

Calendar No. 638

111TH CONGRESS
2^D SESSION

S. 3447

[Report No. 111-346]

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.

IN THE SENATE OF THE UNITED STATES

MAY 27 (legislative day, MAY 26), 2010

Mr. AKAKA (for himself, Mr. BEGICH, Ms. STABENOW, Mr. UDALL of New Mexico, Mr. WEBB, Mrs. MURRAY, Ms. SNOWE, Mr. MERKLEY, Mr. TESTER, Mr. LAUTENBERG, Mrs. MCCASKILL, Mr. BURR, Mr. INOUE, Mr. SANDERS, Mr. BENNET, Mr. BURRIS, Mr. WYDEN, Mr. BAUCUS, Mr. JOHNSON, Mr. DODD, Mr. SCHUMER, Mr. KAUFMAN, Mr. ROCKEFELLER, Ms. LANDRIEU, Mrs. GILLIBRAND, Mrs. BOXER, Ms. MURKOWSKI, and Mrs. LINCOLN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

OCTOBER 26 (legislative day, OCTOBER 1), 2010

Reported under authority of the order of the Senate of September 29, 2010,
by Mr. AKAKA, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Post-9/11 Veterans
 5 Educational Assistance Improvements Act of 2010”.

6 **SEC. 2. MODIFICATION OF ENTITLEMENT TO EDUCATIONAL**
 7 **ASSISTANCE.**

8 (a) MODIFICATION OF DEFINITIONS THAT CONCERN
 9 ELIGIBILITY FOR EDUCATIONAL ASSISTANCE.—

10 (1) MODIFICATION OF DEFINITION OF ACTIVE
 11 DUTY WITH RESPECT TO MEMBERS OF RESERVE
 12 COMPONENTS GENERALLY.—Paragraph (1)(B) of
 13 section 3301 of title 38, United States Code, is
 14 amended by striking “of title 10.” and inserting the
 15 following: “of title 10—

16 “(i) for the purpose of organizing, ad-
 17 ministering, recruiting, instructing, or
 18 training the reserve components of the
 19 Armed Forces; or

20 “(ii) in support of a contingency oper-
 21 ation (as defined in section 101(a) of title
 22 10).”.

23 (2) EXPANSION OF DEFINITION OF ACTIVE
 24 DUTY TO INCLUDE SERVICE IN NATIONAL GUARD
 25 FOR CERTAIN PURPOSES.—Paragraph (1) of such

section is amended by adding at the end the following 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; and

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

~~(3) EXPANSION OF DEFINITION OF 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.~~

~~(b) CLARIFICATION OF APPLICABILITY OF HONORABLE SERVICE REQUIREMENT FOR CERTAIN DISCHARGES AND RELEASES FROM THE ARMED FORCES AS BASIS FOR~~

1 ENTITLEMENT TO EDUCATIONAL ASSISTANCE.—Section
 2 3311(e)(4) of such title is amended in the matter pre-
 3 ceeding subparagraph (A) by striking “A discharge or re-
 4 lease from active duty in the Armed Forces” and inserting
 5 “A discharge or release from active duty in the Armed
 6 Forces after service on active duty in the Armed Forces
 7 characterized by the Secretary concerned as honorable
 8 service”.

9 (c) EXCLUSION OF PERIOD OF SERVICE ON ACTIVE
 10 DUTY OF PERIODS OF SERVICE IN CONNECTION WITH
 11 ATTENDANCE AT THE COAST GUARD ACADEMY.—Section
 12 3311(d)(2) of such title is amended by inserting “or sec-
 13 tion 182 of title 14” before the period at the end.

14 **SEC. 3. MODIFICATION OF AMOUNT OF ASSISTANCE AND**
 15 **TYPES OF APPROVED PROGRAMS OF EDU-**
 16 **CATION.**

17 (a) AMOUNT OF EDUCATIONAL ASSISTANCE FOR
 18 PROGRAMS OF EDUCATION PURSUED AT PUBLIC, NON-
 19 PUBLIC, AND FOREIGN INSTITUTIONS OF HIGHER
 20 LEARNING.—Section 3313(e) of title 38, United States
 21 Code, is amended—

22 (1) by striking the subsection heading and in-
 23 serting the following: “PROGRAMS OF EDUCATION
 24 AT INSTITUTIONS OF HIGHER LEARNING PURSUED
 25 AT MORE THAN HALF-TIME BASIS.—”;

(2) in the matter preceding paragraph (1) by inserting “at an institution of higher learning (as defined in section 3452(f) of this title)” after “program of education”; and

(3) in paragraph (1), by amending subparagraph (A) to read as follows:

“(A) An amount equal to—

“(i) in the case that such institution is a public institution of higher learning, the established charges for the program of education; and

“(ii) in the case that such institution is a non-public or foreign institution of higher learning, the lesser of—

“(I) the established charges for the program of education; or

“(II) the amount of the average of the established charges at all institutions of higher learning in the United States for a program of education leading to a baccalaureate degree as determined by the National Center for Education Statistics of the Department of Education for the most recent academic year.”.

1 (b) MODIFICATION OF AMOUNT OF MONTHLY STI-
 2 PENDS, INCLUDING STIPENDS FOR PART-TIME STUDY,
 3 DISTANCE LEARNING, AND PURSUIT OF PROGRAMS OF
 4 EDUCATION AT FOREIGN INSTITUTIONS OF HIGHER
 5 LEARNING.—Subparagraph (B) of section 3313(e)(1) of
 6 such title is amended—

7 (1) by redesignating clause (ii) as clause (iv);
 8 and

9 (2) by striking clause (i) and inserting the fol-
 10 lowing new clauses:

11 “(i) Except as provided in clauses (ii)
 12 and (iii), for each month the individual
 13 pursues the program of education, a
 14 monthly housing stipend amount equal to
 15 the product of—

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

1 “(H) the lesser of one or the
2 quotient of—

3 “(aa) the number of course
4 hours borne by the individual in
5 pursuit of the program of edu-
6 cation involved, divided by

7 “(bb) the minimum number
8 of course hours required for full-
9 time pursuit of such program of
10 education.

11 “(ii) In the case of an individual pur-
12 suing a program of education at a foreign
13 institution of higher learning, for each
14 month the individual pursues the program
15 of education, a monthly housing stipend
16 amount equal to the product of—

17 “(I) the national average of the
18 monthly amount of the basic allow-
19 ance for housing payable under sec-
20 tion 403 of title 37 for a member with
21 dependents in pay grade E-5, multi-
22 plied by

23 “(II) the lesser of one or the
24 quotient of—

1 “(aa) the number of course
2 hours borne by the individual in
3 pursuit of the program of edu-
4 cation involved, divided by

5 “(bb) the minimum number
6 of course hours required for full-
7 time pursuit of such program of
8 education.

9 “(iii) In the case of an individual pur-
10 suing a program of education through dis-
11 tance learning on more than a half-time
12 basis, a monthly housing stipend amount
13 in an amount equal to 50 percent of the
14 amount payable under clause (ii) if the in-
15 dividual were otherwise entitled to a
16 monthly housing stipend under that clause
17 for pursuit of the program of education.”.

18 (c) ~~EDUCATIONAL ASSISTANCE FOR APPROVED PRO-~~
19 ~~GRAMS OF EDUCATION AT INSTITUTIONS OTHER THAN~~
20 ~~INSTITUTIONS OF HIGHER LEARNING.—~~

21 (1) ~~APPROVED PROGRAMS OF EDUCATION AT~~
22 ~~INSTITUTIONS OTHER THAN INSTITUTIONS OF HIGH-~~
23 ~~ER LEARNING.—~~Subsection (b) of section 3313 of
24 such title is amended by striking “is offered by an

1 institution of higher learning (as that term is de-
 2 fined in section 3452(f)) and”.

3 ~~(2) ASSISTANCE FOR PURSUIT OF PROGRAMS~~
 4 ~~OF EDUCATION AT INSTITUTIONS OTHER THAN IN-~~
 5 ~~STITUTIONS OF HIGHER LEARNING.—Such section is~~
 6 ~~further amended—~~

7 (A) by redesignating subsections (g) and
 8 (h) as subsections (h) and (i), respectively; and

9 (B) by inserting after subsection (f) the
 10 following new subsection (g):

11 “(g) PROGRAMS OF EDUCATION PURSUED AT INSTI-
 12 TUTIONS OTHER THAN INSTITUTIONS OF HIGHER
 13 LEARNING.—

14 “(1) IN GENERAL.—Educational assistance is
 15 payable under this chapter for pursuit of an ap-
 16 proved program of education at an institution other
 17 than an institution of higher learning.

18 “(2) AMOUNT OF ASSISTANCE.—The amounts
 19 of educational assistance payable under this chapter
 20 to each individual entitled to educational assistance
 21 under this chapter who is pursuing an approved pro-
 22 gram of education at an institution other than an in-
 23 stitution of higher learning (as defined in section
 24 3452(f) of this title) are amounts as follows:

1 “(A) In the case of an individual enrolled
 2 in a program of education (other than a pro-
 3 gram described in subparagraphs (B) through
 4 (D)) in pursuit of a certificate or other non-col-
 5 lege degree, amounts as follows:

6 “(i) The lesser of—

7 “(I) the established charges for
 8 the program of education; or

9 “(II) the amount of the average
 10 of the established charges at all insti-
 11 tutions of higher learning in the
 12 United States for a program of edu-
 13 cation leading to a baccalaureate de-
 14 gree as determined by the National
 15 Center for Education Statistics of the
 16 Department of Education for the
 17 most recent academic year.

