

VETERANS EDUCATION TRANSPARENCY AND TRAINING
 ACT

APRIL 9, 2024.—Committed to the Committee of the Whole House on the State of
 the Union and ordered to be printed

Mr. BOST, from the Committee on Veterans' Affairs,
 submitted the following

R E P O R T

[To accompany H.R. 5914]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 5914) to amend title 38, United States Code, to improve the processes to approve programs of education for purposes of the educational assistance programs of the Department of Veterans Affairs, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans Education Transparency and Training Act” or the “VETT Act”.

SEC. 2. PROCESSES TO APPROVE PROGRAMS OF EDUCATION FOR PURPOSES OF THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) **LIMITATION OF DISAPPROVAL OF PROGRAMS OF EDUCATION FOR FAILURE TO PROVIDE CERTAIN FORMS.**—Section 3679(f)(5) of title 38, United States Code, is amended—

(1) in subparagraph (A), by striking “this paragraph” and inserting “this subparagraph”;

(2) in subparagraph (B), by striking “this paragraph” and inserting “subparagraph (A)”;

(3) by adding at the end the following new subparagraph:

“(C) If an educational institution cannot provide to an individual a form under paragraph (1) that contains all of the information required under subparagraph (A) of such paragraph, the educational institution shall provide to such individual, with the form under such paragraph, a notice—

“(i) that specifies what such information may be inaccurate or incomplete; and

“(ii) that includes, in place of the information that may be inaccurate or incomplete, the best estimate available on the date of such notice.”

(b) **PUBLICATION OF INFORMATION ABOUT TRAINING FOR SCHOOL CERTIFYING OFFICIALS.**—The Secretary of Veterans Affairs shall establish a website to serve as a central location for the publication of information about the training that the Department of Veterans Affairs provides for school certifying officials and shall update such information on a regular basis.

SEC. 3. MODIFICATION OF RULES FOR APPROVAL OF COMMERCIAL DRIVER EDUCATION PROGRAMS FOR PURPOSES OF EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) **IN GENERAL.**—Section 3680A(e) of title 38, United States Code, is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(2) in the matter before subparagraph (A), as redesignated by paragraph (1), by inserting “(1)” before “The Secretary”;

(3) in paragraph (1)(B), as redesignated by paragraph (1), by inserting “except as provided in paragraph (2),” before “the course”; and

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

“(2)(A) Subject to this paragraph, a commercial driver education program is exempt from paragraph (1)(B) for a branch of an educational institution if the commercial driver education program offered at the branch by the educational institution—

“(i) is appropriately licensed; and

“(ii)(I) the branch is located in a State in which the same commercial driver education program is offered by the same educational institution at another branch of that educational institution in the same State that is approved for purposes of this chapter by a State approving agency or the Secretary when acting in the role of a State approving agency; or

“(II)(aa) the branch is located in a State in which the same commercial driver education program is not offered at another branch of the same educational institution in the same State; and

“(bb) the branch has been operating for a period of at least one year using the same curriculum as a commercial driver education program offered by the educational institution at another location that is approved for purposes of this chapter by a State approving agency or the Secretary when acting in the role of a State approving agency.

“(B)(i) In order for a commercial driver education program of an educational institution offered at a branch described in paragraph (1)(B) to be exempt under subparagraph (A) of this paragraph, the educational institution shall submit to the Secretary each year that paragraph (1)(B) would otherwise apply a report that demonstrates that the curriculum at the new branch is the same as the curriculum at the primary location.

“(ii) Reporting under clause (i) shall be submitted in accordance with such requirements as the Secretary shall establish in consultation with the State approving agencies.

“(C)(i) The Secretary may withhold an exemption under subparagraph (A) for any educational institution or branch of an educational institution as the Secretary considers appropriate.

“(ii) In making any determination under clause (i), the Secretary may consult with the Secretary of Transportation on the performance of a provider of a commercial driver program, including the status of the provider within the Training Provider Registry of the Federal Motor Carrier Safety Administration when appropriate.

“(D) The Secretary shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a notification not later than 30 days after the Secretary grants an exemption under this paragraph. Such notification shall identify the educational institution and branch of such educational institution granted such exemption.”.

(b) IMPLEMENTATION.—

(1) ESTABLISHMENT OF REQUIREMENTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall establish requirements under section 3680A(e)(2)(B)(ii) of such title, as added by subsection (a).

(2) RULEMAKING.—In promulgating any rules to carry out paragraph (2) of section 3680A(e) of title 38, United States Code, as added by subsection (a), the Secretary of Veterans Affairs shall consult with State approving agencies.

(3) APPLICABILITY.—The amendments made by subsection (a) shall apply to commercial driver education programs on and after the day that is 180 days after the date on which the Secretary establishes the requirements under paragraph (1) of this subsection.

