

111TH CONGRESS
2^D SESSION

S. 3447

AN ACT

To amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.

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

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

2 (a) SHORT TITLE.—This Act may be cited as the
 3 “Post-9/11 Veterans Educational Assistance Improve-
 4 ments Act of 2010”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Reference to title 38, United States Code.
- Sec. 3. Statutory Pay-As-You-Go Act compliance.

TITLE I—POST-9/11 VETERANS EDUCATIONAL ASSISTANCE

- Sec. 101. Modification of entitlement to educational assistance.
- Sec. 102. Amounts of assistance for programs of education leading to a degree pursued at public, non-public, and foreign institutions of higher learning.
- Sec. 103. Amounts of assistance for programs of education leading to a degree pursued on active duty.
- Sec. 104. Educational assistance for programs of education pursued on half-time basis or less.
- Sec. 105. Educational assistance for programs of education other than programs of education leading to a degree.
- Sec. 106. Determination of monthly housing stipend payments for academic years.
- Sec. 107. Availability of assistance for licensure and certification tests.
- Sec. 108. National tests.
- Sec. 109. Continuation of entitlement to additional educational assistance for critical skills or specialty.
- Sec. 110. Transfer of unused education benefits.
- Sec. 111. Bar to duplication of certain educational assistance benefits.
- Sec. 112. Technical amendments.

TITLE II—OTHER EDUCATIONAL ASSISTANCE MATTERS

- Sec. 201. Extension of delimiting dates for use of educational assistance by primary caregivers of seriously injured veterans and members of the Armed Forces.
- Sec. 202. Limitations on receipt of educational assistance under National Call to Service and other programs of educational assistance.
- Sec. 203. Approval of courses.
- Sec. 204. Reporting fees.
- Sec. 205. Election for receipt of alternate subsistence allowance for certain veterans with service-connected disabilities undergoing training and rehabilitation.
- Sec. 206. Modification of authority to make certain interval payments.

1 **SEC. 2. REFERENCE TO TITLE 38, UNITED STATES CODE.**

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

7 **SEC. 3. STATUTORY PAY-AS-YOU-GO ACT COMPLIANCE.**

8 The budgetary effects of this Act, for the purpose of
9 complying with the Statutory Pay-As-You-Go-Act of 2010,
10 shall be determined by reference to the latest statement
11 titled “Budgetary Effects of PAYGO Legislation” for this
12 Act, submitted for printing in the Congressional Record
13 by the Chairman of the Senate Budget Committee, pro-
14 vided that such statement has been submitted prior to the
15 vote on passage.

16 **TITLE I—POST-9/11 VETERANS**
17 **EDUCATIONAL ASSISTANCE**

18 **SEC. 101. MODIFICATION OF ENTITLEMENT TO EDU-**
19 **CATIONAL ASSISTANCE.**

20 (a) MODIFICATION OF DEFINITIONS ON ELIGIBILITY
21 FOR EDUCATIONAL ASSISTANCE.—

22 (1) EXPANSION OF DEFINITION OF ACTIVE
23 DUTY TO INCLUDE SERVICE IN NATIONAL GUARD
24 FOR CERTAIN PURPOSES.—Paragraph (1) of section
25 3301 is amended by adding at the end the following
26 new subparagraph:

“(C) In the case of a member of the Army National Guard of the United States or Air National Guard of the United States, in addition to service described in subparagraph (B), full-time service—

“(i) in the National Guard of a State for the purpose of organizing, administering, recruiting, instructing, or training the National Guard; or

“(ii) in the National Guard under section 502(f) of title 32 when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.”.

(2) EXPANSION OF DEFINITION OF ARMY ENTRY LEVEL AND SKILL TRAINING TO INCLUDE ONE STATION UNIT TRAINING.—Paragraph (2)(A) of such section is amended by inserting “or One Station Unit Training” before the period at the end.

(3) CLARIFICATION OF DEFINITION OF ENTRY LEVEL AND SKILL TRAINING FOR THE COAST GUARD.—Paragraph (2)(E) of such section is amended by inserting “and Skill Training (or so-called ‘A’ School)” before the period at the end.

1 (b) CLARIFICATION OF APPLICABILITY OF HONOR-
 2 ABLE SERVICE REQUIREMENT FOR CERTAIN DISCHARGES
 3 AND RELEASES FROM THE ARMED FORCES AS BASIS FOR
 4 ENTITLEMENT TO EDUCATIONAL ASSISTANCE.—Section
 5 3311(c)(4) is amended in the matter preceding subpara-
 6 graph (A) by striking “A discharge or release from active
 7 duty in the Armed Forces” and inserting “A discharge
 8 or release from active duty in the Armed Forces after serv-
 9 ice on active duty in the Armed Forces characterized by
 10 the Secretary concerned as honorable service”.

11 (c) EXCLUSION FROM PERIOD OF SERVICE ON AC-
 12 TIVE DUTY OF PERIODS OF SERVICE IN CONNECTION
 13 WITH ATTENDANCE AT COAST GUARD ACADEMY.—Sec-
 14 tion 3311(d)(2) is amended by inserting “or section 182
 15 of title 14” before the period at the end.

16 (d) EFFECTIVE DATES.—

17 (1) SERVICE IN NATIONAL GUARD AS ACTIVE
 18 DUTY.—The amendment made by subsection (a)(1)
 19 shall take effect on August 1, 2009, as if included
 20 in the enactment of chapter 33 of title 38, United
 21 States Code, pursuant to the Post-9/11 Veterans
 22 Educational Assistance Act of 2008 (title V of Pub-
 23 lic Law 110–252). However, no benefits otherwise
 24 payable by reason of such amendment for the period
 25 beginning on August 1, 2009, and ending on Sep-

1 tember 30, 2011, may be paid before October 1,
2 2011.

3 (2) ONE STATION UNIT TRAINING.—The
4 amendment made by subsection (a)(2) shall take ef-
5 fect on the date of the enactment of this Act.

6 (3) ENTRY LEVEL AND SKILL TRAINING FOR
7 THE COAST GUARD.—The amendment made by sub-
8 section (a)(3) shall take effect on the date of the en-
9 actment of this Act, and shall apply with respect to
10 individuals entering service on or after that date.

11 (4) HONORABLE SERVICE REQUIREMENT.—The
12 amendment made by subsection (b) shall take effect
13 on the date of the enactment of this Act, and shall
14 apply with respect to discharges and releases from
15 the Armed Forces that occur on or after that date.

16 (5) SERVICE IN CONNECTION WITH ATTEND-
17 ANCE AT COAST GUARD ACADEMY.—The amendment
18 made by subsection (c) shall take effect on the date
19 of the enactment of this Act, and shall apply with
20 respect to individuals entering into agreements on
21 service in the Coast Guard on or after that date.

