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# GI Bill Legislation Enacted in the 114<sup>th</sup> Congress

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## Summary

The GI Bills® provide financial assistance to individuals, whose eligibility is based on their or a family member's experience in the uniformed services, while they are enrolled in approved programs of education, including training programs. In FY2017, the GI Bills are estimated to provide over \$14 billion in benefits to over 1 million veterans and servicemembers and their dependents. The largest program, the Post-9/11 GI Bill, is estimated to account for approximately 93% of the benefits and 80% of the participants. This report provides a description of and background information on selected provisions in three laws that amended the GI Bills in the 114<sup>th</sup> Congress.

The National Defense Authorization Act for Fiscal Year 2016 (P.L. 114-92) was enacted on November 25, 2015. The bill effectively ends the Reserve Educational Assistance Program (REAP) on November 25, 2019. It also prohibits nonexempt individuals from receiving a Post-9/11 GI Bill allowance while receiving Unemployment Compensation for Ex-Servicemembers (UCX).

The Department of Veterans Affairs Expiring Authorities Act of 2016 (P.L. 114-228) was enacted on September 29, 2016. Among other purposes, the law authorizes the Department of Veterans Affairs (VA) to treat a program of education as approved for 18 months in the event that the Secretary of Education withdraws the recognition of the accrediting agency that accredited the educational institution at which the program of education was offered. This authority applies to those programs of education that were approved for GI Bill purposes on the basis of being offered directly by an educational institution that is accredited by an ED-recognized accrediting agency. The authority was intended to protect GI Bill participants attending approximately 900 educational institutions accredited by the Accrediting Council for Independent Colleges and Schools (ACICS), which lost its ED recognition on December 12, 2016.

The Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016 (P.L. 114-315) was enacted on December 16, 2016. The law enacted several provisions considered throughout the 114<sup>th</sup> Congress, including some providing for enhanced benefits for select individuals, others providing for more rigorous processes and standards for approving programs of education for GI Bill purposes, and some aiming to enhance information gathering and dissemination activities. Finally, the law was largely paid for (\$56 million over 10 years) by reducing the GI Bill reporting fees paid to educational institutions and training establishments.

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The GI Bills®<sup>1</sup> provide financial assistance to individuals, whose eligibility is based on their or a family member's experience in the uniformed services, while enrolled in approved programs of education or training programs. In FY2017, the GI Bills are estimated to provide over \$14 billion in benefits to over 1 million veterans and servicemembers and their dependents.<sup>2</sup> The largest program, the Post-9/11 GI Bill, is estimated to account for approximately 93% of the benefits and 80% of the participants.<sup>3</sup>

Throughout the 114<sup>th</sup> Congress, the House and the Senate committees on veterans' affairs have held several GI Bill oversight and legislative hearings. Congress has shown an interest in ensuring the GI Bills help veterans and their dependents realize the goal of attaining successful careers. The hearings have explored a variety of subjects, including, but not limited to, the adequacy of the Post-9/11 GI Bill information technology (IT) claims processing system; the adequacy of the processes and criteria used to approve programs of education for GI Bill purposes; the adequacy and equity of GI Bill benefit levels; the applicability of benefit eligibility requirements; abuse of the GI Bill programs; and the return on the GI Bill investment.<sup>4</sup>

This report discusses each of the measures enacted in the 114<sup>th</sup> Congress that made changes to GI Bill programs. It presents a thematic discussion of the primary changes adopted, initially offering contextual information on prior provisions and issues being addressed by amendments. It then describes the amendments. One amendment terminates the Reserve Educational Assistance Program (REAP). Several enacted provisions enhance GI Bill benefits. Several other provisions are designed to improve the processes and standards for approving and reviewing programs of education at which GI Bill benefits may be used by making the standards more rigorous and giving some participants more time before their programs are disapproved. Finally, one of the provisions enacted reduces benefit costs in order to help pay for the provisions that would increase other benefit costs.

For more detailed information on the GI Bills referenced and additional background on current law, see

- CRS Report R42755, *The Post-9/11 Veterans' Educational Assistance Act of 2008 (Post-9/11 GI Bill): A Primer*, by Cassandra Dortch; and
- CRS Report R42785, *GI Bills Enacted Prior to 2008 and Related Veterans' Educational Assistance Programs: A Primer*, by Cassandra Dortch.

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<sup>1</sup> GI Bill® is a registered trademark of the U.S. Department of Veterans Affairs (VA).

<sup>2</sup> President's Budget Request, FY2017.

<sup>3</sup> Ibid.

<sup>4</sup> See for example, U.S. Congress, Senate Committee on Veterans' Affairs, *Pending Health and Benefits Legislation*, 114<sup>th</sup> Cong., 1<sup>st</sup> sess., September 16, 2015; and U.S. Congress, House Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, *Examining VA's Information Technology Systems that Provide Economic Opportunities for Veterans*, 114<sup>th</sup> Cong., 1<sup>st</sup> sess., November 3, 2015.

# National Defense Authorization Act for Fiscal Year 2016 (P.L. 114-92)

The FY2016 National Defense Authorization Act (NDAA; P.L. 114-92) was enacted on November 25, 2015. The bill authorizes the Department of Defense (DOD) base budget, including such items as procurement, research and development, operation and maintenance, military personnel, and other activities such as atomic energy defense activities and overseas contingency operations. The NDAA often includes GI Bill-related provisions.