PURPOSE AND SUMMARY

H.R. 5914, the “Veterans Education Training and Transparency Act,” was introduced by Rep. Derrick Van Orden of Wisconsin on October 10, 2023. The bill, as amended, would require schools to provide the best estimate available on the cost of attending a school to an education benefit recipient, but would also notify the recipient that the information may be inaccurate or incomplete. This bill would also require the Department of Veterans Affairs (VA) to establish an online hub with all the updates and training from VA that would continuously update for School Certifying Officials (SCO) to access.

This legislation, as amended, also includes the text of H.R. 2830, the “Veteran Improvement Commercial Driver License Act of 2023” which was introduced by Rep. Chuck Edwards of North Carolina on April 25, 2023. This bill would revise the rules for VA approval of commercial driver education programs and expand reporting requirements for Commercial Driving License (CDL) programs.

BACKGROUND AND NEED FOR LEGISLATION

Section 1: Short Title

This Act may be cited as the “Veterans Education Training and Transparency” or the “VETT Act.”

Section 2: Processes to Approve Programs of Education for Purposes of the Educational Assistance Programs of the Department of Veterans Affairs

Under current law, 38 U.S.C. §3679(f)(5) requires all schools to provide an accurate cost estimate for education benefit recipients when the student is accepted into college. This section would amend this statute to allow a school that cannot provide accurate information, to satisfy the requirement of the statute by providing the best information available at the time and specifying what information may be inaccurate or incomplete.

In the past, schools have had to satisfy the requirements of the current statute by providing inaccurate information to student veterans or dependents regarding the costs of their post-service edu-

cation. Information on the cost is sometimes inaccurate because an individual listed themselves as a veteran but had not yet been awarded eligibility by VA, or the prospective student was under 18, and the school was unable to estimate the individual's tuition because of their age. The Committee believes that as a result, the current statute resulted in many individuals being misled or unable to accurately estimate the cost of their post-service educational expenses because the school was still required to provide this information even if it was inaccurate. To address this issue, the Committee believes flexibility should be provided to the educational institution by allowing a second option for a school that is unable to estimate the tuition. This section would allow an educational institution that is unable to provide this data, to provide an explanation as to why it cannot be provided and provide the best estimate of cost available.

This section would also require VA to create an online hub for School Certifying Officials (SCO) to access updates and training materials. The hub would serve as a central location for the publication of information from VA, which would be regularly updated to ensure the most recent information is available. Currently, if a new SCO starts a job, they are unable to access old updates because VA only sends that information to SCOs on the list and does not publish them on a separate site. Training sessions are handled in a similar manner and are unable to be found in a central location or website. This section would give SCOs, specifically new employees, the option to access old updates. The Committee believes this would provide school employees with a better understanding of Enrollment Manager and other updates that have been provided by VA.

Section 3: Modification of Rules for Approval of Commercial Driver Education Programs for the Purposes of Educational Assistance Programs of The Department of Veterans Affairs

This section would modify 38 U.S.C. § 3680A(e) related to the regulations governing commercial driver education programs. This section would allow a G.I. Bill approved school which has been operating for at least two years without any issues, to set up a second location to enroll veterans immediately if the new facility is in the same state as the original program. Initially a school would not be able to immediately enroll veterans using G.I. bill benefits in the school if the program was more than 75 miles away. The main branch campus would have to show that its new location would follow the same curriculum. If a school wishes to expand across state borders, they would have to wait to enroll students utilizing VA benefits for one year.

Additionally, this section would require schools that are authorized to immediately enroll GI Bill beneficiaries in Commercial Driver License (CDL) schools to submit more detailed reports to VA. Finally, VA would be required to submit to the Committees on Veterans' Affairs of the House and Senate a notification that the Secretary has granted an exemption to the original rule not less than 30 days after such exemption is granted. This would allow committee staff to analyze the usage of the program by CDL schools and its benefit for veterans.

HEARINGS

On November 2, 2023, the Subcommittee on Economic Opportunity held a legislative hearing on H.R. 5914 and other bills that were pending before the subcommittee.

The following witnesses testified:

Mr. Joseph Garcia, Executive Director of Education Service, U.S. Department of Veterans Affairs; Mr. Nick Pamperin, Executive Director Veterans Readiness and Employment Services, U.S. Department of Veterans Affairs; Mr. James Ruhlman, Deputy Director of Education Services, U.S. Department of Veterans Affairs; Ms. Margarita Devlin, Deputy Assistant Secretary for Operations and Management, U.S. Department of Labor; Ms. Kristina Keenan, Deputy Director, National Legislative Service, Veterans of Foreign Wars of the United States; Mr. Marquis Barefield, Assistant National Legislative Director, Disabled American Veterans; Ms. Tammy Barlet, Vice President of Government Affairs, Student Veterans of America; Mr. Joseph W. Wescott II, Legislative Director, National Association of State Approving Agencies, Inc., and Mr. Micheal Hazard, Veterans in Piping Program Manager, United Association of Journeyman and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada.