1 **SEC. 102. AMOUNTS OF ASSISTANCE FOR PROGRAMS OF**
 2 **EDUCATION LEADING TO A DEGREE PUR-**
 3 **SUED AT PUBLIC, NON-PUBLIC, AND FOREIGN**
 4 **INSTITUTIONS OF HIGHER LEARNING.**

5 (a) AMOUNTS OF EDUCATIONAL ASSISTANCE.—

6 (1) IN GENERAL.—Section 3313(c) is amend-
 7 ed—

8 (A) in the matter preceding paragraph (1),
 9 by inserting “leading to a degree at an institu-
 10 tion of higher learning (as that term is defined
 11 in section 3452(f))” after “program of edu-
 12 cation”; and

13 (B) in paragraph (1), by striking subpara-
 14 graph (A) and inserting the following new sub-
 15 paragraph (A):

16 “(A) An amount equal to the following:

17 “(i) In the case of a program of edu-
 18 cation pursued at a public institution of
 19 higher learning, the actual net cost for in-
 20 State tuition and fees assessed by the in-
 21 stitution for the program of education
 22 after the application of—

23 “(I) any waiver of, or reduction
 24 in, tuition and fees; and

25 “(II) any scholarship, or other
 26 Federal, State, institutional, or em-

1 employer-based aid or assistance (other
 2 than loans and any funds provided
 3 under section 401(b) of the Higher
 4 Education Act of 1965 (20 U.S.C.
 5 1070a)) that is provided directly to
 6 the institution and specifically des-
 7 ignated for the sole purpose of defray-
 8 ing tuition and fees.

9 “(ii) In the case of a program of edu-
 10 cation pursued at a non-public or foreign
 11 institution of higher learning, the lesser
 12 of—

13 “(I) the actual net cost for tui-
 14 tion and fees assessed by the institu-
 15 tion for the program of education
 16 after the application of—

17 “(aa) any waiver of, or re-
 18 duction in, tuition and fees; and

19 “(bb) any scholarship, or
 20 other Federal, State, institu-
 21 tional, or employer-based aid or
 22 assistance (other than loans and
 23 any funds provided under section
 24 401(b) of the Higher Education
 25 Act of 1965) that is provided di-

rectly to the institution and specifically designated for the sole purpose of defraying tuition and fees; or

“(II) the amount equal to—

“(aa) for the academic year beginning on August 1, 2011, \$17,500; or

“(bb) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subclause, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h).”.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows: “PROGRAMS OF EDUCATION LEADING TO A DEGREE PURSUED AT INSTITUTIONS OF HIGHER LEARNING ON MORE THAN HALF-TIME BASIS.—”.

(b) AMOUNTS OF MONTHLY STIPENDS.—Section 3313(c)(1)(B) is amended—

1 (1) by redesignating clause (ii) as clause (iv);

2 and

3 (2) by striking clause (i) and inserting the fol-

4 lowing new clauses:

5 “(i) Except as provided in clauses (ii)
6 and (iii), for each month an individual pur-
7 sues a program of education on more than
8 a half-time basis, a monthly housing sti-
9 pend equal to the product of—

10 “(I) the monthly amount of the
11 basic allowance for housing payable
12 under section 403 of title 37 for a
13 member with dependents in pay grade
14 E-5 residing in the military housing
15 area that encompasses all or the ma-
16 jority portion of the ZIP code area in
17 which is located the institution of
18 higher learning at which the indi-
19 vidual is enrolled, multiplied by

20 “(II) the lesser of—

21 “(aa) 1.0; or

22 “(bb) the number of course
23 hours borne by the individual in
24 pursuit of the program of edu-
25 cation, divided by the minimum

1 number of course hours required
2 for full-time pursuit of the pro-
3 gram of education, rounded to
4 the nearest multiple of 10.

5 “(ii) In the case of an individual pur-
6 suing a program of education at a foreign
7 institution of higher learning on more than
8 a half-time basis, for each month the indi-
9 vidual pursues the program of education, a
10 monthly housing stipend equal to the prod-
11 uct of—

12 “(I) the national average of the
13 monthly amount of the basic allow-
14 ance for housing payable under sec-
15 tion 403 of title 37 for a member with
16 dependents in pay grade E-5, multi-
17 plied by

18 “(II) the lesser of—

19 “(aa) 1.0; or

20 “(bb) the number of course
21 hours borne by the individual in
22 pursuit of the program of edu-
23 cation, divided by the minimum
24 number of course hours required
25 for full-time pursuit of the pro-

1 gram of education, rounded to
2 the nearest multiple of 10.

3 “(iii) In the case of an individual pur-
4 suing a program of education solely
5 through distance learning on more than a
6 half-time basis, a monthly housing stipend
7 equal to 50 percent of the amount payable
8 under clause (ii) if the individual were oth-
9 erwise entitled to a monthly housing sti-
10 pend under that clause for pursuit of the
11 program of education.”.

12 (c) EFFECTIVE DATES.—

13 (1) IN GENERAL.—Except as provided in para-
14 graph (2), the amendments made by this section
15 shall take effect on August 1, 2011, and shall apply
16 with respect to amounts payable for educational as-
17 sistance for pursuit of programs of education on or
18 after that date.

19 (2) STIPEND FOR DISTANCE LEARNING ON
20 MORE THAN HALF-TIME BASIS.—Clause (iii) of sec-
21 tion 3313(c)(1)(B) of title 38, United States Code
22 (as added by subsection (b)(2) of this section), shall
23 take effect on October 1, 2011, and shall apply with
24 respect to amounts payable for educational assist-

1 ance for pursuit of programs of education as covered
2 by such clause on or after that date.

3 **SEC. 103. AMOUNTS OF ASSISTANCE FOR PROGRAMS OF**
4 **EDUCATION LEADING TO A DEGREE PUR-**
5 **SUED ON ACTIVE DUTY.**

6 (a) IN GENERAL.—Section 3313(e) is amended—

7 (1) in paragraphs (1), by inserting “leading to
8 a degree” after “approved program of education”;

9 (2) in paragraph (2)—

10 (A) in the matter preceding subparagraph
11 (A), by inserting “leading to a degree” after
12 “program of education”;

13 (B) by redesignating subparagraphs (A)
14 and (B) as clauses (i) and (iii), respectively;

15 (C) in the matter preceding clause (i), as
16 redesignated by subparagraph (B) of this para-
17 graph—

18 (i) by striking “The amount” and in-
19 serting “The amounts”; and

20 (ii) by striking “is the lesser of—”
21 and inserting “are as follows:

22 “(A) Subject to subparagraph (C), an
23 amount equal to the lesser of—”;

24 (D) by striking clause (i), as so redesign-
25 nated, and inserting the following new clauses:

1 “(i) in the case of a program of edu-
2 cation pursued at a public institution of
3 higher learning, the actual net cost for in-
4 State tuition and fees assessed by the in-
5 stitution for the program of education
6 after the application of—

7 “(I) any waiver of, or reduction
8 in, tuition and fees; and

9 “(II) any scholarship, or other
10 Federal, State, institutional, or em-
11 ployer-based aid or assistance (other
12 than loans and any funds provided
13 under section 401(b) of the Higher
14 Education Act of 1965 (20 U.S.C.
15 1070a)) that is provided directly to
16 the institution and specifically des-
17 ignated for the sole purpose of defray-
18 ing tuition and fees;

19 “(ii) in the case of a program of edu-
20 cation pursued at a non-public or foreign
21 institution of higher learning, the lesser
22 of—

23 “(I) the actual net cost for tui-
24 tion and fees assessed by the institu-

tion for the program of education
after the application of—

“(aa) any waiver of, or reduction in, tuition and fees; and

“(bb) any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees; or

“(II) the amount equal to—

“(aa) for the academic year beginning on August 1, 2011, \$17,500; or

“(bb) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subclause, as increased by the percentage

1 increase equal to the most recent
2 percentage increase determined
3 under section 3015(h); or”.