## Termination of Reserve Educational Assistance Program (REAP)

The Reserve Educational Assistance Program (REAP) was enacted by Section 527 of the Ronald W. Reagan National Defense Authorization Act for FY2005 (P.L. 108-375). Prior to enactment of the FY2016 NDAA, educational assistance benefits were available to eligible reservists and Guard members who served after September 10, 2001. Passage of the program was a direct reaction to the increased number and length of calls to active duty of reservists that occurred as a result of operations in Afghanistan and Iraq. Because the Post-9/11 GI Bill, as passed in 2008, also provides benefits to REAP-eligible individuals, the two bills have been considered duplicative.

Section 555 of P.L. 114-92 effectively ends REAP on November 25, 2019. In general, no educational benefits can be paid after November 25, 2015, although individuals who received REAP benefits for the enrollment period immediately preceding November 25, 2015, may receive benefits through November 25, 2019, or until exhausting their entitlement.

## Prohibition on Concurrent Receipt of Unemployment Insurance and Post-9/11 GI Bill Benefits

Unemployment Compensation for Ex-Servicemembers (UCX)<sup>5</sup> provides income support to former active duty military personnel or reservists, who were recently released from active duty, while they search for work. Prior to enactment of the FY2016 NDAA, individuals were not entitled to UCX for any period with respect to which the individual received a subsistence allowance under the Vocational Rehabilitation and Employment (VR&E)<sup>6</sup> program or an educational assistance allowance under the Survivors' and Dependents' Educational Assistance program (DEA).

Section 560 of P.L. 114-92 contains provisions that also prohibit those individuals receiving a Post-9/11 GI Bill allowance from receiving UCX, unless the individuals

- are otherwise entitled to UCX;

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<sup>5</sup> Established by the Ex-servicemen's Unemployment Act of 1958 (P.L. 85-848, 5 U.S.C. §§8521-8525) in 1958. For more information on unemployment benefits for ex-servicemembers, see CRS Report RS22440, *Unemployment Compensation (Insurance) and Military Service*, by Julie M. Whittaker.

<sup>6</sup> VR&E is an entitlement program that provides job training and other employment-related services to veterans with service-connected disabilities. For more information, see CRS Report RL34627, *Veterans' Benefits: The Vocational Rehabilitation and Employment Program*, by Benjamin Collins.

- are receiving Post-9/11 GI Bill benefits based on their own service or through the Fry Scholarship;
- are not receiving retired pay from the military retirement system;<sup>7</sup> and
- were discharged from the Armed Forces or Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA) under honorable conditions, but did not voluntarily separate.<sup>8</sup>

The exemption from the prohibition excludes individuals using transferred Post-9/11 GI Bill benefits and individuals discharged from the Commissioned Corps of the Public Health Service (PHS).

The prohibition on concurrent receipt of Post-9/11 GI Bill benefits and UCX was only written into UCX law—and not into any federal law for regular state unemployment compensation (UC) benefits (or other types of unemployment benefits). Therefore, there is no federal law prohibiting the concurrent receipt of Post-9/11 GI Bill benefits and UC (or other types of unemployment benefits aside from UCX). At the same time, states can generally set their own state law provisions concerning receipt of UC and other types of income/benefits.

## **Department of Veterans Affairs Expiring Authorities Act of 2016 (P.L. 114-228)**

The Department of Veterans Affairs Expiring Authorities Act of 2016 (P.L. 114-228) was enacted on September 29, 2016. It primarily extends certain provisions of law which are related to health care, homeless veterans, and provisions related to GI Bill and other benefits administered by the Department of Veterans Affairs (VA).

### **Extension of the Veterans' Advisory Committee on Education**

The Veterans' Advisory Committee on Education (VACOE) provides advice to the VA and makes recommendations to improve the administration of the GI Bills. VACOE was authorized until December 31, 2016.

Section 201 of P.L. 114-228 extends VACOE until December 31, 2017.

### **Extension of Reduction in Reporting Fee**

The VA is authorized to pay educational institutions and training establishments a reporting fee based on the number of GI Bill participants enrolled in or pursuing training. The fee is intended to offset the costs of the institution and establishment for administering GI Bill benefits and supporting veterans. Through amendments adopted in P.L. 111-377, the fee was increased from \$7 to \$12 for each GI Bill participant enrolled in a program of education or pursuing training, and from \$11 to \$15 for each GI Bill participant for whom the institution received an advanced GI

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<sup>7</sup> For more information on the military retirement system, see CRS In Focus IF10483, *Defense Primer: Military Retirement*, by Kristy N. Kamarck.

<sup>8</sup> The Department of Labor published guidance on the amendment at [http://wdr.doleta.gov/directives/attach/UIPL/UIPL\\_14-16.pdf](http://wdr.doleta.gov/directives/attach/UIPL/UIPL_14-16.pdf).