The following organizations submitted statements for the record:

Commercial Vehicle Training Association, National Association of State Workforce Agencies, The American Legion, Veterans Education Project, and Veterans Education Success.

SUBCOMMITTEE CONSIDERATION

On November 15, 2023, the Subcommittee on Economic Opportunity held a markup on the legislation included in the text of this bill. There were no amendments to this bill at the Subcommittee level.

A motion by Rep. Levin of California to favorably forward H.R. 5914 to the full committee was adopted by voice vote.

COMMITTEE CONSIDERATION

On December 5, 2023, the full Committee met in open markup session, a quorum being present, and ordered H.R. 5914, as amended, to be reported favorably to the House of Representatives by voice vote. During consideration of the bill, the following amendments were considered:

An amendment in the nature of a substitute offered by Rep. Derrick Van Orden of Wisconsin that included the text of H.R. 5914, adopted by the Subcommittee on Economic Opportunity, would require schools to provide the best cost information available for an individual using a VA education benefits along with an explanation of any information that cannot be accurately provided. The amendment also added the provisions of H.R. 2830 with changes from the introduced text. The new language would allow approved driver education programs that have been in business for at least two years to establish a second location that would be allowed to enroll veterans more quickly than under current law.

The amendment in the nature of a substitute, as amended, was approved by voice vote.

A motion by Ranking Member Takano of California to report H.R. 5914, as amended, favorably to the House of Representatives was agreed to by voice vote.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, no recorded votes were taken on amendments or in connection with ordering H.R. 5914, as amended, reported to the House.

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 of H.R. 5914, as amended, are to provide more accuracy in reporting the costs of education to GI bill recipients and provide more current information to schools participating in the VA education benefits program. Additionally, the goal is to allow for expedited enrollment of veterans in Commercial Driver License programs that have a proven record of success.

EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 5914 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 Congressional Budget Office cost estimate on this measure.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST
ESTIMATE

H.R. 5914, Veterans Education Transparency and Training Act			
As ordered reported by the House Committee on Veterans' Affairs on December 5, 2023			
By Fiscal Year, Millions of Dollars	2024	2024-2028	2024-2033
Direct Spending (Outlays)	*	*	*
Revenues	<u>0</u>	<u>0</u>	<u>0</u>
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	0	0	0
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034? Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	< \$2.5 billion	Statutory pay-as-you-go procedures apply? Yes	
	< \$5 billion	Mandate Effects	
		Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 5914 would change the process for approval of commercial driver education programs by the Department of Veterans Affairs (VA). VA pays benefits to or on behalf of students who are enrolled in approved education or training programs. Such programs include courses that do not lead to a standard college degree and are offered by for-profit or non-profit schools. Under current law, those programs must be offered by such schools for at least two years before VA can approve enrollment for students receiving VA education benefits.

The bill would allow VA to waive that two-year requirement for any commercial driver education program that is licensed and offered by schools that meet specified criteria. Such schools would have to either offer the same program that is already approved by VA at another location within the same state or have offered the same program already approved within another state for at least one year. Schools seeking a waiver would be required to annually demonstrate to VA that the curriculum for the program is the same as that for the already approved locations.

CBO expects that most students who enroll in the commercial driver education programs that would be approved under the bill would otherwise use the VA benefits to which they are entitled to enroll in another education or training program under current law. Moreover, many programs approved under the bill would eventually be approved under current law because the bill would not change any approval criteria. Accordingly, the bill would affect which programs are approved for VA education benefits at a given point in time but would not significantly increase the overall amount of education benefits paid.

The CBO staff contact for this estimate is Paul B.A. Holland. The estimate was reviewed by Christina Hawley Anthony, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

FEDERAL MANDATES STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandate Reform Act, P.L. 104–4 is inapplicable to H.R. 5914, as amended.

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. 5914, as amended.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that H.R. 5914, as amended, 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 clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 52, as amended, would establish or reauthorize 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.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 would establish the short title of the bill as “Veterans Training and Transparency Act” or “VETT Act.”

Section 2. Processes to approve programs of education for purposes of the educational assistance programs of the Department of Veterans Affairs

This section would amend 38 U.S.C. § 3679(f)(5). The proposed amendment would add a new subparagraph: “(C) If an educational institution cannot provide to an individual a form under paragraph (1) that contains all of the information required under subparagraph (A) of such paragraph, the educational institution shall provide to such individual, with the form under such paragraph, a notice.” The notice would need to specify what information is inaccurate or incomplete and provide the best estimate available. If this section were to be passed into law, it would ensure that veterans receive accurate information about the estimated costs of their education.

This section would also establish a website as the central location for all updates and training materials for school certifying officials to allow the schools access to the most current information available.