4 (E) by adding at the end the following new
5 subparagraphs (B) and (C):

6 “(B) Subject to subparagraph (C), for the
7 first month of each quarter, semester, or term,
8 as applicable, of the program of education pur-
9 sued by the individual, a lump sum amount for
10 books, supplies, equipment, and other edu-
11 cational costs with respect to such quarter, se-
12 mester, or term in the amount equal to—

13 “(i) \$1,000, multiplied by

14 “(ii) the fraction of a complete aca-
15 demic year under the program of education
16 that such quarter, semester, or term con-
17 stitutes.

18 “(C) In the case of an individual entitled
19 to educational assistance by reason of para-
20 graphs (3) through (8) of section 3311(b), the
21 amounts payable to the individual pursuant to
22 subparagraphs (A)(i), (A)(ii), and (B) shall be
23 the amounts otherwise determined pursuant to
24 such subparagraphs multiplied by the same per-
25 centage applicable to the monthly amounts pay-

1 able to the individual under paragraphs (2)
2 through (7) of subsection (e).”.

3 (b) CONFORMING AMENDMENT.—The heading of
4 such section is amended to read as follows: “PROGRAMS
5 OF EDUCATION LEADING TO A DEGREE PURSUED ON AC-
6 TIVE DUTY ON MORE THAN HALF-TIME BASIS.—”.

7 (c) EFFECTIVE DATES.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), the amendments made by this section
10 shall take effect on the date that is 60 days after
11 the date of the enactment of this Act, and shall
12 apply with respect to amounts payable for edu-
13 cational assistance for pursuit of programs of edu-
14 cation on or after such effective date.

15 (2) LUMP SUM FOR BOOKS AND OTHER EDU-
16 CATIONAL COSTS.—Subparagraph (B) of section
17 3313(e)(2) of title 38, United States Code (as added
18 by subsection (a)(2)(E) of this section), shall take
19 effect on October 1, 2011, and shall apply with re-
20 spect to amounts payable for educational assistance
21 for pursuit of programs of education on or after that
22 date.

1 **SEC. 104. EDUCATIONAL ASSISTANCE FOR PROGRAMS OF**
 2 **EDUCATION PURSUED ON HALF-TIME BASIS**
 3 **OR LESS.**

4 (a) CLARIFICATION OF AVAILABILITY OF ASSIST-
 5 ANCE.—Section 3313(f) is amended—

6 (1) in paragraph (1), by inserting before the pe-
 7 riod at the end the following: “whether a program
 8 of education pursued on active duty, a program of
 9 education leading to a degree, or a program of edu-
 10 cation other than a program of education leading to
 11 a degree”; and

12 (2) in paragraph (2), by inserting “covered by
 13 this subsection” after “program of education” in the
 14 matter preceding subparagraph (A).

15 (b) AMOUNT OF ASSISTANCE.—Clause (i) of para-
 16 graph (2)(A) of such section is amended to read as follows:

17 “(i) the actual net cost for in-State
 18 tuition and fees assessed by the institution
 19 of higher learning for the program of edu-
 20 cation after the application of—

21 “(I) any waiver of, or reduction
 22 in, tuition and fees; and

23 “(II) any scholarship, or other
 24 Federal, State, institutional, or em-
 25 ployer-based aid or assistance (other
 26 than loans and any funds provided

1 under section 401(b) of the Higher
 2 Education Act of 1965 (20 U.S.C.
 3 1070a)) that is provided directly to
 4 the institution and specifically des-
 5 ignated for the sole purpose of defray-
 6 ing tuition and fees; or”.

7 (c) EFFECTIVE DATE.—The amendments made by
 8 this section shall take effect on August 1, 2011, and shall
 9 apply with respect to amounts payable for educational as-
 10 sistance for pursuit of programs of education on or after
 11 that date.

12 **SEC. 105. EDUCATIONAL ASSISTANCE FOR PROGRAMS OF**
 13 **EDUCATION OTHER THAN PROGRAMS OF**
 14 **EDUCATION LEADING TO A DEGREE.**

15 (a) APPROVED PROGRAMS OF EDUCATION AT INSTI-
 16 TUTIONS OTHER THAN INSTITUTIONS OF HIGHER
 17 LEARNING.—Subsection (b) of section 3313 is amended
 18 by striking “is offered by an institution of higher learning
 19 (as that term is defined in section 3452(f)) and”.

20 (b) ASSISTANCE FOR PURSUIT OF PROGRAMS OF
 21 EDUCATION OTHER THAN PROGRAMS OF EDUCATION
 22 LEADING TO A DEGREE.—Such section is further amend-
 23 ed—

24 (1) by striking subsection (h);

1 (2) by redesignating subsection (g) as sub-
2 section (h); and

3 (3) by inserting after subsection (f) the fol-
4 lowing new subsection (g):

5 “(g) PROGRAMS OF EDUCATION OTHER THAN PRO-
6 GRAMS OF EDUCATION LEADING TO A DEGREE.—

7 “(1) IN GENERAL.—Educational assistance is
8 payable under this chapter for pursuit of an ap-
9 proved program of education other than a program
10 of education leading to a degree at an institution
11 other than an institution of higher learning (as that
12 term is defined in section 3452(f)).

13 “(2) PURSUIT ON HALF-TIME BASIS OR LESS.—
14 The payment of educational assistance under this
15 chapter for pursuit of a program of education other-
16 wise described in paragraph (1) on a half-time basis
17 or less is governed by subsection (f).

18 “(3) AMOUNT OF ASSISTANCE.—The amounts
19 of educational assistance payable under this chapter
20 to an individual entitled to educational assistance
21 under this chapter who is pursuing an approved pro-
22 gram of education covered by this subsection are as
23 follows:

24 “(A) In the case of an individual enrolled
25 in a program of education (other than a pro-

1 gram described in subparagraphs (B) through
2 (D)) in pursuit of a certificate or other non-col-
3 lege degree, the following:

4 “(i) Subject to clause (iv), an amount
5 equal to the lesser of—

6 “(I) the actual net cost for in-
7 State tuition and fees assessed by the
8 institution concerned for the program
9 of education after the application of—

10 “(aa) any waiver of, or re-
11 duction in, tuition and fees; and

12 “(bb) any scholarship, or
13 other Federal, State, institu-
14 tional, or employer-based aid or
15 assistance (other than loans and
16 any funds provided under section
17 401(b) of the Higher Education
18 Act of 1965 (20 U.S.C. 1070a))
19 that is provided directly to the
20 institution and specifically des-
21 ignated for the sole purpose of
22 defraying tuition and fees; or

23 “(II) the amount equal to—

1 “(aa) for the academic year
2 beginning on August 1, 2011,
3 \$17,500; or

4 “(bb) for an academic year
5 beginning on any subsequent Au-
6 gust 1, the amount for the pre-
7 vious academic year beginning on
8 August 1 under this subclause,
9 as increased by the percentage
10 increase equal to the most recent
11 percentage increase determined
12 under section 3015(h).

13 “(ii) Except in the case of an indi-
14 vidual pursuing a program of education on
15 a half-time or less basis and subject to
16 clause (iv), a monthly housing stipend
17 equal to the product—

18 “(I) of—

19 “(aa) in the case of an indi-
20 vidual pursuing resident training,
21 the monthly amount of the basic
22 allowance for housing payable
23 under section 403 of title 37 for
24 a member with dependents in pay
25 grade E-5 residing in the mili-

1 tary housing area that encom-
2 passes all or the majority portion
3 of the ZIP code area in which is
4 located the institution at which
5 the individual is enrolled; or

6 “(bb) in the case of an indi-
7 vidual pursuing a program of
8 education through distance learn-
9 ing, a monthly amount equal to
10 50 percent of the amount payable
11 under item (aa), multiplied by

12 “(II) the lesser of—

13 “(aa) 1.0; or

14 “(bb) the number of course
15 hours borne by the individual in
16 pursuit of the program of edu-
17 cation involved, divided by the
18 minimum number of course hours
19 required for full-time pursuit of
20 such program of education,
21 rounded to the nearest multiple
22 of 10.