Bill payment, effective October 1, 2011.<sup>9</sup> Through further amendments, the fee was reduced to \$9 and \$13, respectively, for the two-year period beginning on September 26, 2014.<sup>10</sup>

Section 413 of P.L. 114-228 extends the recent fee reduction for the three-year period beginning on September 26, 2014. The extension is estimated to save \$3 million in FY2017.<sup>11</sup>

## **Authority to Maintain Approval of Courses Following Withdrawal of Recognition of Accrediting Agency**

In order to receive GI Bill benefits, an eligible individual must be pursuing an approved program of education. Statutory provisions establish the approval criteria depending on the type of program of education (e.g., accredited, nonaccredited, or flight). Programs of education offered directly by an educational institution that is accredited by an agency recognized by the U.S. Department of Education (ED) are required to meet a shorter list of approval criteria than programs of education offered directly by an educational institution that is not accredited by an ED-recognized accrediting agency.

On September 22, 2016, ED made a determination to withdraw its recognition of the Accrediting Council for Independent Colleges and Schools (ACICS).<sup>12</sup> ACICS accredits approximately 900 educational institutions that offer GI Bill approved programs of education. On December 12, 2016, ED upheld its September decision following consideration of ACICS's appeal of the decision.

Section 415 of P.L. 114-228 authorizes the VA to continue to treat a program of education that was previously approved on the basis of being offered directly by an educational institution that is accredited by an ED-recognized accrediting agency as approved for 18 months in the event that ED withdraws the recognition of the accrediting agency. Despite this authority, such a program of education may be disapproved if it fails to meet other approval criteria. In addition, the VA is required to notify GI Bill participants of the approval status of the program of education. Congress indicated that this provision was intended to ensure that GI Bill participants attending ACICS-accredited institutions would not immediately lose GI Bill benefits and would be provided the same protections as students receiving ED federal student aid funds authorized under Title IV of the Higher Education Act (HEA).<sup>13</sup> The HEA similarly authorizes ED, upon ED's withdrawal of an accrediting agency's recognition, to permit those institutions accredited by such agency to continue to participate in the Title IV student aid programs for up to 18 months under additional conditions.

If a program of education is disapproved, there are several possible ramifications for the affected GI Bill participants. Individuals enrolled in the disapproved program of education will immediately cease receiving GI Bill benefits based on their enrollment in or pursuit of the

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<sup>9</sup> Post-9/11 Veterans Educational Assistance Improvements Act of 2010 (P.L. 111-377). An advance payment is available to individuals who are planning to enroll more than half-time and who have not received educational assistance benefits in 30 days or more. The advance payment provides the first partial and first full month of the housing allowance and is sent to the educational institution for disbursement to the student.

<sup>10</sup> Department of Veterans Affairs Expiring Authorities Act of 2014 (P.L. 113-175), as amended by the Department of Veterans Affairs Expiring Authorities Act of 2015 (P.L. 114-58).

<sup>11</sup> Congressional Budget Office, *Estimate of Direct Spending for H.R. 5985, the Department of Veterans Affairs Expiring Authorities Act of 2016 as Transmitted to CBO on September 12, 2016*, September 13, 2016.

<sup>12</sup> For more information, see CRS Insight IN10582, *Department of Education's Withdrawal of Its Recognition of ACICS as an Accrediting Agency*, by Alexandra Hegji.

<sup>13</sup> Reps. Miller and Takano, "Department of Veterans Affairs Expiring Authorities Act of 2016," House debate, *Congressional Record*, daily edition, September 13, 2016, p. H5390.



disapproved programs. In addition, the GI Bill participants may be required to return GI Bill payments for which they are no longer eligible. Finally, there are no statutory provisions that permit the individual to regain GI Bill entitlement used at a disapproved institution.

Affected educational institutions have a few options to maintain approval of their programs of education for GI Bill purposes. Institutions may apply to have their programs approved as if offered by a nonaccredited institution. Alternatively, institutions may seek accreditation by another ED-recognized entity. Finally, institutions may await an appeal by ACICS to the federal courts, which, if successful and timely, could remedy their program approval status.

## **Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016 (P.L. 114-315)**

The Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016 (P.L. 114-315) was enacted on December 16, 2016. The law represents a compilation of original and revised versions of proposals included in several bills introduced throughout the 114<sup>th</sup> Congress under the jurisdiction of the veterans' affairs committees. Among the law's provisions are those intending to improve veterans' disability compensation procedures, expand veterans' burial benefits, improve veterans' health care administration, expand and improve benefits for homeless veterans, and enhance GI Bill benefits. The GI Bill provisions have been grouped into four categories: benefit enhancements, requirements and allowances for educational institutions and training establishments, processes and standards for approved programs of education, and information gathering and dissemination.

### **Benefit Enhancements**

The following provisions aim to allow participants to maximize their GI Bill benefits by ensuring full access to those benefits.

#### **Equitable Access to Fry Scholarship Entitlement**

The Veterans Access, Choice, and Accountability Act of 2014 (P.L. 113-146) expanded eligibility for the Fry Scholarship program to the spouse of an individual who, on or after September 11, 2001, dies in the line of duty while serving on active duty as a member of the Armed Forces. P.L. 113-146 entitled a spouse to the Fry Scholarship until the earlier of 15 years following the servicemember's death or remarriage, effective for academic terms beginning after December 31, 2014. Because the effective date of P.L. 113-146 was almost 15 years after the beginning of the eligibility period, some spouses would have an abbreviated period to use the Fry Scholarship. Finally, P.L. 113-146 required each dually eligible spouse to make an irrevocable election to receive benefits under either the Fry Scholarship or the Survivors' and Dependents' Educational Assistance program (DEA).