18 “(ii) A monthly stipend in an amount
 19 equal to the monthly amount of the basic
 20 allowance for housing payable under sec-
 21 tion 403 of title 37 for a member with de-
 22 pendents in pay grade E-5 residing in the
 23 military housing area that encompasses all
 24 or the majority portion of the ZIP code

1 area in which is located the institution at
2 which the individual is enrolled.

3 “(B) In the case of an individual enrolled
4 in a program of education consisting of on-job
5 training or a program of apprenticeship,
6 amounts as follows:

7 “(i) For each month the individual
8 pursues the program—

9 “(I) in the first six-month period
10 of the program, an amount equal to
11 75 percent of $\frac{1}{12}$ of the amount of
12 the average of the established charges
13 at all institutions of higher learning in
14 the United States for a program of
15 education leading to a baccalaureate
16 degree as determined by the National
17 Center for Education Statistics of the
18 Department of Education for the
19 most recent academic year;

20 “(II) in the second six-month pe-
21 riod of the program, an amount equal
22 to 55 percent of $\frac{1}{12}$ of the amount of
23 such average; and

24 “(III) in any month after the
25 first 12 months of such program, an

1 amount equal to 35 percent of $\frac{1}{12}$ of
2 the amount of such average.

3 “(ii) A monthly stipend in an amount
4 equal to the lesser of—

5 “(I) the monthly amount of the
6 basic allowance for housing payable
7 under section 403 of title 37 for a
8 member with dependents in pay grade
9 E-5 residing in the military housing
10 area that encompasses all or the ma-
11 jority portion of the ZIP code area in
12 which is located the employer at which
13 the individual pursues such program;
14 or

15 “(II) the national average of the
16 monthly amount of the basic allow-
17 ance for housing payable under sec-
18 tion 403 of title 37 for a member with
19 dependents in pay grade E-5.

20 “(C) In the case of an individual enrolled
21 in a program of education consisting of flight
22 training, an amount equal to the lesser of—

23 “(i) the established charges for the
24 program of education; or

1 “(ii) 60 percent of the amount of the
 2 average of the established charges at all in-
 3 stitutions of higher learning in the United
 4 States for a program of education leading
 5 to a baccalaureate degree as determined by
 6 the National Center for Education Statis-
 7 tics of the Department of Education for
 8 the most recent academic year.

9 “(D) In the case of an individual enrolled
 10 in a program of education that is pursued ex-
 11 clusively by correspondence, an amount equal to
 12 the lesser of—

13 “(i) the established charges for the
 14 program of education; or

15 “(ii) 55 percent of the amount of the
 16 average of the established charges at all in-
 17 stitutions of higher learning in the United
 18 States for a program of education leading
 19 to a baccalaureate degree as determined by
 20 the National Center for Education Statis-
 21 tics of the Department of Education for
 22 the most recent academic year.

23 “(3) CHARGE AGAINST ENTITLEMENT.—The
 24 entitlement of an individual to educational assistance
 25 under this chapter shall be charged at the rate of

1 one month for each month of assistance provided
2 under this subsection.”.

3 ~~(3) CONFORMING AMENDMENT.—~~Subsection ~~(h)~~
4 of such section ~~3313~~, as redesignated by paragraph
5 ~~(2)~~ of this subsection, is amended by striking
6 “~~(e)(2), and (f)(2)(A)~~” and inserting “subsections
7 ~~(e)(2) and (f)(2)(A)~~, and subparagraphs ~~(A)(i),~~
8 ~~(B)(i), (C), and (D)~~ of subsection ~~(g)(2)~~”.

9 ~~(d) PROGRAMS OF EDUCATION PURSUED ON ACTIVE~~
10 ~~DUTY.—~~

11 ~~(1) IN GENERAL.—~~Subsection ~~(e)(2)~~ of such
12 section is amended—

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

15 ~~(B)~~ in the matter preceding clause ~~(i)~~, as
16 redesignated by subparagraph ~~(A)~~—

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

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

21 “~~(A) An amount equal to the lesser of—~~”;

22 and

23 ~~(C)~~ by adding at the end the following new
24 subparagraph ~~(B)~~:

1 “(B) For the first month of each quarter,
 2 semester, or term, as applicable, of the program
 3 of education pursued by the individual, a lump
 4 sum amount for books, supplies, equipment,
 5 and other educational costs with respect to such
 6 quarter, semester, or term in the amount equal
 7 to—

8 “(i) \$1,000, multiplied by

9 “(ii) the fraction which is the portion
 10 of a complete academic year under the pro-
 11 gram of education that such quarter, se-
 12 mester, or term constitutes.”.

13 (2) TECHNICAL AMENDMENT.—Clause (ii) of
 14 subsection (c)(2)(A) of such section, as redesignated
 15 by paragraph (1)(A) of this subsection, is amended
 16 by adding a period at the end.

17 **SEC. 4. MODIFICATION OF ASSISTANCE FOR LICENSURE**
 18 **AND CERTIFICATION TESTS.**

19 (a) REPEAL OF LIMITATION ON NUMBER OF REIM-
 20 BURSABLE TESTS.—Subsection (a) of section 3315 of title
 21 38, United States Code, is amended by striking “one li-
 22 censing or certification test” and inserting “licensing or
 23 certification tests”.

24 (b) CHARGE OF ENTITLEMENT FOR RECEIPT OF AS-
 25 SISTANCE.—Such section is further amended by striking

1 subsection (c) and inserting the following new subsection
2 (c):

3 “(c) CHARGE AGAINST ENTITLEMENT.—The charge
4 against entitlement of an individual under this chapter for
5 payment for a licensing or certification test under sub-
6 section (a) shall be charged at the rate of one month for
7 each amount equal to $\frac{1}{12}$ of the amount of the average
8 of the established charges at all institutions of higher
9 learning in the United States for a program of education
10 leading to a baccalaureate degree as determined by the
11 National Center for Education Statistics of the Depart-
12 ment of Education for the most recent academic year.”.

13 **SEC. 5. TRANSFER OF ENTITLEMENT TO SUPPLEMENTAL**
14 **EDUCATIONAL ASSISTANCE TO POST-9/11**
15 **EDUCATIONAL ASSISTANCE.**

16 (a) IN GENERAL.—Section 3316 of title 38, United
17 States Code, is amended—

18 (1) by redesignating subsection (c) as sub-
19 section (e); and

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

22 “(c) TRANSFER OF SUPPLEMENTAL EDUCATIONAL
23 ASSISTANCE.—

24 “(1) IN GENERAL.—An individual entitled to
25 supplemental educational assistance under sub-

chapter III of chapter 30 of this title may transfer such entitlement to entitlement for supplemental educational assistance under this section. Such individual shall receive entitlement to one month of supplemental educational assistance under this section for each month of entitlement to supplemental educational assistance so transferred.

“(2) RATE.—The monthly rate of supplemental educational assistance payable to an individual who transfers entitlement under paragraph (1) shall be payable at the same rate as such entitlement would otherwise be payable to such individual under subchapter III of chapter 30 of this title.

“(3) NATURE OF TRANSFERRED ENTITLEMENT.—An amount of supplemental educational assistance transferred under paragraph (1) shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(e) of this title, or under paragraphs (2) through (7) of such section 3313(e) (as applicable).”.

(b) CLARIFICATION ON REIMBURSEMENT OF INCREASED OR SUPPLEMENTAL ASSISTANCE.—Such section is further amended by inserting after subsection (c), as

1 added by subsection (a)(2) of this section, the following
 2 new subsection (d):

3 “(d) REIMBURSEMENT.—Any expense incurred by
 4 the Secretary for the provision of increased assistance or
 5 supplemental assistance to an individual under this section
 6 shall be reimbursed by the Secretary concerned.”.

7 **SEC. 6. TRANSFER OF UNUSED EDUCATION BENEFITS TO**
 8 **FAMILY MEMBERS.**

9 (a) ADMINISTRATION OF TRANSFERS OF ENTITLE-
 10 MENT BY INDIVIDUALS NO LONGER MEMBERS OF THE
 11 ARMED FORCES.—Section 3319(h) of title 38, United
 12 States Code, is amended—

13 (1) by redesignating paragraph (7) as para-
 14 graph (8); and

15 (2) by inserting after paragraph (6) the fol-
 16 lowing new paragraph (7):

17 “(7) ADMINISTRATION FOR INDIVIDUALS NO
 18 LONGER MEMBERS OF THE ARMED FORCES.—The
 19 Secretary of Defense shall administer the provisions
 20 of this section with respect to individuals who are
 21 discharged or released from the Armed Forces, in-
 22 cluding the making of any determinations of eligi-
 23 bility of such individuals for transfers of entitlement
 24 under this section and the processing of applications

1 to transfer, modify, or revoke entitlement under this
 2 section.”.

3 ~~(b) APPLICABILITY OF ENTITLEMENT AUTHORITY~~
 4 ~~TO MEMBERS OF PUBLIC HEALTH SERVICE AND NA-~~
 5 ~~TIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—~~
 6 Section 3319 of such title is amended by striking sub-
 7 section (k).