Section 3. Modification of rules for approval of commercial driver education programs for the purposes of educational assistance programs of the Department of Veterans Affairs

This section would amend 38 U.S.C. § 3680A(e) to allow VA to approve certain commercial driver education programs for participation in the GI Bill program more efficiently if they meet certain requirements. If an approved school has been in business for at least two years without any issues, is appropriately licensed, and approved by the State Approving Agency (SAA) it would be able to establish a second location that would allow veterans to enroll immediately. This section would also amend section 3680(A)e(2)(B)(ii) to increase reporting requirements for schools that are authorized to enroll GI Bill beneficiaries in CDL schools immediately. The Secretary would be required to identify the educational institution and branch granted such exemption and notify the House and Senate Committees on Veterans Affairs within 30 days of such exemption.

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 italics, existing law in which no change is proposed is shown in roman):

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 italics, and existing law in which no change is proposed is shown in roman):

TITLE 38, UNITED STATES CODE

* * * * *

PART III—READJUSTMENT AND RELATED BENEFITS

* * * * *

CHAPTER 36—ADMINISTRATION OF EDUCATIONAL BENEFITS

* * * * *

SUBCHAPTER II—STATE APPROVING AGENCIES

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§ 3679. Disapproval of courses

(a)(1) Except as provided by paragraph (2), any course approved for the purposes of this chapter which fails to meet any of the requirements of this chapter (including failure to comply with a risk-based survey under this chapter or secure an affirmation of ap-

proval by the appropriate State approving agency following the survey) shall be immediately disapproved by the Secretary or the appropriate State approving agency. An educational institution which has its courses disapproved by the Secretary or a State approving agency will be notified of such disapproval by a certified or registered letter of notification and a return receipt secured.

(2) In the case of a course of education that would be subject to disapproval under paragraph (1) solely for the reason that the Secretary of Education withdraws the recognition of the accrediting agency that accredited the course, the Secretary of Veterans Affairs, in consultation with the Secretary of Education, and notwithstanding the withdrawal, may continue to treat the course as an approved course of education under this chapter for a period not to exceed 18 months from the date of the withdrawal of recognition of the accrediting agency, unless the Secretary of Veterans Affairs or the appropriate State approving agency determines that there is evidence to support the disapproval of the course under this chapter. The Secretary shall provide to any veteran enrolled in such a course of education notice of the status of the course of education.

(3) In this section, the term “risk-based survey” means a risk-based survey developed under section 3673A(a) of this title.

(b) Each State approving agency shall notify the Secretary of each course which it has disapproved under this section. The Secretary shall notify the State approving agency of the Secretary’s disapproval of any educational institution under chapter 31 of this title.

(c)(1) Notwithstanding any other provision of this chapter and subject to paragraphs (3) through (6), the Secretary shall disapprove a course of education provided by a public institution of higher learning if the institution charges tuition and fees for that course for covered individuals who are pursuing the course with educational assistance under chapter 30, 31, 33, or 35 of this title while living in the State in which the institution is located at a rate that is higher than the rate the institution charges for tuition and fees for that course for residents of the State in which the institution is located, regardless of the covered individual’s State of residence.

(2) For purposes of this subsection, a covered individual is any individual as follows:

(A) A veteran who was discharged or released from a period of not fewer than 90 days of service in the active military, naval, air, or space service.

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

(i) section 3311(b)(8) of this title; or

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

(I) a veteran described in subparagraph (A); or

(II) a member of the uniformed services described in section 3319(b) of this title who is serving on active duty.

(C) An individual who is entitled to rehabilitation under section 3102(a) of this title.

(D) An individual who is entitled to assistance under section 3510 of this title.

(3) If after enrollment in a course of education that is subject to disapproval under paragraph (1) by reason of paragraph (2)(A), (2)(B), or (2)(C) a covered individual pursues one or more courses of education at the same public institution of higher learning while remaining continuously enrolled (other than during regularly scheduled breaks between courses, semesters or terms) at that institution of higher learning, any course so pursued by the covered individual at that institution of higher learning while so continuously enrolled shall also be subject to disapproval under paragraph (1).

(4)(A) It shall not be grounds to disapprove a course of education under paragraph (1) if a public institution of higher learning requires a covered individual pursuing a course of education at the institution to demonstrate an intent, by means other than satisfying a physical presence requirement, to establish residency in the State in which the institution is located, or to satisfy other requirements not relating to the establishment of residency, in order to be charged tuition and fees for that course at a rate that is equal to or less than the rate the institution charges for tuition and fees for that course for residents of the State.

(B) To the extent feasible, the Secretary shall make publicly available on the internet website of the Department a database explaining any requirements described in subparagraph (A) that are established by a public institution of higher learning for an individual to be charged tuition and fees at a rate that is equal to or less than the rate the institution charges for tuition and fees for residents of the State in which the institution is located. The Secretary shall disapprove a course of education provided by such an institution that does not provide the Secretary—

(i) an initial explanation of such requirements; and

(ii) not later than 90 days after the date on which any such requirements change, the updated requirements.

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

(6) Disapproval under paragraph (1) shall apply only with respect to educational assistance under chapters 30, 31, 33, and 35 of this title.