Section 401 of P.L. 114-315 contains provisions that provide special consideration for the spouses of individuals who died in the line of duty while serving on active duty during the period beginning on September 11, 2001, and ending on December 31, 2005. It entitles such spouses to the Fry Scholarship until the earlier of 15 years following January 1, 2006, or remarriage. This change allows such spouses additional time to use the benefit. The section also allows such spouses to change a previously irrevocable election for either the Fry Scholarship or DEA. The



Congressional Budget Office (CBO) estimates that the provision will cost \$16 million over five years, after which it will have no appreciable cost.<sup>14</sup>

### **Updated Process for Irrevocably Electing the Post-9/11 GI Bill**

As originally enacted, the Post-9/11 GI Bill included several provisions establishing the rules for individuals to irrevocably elect the Post-9/11 GI Bill when also entitled to benefits under another GI Bill. The provisions were not codified.

Section 405 of P.L. 114-315 codifies the provisions in the original enacting legislation. It also enacts an amendment providing for VA involvement in certain election decisions. The law authorizes the VA, beginning January 1, 2017, to make an irrevocable election decision on behalf of an individual who fails to do so and authorizes the VA to change an election it deems to be contrary to the individual's interests. After notification by the VA of the VA's election, individuals will have 30 days to change such an alternative election. This provision was recommended by VA staff to streamline claims processing.

### **Expansion of MGIB-SR Entitlement Preservation for Participants Called to Active Duty**

Generally under the GI Bills, a participant is not charged entitlement if a call to qualifying active duty service results in the participant discontinuing pursuit of a course and failing to receive credit or training time. Active duty under the following authorities qualifies for all of the GI Bills: 10 U.S.C §§12301(a), 12301(d), 12301(g), 12302, or 12304.<sup>15</sup>

Prior to passage of P.L. 114-315, an individual's entitlement under the MGIB-SR was extended for periods when the individual served on active duty under 10 U.S.C §§12301(a), 12301(d), 12301(g), 12302, or 12304 and for four additional months for each such period.

Section 416 of P.L. 114-315 amends the MGIB-SR to expand the list of qualifying authorities to include 10 U.S.C §§12304a and 12304b. Both of these authorities were added by the National Defense Authorization Act for Fiscal Year 2012 (P.L. 112-81), and the Army has increased mobilizations under §12304b from 0 in FY2013 to an estimated 1,878 in FY2017.<sup>16</sup> Section 12304a authorizes the Secretary of Defense to involuntarily order units and individuals of the Army Reserve, Navy Reserve, Marine Corps Reserve, and Air Force Reserve to active duty for up to 120 days "when a governor requests federal assistance in responding to a major disaster or emergency."<sup>17</sup> Section 12304b allows involuntary activations of Selected Reserve units for up to

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<sup>14</sup> Congressional Budget Office, *Congressional Budget Office Estimate of Effects on Direct Spending for H.R. 6416, the Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016, as passed by the House of Representatives on December 6, 2016*, December 7, 2016.

<sup>15</sup> A call to active duty under §688 also qualifies for individuals participating in the GI Bills authorized under Title 38 of the U.S. Code.

<sup>16</sup> See the Army's Military Personnel budget justification book, FY2015-FY2017, available at <http://asafm.army.mil/offices/BU/BudgetMat.aspx?OfficeCode=1200>.

<sup>17</sup> The language does not limit the activations only to the Selected Reserve, so it appears that members of the Individual Ready Reserve can be activated under this authority. National Guard forces are not included in this authority, but state governors already have the ability to activate their state National Guard forces and to request support from other state National Guards under the Emergency Management Assistance Compact. The Coast Guard Reserve uses 14 U.S.C. §712 for short-term disaster response activations.

365 consecutive days of active duty. DOD FY2016 legislative proposals recommended such inclusion of the above authorities.<sup>18</sup>

Section 416 only affects the MGIB-SR. It would not similarly expand relief to participants under the other GI Bills called to active duty under such provisions. CBO estimates that this provision would increase spending by less than \$500,000 over 10 years.<sup>19</sup>

### Clarifying In-State Tuition Eligibility

Under current law, the VA is required to disapprove a course at a public institution of higher learning (IHL) if it charges tuition and fees above the in-state rate for that course to a *covered* Post-9/11 GI Bill or MGIB-AD participant who is living in the state in which the IHL is located. Covered Post-9/11 GI Bill and MGIB-AD participants are those who were discharged or released from a period of not fewer than 90 days of service in active military, naval, or air service less than three years before the date of enrollment in said course, and their Post-9/11 GI Bill-eligible dependents and survivors. Thus, dependents of active duty servicemembers are not covered individuals.

Intended as a technical amendment, Section 417 amends the definition of covered individual to include

- Post-9/11 GI Bill and MGIB-AD participants who were discharged or released from a period of not fewer than 90 days of service in active military, naval, or air service less than three years before the date of enrollment;
- Marine Gunnery Sergeant John David Fry Scholarship recipients;
- individuals using Post-9/11 GI Bill benefits transferred from a covered individual; and
- individuals using Post-9/11 GI Bill benefits transferred from a member of the uniformed services who is serving on active duty.

