

MONTGOMERY GI BILL SELECTED RESERVES TUITION  
 FAIRNESS ACT OF 2024

SEPTEMBER 16, 2024.—Committed to the Committee of the Whole House on the  
 State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 7323]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 7323) to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to disapprove courses of education offered by a public institution of higher learning that does not charge the in-State tuition rate to a veteran using certain educational assistance under title 10 of such Code, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

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The amendments are as follows:  
Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Montgomery GI Bill Selected Reserves Tuition Fairness Act of 2024”.

**SEC. 2. DEPARTMENT OF VETERANS AFFAIRS DISAPPROVAL OF COURSES OFFERED BY PUBLIC INSTITUTIONS OF HIGHER LEARNING THAT DO NOT CHARGE VETERANS IN-STATE TUITION RATE FOR PURPOSES OF SELECTED RESERVE EDUCATIONAL ASSISTANCE PROGRAM.**

(a) IN GENERAL.—Subsection (c) of section 3679 of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting “, or chapter 1606 of title 10,” after “chapter 30, 31, 33, or 35 of this title”;

(2) in paragraph (2), by adding at the end the following new subparagraph: “(E) An individual who is entitled to assistance under section 16131 of title 10.”; and

(3) in paragraph (6), by inserting “, or chapter 1606 of title 10” before the period at the end.

(b) CONFORMING AMENDMENTS.—Subsection (e) of such section is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by inserting “, or chapter 1606 of title 10,” after “chapter 31, 33, or 35 of this title”; and

(B) in subparagraph (B), by striking “chapter 31 33, or 35 of this title” and inserting “chapter 31, 33, or 35 of this title, or chapter 1606 of title 10”; and

(2) in paragraph (2), by striking “chapter 31 33, or 35 of this title” and inserting “chapter 31, 33, or 35 of this title, or chapter 1606 of title 10”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to an academic period that begins on or after August 1, 2024.

**SEC. 3. LIMITATION ON AMOUNT OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE PAYABLE FOR FLIGHT TRAINING UNDER POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Section 3313 of title 38, United States Code, is amended—

(1) in subsection (g)(3)(C), by striking “In the case” and inserting “Subject to the limitation under subsection (m), in the case”; and

(2) by adding at the end the following new subsection:

“(m) LIMITATION ON USE OF ENTITLEMENT FOR FLIGHT TRAINING.—(1) Notwithstanding any other provision of this chapter and subject to paragraph (2), the maximum total amount payable under this chapter for tuition and fees in the case of an individual pursuing a degree-granting or non-degree-granting program of flight training offered by a public institution of higher learning is—

“(A) in the case of an individual who first pursues such a program during the academic year beginning on August 1, 2025, \$108,480; and

“(B) in the case of an individual who first pursues such a program during any subsequent academic year, the amount in effect under this subsection for the previous academic year beginning on August 1, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h) of this title.

“(2) An individual who receives educational assistance under this subsection may not receive more than the maximum total amount in effect under paragraph (1) with respect to the individual, regardless of when the individual pursues the program of flight training or how many such programs the individual pursues.

“(3) An individual who receives educational assistance under this subsection in an amount equal to less than the maximum total amount in effect under paragraph (1) shall be entitled to additional educational assistance under this chapter in an amount equal to the difference between—

“(A) the amount the individual received under this subsection, and

“(B) the maximum total amount in effect under paragraph (1).”.

(b) APPLICABILITY.—The amendments made by subsection (a) shall take effect on August 1, 2025, and shall apply with respect to an individual who first pursues a program of flight training on or after August 1, 2025.

Amend the title so as to read:

A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to disapprove courses of education of-

ferred by a public institution of higher learning that does not charge the in-State tuition rate to a veteran using certain educational assistance under title 10 of such Code, and for other purposes.

#### PURPOSE AND SUMMARY

H.R. 7323, the “*Montgomery GI Bill Selected Reserves Tuition Fairness Act of 2024*,” was introduced by Rep. Derrick Van Orden of Wisconsin on February 13, 2024. The bill, as amended, would add chapter 1606 of Title 10, United States Code, to the list of entitlement chapters allowed for in-state tuition waivers.