8 ~~(c) REIMBURSEMENT OF EXPENSES OF SECRETARY~~
 9 ~~OF VETERANS AFFAIRS BY SECRETARY CONCERNED.—~~
 10 Such section is further amended by adding at the end the
 11 following new subsection (k):

12 ~~“(k) REIMBURSEMENT OF EXPENSES OF SECRETARY~~
 13 ~~OF VETERANS AFFAIRS BY SECRETARY CONCERNED.—~~
 14 Any expense incurred by the Secretary for the provision
 15 of educational assistance under subsection (a) to a de-
 16 pendent described in such subsection shall be reimbursed
 17 by the Secretary concerned.”.

18 ~~(d) TECHNICAL CORRECTION.—~~Subsection (b)(2) of
 19 such section is amended by striking “to section (k)” and
 20 inserting “to subsection (j)”.

1 **SEC. 7. 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) of title 38, United
 7 States Code, is amended by inserting “or section 510”
 8 after “or 1607”.

9 (b) **LIMITATION ON CONCURRENT RECEIPT OF EDU-**
 10 **CATIONAL ASSISTANCE.**—Section 3681(b)(2) of such title
 11 is amended by inserting “and section 510” after “and
 12 107”.

13 **SEC. 8. APPROVAL OF PROGRAMS OF EDUCATION CON-**
 14 **SISTING OF DISTANCE LEARNING.**

15 (a) **NONACCREDITED COURSES PURSUED BY DIS-**
 16 **TANCE LEARNING.**—Section 3676(e) of title 38, United
 17 States Code, is amended by inserting “or distance learn-
 18 ing” after “independent study”.

19 (b) **DISAPPROVAL OF ENROLLMENT IN NONACCRED-**
 20 **ITED COURSES OF DISTANCE LEARNING.**—Section
 21 3680A(a)(4) of such title is amended by inserting “or dis-
 22 tance learning” after “independent study” each place it
 23 appears.

24 (c) **RULEMAKING.**—Not later than 180 days after the
 25 date of the enactment of this Act, the Secretary of Vet-
 26 erans Affairs shall prescribe regulations under section

1 ~~3323~~(e) of such title for the administration and approval
 2 of programs of education that consist of distance learning.

3 (d) ~~DISTANCE LEARNING DEFINED.~~—In this section,
 4 the term “distance learning” has the meaning given the
 5 term “distance education” in section ~~103~~ of the Higher
 6 Education Act of 1965 (~~20~~ U.S.C. 1003).

7 **SEC. 9. INCREASE IN AMOUNT OF REPORTING FEE.**

8 Section ~~3684~~(e) of title 38, United States Code, is
 9 amended—

10 (1) by striking “multiplying \$7” and inserting
 11 “multiplying \$12”; and

12 (2) by striking “or \$11” and inserting “or
 13 \$15”.

14 **SEC. 10. AMOUNT OF SUBSISTENCE ALLOWANCE FOR VET-**
 15 **ERANS WITH SERVICE-CONNECTED DISABIL-**
 16 **ITIES.**

17 Section ~~3108~~(b) of title 38, United States Code, is
 18 amended by adding at the end the following new para-
 19 graph:

20 “(4) A veteran entitled to subsistence allowance
 21 under this chapter may elect to receive payment from the
 22 Secretary, in lieu of an amount otherwise determined by
 23 the Secretary under this subsection, an amount equal to
 24 the national average of the monthly amount of basic allow-

1 ance for housing payable under section 403 of title 37 for
 2 a member with dependents in pay grade E-5.”.

3 **SEC. 11. REPEAL OF AUTHORITY TO MAKE CERTAIN INTER-**
 4 **VAL PAYMENTS.**

5 Section 3680(a) of title 38, United States Code, is
 6 amended after the flush matter—

7 (1) in subparagraph (A), by adding “or” at the
 8 end;

9 (2) in subparagraph (B), by striking “; or” and
 10 inserting a period; and

11 (3) by striking subparagraph (C).

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

13 (a) *SHORT TITLE.*—*This Act may be cited as the*
 14 *“Post-9/11 Veterans Educational Assistance Improvements*
 15 *Act of 2010”.*

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

Sec. 1. Short title; table of contents.

Sec. 2. Reference to title 38, United States Code.

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 of*
 4 *an amendment to, or repeal of, a section or other provision,*
 5 *the reference shall be considered to be made to a section or*
 6 *other provision of title 38, United States Code.*

7 TITLE I—POST-9/11 VETERANS **8 EDUCATIONAL ASSISTANCE**

9 SEC. 101. MODIFICATION OF ENTITLEMENT TO EDU- **10 CATIONAL ASSISTANCE.**

11 *(a) MODIFICATION OF DEFINITIONS ON ELIGIBILITY*
 12 *FOR EDUCATIONAL ASSISTANCE.—*

13 *(1) EXPANSION OF DEFINITION OF ACTIVE DUTY*
 14 *TO INCLUDE SERVICE IN NATIONAL GUARD FOR CER-*
 15 *TAIN PURPOSES.—Paragraph (1) of section 3301 is*
 16 *amended by adding at the end the following new sub-*
 17 *paragraph:*

1 “(C) *In the case of a member of the Army*
 2 *National Guard of the United States or Air Na-*
 3 *tional Guard of the United States, in addition to*
 4 *service described in subparagraph (B), full-time*
 5 *service—*

6 “(i) *in the National Guard of a State*
 7 *for the purpose of organizing, admin-*
 8 *istering, recruiting, instructing, or training*
 9 *the National Guard; or*

10 “(ii) *in the National Guard under sec-*
 11 *tion 502(f) of title 32 when authorized by*
 12 *the President or the Secretary of Defense for*
 13 *the purpose of responding to a national*
 14 *emergency declared by the President and*
 15 *supported by Federal funds.”.*

16 (2) *EXPANSION OF DEFINITION OF ARMY ENTRY*
 17 *LEVEL AND SKILL TRAINING TO INCLUDE ONE STA-*
 18 *TION UNIT TRAINING.—Paragraph (2)(A) of such sec-*
 19 *tion is amended by inserting “or One Station Unit*
 20 *Training” before the period at the end.*

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

1 (b) *CLARIFICATION OF APPLICABILITY OF HONORABLE*
 2 *SERVICE REQUIREMENT FOR CERTAIN DISCHARGES AND*
 3 *RELEASES FROM THE ARMED FORCES AS BASIS FOR ENTI-*
 4 *LEMENT 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 or
 8 release from active duty in the Armed Forces after service
 9 on active duty in the Armed Forces characterized by the
 10 Secretary concerned as honorable service”.

11 (c) *EXCLUSION FROM PERIOD OF SERVICE ON ACTIVE*
 12 *DUTY OF PERIODS OF SERVICE IN CONNECTION WITH AT-*
 13 *TENDANCE AT COAST GUARD ACADEMY.*—Section
 14 3311(d)(2) is amended by inserting “or section 182 of title
 15 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 in
 20 the enactment of chapter 33 of title 38, United States
 21 Code, pursuant to the Post-9/11 Veterans Educational
 22 Assistance Act of 2008 (title V of Public Law 110–
 23 252).

1 (2) *ONE STATION UNIT TRAINING.*—*The amend-*
 2 *ment made by subsection (a)(2) shall take effect on*
 3 *the date of the enactment of this Act.*

4 (3) *ENTRY LEVEL AND SKILL TRAINING FOR THE*
 5 *COAST GUARD.*—*The amendment made by subsection*
 6 *(a)(3) shall take effect on the date of the enactment*
 7 *of this Act, and shall apply with respect to individ-*
 8 *uals entering service on or after that date.*

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

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

20 **SEC. 102. AMOUNTS OF ASSISTANCE FOR PROGRAMS OF**
 21 **EDUCATION LEADING TO A DEGREE PURSUED**
 22 **AT PUBLIC, NON-PUBLIC, AND FOREIGN IN-**
 23 **STITUTIONS OF HIGHER LEARNING.**

24 (a) *AMOUNTS OF EDUCATIONAL ASSISTANCE.*—

25 (1) *IN GENERAL.*—*Section 3313(c) is amended—*

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

6 (B) in paragraph (1), by striking subpara-
 7 graph (A) and inserting the following new sub-
 8 paragraph (A):

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

10 “(i) In the case of a program of edu-
 11 cation pursued at a public institution of
 12 higher learning, the actual net cost for in-
 13 State tuition and fees assessed by the insti-
 14 tution for the program of education after
 15 the application of—

16 “(I) any waiver of, or reduction
 17 in, tuition and fees; and

18 “(II) any scholarship, or other
 19 Federal, State, institutional, or em-
 20 ployer-based aid or assistance (other
 21 than loans and any funds provided
 22 under section 401(b) of the Higher
 23 Education Act of 1965 (20 U.S.C.
 24 1070a)) that is provided directly to the
 25 institution and specifically designated

1 *for the sole purpose of defraying tui-*
2 *tion and fees.*

3 “(ii) *In the case of a program of edu-*
4 *cation pursued at a non-public or foreign*
5 *institution of higher learning, the lesser*
6 *of—*

7 “(I) *the actual net cost for tuition*
8 *and fees assessed by the institution for*
9 *the program of education after the ap-*
10 *plication of—*

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

13 “(bb) *any scholarship, or*
14 *other Federal, State, institutional,*
15 *or employer-based aid or assist-*
16 *ance (other than loans and any*
17 *funds provided under section*
18 *401(b) of the Higher Education*
19 *Act of 1965) that is provided di-*
20 *rectly to the institution and spe-*
21 *cifically designated for the sole*
22 *purpose of defraying tuition and*
23 *fees; or*

24 “(II) *the amount equal to—*

1 “(aa) for the academic year
2 beginning on August 1, 2011,
3 \$20,000; 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, as
9 increased by the percentage in-
10 crease equal to the most recent
11 percentage increase determined
12 under section 3015(h).”.