The provision goes into effect for academic terms beginning after July 1, 2017. CBO estimates that this provision will save \$9 million over 10 years.<sup>20</sup>

### Requirements and Allowances for Educational Institutions and Training Establishments

The following provisions either require additional reporting by educational institutions or aim to facilitate more efficient reporting by educational institutions, and one provision reduces future administrative reporting fees that such institutions and training establishments may receive.

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<sup>18</sup> U.S. Congress, Senate Committee on Veterans' Affairs, *21<sup>st</sup> Century Veterans Benefits Delivery Act*, To accompany S. 1203, 114<sup>th</sup> Cong., 1<sup>st</sup> sess., October 19, 2015, S.Rept. 114-153.

<sup>19</sup> Congressional Budget Office (CBO), *S. 1203 21<sup>st</sup> Century Veterans Benefits Delivery and Other Improvements Act*, 21<sup>st</sup> Century Veterans Benefits Delivery and Other Improvements Act on July 22, 2015, October 1, 2015.

<sup>20</sup> Congressional Budget Office, *Congressional Budget Office Estimate of Effects on Direct Spending for H.R. 6416, the Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016, as passed by the House of Representatives on December 6, 2016*, December 7, 2016.

## Required Reporting of Post-9/11 GI Bill Participant Academic Progress

Prior to P.L. 114-315, the VA did not have authority to require that educational institutions or training establishments report on academic progress or outcome data on GI Bill participants. Because reporting was voluntary and existing databases of postsecondary education were not designed specifically to collect data on veterans or GI Bill participants, the data available on participant educational and employment outcomes were limited.<sup>21</sup> This led to concerns regarding the return on the federal GI Bill investment, especially given the increased spending on GI Bills with the passage of the Post-9/11 GI Bill. Congress and other stakeholders have shown interest in ensuring that the government is an effective steward of taxpayer dollars and that GI Bill participants are achieving the education and workforce integration expected.<sup>22</sup>

Section 404 of P.L. 114-315 authorizes the Secretary to disapprove courses at educational institutions that do not provide annual academic progress information on Post-9/11 GI Bill participants. Section 404 also requires that the VA's annual report to Congress on the Post-9/11 GI Bill and DEA include such academic progress information, in addition to the requirements that preceded passage of P.L. 114-315. Prior to P.L. 114-315, the Secretary's annual report was required to include information on participation, expenditures, student outcomes, and appropriate recommendations for administrative and legislative changes.

## Allowance of Centralized or Joint Enrollment Certifications

Prior to P.L. 114-315, each educational institution was required to certify and recertify, as necessary, the enrollment of participants under Vocational Rehabilitation & Employment (VR&E), the Post-Korean Conflict and Vietnam Era GI Bill (Korean GI Bill), and Survivors' and Dependents' Educational Assistance (DEA). Regulations also require that the enrollment of Post-9/11 GI Bill and Post-Vietnam Era Veterans Educational Assistance Program (VEAP) participants be certified and recertified, as necessary, by educational institutions. The certifications are used to determine benefit payment amounts.

A provision included in Section 407 of P.L. 114-315 allows a group, district, or consortium of separately accredited educational institutions to certify the enrollment of GI Bill participants as if the group were a single educational institution. To be eligible, all of the educational institutions in the group, district, or consortium have to be located in the same state and be organized in a manner that facilitates the centralized reporting of the enrollments. In addition, the section codifies the regulatory requirement that educational institutions also certify and recertify, as necessary, the enrollment of Post-9/11 GI Bill and VEAP participants. This provision goes into effect upon enactment of the bill.

The provision is intended to simplify GI Bill administration for educational institutions, such as a community college district. The VA and VSOs have generally supported it.<sup>23</sup>

<sup>21</sup> For example, see C.A. Cate, *Million Records Project: Research from Student Veterans of America*, Student Veterans of America, Washington, DC, 2014. This report used data from the VA and National Student Clearinghouse to report on cohorts of veterans who earned a postsecondary education credential during a time period. A major limitation is that the report cannot distinguish individuals who earned the credential before, during, or after using the GI Bill.

<sup>22</sup> For more information, see the section entitled "Quality of Programs of Education" and Table 3 in CRS Report R42755, *The Post-9/11 Veterans' Educational Assistance Act of 2008 (Post-9/11 GI Bill): A Primer*, by Cassandra Dortch.

<sup>23</sup> U.S. Congress, House Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, *Legislative Hearing on H.R. 331, H.R. 821, H.R. 1357, H.R. 1796, H.R. 1842, H.R. 2011, H.R. 2150, H.R. 2210, H.R. 2327, and draft Legislation "To amend title 38, United States Code, to codify and improve the election requirements for the*

## Further Extension of Reduction in Reporting Fee

As described earlier in the “Extension of Reduction in Reporting Fee” section of this report, the VA is authorized to pay educational institutions and training establishments a reporting fee based on the number of GI Bill and VR&E participants enrolled or pursuing training. Prior to passage of P.L. 114-315, the fee was authorized to increase from \$9 to \$12 for each GI Bill and VR&E participant enrolled in a program of education or pursuing training and from \$13 to \$15 for each GI Bill participant for whom the institution received an advanced GI Bill payment on September 26, 2017.