This legislation, as amended, also includes the text of H.R. 7613, the “*Veterans Flight Training Responsibility Act of 2024*,” which was introduced by Rep. Thomas Kean of New Jersey on March 11, 2024. This bill would create an entitlement cap to limit the use of entitlement at public institutions of higher learning to \$108,480 and would allow individuals to use entitlement year-round without worry of running out of entitlement during an academic year.

#### BACKGROUND AND NEED FOR LEGISLATION

##### *Section 1: Short Title*

This Act may be cited as the “Montgomery GI Bill Selected Reserves Tuition Fairness Act of 2024.”

##### *Section 2: Department of Veterans Affairs Disapproval of Courses Offered by Public Institutions of Higher Learning That Do Not Charge Veteran In-State Tuition Rate for Purposes of Selected Reserve Education Assistance Program*

Under current law, 38 U.S.C. § 3679(c)(1) allows an in-state waiver for Chapter 30, 31, 33, or 35 education entitlements; however, an individual using Montgomery GI Bill Selected Reserves (chapter 1606 of Title 10) would not be eligible for the in-state waiver. The in-state waiver allows an individual who is using veterans benefits for education to pay the same amount of tuition as a resident of the state. The bill would correct this discrepancy and create parity in education entitlement.

Under the bill, a covered individual for the in-state waiver would be a veteran who lived where the institution of higher learning (IHL) is located and enrolls in the school within three years of discharge, or an individual who is using transferred entitlement. This section would include another education entitlement to the in-state waiver and allow veterans using chapter 1606 of Title 10 to receive the same reduced tuition paid by other veterans and individuals they are taking classes with. The Committee believes that by including chapter 1606 of Title 10 in the in-state waiver, more veterans would attain an education and use the benefit they earned.

##### *Section 3: Limitation on Amount of Entitlement to Educational Assistance Payable for Flight Training Under Post-9/11 Educational Assistance Program of Department of Veterans Affairs*

The Committee has heard concerns from veterans enrolled in flight training programs exhausting the amount of GI bill entitlement available to them in a year before the spring and summer months. Consequently, these veterans are not able to fly during the months with the best flight training weather unless they paid out

of pocket. Additionally, the Committee has heard complaints of overcharging at some schools from veterans previously enrolled in the program.

This section would modify 38 U.S.C. §3313 related to flight training programs offered at public institutions of higher learning. It would create a limit that an individual using Post 9/11 GI Bill benefits can use for flight training tuition and fees at a degree-granting or non-degree-granting public institution of higher learning. Currently, there is no cap on fees as long as it is at the in-state tuition rate. In many cases this means there is no effective cap at all. Under this section, individuals would use up to 36 months of entitlement with a cap of up to \$108,480. Individuals would also be allowed to use entitlement at a faster rate which would allow them to attend school and flight training year-round. Any unused amount under the cap would be transferrable back to an equivalent number of months of the Post 9/11 GI Bill.

Amending this section would improve the ability of veterans attending a flight training program and provide fiscal oversight of flight programs at public institutions of higher learning. Creating a maximum amount that can be charged for flight training could potentially save millions of dollars in Chapter 33 entitlement for VA. Data received from VA shows that 99% of individuals attending a flight program at a public institution of higher learning do not pay over \$100,000. This means that this legislation would only impact the most expensive schools and would prevent schools from overcharging veterans and VA. The Committee believes this proposed legislation is a step forward in limiting excessive charges by schools.

#### HEARINGS

On March 20, 2023, the Subcommittee on Economic Opportunity held a legislative hearing on H.R. 7323 and other bills that were pending before the subcommittee.

The following witnesses testified:

Ms. Melissa Cohen, Executive Director of Outreach, Transition, and Economic Development, U.S. Department of Veterans Affairs; Mr. Nathan Sanfilippo, Executive Director of Multi-channel Technology at Veterans Experience Office, U.S. Department of Veterans Affairs; Mr. Thomas Alphonso, Assistant Director of Education Services, U.S. Department of Veterans Affairs; Mr. James Rodriguez, Assistant Secretary for Veterans' Employment and Training Service, U.S. Department of Labor; Ms. Kristina Keenan, Deputy Director, National Legislative Service, Veterans of Foreign Wars of the United States; Mr. Marquis Barefield, Assistant National Legislative Director, Disabled American Veterans; Ms. Nadine Bullock-Pottinga, Chief Development Officer, Hire Heroes USA; Mr. Gregory John, Founder and President, Infinity Flight Group, and Mr. Matthew Schwartzman, Director, Legislation and Military Policy, Reserve Organization of America.