13 (2) CONFORMING AMENDMENT.—The heading of
14 such section is amended to read as follows: “PRO-
15 GRAMS OF EDUCATION LEADING TO A DEGREE PUR-
16 SUED AT INSTITUTIONS OF HIGHER LEARNING ON
17 MORE THAN HALF-TIME BASIS.—”.

18 (b) AMOUNTS OF MONTHLY STIPENDS.—Section
19 3313(c)(1)(B) is amended—

20 (1) by redesignating clause (ii) as clause (iv);
21 and

22 (2) by striking clause (i) and inserting the fol-
23 lowing new clauses:

24 “(i) Except as provided in clauses (ii)
25 and (iii), for each month an individual

1 *pursues a program of education on more*
 2 *than a half-time basis, a monthly housing*
 3 *stipend equal to the product of—*

4 *“(I) the monthly amount of the*
 5 *basic allowance for housing payable*
 6 *under section 403 of title 37 for a*
 7 *member with dependents in pay grade*
 8 *E-5 residing in the military housing*
 9 *area that encompasses all or the major-*
 10 *ity portion of the ZIP code area in*
 11 *which is located the institution of high-*
 12 *er learning at which the individual is*
 13 *enrolled, multiplied by*

14 *“(II) the lesser of—*

15 *“(aa) 1.0; or*

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

24 *“(ii) In the case of an individual pur-*
 25 *suing a program of education at a foreign*

1 *institution of higher learning on more than*
2 *a half-time basis, for each month the indi-*
3 *vidual pursues the program of education, a*
4 *monthly housing stipend equal to the prod-*
5 *uct of—*

6 *“(I) the national average of the*
7 *monthly amount of the basic allowance*
8 *for housing payable under section 403*
9 *of title 37 for a member with depend-*
10 *ents in pay grade E-5, multiplied by*

11 *“(II) the lesser of—*

12 *“(aa) 1.0; or*

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

21 *“(iii) In the case of an individual pur-*
22 *suing a program of education solely through*
23 *distance learning on more than a half-time*
24 *basis, a monthly housing stipend equal to*
25 *50 percent of the amount payable under*

1 *clause (ii) if the individual were otherwise*
 2 *entitled to a monthly housing stipend under*
 3 *that clause for pursuit of the program of*
 4 *education.”.*

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

9 **SEC. 103. AMOUNTS OF ASSISTANCE FOR PROGRAMS OF**
 10 **EDUCATION LEADING TO A DEGREE PURSUED**
 11 **ON ACTIVE DUTY.**

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

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

15 *(2) in paragraph (2)—*

16 *(A) in the matter preceding subparagraph*
 17 *(A), by inserting “leading to a degree” after*
 18 *“program of education”;*

19 *(B) by redesignating subparagraphs (A)*
 20 *and (B) as clauses (i) and (iii), respectively;*

21 *(C) in the matter preceding clause (i), as*
 22 *redesignated by subparagraph (B) of this para-*
 23 *graph—*

24 *(i) by striking “The amount” and in-*
 25 *serting “The amounts”; and*

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

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

5 (D) by striking clause (i), as so redesign-
6 ated, and inserting the following new clauses:

7 “(i) the actual net cost for in-State tui-
8 tion and fees assessed by the institution of
9 higher learning for the program of edu-
10 cation after the application of—

11 “(I) any waiver of, or reduction
12 in, tuition and fees; and

13 “(II) any scholarship, or other
14 Federal, State, institutional, or em-
15 ployer-based aid or assistance (other
16 than loans and any funds provided
17 under section 401(b) of the Higher
18 Education Act of 1965 (20 U.S.C.
19 1070a)) that is provided directly to the
20 institution and specifically designated
21 for the sole purpose of defraying tui-
22 tion and fees;

23 “(ii) the amount equal to—

24 “(I) for the academic year begin-
25 ning on August 1, 2011, \$20,000; or

1 “(II) for an academic year begin-
 2 ning on any subsequent August 1, the
 3 amount for the previous academic year
 4 beginning on August 1 under this
 5 clause, as increased by the percentage
 6 increase equal to the most recent per-
 7 centage increase determined under sec-
 8 tion 3015(h); or”.

9 (E) by adding at the end the following new
 10 subparagraphs (B) and (C):

11 “(B) Subject to subparagraph (C), for the
 12 first month of each quarter, semester, or term, as
 13 applicable, of the program of education pursued
 14 by the individual, a lump sum amount for books,
 15 supplies, equipment, and other educational costs
 16 with respect to such quarter, semester, or term in
 17 the amount equal to—

18 “(i) \$1,000, multiplied by

19 “(ii) the fraction of a complete aca-
 20 demic year under the program of education
 21 that such quarter, semester, or term con-
 22 stitutes.

23 “(C) In the case of an individual entitled to
 24 educational assistance by reason of paragraphs
 25 (3) through (8) of section 3311(b), the amounts

1 payable to the individual pursuant to subpara-
 2 graphs (A)(i), (A)(ii), and (B) shall be the
 3 amounts otherwise determined pursuant to such
 4 subparagraphs multiplied by the same percent-
 5 age applicable to the monthly amounts payable
 6 to the individual under paragraphs (2) through
 7 (7) of subsection (c).”.

8 (b) *CONFORMING AMENDMENT.*—*The heading of such*
 9 *section is amended to read as follows: “PROGRAMS OF EDU-*
 10 *CATION LEADING TO A DEGREE PURSUED ON ACTIVE DUTY*
 11 *ON MORE THAN HALF-TIME BASIS.—”.*

12 (c) *EFFECTIVE DATE.*—*The amendments made by this*
 13 *section shall take effect on the date that is 60 days after*
 14 *the date of the enactment of this Act, and shall apply with*
 15 *respect to amounts payable as educational assistance for in-*
 16 *dividuals who commence pursuit of programs of education*
 17 *on or after such effective date.*

18 **SEC. 104. EDUCATIONAL ASSISTANCE FOR PROGRAMS OF**
 19 **EDUCATION PURSUED ON HALF-TIME BASIS**
 20 **OR LESS.**

21 (a) *CLARIFICATION OF AVAILABILITY OF ASSIST-*
 22 *ANCE.*—*Section 3313(f) is amended—*

23 (1) *in paragraph (1), by inserting before the pe-*
 24 *riod at the end the following: “whether a program of*
 25 *education pursued on active duty, a program of edu-*

1 *cation leading to a degree, or a program of education*
 2 *other than a program of education leading to a de-*
 3 *gree”; and*

4 (2) *in paragraph (2), by inserting “covered by*
 5 *this subsection” after “program of education” in the*
 6 *matter preceding subparagraph (A).*

7 (b) *AMOUNT OF ASSISTANCE.—Clause (i) of paragraph*
 8 *(2)(A) of such section is amended to read as follows:*

9 *“(i) the actual net cost for in-State tui-*
 10 *tion and fees assessed by the institution of*
 11 *higher learning for the program of edu-*
 12 *cation after the application of—*

13 *“(I) any waiver of, or reduction*
 14 *in, tuition and fees; and*

15 *“(II) any scholarship, or other*
 16 *Federal, State, institutional, or em-*
 17 *ployer-based aid or assistance (other*
 18 *than loans and any funds provided*
 19 *under section 401(b) of the Higher*
 20 *Education Act of 1965 (20 U.S.C.*
 21 *1070a)) that is provided directly to the*
 22 *institution and specifically designated*
 23 *for the sole purpose of defraying tui-*
 24 *tion and fees; or”.*

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
 2 *section shall take effect on August 1, 2011, and shall apply*
 3 *with respect to amounts payable for educational assistance*
 4 *for pursuit of programs of education on or after that date.*

5 **SEC. 105. EDUCATIONAL ASSISTANCE FOR PROGRAMS OF**
 6 **EDUCATION OTHER THAN PROGRAMS OF**
 7 **EDUCATION LEADING TO A DEGREE.**

8 (a) *APPROVED PROGRAMS OF EDUCATION AT INSTITU-*
 9 *TIONS OTHER THAN INSTITUTIONS OF HIGHER LEARN-*
 10 *ING.*—*Subsection (b) of section 3313 is amended by striking*
 11 *“is offered by an institution of higher learning (as that term*
 12 *is defined in section 3452(f)) and”.*

13 (b) *ASSISTANCE FOR PURSUIT OF PROGRAMS OF EDU-*
 14 *CATION OTHER THAN PROGRAMS OF EDUCATION LEADING*
 15 *TO A DEGREE.*—*Such section is further amended—*

16 (1) *by striking subsection (h);*

17 (2) *by redesignating subsection (g) as subsection*
 18 *(h); and*

19 (3) *by inserting after subsection (f) the following*
 20 *new subsection (g):*