Amendments adopted through Section 412 of P.L. 114-315 reduce the fee per GI Bill and VR&E participant to \$6 and \$12, respectively, from the date of enactment to September 25, 2017. The fees are adjusted to \$7 and \$12, respectively, for September 26, 2017, through September 25, 2026. Thereafter, the fee increases to \$12 and \$15. The Senate Committee on Veterans’ Affairs indicated in its report that the Department of Education only provides a fee level of \$5 per Pell Grant recipient.<sup>24</sup> CBO estimates that this provision will reduce spending by \$56 million over 10 years.<sup>25</sup> This provision represents the largest cost savings in P.L. 114-315.

## Processes and Standards for Approved Programs of Education

The following provisions are intended to make the processes and standards for approving programs of education for GI Bill purposes more rigorous. For background information on the current processes and standards for approving programs of education, see CRS Report R44728, *The Role of State Approving Agencies in the Administration of GI Bill Benefits*, by Cassandra Dortch.

### Expanded Role of State Approving Agencies in the Process for Approving Programs of Education

Since the 1940s, most programs of education have been approved for GI Bill purposes by state approving agencies (SAAs). The approval criteria have been specified in statutory provisions. In 2011, Congress reduced the approval responsibilities of SAAs by deeming approved

- accredited standard college degree programs offered at public or private not-for-profit educational institutions that are accredited by an agency or association recognized by the Secretary of Education, and
- other programs of education approved by other federal agencies or states.<sup>26</sup>

This change was intended to (1) free SAAs to conduct more compliance and oversight of approved programs of education, and (2) reduce duplicative approval efforts by multiple federal

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*receipt of educational assistance under the Post-9/11 Educational Assistance program of the Department of Veterans Affairs,*” 113<sup>th</sup> Cong., 1<sup>st</sup> sess., June 26, 2013.

<sup>24</sup> U.S. Congress, Senate Committee on Veterans’ Affairs, *21<sup>st</sup> Century Veterans Benefits Delivery Act*, To accompany S. 1203, 114<sup>th</sup> Cong., 1<sup>st</sup> sess., October 19, 2015, S.Rept. 114-153. For information about the Pell Grant program, see CRS Report R42446, *Federal Pell Grant Program of the Higher Education Act: How the Program Works and Recent Legislative Changes*, by Cassandra Dortch.

<sup>25</sup> Congressional Budget Office, *Congressional Budget Office Estimate of Effects on Direct Spending for H.R. 6416, the Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016, as passed by the House of Representatives on December 6, 2016*, December 7, 2016.

<sup>26</sup> The Post-9/11 Veterans Educational Assistance Improvements Act of 2010 (P.L. 111-377).

agencies.<sup>27</sup> The change did not specify approval standards for non-college degree programs (NCDs) at accredited public and private not-for-profit educational institutions, and it automatically approved degree programs at accredited public and private not-for-profit educational institutions without any SAA or VA review. Subsequently, the National Association of State Approving Agencies expressed concern “with the recent proliferation of transition and training programs at accredited institutions of higher learning, particularly community colleges, as well as certifications that may or not meet industry standards or have real earning power.”<sup>28</sup> The VA issued guidance to ensure all NCD and degree programs of education undergo an approval process by the SAAs or VA.<sup>29</sup>

Section 408 of P.L. 114-315 codifies the VA guidance by requiring that SAAs, or the VA when acting as an SAA, determine which degree and nondegree programs meet the statutory definition of deemed approved and approve them. Such deemed approved programs undergo an abbreviated approval process that reduces duplicative approval efforts by multiple federal agencies. Section 408 also establishes the approval standards that SAAs, or the VA when acting as an SAA, will use for accredited programs that are not deemed approved.

### **Strengthened Requirements for Programs of Education that Lead to Licensure or Certification**

Statutory provisions specify the criteria for approving programs of education for GI Bill purposes. The media, government agencies, and veterans’ service organizations have provided evidence of GI Bill participants who were unable to secure employment following graduation because their program of education did not meet the standards required for licensure, certification, state board approval, or employment.<sup>30</sup> In response, Section 541 of the National Defense Authorization Act for Fiscal Year 2014 (P.L. 113-66) limited the eligible programs of education under the Montgomery GI Bill-Selected Reserve (MGIB-SR; 10 U.S.C., Chapter 1606) and Reserves Educational Assistance Program (REAP; 10 U.S.C., Chapter 1607) to those at Title IV-participating institutions of higher education, as defined in the Higher Education Act; licensure or certification programs that meet state requirements; and state approved or licensed programs leading to state licensure or certification.<sup>31</sup>

Amendments adopted through Section 409 of P.L. 114-315 are intended to ensure that GI Bill approved programs of education meet the standards required for state licensure, certification, or

<sup>27</sup> U.S. Congress, Senate Committee on Veterans’ Affairs, *Post-9/11 Veterans Educational Assistance Improvements Act of 2010*, To accompany S.3447, 111<sup>th</sup> Cong., 2<sup>nd</sup> sess., October 26, 2010, S.Rept. 111-346.