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

(1) publicly discloses any conditions or additional requirements, including training, experience, or examinations, required to obtain the license, certification, or approval for which the course of education is designed to provide preparation; and

(2) makes each disclosure required by paragraph (1) in a manner that the Secretary considers prominent (as specified by the Secretary in regulations prescribed for purposes of this subsection).

(e)(1) Notwithstanding any other provision of this chapter, beginning on August 1, 2019, a State approving agency, or the Secretary when acting in the role of the State approving agency, shall disapprove a course of education provided by an educational institu-

tion that has in effect a policy that is inconsistent with any of the following:

(A) A policy that permits any covered individual to attend or participate in the course of education during the period beginning on the date on which the individual provides to the educational institution a certificate of eligibility for entitlement to educational assistance under chapter 31, 33, or 35 of this title and ending on the earlier of the following dates:

(i) The date on which the Secretary provides payment for such course of education to such institution.

(ii) The date that is 90 days after the date on which the educational institution certifies for tuition and fees following receipt from the student such certificate of eligibility.

(B) A policy that ensures that the educational institution will not impose any penalty, including the assessment of late fees, the denial of access to classes, libraries, or other institutional facilities, or the requirement that a covered individual borrow additional funds, on any covered individual because of the individual's inability to meet his or her financial obligations to the institution due to the delayed disbursement of a payment to be provided by the Secretary under chapter 31, 33, or 35 of this title.

(2) For purposes of this subsection, a covered individual is any individual who is entitled to educational assistance under chapter 31, 33, or 35 of this title.

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

(4) It shall not be inconsistent with a policy described in paragraph (1) for an educational institution to require a covered individual to take the following additional actions:

(A) Submit a certificate of eligibility for entitlement to educational assistance not later than the first day of a course of education for which the individual has indicated the individual wishes to use the individual's entitlement to educational assistance.

(B) Submit a written request to use such entitlement.

(C) Provide additional information necessary to the proper certification of enrollment by the educational institution.

(f)(1) Except as provided by paragraph (5), a State approving agency, or the Secretary when acting in the role of the State approving agency, shall take an action described in paragraph (4)(A) if the State approving agency or the Secretary, when acting in the role of the State approving agency, determines that an educational institution does not perform any of the following:

(A) Prior to the enrollment of a covered individual in a course of education at the educational institution, provide the individual with a form that contains information personalized to the individual that describes—

(i) the estimated total cost of the course, including tuition, fees, books, supplies, and any other additional costs;

(ii) an estimate of the cost for living expenses for students enrolled in the course;

(iii) the amount of the costs under clauses (i) and (ii) that are covered by the educational assistance provided to

the individual under chapter 30, 31, 32, 33, or 35 of this title, or chapter 1606 or 1607 of title 10, as the case may be;

(iv) the type and amount of Federal financial aid not administered by the Secretary and financial aid offered by the institution that the individual may qualify to receive;

(v) an estimate of the amount of student loan debt the individual would have upon graduation;

(vi) information regarding graduation rates;

(vii) job-placement rates for graduates of the course, if available;

(viii) information regarding the acceptance by the institution of transfer of credits, including military credits;

(ix) any conditions or additional requirements, including training, experience, or examinations, required to obtain the license, certification, or approval for which the course of education is designed to provide preparation; and

(x) other information to facilitate comparison by the individual of aid packages offered by different educational institutions.

(B) Not later than 15 days after the date on which the institution (or the governing body of the institution) determines tuition rates and fees for an academic year that is different than the amount being charged by the institution, provide a covered individual enrolled in a course of education at the educational institution with the form under subparagraph (A) that contains updated information.

(C) Maintain policies to—

(i) inform each covered individual enrolled in a course of education at the educational institution of the availability of Federal financial aid not administered by the Secretary and financial aid offered by the institution; and

(ii) alert such individual of the potential eligibility of the individual for such financial aid before packaging or arranging student loans or alternative financing programs for the individual.

(D) Maintain policies to—

(i) prohibit the automatic renewal of a covered individual in courses and programs of education; and

(ii) ensure that each covered individual approves of the enrollment of the individual in a course.

(E) Provide to a covered individual enrolled in a course of education at the educational institution with information regarding the requirements to graduate from such course, including, to the maximum extent practicable, information regarding when required classes will be offered and a timeline to graduate.

(F) With respect to an accredited educational institution, obtain the approval of the accrediting agency for each new course or program of the institution before enrolling covered individuals in such courses or programs if the accrediting agency determines that such approval is appropriate under the substantive change requirements of the accrediting agency regarding the quality, objectives, scope, or control of the institution.

(G) Maintain a policy that—

(i) ensures that members of the Armed Forces, including the reserve components and the National Guard, who enroll in a course of education at the educational institution may be readmitted at such institution if such members are temporarily unavailable or have to suspend such enrollment by reason of serving in the Armed Forces; and

(ii) otherwise accommodates such members during short absences by reason of such service.