The following organizations and members submitted statements for the record:

Representative Ken Calvert of California, Disabled American Veterans, The American Legion, Veterans Education Success, United Services Automobile Association, RecruitMilitary, Orion

Talent, Military Talent Pipeline, Semper Forward, and ZeroMils.

#### SUBCOMMITTEE CONSIDERATION

On April 17, 2024, the Subcommittee on Economic Opportunity held a markup on H.R. 7323. There were no amendments offered to the bill at the Subcommittee markup.

A motion by Rep. Levin of California to favorably forward H.R. 7323 to the Full Committee was adopted by voice vote.

An amendment in the nature of a substitute to H.R. 7613 offered by Subcommittee Chair Van Orden was adopted by voice vote. The amendment in the nature of a substitute raised the entitlement cap from \$100,000 to \$108,480 and established a process for turning entitlement into the tuition cap and changed the cap from “flight fees” to “flight tuition and fees.”

A motion by Rep. Levin of California to favorably forward H.R. 7613 to the Full Committee was adopted by voice vote.

#### COMMITTEE CONSIDERATION

On May 1, 2024, the Full Committee met in open markup session, a quorum being present, and ordered H.R. 7323, as amended, to be reported favorably to the House of Representatives by voice vote. During consideration of the bill, the following amendments were considered:

An amendment in the nature of a substitute offered by Rep. Derrick Van Orden of Wisconsin that included the text of H.R. 7323, adopted by the Subcommittee on Economic Opportunity. The amendment also added the provisions of H.R. 7613 with changes from the introduced text. The new language would establish a process for flight school tuition cap to be reverted back to Post 9/11 GI Bill entitlement.

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

A motion by Ranking Member Takano of California to report H.R. 7323, as amended, favorably to the House of Representatives was agreed to by voice vote.

#### COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, no recorded votes were taken on amendments or in connection with ordering H.R. 7323, as amended, as amended, reported to the House.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee’s oversight findings and recommendations are reflected in the descriptive portions of this report.

#### STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee’s performance goals and objectives of H.R. 7323, as amended, are to include Chapter 1606

of title 10 as an eligible entitlement for an in-state tuition waiver. Additionally, the goal is to allow individuals using entitlement for public institutions of higher education flight programs to go to school faster and reduce fraud in those programs.

EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 7323, as amended, does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the Congressional Budget Office cost estimate on this measure.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

<b>H.R. 7323, Montgomery GI Bill Selected Reserves Tuition Fairness Act of 2024</b>			
As ordered reported by the House Committee on Veterans' Affairs on May 1, 2024			
By Fiscal Year, Millions of Dollars	2024	2024-2029	2024-2034
Direct Spending (Outlays)	0	-2	-4
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	-2	-4
Spending Subject to Appropriation (Outlays)	0	3	3
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Statutory pay-as-you-go procedures apply?	Yes
		<b>Mandate Effects</b>	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 7323 would make changes to education benefit programs administered by the Department of Veterans Affairs (VA). The costs of those programs are paid from mandatory appropriations. CBO estimates that enacting the bill would decrease direct spending by \$4 million and increase spending subject to appropriation by \$3 million, over the 2024–2034 period. The costs of the legislation, detailed in Table 1, fall within budget function 700 (veterans benefits and services). For purposes of this estimate, CBO assumed H.R. 7323 would be enacted late in fiscal year 2024.