<sup>28</sup> U.S. Congress, House Committee on Veterans’ Affairs, Subcommittee on Economic Opportunity, *Legislative Hearing on H.R.456; H.R.473; H.R. 474; H.R.475; H.R.476; H.R.643; H.R.1038; H.R.1141; H.R.1187; H.R. 1313; H.R. 1382*, 114<sup>th</sup> Cong., 1<sup>st</sup> sess., March 24, 2015.

<sup>29</sup> Letter from Robert M. Worley, II, Director, Department of Veterans’ Affairs, Veterans Benefits Administration, Education Service, to School Official, October 1, 2013; and CRS interviews of staff from three SAAs in July and August 2016.

<sup>30</sup> For example, see Federal Trade Commission, “Ashworth College Settles FTC Charges it Misled Students About Career Training, Credit Transfers,” press release, May 26, 2015, <https://www.ftc.gov/news-events/press-releases/2015/05/ashworth-college-settles-ftc-charges-it-misled-students-about>; New York State Office of the Attorney General, “A.G. Schneiderman Announces Groundbreaking \$10.25 Million Dollar Settlement With For-Profit Education Company That Inflated Job Placement Rates To Attract Students,” press release, August 19, 2013, <http://www.ag.ny.gov/press-release/ag-schneiderman-announces-groundbreaking-1025-million-dollar-settlement-profit>; and U.S. Congress, Senate Committee on Veterans’ Affairs, *Pending Health and Benefits Legislation*, Veterans Education Success Statement, 114<sup>th</sup> Cong., 1<sup>st</sup> sess., September 16, 2015.

<sup>31</sup> As of June 2016, neither the Department of Defense (DOD) nor the VA had implemented the provision.

employment if the programs are intended to prepare an individual for state licensure, certification, or employment.<sup>32</sup> They add the following approval requirements to accredited and nonaccredited courses, regardless of whether the course is deemed approved:

- The courses must meet state instructional curriculum licensure or certification requirements if designed to lead to state licensure or certification.
- The courses must be accredited by an ED-recognized accrediting agency if designed to prepare an individual to practice law.
- The courses must meet the standards developed by the relevant state board or agency if designed to prepare an individual for employment in an occupation that requires such state approval, licensure, or certification.

Provisions enacted through Section 409 also permit the VA to waive the aforementioned additional requirements for programs of education intended to prepare an individual for state licensure, certification, or employment when all of the following apply:

- the educational institution is not accredited by an ED-recognized accrediting agency;
- the program did not meet the aforementioned requirements at any time during the two-year period preceding the date of the waiver;
- the waiver furthers the purpose of the GI Bills or GI Bill participants; and
- the educational institution does not provide any commission, bonus, or other incentive payments based on enrollments or financial aid, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive federal student assistance.

Provisions enacted through Section 409 also require that the VA or SAA disapprove an unaccredited course designed to lead to state licensure or certification or to prepare an individual for an occupation that requires such approval or licensure if the educational institution does not meet specified disclosure requirements. The educational institution must publicly disclose any additional conditions (e.g., a successful criminal background check) required before individuals may obtain the intended licensure, certification, or approval. The disclosure would have to meet VA specifications, as described in regulations. GI Bill participants enrolled in a program of education that is subsequently disapproved in accordance with this provision are permitted to remain continuously enrolled.

CBO estimates that a similar provision will not affect direct spending or revenues.<sup>33</sup>

### **Limitations on State-Defined Program Approval Requirements**

Prior to passage of P.L. 114-315, SAAs were authorized to subject nonaccredited courses to additional approval criteria they deemed necessary. Some educational institutions were concerned that the state criteria were not applied equally to private for-profit educational institutions and public or private not-for-profit educational institutions. Some SAAs expressed an interest in applying additional criteria to accredited courses based on their state needs.

<sup>32</sup> “Joint Explanatory Statement For H.R. 6416, The Jeff Miller and Richard Blumenthal Health Care and Benefits Improvement Act of 2016,” *Congressional Record*, daily edition, December 9, 2016, p. S7114.

<sup>33</sup> Congressional Budget Office, *H.R. 2360 Career-Ready Student Veterans Act, As ordered reported by the House Committee on Veterans’ Affairs on September 17, 2015*, October 22, 2015.



Amendments adopted through Sections 409 and 410 of P.L. 114-315 permit SAAs to subject accredited and nonaccredited courses that are not deemed approved to additional state-defined (nonfederal) approval criteria as deemed necessary. P.L. 114-315 limits the additional state criteria to those that are in accordance with VA regulations; are deemed necessary by the VA; and treat public, private not-for-profit, and private for-profit educational institutions equitably. The limitation goes into effect for additional criteria developed on or after January 1, 2013.<sup>34</sup>

## Update of Compliance Survey Requirements

Prior to passage of P.L. 114-315, the Secretary of Veterans Affairs (Secretary), with the assistance of SAAs (as appropriate), was required to conduct annual compliance surveys of educational institutions enrolling at least 300 GI Bill or VR&E participants and institutions offering NCDs.<sup>35</sup> Compliance surveys were intended to ensure that the institution and approved courses were in compliance with all applicable statutory provisions.