23 “(iii) Subject to clause (iv), a monthly
24 stipend in an amount equal to \$83 for
25 each month (or pro rata amount for a par-

1 tial month) of training pursued for books
 2 supplies, equipment, and other educational
 3 costs.

4 “(iv) In the case of an individual enti-
 5 tled to educational assistance by reason of
 6 paragraphs (3) through (8) of section
 7 3311(b), the amounts payable pursuant to
 8 clauses (i), (ii), and (iii) shall be the
 9 amounts otherwise determined pursuant to
 10 such clauses multiplied by the same per-
 11 centage applicable to the monthly amounts
 12 payable to the individual under paragraphs
 13 (2) through (7) of subsection (c).

14 “(B) In the case of an individual pursuing
 15 a full-time program of apprenticeship or other
 16 on-job training, amounts as follows:

17 “(i) Subject to clauses (iii) and (iv),
 18 for each month the individual pursues the
 19 program of education, a monthly housing
 20 stipend equal to—

21 “(I) during the first six-month
 22 period of the program, the monthly
 23 amount of the basic allowance for
 24 housing payable under section 403 of
 25 title 37 for a member with dependents

1 in pay grade E-5 residing in the mili-
2 tary housing area that encompasses
3 all or the majority portion of the ZIP
4 code area in which is located the em-
5 ployer at which the individual pursues
6 such program;

7 “(II) during the second six-
8 month period of the program, 80 per-
9 cent of the monthly amount of the
10 basic allowance for housing payable as
11 described in subclause (I);

12 “(III) during the third six-month
13 period of the program, 60 percent of
14 the monthly amount of the basic al-
15 lowance for housing payable as de-
16 scribed in subclause (I);

17 “(IV) during the fourth six-
18 month period of such program, 40
19 percent of the monthly amount of the
20 basic allowance for housing payable as
21 described in subclause (I); and

22 “(V) during any month after the
23 first 24 months of such program, 20
24 percent of the monthly amount of the

1 basic allowance for housing payable as
2 described in subclause (I).

3 “(ii) Subject to clauses (iii) and (iv),
4 a monthly stipend in an amount equal to
5 \$83 for each month (or pro rata amount
6 for each partial month) of training pursued
7 for books supplies, equipment, and other
8 educational costs.

9 “(iii) In the case of an individual enti-
10 tled to educational assistance by reason of
11 paragraphs (3) through (8) of sections
12 3311(b), the amounts payable pursuant to
13 clauses (i) and (ii) shall be the amounts
14 otherwise determined pursuant to such
15 clauses multiplied by the same percentage
16 applicable to the monthly amounts payable
17 to the individual under paragraphs (2)
18 through (7) of subsection (c).

19 “(iv) In any month in which an indi-
20 vidual pursuing a program of education
21 consisting of a program of apprenticeship
22 or other on-job training fails to complete
23 120 hours of training, the amount of
24 monthly educational assistance allowance
25 payable under clauses (i) and (iii) to the

individual shall be limited to the same proportion of the applicable rate determined under this subparagraph as the number of hours worked during such month, rounded to the nearest eight hours, bears to 120 hours.

“(C) In the case of an individual enrolled in a program of education consisting of flight training (regardless of the institution providing such program of education), an amount equal to—

“(i) the lesser of—

“(I) the actual net cost for in-State tuition and fees assessed by the institution concerned for the program of education after the application of—

“(aa) any waiver of, or reduction in, tuition and fees; and

“(bb) any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965) that is provided di-

rectly to the institution and specifically designated for the sole purpose of defraying tuition and fees; or

“(II) the amount equal to—

“(aa) for the academic year beginning on August 1, 2011, \$10,000; or

“(bb) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subclause, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h), multiplied by—

“(ii) either—

“(I) in the case of an individual entitled to educational assistance by reason of paragraphs (1), (2), or (9) of section 3311(b), 100 percent; or

“(II) in the case of an individual entitled to educational assistance by

1 reason of paragraphs (3) through (8)
 2 of section 3311(b), the same percent-
 3 age as would otherwise apply to the
 4 monthly amounts payable to the indi-
 5 vidual under paragraphs (2) through
 6 (7) of subsection (c).

7 “(D) In the case of an individual enrolled
 8 in a program of education that is pursued ex-
 9 clusively by correspondence (regardless of the
 10 institution providing such program of edu-
 11 cation), an amount equal to—

12 “(i) the lesser of—

13 “(I) the actual net cost for tui-
 14 tion and fees assessed by the institu-
 15 tion concerned for the program of
 16 education after the application of—

17 “(aa) any waiver of, or re-
 18 duction in, tuition and fees; and

19 “(bb) any scholarship, or
 20 other Federal, State, institu-
 21 tional, or employer-based aid or
 22 assistance (other than loans and
 23 any funds provided under section
 24 401(b) of the Higher Education
 25 Act of 1965) that is provided di-

rectly to the institution and specifically designated for the sole purpose of defraying tuition and fees.

“(II) the amount equal to—

“(aa) for the academic year beginning on August 1, 2011, \$8,500; or

“(bb) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subclause, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h), multiplied by—

“(ii) either—

“(I) in the case of an individual entitled to educational assistance by reason of paragraphs (1), (2), or (9) of section 3311(b), 100 percent; or

“(II) in the case of an individual entitled to educational assistance by

1 reason of paragraphs (3) through (8)
2 of section 3311(b), the same percent-
3 age as would otherwise apply to the
4 monthly amounts payable to the indi-
5 vidual under paragraphs (2) through
6 (7) of subsection (c).

7 “(4) FREQUENCY OF PAYMENT.—

8 “(A) QUARTER, SEMESTER, OR TERM PAY-
9 MENTS.—Payment of the amounts payable
10 under paragraph (3)(A)(i) for pursuit of a pro-
11 gram of education shall be made for the entire
12 quarter, semester, or term, as applicable, of the
13 program of education.

14 “(B) MONTHLY PAYMENTS.—Payment of
15 the amounts payable under paragraphs
16 (3)(A)(ii) and (3)(B)(i) for pursuit of a pro-
17 gram of education shall be made on a monthly
18 basis.

19 “(C) LUMP SUM PAYMENTS.—

20 “(i) Payment for the amount payable
21 under paragraphs (3)(A)(iii) and (3)(B)(ii)
22 shall be paid to the individual for the first
23 month of each quarter, semester, or term,
24 as applicable, of the program education
25 pursued by the individual.

1 “(ii) Payment of the amount payable
 2 under paragraph (3)(C) for pursuit of a
 3 program of education shall be made upon
 4 receipt of certification for training com-
 5 pleted by the individual and serviced by the
 6 training facility.

7 “(D) QUARTERLY PAYMENTS.—Payment
 8 of the amounts payable under paragraph (3)(D)
 9 for pursuit of a program of education shall be
 10 made quarterly on a pro rata basis for the les-
 11 sons completed by the individual and serviced
 12 by the institution.