(H) Designate an employee of the educational institution to serve as a point of contact for covered individuals and the family of such individuals needing assistance with respect to academic counseling, financial counseling, disability counseling, and other information regarding completing a course of education at such institution, including by referring such individuals and family to the appropriate persons for such counseling and information.

(2) Except as provided by paragraph (5), a State approving agency, or the Secretary when acting in the role of the State approving agency, shall take an action described in paragraph (4)(A) if the State approving agency, the Secretary, or any Federal agency, determines that an educational institution, or any person with whom the institution has an agreement to provide educational programs, marketing, advertising, recruiting or admissions services, does any of the following:

(A) Carries out deceptive or persistent recruiting techniques, including on military installations, that may include—

(i) misrepresentation (as defined in section 3696(e)(2)(B) of this title) or payment of incentive compensation;

(ii) during any one-month period making three or more unsolicited contacts to a covered individual, including contacts by phone, email, or in-person; or

(iii) engaging in same-day recruitment and registration.

(B) Provides a commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.

(C) In determining whether a violation of subparagraph (B) has occurred, the State approving agency, or the Secretary when acting in the place of the State approving agency, shall construe the requirements of this paragraph in accordance with the regulations and guidance prescribed by the Secretary of Education under section 487(a)(20) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20)).

(3) A State approving agency, or the Secretary when acting in the role of the State approving agency, shall take an action described in paragraph (4)(A) if the State approving agency or the Secretary, when acting in the role of the State approving agency, determines that an educational institution is the subject of a negative action made by the accrediting agency that accredits the institution, including any of the following:

(A) Accreditor sanctions.

(B) Accreditation probation.

(C) The loss of accreditation or candidacy for accreditation.

(4)(A) An action described in this subparagraph is any of the following:

(i) Submitting to the Secretary a recommendation that the Secretary publish a warning on the internet website of the Department described in section 3698(c)(2) of this title, or such other similar internet website of the Department, that describes how an educational institution is failing to meet a requirement under paragraph (1), (2), or (3).

(ii) Suspending the approval of the courses and programs of education offered by the educational institution by disapproving new enrollments of eligible veterans and eligible persons in each course or program of education offered by that educational institution.

(iii) Revoking the approval of the courses and programs of education offered by the educational institution by disapproving all enrollments of eligible veterans and eligible persons in each course or program of education offered by that educational institution.

(B)(i) The Secretary shall establish guidelines to ensure that the actions described in subparagraph (A) are applied in a proportional and uniform manner by State approving agencies, or the Secretary when acting in the role of the State approving agency.

(ii) Each State approving agency and the Secretary, when acting in the role of the State approving agency, shall adhere to the guidelines established under clause (i).

(C) The State approving agency, in consultation with the Secretary, or the Secretary when acting in the role of the State approving agency, may limit an action described in subparagraph (A)(ii) to individuals not enrolled at the educational institution before the period described in such subparagraph.

(5)(A) The Secretary may waive the requirements of paragraph (1) or waive the requirements of paragraph (2) with respect to an educational institution for a one-academic-year period beginning in August of the year in which the waiver is made. A single educational institution may not receive waivers under **[this paragraph]** *this subparagraph* for more than 2 consecutive academic years.

(B) To be considered for a waiver under **[this paragraph]** *subparagraph (A)*, an educational institution shall submit to the Secretary an application prior to the first day of the academic year for which the waiver is sought.

(C) *If an educational institution cannot provide to an individual a form under paragraph (1) that contains all of the information required under subparagraph (A) of such paragraph, the educational institution shall provide to such individual, with the form under such paragraph, a notice—*

(i) that specifies what such information may be inaccurate or incomplete; and

(ii) that includes, in place of the information that may be inaccurate or incomplete, the best estimate available on the date of such notice.

(6) Not later than October 1 of each year, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the

Committee on Veterans' Affairs of the House of Representatives the following reports:

(A) A report, which shall be made publicly available, that includes the following:

(i) A summary of each action described in paragraph (4)(A) made during the year covered by the report, including—

- (I) the name of the educational institution;
- (II) the type of action taken;
- (III) the rationale for the action, including how the educational institution was not in compliance with this subsection;
- (IV) the length of time that the educational institution was not in such compliance; and
- (V) whether the educational institution was also not in compliance with this subsection during any of the 2 years prior to the year covered by the report.

(ii) A summary and justifications for the waivers made under paragraph (5) during the year covered by the report, including the total number of waivers each educational institution has received.

(B) A report containing the recommendations of the Secretary with respect to any legislative actions the Secretary determines appropriate to ensure that this subsection is carried out in a manner that is consistent with the requirements that educational institutions must meet for purposes of other departments or agencies of the Federal Government.

(7) This subsection shall not apply to an educational institution—

- (A) located in a foreign country; or
- (B) that provides to a covered individual consumer information regarding costs of the program of education (including financial aid available to such covered individual) using a form or template developed by the Secretary of Education.