Provisions enacted through Section 411 of P.L. 114-315 change the criteria for determining institutions at which to conduct annual compliance surveys and modify the nature of the survey. Annual compliance surveys will be required at educational institutions and training establishments enrolling at least 20 GI Bill or VR&E participants. Provisions in Section 411 also authorize the Secretary, in consultation with SAAs, to revise the areas of review on the compliance survey annually. Additionally, under these provisions the list of institutions to be surveyed must be released by the Secretary to the SAAs by September 1, prior to the fiscal year in which the surveys will be conducted.

## Information Gathering and Dissemination

The following provisions increase the disclosure of information on the GI Bills.

### Modified Composition of the Veterans' Advisory Committee on Education

The Veterans' Advisory Committee on Education (VACOE) provides advice to the VA and makes recommendations to improve the administration of the GI Bills. VACOE members are eminent persons in the fields of education, labor, and management; representatives of institutions and establishments educating and training GI Bill participants; and veterans.

Provisions enacted through Section 413 of P.L. 114-315 modify the list of possible veteran members to be individuals who have or may use GI Bill benefits. The prior list catalogued veterans of every major conflict since World War II. The Obama Administration recommended this change in the *President's Budget, FY2017* to increase flexibility.

### Reporting on Perceptions of GI Bill Participants

The VA is required to annually report to Congress

- the level of Post-9/11 GI Bill and DEA utilization and expenditures,
- academic outcomes of Post-9/11 GI Bill and DEA participants, and
- recommendations for administrative and legislative changes, as appropriate.<sup>36</sup>

<sup>34</sup> The new limitations also apply to an investigation that is covered by a reimbursement of SAA expenses paid on or after October 1, 2015.

<sup>35</sup> The Secretary may waive this requirement based on the institution's demonstrated record of compliance.

<sup>36</sup> 38 U.S.C. §3325.



Provisions enacted through Section 414 of P.L. 114-315 require the VA to contract for a statistically valid survey of current and past Post-9/11 GI Bill, DEA, Montgomery GI Bill-Active Duty (MGIB-AD; Title 38 U.S.C., Chapter 30), and Post-Vietnam Era Veterans Educational Assistance Program (VEAP; Title 38 U.S.C., Chapter 32) participants. The survey will collect information such as educational attainment and goals, employment status, military service, opinions about the transition assistance program,<sup>37</sup> how individuals made decisions with respect to using GI Bill benefits, experiences of and opinions about GI Bill participation, and experiences of educational pursuit. CBO estimates that the survey will cost approximately \$1 million in FY2017.<sup>38</sup>

### **Promoting Counseling and Information on Articulation Agreements**

Statutory provisions have attempted to ensure potential GI Bill participants have the information necessary to make the most informed decisions regarding the use of their GI Bill benefits at institutions of higher learning. The VA is required to provide information via the Internet to veterans and servicemembers on school credit transfer policies, accreditation, cohort default rates, and more.<sup>39</sup> Generally, individuals eligible for or receiving GI Bill benefits may request educational and vocational counseling from the VA. The counseling may include, but is not limited to, assistance selecting a program of education, resolving personal problems, and resolving academic difficulties. The House Committee on Veterans Affairs has indicated that school credit transfer policies (articulation agreements) are a critical piece of counsel because many GI Bill participants attend more than one school.<sup>40</sup>

Section 415 of P.L. 114-315 enacts provisions requiring that the VA certificate of eligibility (COE) include information on requesting education counseling services and on articulation agreements. Prior to P.L. 114-315, the VA issued a COE to an individual stating his or her entitlement to Post-9/11 GI Bill benefits; informing the individual on the next steps for using the benefits; and indicating the individual's benefit level and remaining entitlement. In addition, Section 415 enacts a requirement that individuals who receive VA counseling services receive information about the articulation agreements of each IHL in which the individuals are interested. The provision goes into effect 90 days after the date of enactment. CBO estimates that collecting information on the articulation agreements will cost less than \$500,000 in discretionary appropriations over five years.<sup>41</sup>

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<sup>37</sup> The military Transition Assistance Program (TAP) provides counsel to servicemembers as they transition from active service, particularly with respect to employment, education, financial health, and general well-being. For more information, see CRS In Focus IF10347, *Military Transition Assistance Program (TAP): An Overview*, by Kristy N. Kamarck.

<sup>38</sup> Congressional Budget Office, *Congressional Budget Office Estimate of Effects on Direct Spending for H.R. 6416, the Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016, as passed by the House of Representatives on December 6, 2016*, December 7, 2016.

<sup>39</sup> 38 U.S.C. §3698.

<sup>40</sup> U.S. Congress, House Committee on Veterans' Affairs, *Protecting Veterans' Educational Choice Act of 2016*, To accompany H.R. 5047, 114<sup>th</sup> Cong., 2<sup>nd</sup> sess., November 14, 2016, H.Rept. 114-813.

<sup>41</sup> The provision would go into effect on or after the date of enactment. Congressional Budget Office, *H.R. 5047: Protecting Veterans' Educational Choice Act of 2016, As ordered reported by the House Committee on Veterans' Affairs on September 21, 2016*, October 12, 2016.

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