13 “(5) CHARGE AGAINST ENTITLEMENT FOR CER-
 14 TIFICATE AND OTHER NON-COLLEGE DEGREE PRO-
 15 GRAMS.—

16 “(A) IN GENERAL.—In the case of
 17 amounts paid under paragraph (3)(A)(i) for
 18 pursuit of a program of education, the charge
 19 against entitlement to educational assistance
 20 under this chapter of the individual for whom
 21 such payment is made shall be one month for
 22 each of—

23 “(i) the amount so paid, divided by

24 “(ii) subject to subparagraph (B), the
 25 amount equal to one-twelfth of the amount

1 applicable in the academic year in which
 2 the payment is made under paragraph
 3 (3)(A)(i)(II).

4 “(B) PRO RATA ADJUSTMENT BASED ON
 5 CERTAIN ELIGIBILITY.—If the amount other-
 6 wise payable with respect to an individual under
 7 paragraph (3)(A)(i) is subject to a percentage
 8 adjustment under paragraph (3)(A)(iv), the
 9 amount applicable with respect to the individual
 10 under subparagraph (A)(ii) shall be the amount
 11 otherwise determined pursuant to such subpara-
 12 graph subject to a percentage adjustment equal
 13 to the percentage adjustment applicable with
 14 respect to the individual under paragraph
 15 (3)(A)(iv).”.

16 (c) PAYMENT OF AMOUNTS TO EDUCATIONAL INSTI-
 17 TUTIONS.—Subsection (h) of section 3313, as redesign-
 18 nated by subsection (b)(2) of this section, is amended by
 19 inserting “, and under subparagraphs (A)(i), (C), and (D)
 20 of subsection (g)(3),” after “(f)(2)(A)”.

21 (d) EFFECTIVE DATE.—The amendments made by
 22 this section shall take effect on October 1, 2011, and shall
 23 apply with respect to amounts payable for educational as-
 24 sistance for pursuit of programs of education on or after
 25 that date.

1 **SEC. 106. DETERMINATION OF MONTHLY HOUSING STI-**
 2 **PEND PAYMENTS FOR ACADEMIC YEARS.**

3 (a) IN GENERAL.—Section 3313, as amended by this
 4 Act, is further amended by adding at the end the following
 5 new subsection:

6 “(i) DETERMINATION OF HOUSING STIPEND PAY-
 7 MENTS FOR ACADEMIC YEARS.—Any monthly housing sti-
 8 pend payable under this section during the academic year
 9 beginning on August 1 of a calendar year shall be deter-
 10 mined utilizing rates for basic allowances for housing pay-
 11 able under section 403 of title 37 in effect as of January
 12 1 of such calendar year.”.

13 (b) EFFECTIVE DATE.—The amendment made by
 14 subsection (a) shall take effect on August 1, 2011.

15 **SEC. 107. AVAILABILITY OF ASSISTANCE FOR LICENSURE**
 16 **AND CERTIFICATION TESTS.**

17 (a) AVAILABILITY OF ASSISTANCE FOR ADDITIONAL
 18 TESTS.—Subsection (a) of section 3315 is amended by
 19 striking “one licensing or certification test” and inserting
 20 “licensing or certification tests”.

21 (b) CHARGE AGAINST ENTITLEMENT FOR RECEIPT
 22 OF ASSISTANCE.—

23 (1) IN GENERAL.—Subsection (c) of such sec-
 24 tion is amended to read as follows:

25 “(c) CHARGE AGAINST ENTITLEMENT.—The charge
 26 against an individual’s entitlement under this chapter for

1 payment for a licensing or certification test shall be deter-
 2 mined at the rate of one month (rounded to the nearest
 3 whole month) for each amount paid that equals—

4 “(1) for the academic year beginning on August
 5 1, 2011, \$1,460; or

6 “(2) for an academic year beginning on any
 7 subsequent August 1, the amount for the previous
 8 academic year beginning on August 1 under this
 9 subsection, as increased by the percentage increase
 10 equal to the most recent percentage increase deter-
 11 mined under section 3015(h).”.

12 (2) CONFORMING AMENDMENTS.—Subsection
 13 (b) of such section is amended—

14 (A) in paragraph (1), by striking “or” at
 15 the end;

16 (B) in paragraph (2), by striking the pe-
 17 riod and inserting “; or”; and

18 (C) by adding at the end the following:

19 “(3) the amount of entitlement available to the
 20 individual under this chapter at the time of payment
 21 for the test under this section.”.

22 (c) EFFECTIVE DATE.—The amendments made by
 23 this section shall take effect on August 1, 2011, and shall
 24 apply with respect to licensure and certification tests
 25 taken on or after that date.

1 **SEC. 108. NATIONAL TESTS.**

2 (a) NATIONAL TESTS.—

3 (1) IN GENERAL.—Chapter 33 is amended by
4 inserting after section 3315 the following new sec-
5 tion:

6 **“§ 3315A. National tests**

7 “(a) IN GENERAL.—An individual entitled to edu-
8 cational assistance under this chapter shall also be entitled
9 to educational assistance for the following:

10 “(1) A national test for admission to an institu-
11 tion of higher learning as described in the last sen-
12 tence of section 3452(b).

13 “(2) A national test providing an opportunity
14 for course credit at an institution of higher learning
15 as so described.

16 “(b) AMOUNT.—The amount of educational assist-
17 ance payable under this chapter for a test described in
18 subsection (a) is the lesser of—

19 “(1) the fee charged for the test; or

20 “(2) the amount of entitlement available to the
21 individual under this chapter at the time of payment
22 for the test under this section.

23 “(c) CHARGE AGAINST ENTITLEMENT.—The number
24 of months of entitlement charged an individual under this
25 chapter for a test described in subsection (a) shall be de-

1 terminated at the rate of one month (rounded to the nearest
2 whole month) for each amount paid that equals—

3 “(1) for the academic year beginning on August
4 1, 2011, \$1,460; or

5 “(2) for an academic year beginning on any
6 subsequent August 1, the amount for the previous
7 academic year beginning on August 1 under this
8 subsection, as increased by the percentage increase
9 equal to the most recent percentage increase deter-
10 mined under section 3015(h).”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions at the beginning of chapter 33 is amended by
13 inserting after the item relating to section 3315 the
14 following new item:

“3315A. National tests.”.

15 (b) EFFECTIVE DATE.—The amendments made by
16 this section shall take effect on August 1, 2011, and shall
17 apply with respect to national tests taken on or after that
18 date.

19 **SEC. 109. CONTINUATION OF ENTITLEMENT TO ADDI-**
20 **TIONAL EDUCATIONAL ASSISTANCE FOR**
21 **CRITICAL SKILLS OR SPECIALTY.**

22 (a) IN GENERAL.—Section 3316 is amended—

23 (1) by redesignating subsection (c) as sub-
24 section (e); and

1 (2) by inserting after subsection (b) the fol-
 2 lowing new subsection (c):

3 “(c) CONTINUATION OF INCREASED EDUCATIONAL
 4 ASSISTANCE.—

5 “(1) IN GENERAL.—An individual who made an
 6 election to receive educational assistance under this
 7 chapter pursuant to section 5003(c)(1)(A) of the
 8 Post-9/11 Veterans Educational Assistance Act of
 9 2008 (38 U.S.C. 3301 note) and who, at the time
 10 of the election, was entitled to increased educational
 11 assistance under section 3015(d) or section 16131(i)
 12 of title 10 shall remain entitled to increased edu-
 13 cational assistance in the utilization of the individ-
 14 ual’s entitlement to educational assistance under this
 15 chapter.