21 “(g) *PROGRAMS OF EDUCATION OTHER THAN PRO-*
 22 *GRAMS OF EDUCATION LEADING TO A DEGREE.*—

23 “(1) *IN GENERAL.*—*Educational assistance is*
 24 *payable under this chapter for pursuit of an approved*
 25 *program of education other than a program of edu-*

1 *cation leading to a degree at an institution other*
 2 *than an institution of higher learning (as that term*
 3 *is defined in section 3452(f)).*

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

9 “(3) *AMOUNT OF ASSISTANCE.—The amounts of*
 10 *educational assistance payable under this chapter to*
 11 *an individual entitled to educational assistance under*
 12 *this chapter who is pursuing an approved program of*
 13 *education covered by this subsection are as follows:*

14 “(A) *In the case of an individual enrolled*
 15 *in a program of education (other than a pro-*
 16 *gram described in subparagraphs (B) through*
 17 *(D)) in pursuit of a certificate or other non-col-*
 18 *lege degree, the following:*

19 “(i) *Subject to clause (iv), an amount*
 20 *equal to the lesser of—*

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

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

3 “(bb) any scholarship, or
4 other Federal, State, institutional,
5 or employer-based aid or assist-
6 ance (other than loans and any
7 funds provided under section
8 401(b) of the Higher Education
9 Act of 1965 (20 U.S.C. 1070a))
10 that is provided directly to the in-
11 stitution and specifically des-
12 ignated for the sole purpose of de-
13 fraying tuition and fees; or

14 “(II) the amount equal to—

15 “(aa) for the academic year
16 beginning on August 1, 2011,
17 \$20,000; or

18 “(bb) for an academic year
19 beginning on any subsequent Au-
20 gust 1, the amount for the pre-
21 vious academic year beginning on
22 August 1 under this subclause, as
23 increased by the percentage in-
24 crease equal to the most recent

1 percentage increase determined
2 under section 3015(h).

3 “(ii) *Except in the case of an indi-*
4 *vidual pursuing a program of education on*
5 *a half-time or less basis and subject to*
6 *clause (iv), a monthly housing stipend equal*
7 *to the product—*

8 “(I) of—

9 “(aa) *in the case of an indi-*
10 *vidual pursuing resident training,*
11 *the monthly amount of the basic*
12 *allowance for housing payable*
13 *under section 403 of title 37 for a*
14 *member with dependents in pay*
15 *grade E-5 residing in the mili-*
16 *tary housing area that encom-*
17 *passes all or the majority portion*
18 *of the ZIP code area in which is*
19 *located the institution at which*
20 *the individual is enrolled; or*

21 “(bb) *in the case of an indi-*
22 *vidual pursuing a program of*
23 *education through distance learn-*
24 *ing, a monthly amount equal to*

1 50 percent of the amount payable
 2 under item (aa), multiplied by
 3 “(II) the lesser of—

4 “(aa) 1.0; or

5 “(bb) the number of course
 6 hours borne by the individual in
 7 pursuit of the program of edu-
 8 cation involved, divided by the
 9 minimum number of course hours
 10 required for full-time pursuit of
 11 such program of education, round-
 12 ed to the nearest multiple of 10.

13 “(iii) Subject to clause (iv), a monthly
 14 stipend in an amount equal to \$83 for each
 15 month (or pro rata amount for a partial
 16 month) of training pursued for books sup-
 17 plies, equipment, and other educational
 18 costs.

19 “(iv) In the case of an individual enti-
 20 tled to educational assistance by reason of
 21 paragraphs (3) through (8) of section
 22 3311(b), the amounts payable pursuant to
 23 clauses (i), (ii), and (iii) shall be the
 24 amounts otherwise determined pursuant to
 25 such clauses multiplied by the same percent-

1 age applicable to the monthly amounts pay-
2 able to the individual under paragraphs (2)
3 through (7) of subsection (c).

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

7 “(i) Subject to clauses (iii) and (iv),
8 for each month the individual pursues the
9 program of education, a monthly housing
10 stipend equal to—

11 “(I) during the first six-month pe-
12 riod of the program, the monthly
13 amount of the basic allowance for
14 housing payable under section 403 of
15 title 37 for a member with dependents
16 in pay grade E-5 residing in the mili-
17 tary housing area that encompasses all
18 or the majority portion of the ZIP code
19 area in which is located the employer
20 at which the individual pursues such
21 program;

22 “(II) during the second six-month
23 period of the program, 80 percent of
24 the monthly amount of the basic allow-

1 *ance for housing payable as described*
2 *in subclause (I);*

3 *“(III) during the third six-month*
4 *period of the program, 60 percent of*
5 *the monthly amount of the basic allow-*
6 *ance for housing payable as described*
7 *in subclause (I);*

8 *“(IV) during the fourth six-month*
9 *period of such program, 40 percent of*
10 *the monthly amount of the basic allow-*
11 *ance for housing payable as described*
12 *in subclause (I); and*

13 *“(V) during any month after the*
14 *first 24 months of such program, 20*
15 *percent of the monthly amount of the*
16 *basic allowance for housing payable as*
17 *described in subclause (I).*

18 *“(ii) Subject to clauses (iii) and (iv),*
19 *a monthly stipend in an amount equal to*
20 *\$83 for each month (or pro rata amount for*
21 *each partial month) of training pursued for*
22 *books supplies, equipment, and other edu-*
23 *cational costs.*

24 *“(iii) In the case of an individual enti-*
25 *tled to educational assistance by reason of*

1 *paragraphs (3) through (8) of sections*
2 *3311(b), the amounts payable pursuant to*
3 *clauses (i) and (ii) shall be the amounts*
4 *otherwise determined pursuant to such*
5 *clauses multiplied by the same percentage*
6 *applicable to the monthly amounts payable*
7 *to the individual under paragraphs (2)*
8 *through (7) of subsection (c).*

9 *“(iv) In any month in which an indi-*
10 *vidual pursuing a program of education*
11 *consisting of a program of apprenticeship*
12 *or other on-job training fails to complete*
13 *120 hours of training, the amount of*
14 *monthly educational assistance allowance*
15 *payable under clauses (i) and (iii) to the*
16 *individual shall be limited to the same pro-*
17 *portion of the applicable rate determined*
18 *under this subparagraph as the number of*
19 *hours worked during such month, rounded*
20 *to the nearest eight hours, bears to 120*
21 *hours.*

22 *“(C) In the case of an individual enrolled*
23 *in a program of education consisting of flight*
24 *training (regardless of the institution providing*

1 *such program of education), an amount equal*
 2 *to—*

3 *“(i) the lesser of—*

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

8 *“(aa) any waiver of, or re-*
 9 *duction in, tuition and fees; and*

10 *“(bb) any scholarship, or*
 11 *other Federal, State, institutional,*
 12 *or employer-based aid or assist-*
 13 *ance (other than loans and any*
 14 *funds provided under section*
 15 *401(b) of the Higher Education*
 16 *Act of 1965) that is provided di-*
 17 *rectly to the institution and spe-*
 18 *cifically designated for the sole*
 19 *purpose of defraying tuition and*
 20 *fees; or*

21 *“(II) the amount equal to—*

22 *“(aa) for the academic year*
 23 *beginning on August 1, 2011,*
 24 *\$12,000; or*

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

11 “(ii) either—

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

16 “(II) in the case of an individual
 17 entitled to educational assistance by
 18 reason of paragraphs (3) through (8) of
 19 section 3311(b), the same percentage as
 20 would otherwise apply to the monthly
 21 amounts payable to the individual
 22 under paragraphs (2) through (7) of
 23 subsection (c).

24 “(D) In the case of an individual enrolled
 25 in a program of education that is pursued exclu-

1 *sively by correspondence (regardless of the insti-*
2 *tution providing such program of education), an*
3 *amount equal to—*

4 *“(i) the lesser of—*

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

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

11 *“(bb) any scholarship, or*
12 *other Federal, State, institutional,*
13 *or employer-based aid or assist-*
14 *ance (other than loans and any*
15 *funds provided under section*
16 *401(b) of the Higher Education*
17 *Act of 1965) that is provided di-*
18 *rectly to the institution and spe-*
19 *cifically designated for the sole*
20 *purpose of defraying tuition and*
21 *fees.*

22 *“(II) the amount equal to—*

23 *“(aa) for the academic year*
24 *beginning on August 1, 2011,*
25 *\$10,000; or*

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

11 “(ii) either—

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

16 “(II) in the case of an individual
 17 entitled to educational assistance by
 18 reason of paragraphs (3) through (8) of
 19 section 3311(b), the same percentage as
 20 would otherwise apply to the monthly
 21 amounts payable to the individual
 22 under paragraphs (2) through (7) of
 23 subsection (c).

