) of section
5 5003 of the Post-9/11 Veterans Educational Assistance
6 Act of 2008 (Public Law 110–252; 38 U.S.C. 3301 note)
7 is hereby repealed.

8 **SEC. 5. CENTRALIZED REPORTING OF VETERAN ENROLL-**
9 **MENT BY CERTAIN GROUPS, DISTRICTS, AND**
10 **CONSORTIUMS OF EDUCATIONAL INSTITU-**
11 **TIONS.**

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

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

16 (2) by adding at the end the following new
17 paragraph:

18 “(4) For purposes of this subsection, the term ‘edu-
19 cational institution’ may include a group, district, or con-
20 sortium of separately accredited educational institutions
21 located in the same State that are organized in a manner
22 that facilitates the centralized reporting of the enrollments
23 in such group, district, or consortium of institutions.”.

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

4 **SEC. 6. PROVISION OF INFORMATION REGARDING VET-**
5 **ERAN ENTITLEMENT TO EDUCATIONAL AS-**
6 **SISTANCE.**

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

10 **“§ 3699. Provision of certain information to edu-**
11 **catinal institutions**

12 “For each veteran or other individual pursuing a
13 course of education that has been approved under this
14 chapter using educational assistance to which the veteran
15 or other individual is entitled under chapter 30, 32, 33,
16 or 35 of this title, the Secretary shall make available to
17 the educational institution offering the course information
18 about the amount of such educational assistance to which
19 the veteran or other individual is entitled. Such informa-
20 tion shall be provided to such educational institution
21 through an Internet website and shall be regularly up-
22 dated to reflect any amounts used by the veteran or other
23 individual.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of such chapter is amended by inserting

- 1 after the item relating to section 3698 the following new
- 2 item:

“3699. Provision of certain information to educational institutions.”.