16 “(2) RATE.—The monthly rate of increased
 17 educational assistance payable to an individual
 18 under paragraph (1) shall be—

19 “(A) the rate of educational assistance oth-
 20 erwise payable to the individual under section
 21 3015(d) or section 16131(i) of title 10, as the
 22 case may be, had the individual not made the
 23 election described in paragraph (1), multiplied
 24 by

25 “(B) the lesser of—

1 “(i) 1.0; or

2 “(ii) the number of course hours
3 borne by the individual in pursuit of the
4 program of education involved divided by
5 the minimum number of course hours re-
6 quired for full-time pursuit of the program
7 of education, rounded to the nearest mul-
8 tiple of 10.

9 “(3) FREQUENCY OF PAYMENT.—Payment of
10 the amounts payable under paragraph (1) during
11 pursuit of a program of education shall be made on
12 a monthly basis.”.

13 (b) CLARIFICATION ON FUNDING OF INCREASED AS-
14 SISTANCE.—

15 (1) IN GENERAL.—Such section is further
16 amended by inserting after subsection (c), as added
17 by subsection (a)(2) of this section, the following
18 new subsection:

19 “(d) FUNDING.—Payments for increased educational
20 assistance under this section shall be made from the De-
21 partment of Defense Education Benefits Fund under sec-
22 tion 2006 of title 10 or from appropriations available to
23 the Department of Homeland Security for that purpose,
24 as applicable.”.

1 (2) CONFORMING AMENDMENTS.—Section
 2 2006(b) of title 10, United States Code, is amend-
 3 ed—

4 (A) in paragraph (1), by inserting “or 33”
 5 after “chapter 30”; and

6 (B) in paragraph (2), by adding at the end
 7 the following new subparagraph:

8 “(E) The present value of any future bene-
 9 fits payable from the Fund for amounts attrib-
 10 utable to increased amounts of educational as-
 11 sistance authorized by section 3316 of title
 12 38.”.

13 (c) EFFECTIVE DATE.—The amendments made by
 14 this section shall take effect on August 1, 2011.

15 **SEC. 110. TRANSFER OF UNUSED EDUCATION BENEFITS.**

16 (a) AVAILABILITY OF TRANSFER AUTHORITY FOR
 17 MEMBERS OF PHS AND NOAA.—Section 3319 is amend-
 18 ed—

19 (1) by striking “Armed Forces” each place it
 20 appears (other than in subsection (a)) and inserting
 21 “uniformed services”; and

22 (2) by striking subsection (k).

23 (b) SCOPE AND EXERCISE OF AUTHORITY.—Sub-
 24 section (a) of such section is amended—

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

8 “(2) The purpose of the authority in paragraph (1)
9 is to promote recruitment and retention in the uniformed
10 services. The Secretary concerned may exercise the au-
11 thority for that purpose when authorized by the Secretary
12 of Defense in the national security interests of the United
13 States.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2011.

16 SEC. 111. BAR TO DUPLICATION OF CERTAIN EDUCATIONAL
17 ASSISTANCE BENEFITS.

(a) BAR TO CONCURRENT RECEIPT OF TRANSFERRED EDUCATION BENEFITS AND MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP ASSISTANCE.—Section 3322 is amended by adding at the end the following new subsection:

23 “(e) BAR TO CONCURRENT RECEIPT OF TRANS-
24 FERRED EDUCATION BENEFITS AND MARINE GUNNERY
25 SERGEANT JOHN DAVID FRY SCHOLARSHIP ASSIST-

ANCE.—An individual entitled to educational assistance under both sections 3311(b)(9) and 3319 may not receive assistance under both provisions concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which provision to receive educational assistance.”.

(b) BAR TO RECEIPT OF COMPENSATION AND PENSION AND MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP ASSISTANCE.—Such section is further amended by adding at the end the following new subsection:

“(f) BAR TO RECEIPT OF COMPENSATION AND PENSION AND MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP ASSISTANCE.—The commencement of a program of education under section 3311(b)(9) shall be a bar to the following:

“(1) Subsequent payments of dependency and indemnity compensation or pension based on the death of a parent to an eligible person over the age of 18 years by reason of pursuing a course in an educational institution.

“(2) Increased rates, or additional amounts, of compensation, dependency and indemnity compensation, or pension because of such a person, whether eligibility is based upon the death of the parent.”.

1 (c) BAR TO CONCURRENT RECEIPT OF TRANS-
 2 FERRED EDUCATION BENEFITS.—Such section is further
 3 amended by adding at the end the following new sub-
 4 section:

5 “(g) BAR TO CONCURRENT RECEIPT OF TRANS-
 6 FERRED EDUCATION BENEFITS.—A spouse or child who
 7 is entitled to educational assistance under this chapter
 8 based on a transfer of entitlement from more than one
 9 individual under section 3319 may not receive assistance
 10 based on transfers from more than one such individual
 11 concurrently, but shall elect (in such form and manner as
 12 the Secretary may prescribe) under which source to utilize
 13 such assistance at any one time.”.

14 (d) BAR TO DUPLICATION OF ELIGIBILITY BASED
 15 ON A SINGLE EVENT.—Such section is further amended
 16 by adding at the end the following new subsection:

17 “(h) BAR TO DUPLICATION OF ELIGIBILITY BASED
 18 ON A SINGLE EVENT OR PERIOD OF SERVICE.—

19 “(1) ACTIVE-DUTY SERVICE.—An individual
 20 with qualifying service in the Armed Forces that es-
 21 tablishes eligibility on the part of such individual for
 22 educational assistance under this chapter, chapter
 23 30 or 32 of this title, and chapter 1606 or 1607 of
 24 title 10, shall elect (in such form and manner as the

1 Secretary may prescribe) under which authority such
 2 service is to be credited.

3 “(2) ELIGIBILITY FOR EDUCATIONAL ASSIST-
 4 ANCE BASED ON PARENT’S SERVICE.—A child of a
 5 member of the Armed Forces who, on or after Sep-
 6 tember 11, 2001, dies in the line of duty while serv-
 7 ing on active duty, who is eligible for educational as-
 8 sistance under either section 3311(b)(9) or chapter
 9 35 of this title based on the parent’s death may not
 10 receive such assistance under both this chapter and
 11 chapter 35 of this title, but shall elect (in such form
 12 and manner as the Secretary may prescribe) under
 13 which chapter to receive such assistance.”.

14 (e) EFFECTIVE DATE.—The amendments made by
 15 this section shall take effect on August 1, 2011.

16 **SEC. 112. TECHNICAL AMENDMENTS.**

17 (a) SECTION 3313.—Section 3313 is amended—

18 (1) by striking “higher education” each place it
 19 appears and inserting “higher learning”; and

20 (2) in clause (iii) of subparagraph (A) of sub-
 21 section (e)(2), as redesignated by section 103(a)(2)
 22 of this Act, by adding a period at the end.

23 (b) SECTION 3319.—Section 3319(b)(2) is amended
 24 by striking “to section (k)” and inserting “to subsection
 25 (j)”.

1 (c) SECTION 3323.—Section 3323(a) is amended by
 2 striking “section 3034(a)(1)” and inserting “sections
 3 3034(a)(1) and 3680(c)”.