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 7323

	By fiscal year, millions of dollars—													
	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2024–2029	2024–2034	
	DECREASES (–) IN DIRECT SPENDING													
Estimated Budget Authority .....	0	*	*	-1	*	-1	*	-1	*	-1	*	-2	-4	
Estimated Outlays .....	0	*	*	-1	*	-1	*	-1	*	-1	*	-2	-4	

TABLE 1.—ESTIMATED BUDGETARY EFFECTS OF H.R. 7323—Continued

	By fiscal year, millions of dollars—													
	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2024– 2029	2024– 2034	
	INCREASES IN SPENDING SUBJECT TO APPROPRIATION													
Estimated Authorization .....	0	3	0	0	0	0	0	0	0	0	0	3	3	
Estimated Outlays .....	0	2	1	*	0	0	0	0	0	0	0	3	3	

\* = between –\$500,000 and \$500,000.

**Direct spending:** H.R. 7323 would limit some education benefits for veterans. The limit on payments for flight training programs would reduce direct spending, whereas the prohibition on paying out-of-state tuition rates would not, in CBO’s estimation, affect direct spending.

**Flight training limit:** Section 3 would limit the maximum amount of tuition and fees that VA would pay to public educational institutions on behalf of beneficiaries of the Post-9/11 GI Bill who enroll in flight training programs.

Currently, VA pays an amount equivalent to in-state tuition and fees at public educational institutions for students enrolled in degree-granting programs of education. Benefits are paid for up to 36 months of enrollment in approved programs and also can include housing allowances and book stipends. Although there are practical limitations, there is no specified cap on the total amount of benefits that can be paid for a person attending a public institution under current law.

The bill would limit the amount of tuition and fee payments for students who first enroll in a flight training program at a public institution after the 2024–2025 academic year to a lifetime total of \$108,480 (increased each year thereafter to account for inflation). Limiting total payments for the tuition and fees of flight training would reduce benefit costs under the Post-9/11 GI Bill. On the basis of data from VA, CBO estimates that annual benefit payments for roughly 15 flight trainees would be reduced by an average of \$30,000 over the next 10 years. Consequently, enacting the bill would decrease direct spending by \$4 million over the 2024–2034 period, CBO estimates.

**In-state tuition:** Section 2 would generally prohibit VA from paying any VA education benefits to students enrolled at public schools that charge beneficiaries of the Montgomery GI Bill—Selected Reserve (MGIB–SR) tuition and fees at amounts higher than the rates charged to state residents if those beneficiaries are living in the state where the school is located, regardless of whether they are state residents.

Under the MGIB–SR, VA pays monthly benefits to eligible members of the federal reserves and National Guard. Those members may receive payments for up to 36 months while they are enrolled in school. The amount is determined by the number of college credits the members earn during an academic term (currently, \$466 per month for full-time enrollment in 2024) and is adjusted annually for inflation. Many schools offer in-state tuition to students receiving MGIB–SR benefits, and CBO anticipates schools that do not would choose to do so if the bill is enacted. As a result, MGIB–SR students enrolled in those schools would pay less for tuition.

Payment rates under MGIB–SR are not based on tuition rates. Thus, reducing tuition for beneficiaries would not affect the amount of their benefits. Consequently, CBO estimates that enacting section 2 would not affect direct spending.

Spending subject to appropriation: Implementing the limit on flight training benefits would require changes to the information technology systems used by VA to manage education benefits. On the basis of information from VA, CBO estimates that those changes would cost \$3 million over the 2024–2029 period; such spending would be subject to the availability of appropriated funds.

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

PHILLIP L. SWAGEL,  
*Director, Congressional Budget Office.*

#### FEDERAL MANDATES STATEMENT

Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandate Reform Act, P.L. 104–4 is inapplicable to H.R. 7323, as amended.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 7323, as amended.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that H.R. 7323, as amended, does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### STATEMENT ON DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 7323, as amended, would establish or reauthorize a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Short title*

Section 1 would establish the short title of the bill as “Montgomery GI Bill Selected Reserves Tuition Fairness Act of 2024.”

*Section 2. Department of Veterans Affairs disapproval of courses offered by public institutions of higher learning that do not charge veteran in-state tuition rate for purposes of Selected Reserve Education Assistance program*

This section would amend 38 U.S.C. §3679 (c) to which grants an in-state waiver for Chapter 30, 31, 33, or 35 education entitle-

ments, to allow an individual using Montgomery GI Bill Selected Reserves (chapter 1606 of title 10) to be eligible for the in-state waiver as well. This section would also establish an effective date for this legislation on August 1, 2024.