24 “(4) FREQUENCY OF PAYMENT.—

1 “(A) *QUARTER, SEMESTER, OR TERM PAY-*
 2 *MENTS.—Payment of the amounts payable under*
 3 *paragraph (3)(A)(i) for pursuit of a program of*
 4 *education shall be made for the entire quarter,*
 5 *semester, or term, as applicable, of the program*
 6 *of education.*

7 “(B) *MONTHLY PAYMENTS.—Payment of the*
 8 *amounts payable under paragraphs (3)(A)(ii)*
 9 *and (3)(B)(i) for pursuit of a program of edu-*
 10 *cation shall be made on a monthly basis.*

11 “(C) *LUMP SUM PAYMENTS.—*

12 “(i) *Payment for the amount payable*
 13 *under paragraphs (3)(A)(iii) and (3)(B)(ii)*
 14 *shall be paid to the individual for the first*
 15 *month of each quarter, semester, or term, as*
 16 *applicable, of the program education pur-*
 17 *sued by the individual.*

18 “(ii) *Payment of the amount payable*
 19 *under paragraph (3)(C) for pursuit of a*
 20 *program of education shall be made upon*
 21 *receipt of certification for training com-*
 22 *pleted by the individual and serviced by the*
 23 *training facility.*

24 “(D) *QUARTERLY PAYMENTS.—Payment of*
 25 *the amounts payable under paragraph (3)(D) for*

1 *pursuit of a program of education shall be made*
 2 *quarterly on a pro rata basis for the lessons com-*
 3 *pleted by the individual and serviced by the in-*
 4 *stitution.*

5 “(5) *CHARGE AGAINST ENTITLEMENT FOR CER-*
 6 *TIFICATE AND OTHER NON-COLLEGE DEGREE PRO-*
 7 *GRAMS.—*

8 “(A) *IN GENERAL.—In the case of amounts*
 9 *paid under paragraph (3)(A)(i) for pursuit of a*
 10 *program of education, the charge against entitle-*
 11 *ment to educational assistance under this chap-*
 12 *ter of the individual for whom such payment is*
 13 *made shall be one month for each of—*

14 “(i) *the amount so paid, divided by*

15 “(ii) *subject to subparagraph (B), the*
 16 *amount equal to one-twelfth of the amount*
 17 *applicable in the academic year in which*
 18 *the payment is made under paragraph*
 19 *(3)(A)(i)(II).*

20 “(B) *PRO RATA ADJUSTMENT BASED ON*
 21 *CERTAIN ELIGIBILITY.—If the amount otherwise*
 22 *payable with respect to an individual under*
 23 *paragraph (3)(A)(i) is subject to a percentage*
 24 *adjustment under paragraph (3)(A)(iv), the*
 25 *amount applicable with respect to the individual*

(d) *EFFECTIVE DATE.*—The amendments made by this section shall take effect on August 1, 2011, and shall apply with respect to amounts payable for educational assistance for pursuit of programs of education on or after that date.

18 (a) *IN GENERAL*.—Section 3313, as amended by this
19 Act, is further amended by adding at the end the following
20 new subsection:

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1 *able under section 403 of title 37 in effect as of January*
 2 *1 of such calendar year.”.*

3 *(b) EFFECTIVE DATE.—The amendment made by sub-*
 4 *section (a) shall take effect on August 1, 2011.*

5 **SEC. 107. AVAILABILITY OF ASSISTANCE FOR LICENSURE**
 6 **AND CERTIFICATION TESTS.**

7 *(a) AVAILABILITY OF ASSISTANCE FOR ADDITIONAL*
 8 *TESTS.—Subsection (a) of section 3315 is amended by*
 9 *striking “one licensing or certification test” and inserting*
 10 *“licensing or certification tests”.*

11 *(b) CHARGE AGAINST ENTITLEMENT FOR RECEIPT OF*
 12 *ASSISTANCE.—*

13 *(1) IN GENERAL.—Subsection (c) of such section*
 14 *is amended to read as follows:*

15 *“(c) CHARGE AGAINST ENTITLEMENT.—The charge*
 16 *against an individual’s entitlement under this chapter for*
 17 *payment for a licensing or certification test shall be deter-*
 18 *mined at the rate of one month (rounded to the nearest*
 19 *whole month) for each amount paid that equals—*

20 *“(1) for the academic year beginning on August*
 21 *1, 2011, \$1,667; or*

22 *“(2) for an academic year beginning on any sub-*
 23 *sequent August 1, the amount for the previous aca-*
 24 *demic year beginning on August 1 under this sub-*
 25 *section, as increased by the percentage increase equal*

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

3 (2) *CONFORMING AMENDMENTS.*—Subsection (b)
4 of such section is amended—

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

7 (B) in paragraph (2), by striking the period
8 and inserting “; or”; and

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

10 “(3) the amount of entitlement available to the
11 individual under this chapter at the time of payment
12 for the test under this section.”.

13 (c) *EFFECTIVE DATE.*—The amendments made by this
14 section shall take effect on August 1, 2011, and shall apply
15 with respect to licensure and certification tests taken on or
16 after that date.

17 **SEC. 108. NATIONAL TESTS.**

18 (a) *NATIONAL TESTS.*—

19 (1) *IN GENERAL.*—Chapter 33 is amended by in-
20 serting after section 3315 the following new section:

21 **“§ 3315A. National tests**

22 “(a) *IN GENERAL.*—An individual entitled to edu-
23 cational assistance under this chapter shall also be entitled
24 to educational assistance for the following:

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

4 “(2) *A national test providing an opportunity*
 5 *for course credit at an institution of higher learning*
 6 *as so described.*

7 “(b) *AMOUNT.—The amount of educational assistance*
 8 *payable under this chapter for a test described in subsection*
 9 *(a) is the lesser of—*

10 “(1) *the fee charged for the test; or*

11 “(2) *the amount of entitlement available to the*
 12 *individual under this chapter at the time of payment*
 13 *for the test under this section.*

14 “(c) *CHARGE AGAINST ENTITLEMENT.—The number*
 15 *of months of entitlement charged an individual under this*
 16 *chapter for a test described in subsection (a) shall be deter-*
 17 *mined at the rate of one month (rounded to the nearest*
 18 *whole month) for each amount paid that equals—*

19 “(1) *for the academic year beginning on August*
 20 *1, 2011, \$1,667; or*

21 “(2) *for an academic year beginning on any sub-*
 22 *sequent August 1, the amount for the previous aca-*
 23 *demic year beginning on August 1 under this sub-*
 24 *section, as increased by the percentage increase equal*

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

3 (2) *CLERICAL AMENDMENT.*—The table of sec-
4 tions at the beginning of chapter 33 is amended by
5 inserting after the item relating to section 3315 the
6 following new item:

“3315A. National tests.”.

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

10 **SEC. 109. CONTINUATION OF ENTITLEMENT TO ADDI-**
11 **TIONAL EDUCATIONAL ASSISTANCE FOR**
12 **CRITICAL SKILLS OR SPECIALTY.**

13 (a) *IN GENERAL.*—Section 3316 is amended—

14 (1) by redesignating subsection (c) as subsection
15 (e); and

16 (2) by inserting after subsection (b) the following
17 new subsection (c):

18 “(c) *CONTINUATION OF INCREASED EDUCATIONAL AS-*
19 *SISTANCE.*—

20 “(1) *IN GENERAL.*—An individual who made an
21 election to receive educational assistance under this
22 chapter pursuant to section 5003(c)(1)(A) of the Post-
23 9/11 Veterans Educational Assistance Act of 2008 (38
24 U.S.C. 3301 note) and who, at the time of the elec-
25 tion, was entitled to increased educational assistance

1 *under section 3015(d) or section 16131(i) of title 10*
 2 *shall remain entitled to increased educational assist-*
 3 *ance in the utilization of the individual's entitlement*
 4 *to educational assistance under this chapter.*

5 *“(2) RATE.—The monthly rate of increased edu-*
 6 *cational assistance payable to an individual under*
 7 *paragraph (1) shall be—*

8 *“(A) the rate of educational assistance oth-*
 9 *erwise payable to the individual under section*
 10 *3015(d) or section 16131(i) of title 10, as the*
 11 *case may be, had the individual not made the*
 12 *election described in paragraph (1), multiplied*
 13 *by*

14 *“(B) the lesser of—*

15 *“(i) 1.0; or*

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

23 *“(3) FREQUENCY OF PAYMENT.—Payment of the*
 24 *amounts payable under paragraph (1) during pursuit*

1 of a program of education shall be made on a month-
2 ly basis.”.

3 (b) *CLARIFICATION ON FUNDING OF INCREASED AS-*
4 *SISTANCE.*—

5 (1) *IN GENERAL.*—Such section is further
6 amended by inserting after subsection (c), as added
7 by subsection (a)(2) of this section, the following new
8 subsection:

9 “(d) *FUNDING.*—Payments for increased educational
10 assistance under this section shall be made from the Depart-
11 ment of Defense Education Benefits Fund under section
12 2006 of title 10 or from appropriations available to the De-
13 partment of Homeland Security for that purpose, as appli-
14 cable.”.

15 (2) *CONFORMING AMENDMENTS.*—Section
16 2006(b) of title 10, United States Code, is amended—

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

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

21 “(E) The present value of any future bene-
22 fits payable from the Fund for amounts attrib-
23 utable to increased amounts of educational as-
24 sistance authorized by section 3316 of title 38.”.