4 **TITLE II—OTHER EDUCATIONAL**
 5 **ASSISTANCE MATTERS**

6 **SEC. 201. EXTENSION OF DELIMITING DATES FOR USE OF**
 7 **EDUCATIONAL ASSISTANCE BY PRIMARY**
 8 **CAREGIVERS OF SERIOUSLY INJURED VET-**
 9 **ERANS AND MEMBERS OF THE ARMED**
 10 **FORCES.**

11 (a) ALL-VOLUNTEER FORCE EDUCATIONAL ASSIST-
 12 ANCE.—Subsection (d) of section 3031 is amended to read
 13 as follows:

14 “(d)(1) In the case of an individual eligible for edu-
 15 cational assistance under this chapter who is prevented
 16 from pursuing the individual’s chosen program of edu-
 17 cation before the expiration of the 10-year period for the
 18 use of entitlement under this chapter otherwise applicable
 19 under this section because of a physical or mental dis-
 20 ability which is not the result of the individual’s own will-
 21 ful misconduct, such 10-year period—

22 “(A) shall not run during the period the indi-
 23 vidual is so prevented from pursuing such program;
 24 and

1 “(B) shall again begin running on the first day
2 after the individual’s recovery from such disability
3 on which it is reasonably feasible, as determined
4 under regulations prescribed by the Secretary, for
5 the individual to initiate or resume pursuit of a pro-
6 gram of education with educational assistance under
7 this chapter.

8 “(2)(A) Subject to subparagraph (B), in the case of
9 an individual eligible for educational assistance under this
10 chapter who is prevented from pursuing the individual’s
11 chosen program of education before the expiration of the
12 10-year period for the use of entitlement under this chap-
13 ter otherwise applicable under this section by reason of
14 acting as the primary provider of personal care services
15 for a veteran or member of the Armed Forces under sec-
16 tion 1720G(a) of this title, such 10-year period—

17 “(i) shall not run during the period the indi-
18 vidual is so prevented from pursuing such program;
19 and

20 “(ii) shall again begin running on the first day
21 after the date of the recovery of the veteran or mem-
22 ber from the injury, or the date on which the indi-
23 vidual ceases to be the primary provider of personal
24 care services for the veteran or member, whichever
25 is earlier, on which it is reasonably feasible, as so

1 determined, for the individual to initiate or resume
 2 pursuit of a program of education with educational
 3 assistance under this chapter.

4 “(B) Subparagraph (A) shall not apply with respect
 5 to the period of an individual as a primary provider of
 6 personal care services if the period concludes with the rev-
 7 ocation of the individual’s designation as such a primary
 8 provider under section 1720G(a)(7)(D) of this title.”.

9 (b) CERTAIN TRANSFEREES OF POST-9/11 EDU-
 10 CATIONAL ASSISTANCE.—Paragraph (5) of section
 11 3319(h) is amended to read as follows:

12 “(5) LIMITATION ON AGE OF USE BY CHILD
 13 TRANSFEREES.—

14 “(A) IN GENERAL.—A child to whom enti-
 15 tlement is transferred under this section may
 16 use the benefits transferred without regard to
 17 the 15-year delimiting date specified in section
 18 3321, but may not, except as provided in sub-
 19 paragraph (B), use any benefits so transferred
 20 after attaining the age of 26 years.

21 “(B) PRIMARY CAREGIVERS OF SERIOUSLY
 22 INJURED MEMBERS OF THE ARMED FORCES
 23 AND VETERANS.—

24 “(i) IN GENERAL.—Subject to clause
 25 (ii), in the case of a child who, before at-

1 taining the age of 26 years, is prevented
 2 from pursuing a chosen program of edu-
 3 cation by reason of acting as the primary
 4 provider of personal care services for a vet-
 5 eran or member of the Armed Forces
 6 under section 1720G(a), the child may use
 7 the benefits beginning on the date specified
 8 in clause (iii) for a period whose length is
 9 specified in clause (iv).

10 “(ii) INAPPLICABILITY FOR REVOCATION.—Clause (i) shall not apply with re-
 11 spect to the period of an individual as a
 12 primary provider of personal care services
 13 if the period concludes with the revocation
 14 of the individual’s designation as such a
 15 primary provider under section
 16 1720G(a)(7)(D).

17 “(iii) DATE FOR COMMENCEMENT OF
 18 USE.—The date specified in this clause for
 19 the beginning of the use of benefits by a
 20 child under clause (i) is the later of—
 21

22 “(I) the date on which the child
 23 ceases acting as the primary provider
 24 of personal care services for the vet-

1 eran or member concerned as de-
2 scribed in clause (i);

3 “(II) the date on which it is rea-
4 sonably feasible, as determined under
5 regulations prescribed by the Sec-
6 retary, for the child to initiate or re-
7 sume the use of benefits; or

8 “(III) the date on which the child
9 attains the age of 26 years.

10 “(iv) LENGTH OF USE.—The length
11 of the period specified in this clause for the
12 use of benefits by a child under clause (i)
13 is the length equal to the length of the pe-
14 riod that—

15 “(I) begins on the date on which
16 the child begins acting as the primary
17 provider of personal care services for
18 the veteran or member concerned as
19 described in clause (i); and

20 “(II) ends on the later of—

21 “(aa) the date on which the
22 child ceases acting as the pri-
23 mary provider of personal care
24 services for the veteran or mem-
25 ber as described in clause (i); or

1 “(bb) the date on which it is
 2 reasonably feasible, as so deter-
 3 mined, for the child to initiate or
 4 resume the use of benefits.”.

5 (c) SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL
 6 ASSISTANCE.—Subsection (c) of section 3512 is amended
 7 to read as follows:

8 “(c)(1) Notwithstanding subsection (a) and subject
 9 to paragraph (2), an eligible person may be afforded edu-
 10 cational assistance beyond the age limitation applicable to
 11 the person under such subsection if—

12 “(A) the person suspends pursuit of such per-
 13 son’s program of education after having enrolled in
 14 such program within the time period applicable to
 15 such person under such subsection;

16 “(B) the person is unable to complete such pro-
 17 gram after the period of suspension and before at-
 18 taining the age limitation applicable to the person
 19 under such subsection; and

20 “(C) the Secretary finds that the suspension
 21 was due to either of the following:

22 “(i) The actions of the person as the pri-
 23 mary provider of personal care services for a
 24 veteran or member of the Armed Forces under
 25 section 1720G(a) of this title.

1 “(ii) Conditions otherwise beyond the con-
2 trol of the person.

3 “(2) Paragraph (1) shall not apply with respect to
4 the period of an individual as a primary provider of per-
5 sonal care services if the period concludes with the revoca-
6 tion of the individual’s designation as such a primary pro-
7 vider under section 1720G(a)(7)(D) of this title.

8 “(3) Educational assistance may not be afforded a
9 person under paragraph (1) after the earlier of—

10 “(A) the age limitation applicable to the person
11 under subsection (a), plus a period of time equal to
12 the period the person was required to suspend pur-
13 suit of the person’s program of education as de-
14 scribed in paragraph (1); or

15 “(B) the date of the person’s thirty-first birth-
16 day.”.

17 (d) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect on August 1, 2011, and shall
19 apply with respect to preventions and suspension of pur-
20 suit of programs of education that commence on or after
21 that date.

1 **SEC. 202. LIMITATIONS ON RECEIPT OF EDUCATIONAL AS-**
 2 **SISTANCE UNDER NATIONAL CALL TO SERV-**
 3 **ICE AND OTHER PROGRAMS OF EDU-**
 4 **CATIONAL ASSISTANCE.**

5 (a) BAR TO DUPLICATION OF EDUCATIONAL ASSIST-
 6 ANCE BENEFITS.—Section 3322(a) is amended by insert-
 7 ing “or section 510” after “or 1607”.