(8) In this subsection, the term "covered individual" means an individual who is pursuing a course of education at an educational institution under chapter 30, 31, 32, 33, or 35 of this title, or chapter 1606 or 1607 of title 10.

SUBCHAPTER III—MISCELLANEOUS PROVISIONS

* * * * *

§ 3680A. Disapproval of enrollment in certain courses

(a) The Secretary shall not approve the enrollment of an eligible veteran in any of the following:

- (1) Any bartending course or personality development course.
- (2) Any sales or sales management course which does not provide specialized training within a specific vocational field.
- (3) Any type of course which the Secretary finds to be avocational or recreational in character (or the advertising for which the Secretary finds contains significant avocational or recreational themes) unless the veteran submits justification showing that the course will be of bona fide use in the pursuit of the veteran's present or contemplated business or occupation.

(4) Any independent study program except an independent study program (including such a program taken over open circuit television) that—

(A) is accredited by an accrediting agency or association recognized by the Secretary of Education under subpart 2 of part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099b);

(B) leads to—

- (i) a standard college degree;
- (ii) a certificate that reflects educational attainment offered by an institution of higher learning; or
- (iii) a certificate that reflects completion of a course of study offered by—

(I) an area career and technical education school (as defined in subparagraphs (C) and (D) of section 3(3) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(3))) that provides education at the postsecondary level; or

(II) a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c))) that provides education at the postsecondary level; and

(C) in the case of a program described in subparagraph (B)(iii)—

- (i) provides training aligned with the requirements of employers in the State or local area where the program is located, which may include in-demand industry sectors or occupations; and
- (ii) provides a student, upon completion of the program, with a recognized postsecondary credential that is recognized by employers in the relevant industry, which may include a credential recognized by industry or sector partnerships in the State or local area where the industry is located; and
- (iii) meets such content and instructional standards as may be required to comply with the criteria under section 3676(c)(14) and (15) of this title.

(b) Except to the extent otherwise specifically provided in this title or chapter 106 of title 10, the Secretary shall not approve the enrollment of an eligible veteran in any course of flight training other than one given by an educational institution of higher learning for credit toward a standard college degree the eligible veteran is seeking.

(c) The Secretary shall not approve the enrollment of an eligible veteran in any course to be pursued by radio.

(d)(1) The Secretary shall not approve the enrollment of any eligible veteran, not already enrolled, in any course for any period during which the Secretary finds that more than 85 percent of the students enrolled in the course are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution or by the Department of Veterans Affairs under this title or under chapter 1606 of title 10, except with respect to tuition, fees, or other charges that are paid under a payment plan at an educational institution that the Secretary determines has a his-

tory of offering payment plans that are completed not later than 180 days after the end of the applicable term, quarter, or semester.

(2) The Secretary may waive the requirements of paragraph (1), in whole or in part, if the Secretary determines, pursuant to regulations which the Secretary shall prescribe, it to be in the interest of the eligible veteran and the Federal Government.

(3)(A) The Secretary shall establish a process by which an educational institution may request a review of a determination that the educational institution does not meet the requirements of paragraph (1).

(B) An educational institution that requests a review under subparagraph (A)—

(i) shall request the review not later than 30 days after the start of the term, quarter, or semester for which the determination described in subparagraph (A) applies; and

(ii) may include any information that the educational institution believes the Department should have taken into account when making the determination, including with respect to any mitigating circumstances.

(C) The Under Secretary of Benefits shall issue an initial decision for each review requested under subparagraph (A) by not later than 30 days after the date of the request, to the extent feasible.

(D) An educational institution may request the Secretary to review the decision by the Under Secretary under subparagraph (C). The Secretary shall review each decision so requested and, pursuant to such review, shall issue a final decision sustaining, modifying, or overturning the decision by the Under Secretary.

(E) The Secretary shall carry out this paragraph without regard to any review process carried out by the Secretary under chapter 51 of this title.

(4) Paragraph (1) shall not apply to any course offered by an educational institution if—

(A) the majority of courses offered by the educational institution are approved under section 3672 or 3675 of this title; and

(B) the total number of veterans and persons receiving assistance under this title or under chapter 1606 of title 10 who are enrolled in such institution equals 35 percent or less of the total student enrollment at such institution (computed separately for the main campus and any branch or extension of such institution).

(5)(A) Paragraph (1) shall not apply to any course offered by an educational institution if—

(i) the majority of courses offered by the educational institution are approved under section 3676 of this title; and

(ii) the total number of veterans and persons receiving assistance under this title or under chapter 1606 of title 10 who are enrolled in such institution equals 35 percent or less of the total student enrollment at such institution (computed separately for the main campus and any branch or extension of such institution).

(B) Notwithstanding subparagraph (A), on a case by case basis, the Secretary may apply paragraph (1) with respect to any course otherwise covered by such subparagraph if the Secretary has reason to believe that the enrollment of veterans and persons de-

scribed in clause (ii) of such subparagraph may be in excess of 85 percent of the total student enrollment in such course.