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

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

4 (a) *AVAILABILITY OF TRANSFER AUTHORITY FOR*
 5 *MEMBERS OF PHS AND NOAA.*—*Section 3319 is amend-*
 6 *ed—*

7 (1) *by striking “Armed Forces” each place it ap-*
 8 *pears (other than in subsection (a)) and inserting*
 9 *“uniformed services”; and*

10 (2) *by striking subsection (k).*

11 (b) *SCOPE AND EXERCISE OF AUTHORITY.*—*Sub-*
 12 *section (a) of such section is amended—*

13 (1) *by striking “Subject to the provisions of this*
 14 *section,” and all that follows through “to permit” and*
 15 *inserting “(1) Subject to the provisions of this section,*
 16 *the Secretary concerned may permit”; and*

17 (2) *by adding at the end the following new para-*
 18 *graph:*

19 “(2) *The purpose of the authority in paragraph (1)*
 20 *is to promote recruitment and retention in the uniformed*
 21 *services. The Secretary concerned may exercise the author-*
 22 *ity for that purpose when authorized by the Secretary of*
 23 *Defense in the national security interests of the United*
 24 *States.”.*

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

3 **SEC. 111. BAR TO DUPLICATION OF CERTAIN EDUCATIONAL**
 4 **ASSISTANCE BENEFITS.**

5 (a) *BAR TO CONCURRENT RECEIPT OF TRANSFERRED*
 6 *EDUCATION BENEFITS AND MARINE GUNNERY SERGEANT*
 7 *JOHN DAVID FRY SCHOLARSHIP ASSISTANCE.*—*Section*
 8 *3322 is amended by adding at the end the following new*
 9 *subsection:*

10 “(e) *BAR TO CONCURRENT RECEIPT OF TRANSFERRED*
 11 *EDUCATION BENEFITS AND MARINE GUNNERY SERGEANT*
 12 *JOHN DAVID FRY SCHOLARSHIP ASSISTANCE.*—*An indi-*
 13 *vidual entitled to educational assistance under both sections*
 14 *3311(b)(9) and 3319 may not receive assistance under both*
 15 *provisions concurrently, but shall elect (in such form and*
 16 *manner as the Secretary may prescribe) under which provi-*
 17 *sion to receive educational assistance.”.*

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

22 “(f) *BAR TO RECEIPT OF COMPENSATION AND PEN-*
 23 *SION AND MARINE GUNNERY SERGEANT JOHN DAVID FRY*
 24 *SCHOLARSHIP ASSISTANCE.*—*The commencement of a pro-*

1 gram of education under section 3311(b)(9) shall be a bar
 2 to the following:

3 “(1) Subsequent payments of dependency and in-
 4 demnity compensation or pension based on the death
 5 of a parent to an eligible person over the age of 18
 6 years by reason of pursuing a course in an edu-
 7 cational institution.

8 “(2) Increased rates, or additional amounts, of
 9 compensation, dependency and indemnity compensa-
 10 tion, or pension because of such a person, whether eli-
 11 gibility is based upon the death of the parent.”.

12 (c) *BAR TO CONCURRENT RECEIPT OF TRANSFERRED*
 13 *EDUCATION BENEFITS.*—Such section is further amended
 14 by adding at the end the following new subsection:

15 “(g) *BAR TO CONCURRENT RECEIPT OF TRANS-*
 16 *FERRED EDUCATION BENEFITS.*—A spouse or child who is
 17 entitled to educational assistance under this chapter based
 18 on a transfer of entitlement from more than one individual
 19 under section 3319 may not receive assistance based on
 20 transfers from more than one such individual concurrently,
 21 but shall elect (in such form and manner as the Secretary
 22 may prescribe) under which source to utilize such assistance
 23 at any one time.”.

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

4 “(h) *BAR TO DUPLICATION OF ELIGIBILITY BASED ON*
 5 *A SINGLE EVENT OR PERIOD OF SERVICE.*—

6 “(1) *ACTIVE-DUTY SERVICE.*—An individual
 7 with qualifying service in the Armed Forces that es-
 8 tablishes eligibility on the part of such individual for
 9 educational assistance under this chapter, chapter 30
 10 or 32 of this title, and chapter 1606 or 1607 of title
 11 10, shall elect (in such form and manner as the Sec-
 12 retary may prescribe) under which authority such
 13 service is to be credited.

14 “(2) *ELIGIBILITY FOR EDUCATIONAL ASSISTANCE*
 15 *BASED ON PARENT’S SERVICE.*—A child of a member
 16 of the Armed Forces who, on or after September 11,
 17 2001, dies in the line of duty while serving on active
 18 duty, who is eligible for educational assistance under
 19 either section 3311(b)(9) or chapter 35 of this title
 20 based on the parent’s death may not receive such as-
 21 sistance under both this chapter and chapter 35 of
 22 this title, but shall elect (in such form and manner
 23 as the Secretary may prescribe) under which chapter
 24 to receive such assistance.”.

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

3 **SEC. 112. TECHNICAL AMENDMENTS.**

4 (a) *SECTION 3313.*—*Section 3313 is amended—*

5 (1) *by striking “higher education” each place it*
 6 *appears and inserting “higher learning”; and*

7 (2) *in clause (iii) of subparagraph (A) of sub-*
 8 *section (e)(2), as redesignated by section 103(a)(2) of*
 9 *this Act, by adding a period at the end.*

10 (b) *SECTION 3319.*—*Section 3319(b)(2) is amended by*
 11 *striking “to section (k)” and inserting “to subsection (j)”.*

12 (c) *SECTION 3323.*—*Section 3323(a) is amended by*
 13 *striking “section 3034(a)(1)” and inserting “sections*
 14 *3034(a)(1) and 3680(c)”.*

15 **TITLE II—OTHER EDUCATIONAL**
 16 **ASSISTANCE MATTERS**

17 **SEC. 201. EXTENSION OF DELIMITING DATES FOR USE OF**
 18 **EDUCATIONAL ASSISTANCE BY PRIMARY**
 19 **CAREGIVERS OF SERIOUSLY INJURED VET-**
 20 **ERANS AND MEMBERS OF THE ARMED**
 21 **FORCES.**

22 (a) *ALL-VOLUNTEER FORCE EDUCATIONAL ASSIST-*
 23 *ANCE.*—*Subsection (d) of section 3031 is amended to read*
 24 *as follows:*

1 “(d)(1) *In the case of an individual eligible for edu-*
2 *cational assistance under this chapter who is prevented*
3 *from pursuing the individual’s chosen program of education*
4 *before the expiration of the 10-year period for the use of*
5 *entitlement under this chapter otherwise applicable under*
6 *this section because of a physical or mental disability which*
7 *is not the result of the individual’s own willful misconduct,*
8 *such 10-year period—*

9 “(A) *shall not run during the period the indi-*
10 *vidual is so prevented from pursuing such program;*
11 *and*

12 “(B) *shall again begin running on the first day*
13 *after the individual’s recovery from such disability on*
14 *which it is reasonably feasible, as determined under*
15 *regulations prescribed by the Secretary, for the indi-*
16 *vidual to initiate or resume pursuit of a program of*
17 *education with educational assistance under this*
18 *chapter.*

19 “(2)(A) *Subject to subparagraph (B), in the case of*
20 *an individual eligible for educational assistance under this*
21 *chapter who is prevented from pursuing the individual’s*
22 *chosen program of education before the expiration of the 10-*
23 *year period for the use of entitlement under this chapter*
24 *otherwise applicable under this section by reason of acting*
25 *as the primary provider of personal care services for a vet-*

1 *eran or member of the Armed Forces under section*
 2 *1720G(a) of this title, such 10-year period—*

3 *“(i) shall not run during the period the indi-*
 4 *vidual is so prevented from pursuing such program;*
 5 *and*

6 *“(ii) shall again begin running on the first day*
 7 *after the date of the recovery of the veteran or member*
 8 *from the injury, or the date on which the individual*
 9 *ceases to be the primary provider of personal care*
 10 *services for the veteran or member, whichever is ear-*
 11 *lier, on which it is reasonably feasible, as so deter-*
 12 *mined, for the individual to initiate or resume pur-*
 13 *suit of a program of education with educational as-*
 14 *sistance under this chapter.*

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

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

23 *“(5) LIMITATION ON AGE OF USE BY CHILD*
 24 *TRANSFEREES.—*

1 “(A) *IN GENERAL.*—A child to whom enti-
2 tlement is transferred under this section may use
3 the benefits transferred without regard to the 15-
4 year delimiting date specified in section 3321,
5 but may not, except as provided in subpara-
6 graph (B), use any benefits so transferred after
7 attaining the age of 26 years.

8 “(B) *PRIMARY CAREGIVERS OF SERIOUSLY*
9 *INJURED MEMBERS OF THE ARMED FORCES AND*
10 *VETERANS.*—

11 “(i) *IN GENERAL.*—Subject to clause
12 (ii), in the case of a child who, before at-
13 taining the age of 26 years, is prevented
14 from pursuing a chosen program of edu-
15 cation by reason of acting as the primary
16 provider of personal care services for a vet-
17 eran or member of the Armed Forces under
18 section 1720G(a), the child may use the ben-
19 efits beginning on the date specified in
20 clause (iii) for a period whose length is
21 specified in clause (iv).