8 (b) LIMITATION ON CONCURRENT RECEIPT OF EDU-
 9 CATIONAL ASSISTANCE.—Section 3681(b)(2) is amended
 10 by inserting “and section 510” after “and 107”.

11 (c) EFFECTIVE DATE.—The amendments made by
 12 this section shall take effect on August 1, 2011.

13 **SEC. 203. APPROVAL OF COURSES.**

14 (a) CONSTRUCTIVE APPROVAL OF CERTAIN
 15 COURSES.—

16 (1) IN GENERAL.—Section 3672(b) is amend-
 17 ed—

18 (A) by inserting “(1)” after “(b)”; and

19 (B) by adding at the end the following new
 20 paragraph:

21 “(2)(A) Subject to sections 3675(b)(1) and (b)(2),
 22 3680A, 3684, and 3696 of this title, the following pro-
 23 grams are deemed to be approved for purposes of this
 24 chapter:

25 “(i) An accredited standard college degree pro-
 26 gram offered at a public or not-for-profit proprietary

1 educational institution that is accredited by an agen-
2 cy or association recognized for that purpose by the
3 Secretary of Education.

4 “(ii) A flight training course approved by the
5 Federal Aviation Administration that is offered by a
6 certified pilot school that possesses a valid Federal
7 Aviation Administration pilot school certificate.

8 “(iii) An apprenticeship program registered
9 with the Office of Apprenticeship (OA) of the Em-
10 ployment Training Administration of the Depart-
11 ment of Labor or a State apprenticeship agency rec-
12 ognized by the Office of Apprenticeship pursuant to
13 the Act of August 16, 1937 (popularly known as the
14 ‘National Apprenticeship Act’; 29 U.S.C. 50 et seq.).

15 “(iv) A program leading to a secondary school
16 diploma offered by a secondary school approved in
17 the State in which it is operating.

18 “(B) A licensure test offered by a Federal, State, or
19 local government is deemed to be approved for purposes
20 of this chapter.”.

21 (2) CONFORMING AMENDMENTS.—

22 (A) Paragraph (3) of section 3034(d) is
23 amended to read as follows:

24 “(3) the flight school courses are approved by
25 the Federal Aviation Administration and are offered

1 by a certified pilot school that possesses a valid Fed-
 2 eral Aviation Administration pilot school certifi-
 3 cate.”.

4 (B) Section 3671(b)(2) is amended by
 5 striking “In the case” and inserting “Except as
 6 otherwise provided in this chapter, in the case”.

7 (C) Section 3689(a)(1) is amended by in-
 8 serting after “unless” the following: “the test is
 9 deemed approved by section 3672(b)(2)(B) of
 10 this title or”.

11 (b) USE OF STATE APPROVING AGENCIES FOR COM-
 12 PLIANCE AND OVERSIGHT ACTIVITIES.—Section 3673 is
 13 amended by adding at the end the following new sub-
 14 section:

15 “(d) USE OF STATE APPROVING AGENCIES FOR
 16 COMPLIANCE AND OVERSIGHT ACTIVITIES.—The Sec-
 17 retary may utilize the services of a State approving agency
 18 for such compliance and oversight purposes as the Sec-
 19 retary considers appropriate without regard to whether
 20 the Secretary or the agency approved the courses offered
 21 in the State concerned.”.

22 (c) APPROVAL OF ACCREDITED COURSES.—

23 (1) IN GENERAL.—Subsection (a)(1) of section
 24 3675 is amended by striking “A State approving
 25 agency may approve the courses offered by an edu-

1 cational institution” and inserting “The Secretary or
 2 a State approving agency may approve accredited
 3 programs (including non-degree accredited pro-
 4 grams) offered by proprietary for-profit educational
 5 institutions”.

6 (2) CONDITION OF APPROVAL.—Subsection (b)
 7 of such section is amended—

8 (A) in the matter preceding paragraph (1),
 9 by inserting “the Secretary or” after “this sec-
 10 tion,”; and

11 (B) is amended by inserting “the Secretary
 12 or” after “as prescribed by”.

13 (d) DISAPPROVAL OF COURSES.—Section 3679(a) is
 14 amended by inserting “the Secretary or” after “dis-
 15 approved by” both places it appears.

16 (e) EFFECTIVE DATE.—The amendments made by
 17 this section shall take effect on August 1, 2011.

18 **SEC. 204. REPORTING FEES.**

19 (a) INCREASE IN AMOUNT OF FEES.—Section
 20 3684(c) is amended—

21 (1) by striking “multiplying \$7” and inserting
 22 “multiplying \$12”; and

23 (2) by striking “or \$11” and inserting “or
 24 \$15”.

1 (b) USE OF FEES PAID.—Such section is further
 2 amended by inserting after the fourth sentence the fol-
 3 lowing new sentence: “Any reporting fee paid an edu-
 4 cational institution or joint apprenticeship training com-
 5 mittee after the date of the enactment of the Post-9/11
 6 Veterans Educational Assistance Improvements Act of
 7 2011 shall be utilized by such institution or committee
 8 solely for the making of certifications required under this
 9 chapter or chapter 31, 34, or 35 of this title or for other-
 10 wise supporting programs for veterans.”.

11 (c) EFFECTIVE DATE.—The amendments made by
 12 this section shall take effect on October 1, 2011.

13 **SEC. 205. ELECTION FOR RECEIPT OF ALTERNATE SUBSIST-**
 14 **ENCE ALLOWANCE FOR CERTAIN VETERANS**
 15 **WITH SERVICE-CONNECTED DISABILITIES**
 16 **UNDERGOING TRAINING AND REHABILITA-**
 17 **TION.**

18 (a) ELECTION AUTHORIZED.—Section 3108(b) is
 19 amended by adding at the end the following new para-
 20 graph:

21 “(4) A veteran entitled to a subsistence allowance
 22 under this chapter and educational assistance under chap-
 23 ter 33 of this title may elect to receive payment from the
 24 Secretary in lieu of an amount otherwise determined by
 25 the Secretary under this subsection in an amount equal

1 to the applicable monthly amount of basic allowance for
2 housing payable under section 403 of title 37 for a mem-
3 ber with dependents in pay grade E-5 residing in the mili-
4 tary housing area that encompasses all or the majority
5 portion of the ZIP code area in which is located the insti-
6 tution providing rehabilitation program concerned.”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 this section shall take effect on August 1, 2011.

9 **SEC. 206. MODIFICATION OF AUTHORITY TO MAKE CER-**
10 **TAIN INTERVAL PAYMENTS.**

11 (a) IN GENERAL.—The flush matter following clause
12 (3)(B) of section 3680(a) is amended by striking “of this
13 subsection—” and all that follows and inserting “of this
14 subsection during periods when schools are temporarily
15 closed under an established policy based on an Executive
16 order of the President or due to an emergency situation.
17 However, the total number of weeks for which allowances
18 may continue to be so payable in any 12-month period
19 may not exceed 4 weeks.”.

- 1 (b) EFFECTIVE DATE.—The amendment made by
- 2 this section shall take effect on August 1, 2011.

Passed the Senate December 13, 2010.

Attest:

Secretary.

11TH CONGRESS
2D Session

S. 3447

AN ACT

To amend title 38, United States Code, to improve educational assistance for veterans who served in the Armed Forces after September 11, 2001, and for other purposes.