(6) The Secretary shall ensure that an educational institution that meets the requirements of paragraph (4) or (5) submits information to the Secretary on a biennial basis to verify meeting such requirements. During such biennial period in which an educational institution is covered by such verification, the Secretary may not require the educational institution to submit information with respect to meeting the requirements of paragraph (1).

(7) Paragraph (1) shall not apply with respect to the enrollment of a veteran—

(A) in a program of education for which fewer than 10 students are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution or by the Department of Veterans Affairs under this title or under chapter 1606 of title 10;

(B) in a course offered pursuant to section 3019, 3034(a)(3), 3234, or 3241(a)(2) of this title;

(C) in a farm cooperative training course; or

(D) in a course described in subsection (g).

(e)(1) The Secretary may not approve the enrollment of an eligible veteran in a course not leading to a standard college degree offered by a proprietary profit or proprietary nonprofit educational institution if—

[(1)] (A) the educational institution has been operating for less than two years;

[(2)] (B) *except as provided in paragraph (2)*, the course is offered at a branch of the educational institution and the branch has been operating for less than two years; or

[(3)] (C) following either a change in ownership or a complete move outside its original general locality, the educational institution does not retain substantially the same faculty, student body, and courses as before the change in ownership or the move outside the general locality (as determined in accordance with regulations the Secretary shall prescribe) unless the educational institution following such change or move has been in operation for at least two years.

(2)(A) *Subject to this paragraph, a commercial driver education program is exempt from paragraph (1)(B) for a branch of an educational institution if the commercial driver education program offered at the branch by the educational institution—*

(i) is appropriately licensed; and

(ii)(I) the branch is located in a State in which the same commercial driver education program is offered by the same educational institution at another branch of that educational institution in the same State that is approved for purposes of this chapter by a State approving agency or the Secretary when acting in the role of a State approving agency; or

(II)(aa) the branch is located in a State in which the same commercial driver education program is not offered at another branch of the same educational institution in the same State; and

(bb) the branch has been operating for a period of at least one year using the same curriculum as a commercial driver education program offered by the educational institution at another

location that is approved for purposes of this chapter by a State approving agency or the Secretary when acting in the role of a State approving agency.

(B)(i) In order for a commercial driver education program of an educational institution offered at a branch described in paragraph (1)(B) to be exempt under subparagraph (A) of this paragraph, the educational institution shall submit to the Secretary each year that paragraph (1)(B) would otherwise apply a report that demonstrates that the curriculum at the new branch is the same as the curriculum at the primary location.

(ii) Reporting under clause (i) shall be submitted in accordance with such requirements as the Secretary shall establish in consultation with the State approving agencies.

(C)(i) The Secretary may withhold an exemption under subparagraph (A) for any educational institution or branch of an educational institution as the Secretary considers appropriate.

(ii) In making any determination under clause (i), the Secretary may consult with the Secretary of Transportation on the performance of a provider of a commercial driver program, including the status of the provider within the Training Provider Registry of the Federal Motor Carrier Safety Administration when appropriate.

(D) The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a notification not later than 30 days after the Secretary grants an exemption under this paragraph. Such notification shall identify the educational institution and branch of such educational institution granted such exemption.

(f)(1) Except as provided in paragraph (2), the Secretary may not approve the enrollment of an eligible veteran in a course as a part of a program of education offered by an educational institution if the course is provided under contract by another educational institution or entity and—

(A) the Secretary would be barred under subsection (e) from approving the enrollment of an eligible veteran in the course of the educational institution or entity providing the course under contract; or

(B) the educational institution or entity providing the course under contract has not obtained approval for the course under this chapter.

(2)(A) In the case of a covered study-abroad course, the Secretary may approve the course for a period of not more than five years, if the contract or other written agreement under which the course is offered provides that—

(i) the educational institution that offers a course that is approved under this chapter agrees—

(I) to assume responsibility for the quality and content of the covered study-abroad course; and

(II) to serve as the certifying official for the course for purposes of this chapter; and

(ii) the educational institution that offers the covered study-abroad course agrees to seek the approval of the course under this chapter by not later than five years after the date of the agreement.

(B) In this paragraph, the term “covered study-abroad course” means a course that—

(i) is provided as a part of a program of education offered by an educational institution under a contract or other written agreement by another educational institution that offers a course that is approved under this chapter;

(ii) is provided at a location in a foreign country; and

(iii) has not been approved under this chapter.

(g) Notwithstanding subsections (e) and (f)(1), the Secretary may approve the enrollment of an eligible veteran in a course approved under this chapter if the course is offered by an educational institution under contract with the Department of Defense or the Department of Homeland Security and is given on or immediately adjacent to a military base, Coast Guard station, National Guard facility, or facility of the Selected Reserve.

(h) In this section, the terms “State or local area”, “recognized postsecondary credential”, “industry or sector partnership”, and “in-demand industry sector or occupation” have the meaning given such terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

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