22 “(ii) *INAPPLICABILITY FOR REVOCATION.*—Clause (i) shall not apply with re-
23 spect to the period of an individual as a
24 primary provider of personal care services
25

1 *if the period concludes with the revocation*
 2 *of the individual's designation as such a*
 3 *primary provider under section*
 4 *1720G(a)(7)(D).*

5 *“(iii) DATE FOR COMMENCEMENT OF*
 6 *USE.—The date specified in this clause for*
 7 *the beginning of the use of benefits by a*
 8 *child under clause (i) is the later of—*

9 *“(I) the date on which the child*
 10 *ceases acting as the primary provider*
 11 *of personal care services for the veteran*
 12 *or member concerned as described in*
 13 *clause (i);*

14 *“(II) the date on which it is rea-*
 15 *sonably feasible, as determined under*
 16 *regulations prescribed by the Secretary,*
 17 *for the child to initiate or resume the*
 18 *use of benefits; or*

19 *“(III) the date on which the child*
 20 *attains the age of 26 years.*

21 *“(iv) LENGTH OF USE.—The length of*
 22 *the period specified in this clause for the use*
 23 *of benefits by a child under clause (i) is the*
 24 *length equal to the length of the period*
 25 *that—*

1 “(I) begins on the date on which
 2 the child begins acting as the primary
 3 provider of personal care services for
 4 the veteran or member concerned as de-
 5 scribed in clause (i); and

6 “(II) ends on the later of—

7 “(aa) the date on which the
 8 child ceases acting as the primary
 9 provider of personal care services
 10 for the veteran or member as de-
 11 scribed in clause (i); or

12 “(bb) the date on which it is
 13 reasonably feasible, as so deter-
 14 mined, for the child to initiate or
 15 resume the use of benefits.”.

16 (c) *SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL AS-*
 17 *SISTANCE.*—Subsection (c) of section 3512 is amended to
 18 *read as follows:*

19 “(c)(1) Notwithstanding subsection (a) and subject to
 20 *paragraph (2), an eligible person may be afforded edu-*
 21 *cational assistance beyond the age limitation applicable to*
 22 *the person under such subsection if—*

23 “(A) the person suspends pursuit of such person’s
 24 program of education after having enrolled in such

1 *program within the time period applicable to such*
 2 *person under such subsection;*

3 *“(B) the person is unable to complete such pro-*
 4 *gram after the period of suspension and before attain-*
 5 *ing the age limitation applicable to the person under*
 6 *such subsection; and*

7 *“(C) the Secretary finds that the suspension was*
 8 *due to either of the following:*

9 *“(i) The actions of the person as the pri-*
 10 *mary provider of personal care services for a vet-*
 11 *eran or member of the Armed Forces under sec-*
 12 *tion 1720G(a) of this title.*

13 *“(ii) Conditions otherwise beyond the con-*
 14 *trol of the person.*

15 *“(2) Paragraph (1) shall not apply with respect to the*
 16 *period of an individual as a primary provider of personal*
 17 *care services if the period concludes with the revocation of*
 18 *the individual’s designation as such a primary provider*
 19 *under section 1720G(a)(7)(D) of this title.*

20 *“(3) Educational assistance may not be afforded a per-*
 21 *son under paragraph (1) after the earlier of—*

22 *“(A) the age limitation applicable to the person*
 23 *under subsection (a), plus a period of time equal to*
 24 *the period the person was required to suspend pursuit*

1 of the person's program of education as described in
2 paragraph (1); or

3 “(B) the date of the person's thirty-first birth-
4 day.”.

5 (d) *EFFECTIVE DATE.*—The amendments made by this
6 section shall take effect on August 1, 2011, and shall apply
7 with respect to preventions and suspension of pursuit of
8 programs of education that commence on or after that date.

9 **SEC. 202. LIMITATIONS ON RECEIPT OF EDUCATIONAL AS-**
10 **SISTANCE UNDER NATIONAL CALL TO SERV-**
11 **ICE AND OTHER PROGRAMS OF EDU-**
12 **CATIONAL ASSISTANCE.**

13 (a) *BAR TO DUPLICATION OF EDUCATIONAL ASSIST-*
14 *ANCE BENEFITS.*—Section 3322(a) is amended by inserting
15 “or section 510” after “or 1607”.

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

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

21 **SEC. 203. APPROVAL OF COURSES.**

22 (a) *CONSTRUCTIVE APPROVAL OF CERTAIN*
23 *COURSES.*—

24 (1) *IN GENERAL.*—Section 3672(b) is amended—

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

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

3 “(2)(A) Subject to sections 3675(b)(1) and (b)(2),
4 3680A, 3684, and 3696 of this title, the following programs
5 are deemed to be approved for purposes of this chapter:

6 “(i) An accredited standard college degree pro-
7 gram offered at a public or not-for-profit proprietary
8 educational institution that is accredited by an agen-
9 cy or association recognized for that purpose by the
10 Secretary of Education.

11 “(ii) A flight training course approved by the
12 Federal Aviation Administration that is offered by a
13 certified pilot school that possesses a valid Federal
14 Aviation Administration pilot school certificate.

15 “(iii) An apprenticeship program registered with
16 the Office of Apprenticeship (OA) of the Employment
17 Training Administration of the Department of Labor
18 or a State apprenticeship agency recognized by the
19 Office of Apprenticeship pursuant to the Act of Au-
20 gust 16, 1937 (popularly known as the ‘National Ap-
21 prenticeship Act’; 29 U.S.C. 50 et seq.).

22 “(iv) A program leading to a secondary school
23 diploma offered by a secondary school approved in the
24 State in which it is operating.

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

4 (2) CONFORMING AMENDMENTS.—

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

7 “(3) the flight school courses are approved by the
 8 Federal Aviation Administration and are offered by
 9 a certified pilot school that possesses a valid Federal
 10 Aviation Administration pilot school certificate.”.

11 (B) Section 3671(b)(2) is amended by strik-
 12 ing “In the case” and inserting “Except as oth-
 13 erwise provided in this chapter, in the case”.

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

18 (b) USE OF STATE APPROVING AGENCIES FOR COM-
 19 PLIANCE AND OVERSIGHT ACTIVITIES.—Section 3673 is
 20 amended by adding at the end the following new subsection:

21 “(d) USE OF STATE APPROVING AGENCIES FOR COM-
 22 PLIANCE AND OVERSIGHT ACTIVITIES.—The Secretary may
 23 utilize the services of a State approving agency for such
 24 compliance and oversight purposes as the Secretary con-
 25 siders appropriate without regard to whether the Secretary

1 *or the agency approved the courses offered in the State con-*
 2 *cerned.”.*

3 *(c) APPROVAL OF ACCREDITED COURSES.—*

4 *(1) IN GENERAL.—Subsection (a)(1) of section*
 5 *3675 is amended by striking “A State approving*
 6 *agency may approve the courses offered by an edu-*
 7 *cational institution” and inserting “The Secretary or*
 8 *a State approving agency may approve accredited*
 9 *programs (including non-degree accredited programs)*
 10 *offered by proprietary for-profit educational institu-*
 11 *tions”.*

12 *(2) CONDITION OF APPROVAL.—Subsection (b) of*
 13 *such section is amended—*

14 *(A) in the matter preceding paragraph (1),*
 15 *by inserting “the Secretary or” after “this sec-*
 16 *tion,”; and*

17 *(B) is amended by inserting “the Secretary*
 18 *or” after “as prescribed by”.*

19 *(d) DISAPPROVAL OF COURSES.—Section 3679(a) is*
 20 *amended by inserting “the Secretary or” after “disapproved*
 21 *by” both places it appears.*

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

1 **SEC. 204. REPORTING FEES.**

2 (a) *INCREASE IN AMOUNT OF FEES.*—Section 3684(c)
3 *is amended—*

4 (1) *by striking “multiplying \$7” and inserting*
5 *“multiplying \$12”; and*

6 (2) *by striking “or \$11” and inserting “or \$15”.*

7 (b) *USE OF FEES PAID.*—Such section is further
8 *amended by inserting after the fourth sentence the following*
9 *new sentence: “Any reporting fee paid an educational insti-*
10 *tution or joint apprenticeship training committee after the*
11 *date of the enactment of the Post-9/11 Veterans Educational*
12 *Assistance Improvements Act of 2011 shall be utilized by*
13 *such institution or committee solely for the making of cer-*
14 *tifications required under this chapter or chapter 31, 34,*
15 *or 35 of this title or for otherwise supporting programs for*
16 *veterans.”.*

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

19 **SEC. 205. ELECTION FOR RECEIPT OF ALTERNATE SUBSIST-**
20 **ENCE ALLOWANCE FOR CERTAIN VETERANS**
21 **WITH SERVICE-CONNECTED DISABILITIES UN-**
22 **DERGOING TRAINING AND REHABILITATION.**

23 (a) *ELECTION AUTHORIZED.*—Section 3108(b) is
24 *amended by adding at the end the following new paragraph:*

25 “(4) A veteran entitled to a subsistence allowance
26 *under this chapter and educational assistance under chap-*

1 *ter 33 of this title may elect to receive payment from the*
 2 *Secretary in lieu of an amount otherwise determined by the*
 3 *Secretary under this subsection in an amount equal to the*
 4 *applicable monthly amount of basic allowance for housing*
 5 *payable under section 403 of title 37 for a member with*
 6 *dependents in pay grade E-5 residing in the military hous-*
 7 *ing area that encompasses all or the majority portion of*
 8 *the ZIP code area in which is located the institution pro-*
 9 *viding rehabilitation program concerned.”.*

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

12 **SEC. 206. MODIFICATION OF AUTHORITY TO MAKE CERTAIN**
 13 **INTERVAL PAYMENTS.**

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

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

Calendar No. 638

11TH CONGRESS
2^D Session

S. 3447

[Report No. 111-346]

A BILL

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.

OCTOBER 26 (legislative day, OCTOBER 1), 2010

Reported with an amendment