*Section 3. Limitation on amount of entitlement to educational assistance payable for flight training under Post-9/11 Educational Assistance program of Department of Veterans Affairs*

This section would amend 38 U.S.C. § 3313 by adding a new subsection (m). This new subsection would create a maximum amount of entitlement usable for degree-granting and non-degree-granting programs of flight training offered by a public institution of higher learning. This amount would be set to \$108,480 and would increase at the same rate as Chapter 33 at private schools. The individual would reduce their cap while paying for flight tuition and fees but would be able to transfer their flight training cap back to their entitlement.

This section would establish an effective date for this section on August 1, 2025.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

### TITLE 38, UNITED STATES CODE

\* \* \* \* \*

### PART III—READJUSTMENT AND RELATED BENEFITS

\* \* \* \* \*

### CHAPTER 33—POST-9/11 EDUCATIONAL ASSISTANCE

\* \* \* \* \*

### SUBCHAPTER II—EDUCATIONAL ASSISTANCE

\* \* \* \* \*

#### **§ 3313. Educational assistance: amount; payment**

(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing

an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

(b) APPROVED PROGRAMS OF EDUCATION.—A program of education is an approved program of education for purposes of this chapter if the program of education is approved for purposes of chapter 30 (including approval by the State approving agency concerned).

(c) PROGRAMS OF EDUCATION LEADING TO A DEGREE PURSUED AT INSTITUTIONS OF HIGHER LEARNING ON MORE THAN HALF-TIME BASIS.—The amounts payable under this subsection for pursuit of an approved program of education leading to a degree at an institution of higher learning (as that term is defined in section 3452(f)) are amounts as follows:

(1) In the case of an individual entitled to educational assistance under this chapter by reason of paragraph (1), (2), (8), (9), (10), or (11) of section 3311(b), amounts as follows:

(A) An amount equal to the following:

(i) In the case of a program of education pursued at a public institution of higher learning, the actual net cost for in-State tuition and fees assessed by the institution for the program of education after the application of—

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

(II) 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 (20 U.S.C. 1070a(b))) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees.

(ii) In the case of a program of education pursued at a non-public or foreign institution of higher learning, the lesser of—

(I) the actual net cost for tuition and fees assessed by the institution 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 pre-

vious 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).

(B) A monthly stipend in an amount as follows:

(i) Except as provided in clauses (ii) and (iii), for each month an individual pursues a program of education on more than a half-time basis, a monthly housing stipend equal to the product of—

(I) the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the campus of the institution of higher learning where the individual physically participates in a majority of classes, multiplied by

(II) the lesser of—

(aa) 1.0; or

(bb) the number of course hours borne by the individual in pursuit of the program of education, divided by the minimum number of course hours required for full-time pursuit of the program of education, rounded to the nearest multiple of 10.

(ii) In the case of an individual pursuing a program of education at a foreign institution of higher learning on more than a half-time basis, for each month the individual pursues the program of education, a monthly housing stipend equal to the product of—

(I) the national average of the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5, multiplied by

(II) the lesser of—

(aa) 1.0; or

(bb) the number of course hours borne by the individual in pursuit of the program of education, divided by the minimum number of course hours required for full-time pursuit of the program of education, rounded to the nearest multiple of 10.

(iii) In the case of an individual pursuing a program of education solely through distance learning on more than a half-time basis, a monthly housing stipend equal to 50 percent of the amount payable under clause (ii) if the individual were otherwise entitled to a monthly housing stipend under that clause for pursuit of the program of education.

(iv) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with

respect to such quarter, semester, or term in the amount equal to—

(I) \$1,000, multiplied by

(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3), amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4), amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5), amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6), amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7), amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(d) FREQUENCY OF PAYMENT.—

(1) QUARTER, SEMESTER, OR TERM PAYMENTS.—Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (6) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

(2) MONTHLY PAYMENTS.—Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (6) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

(3) REGULATIONS.—The Secretary shall prescribe in regulations methods for determining the number of months (includ-

ing fractions thereof) of entitlement of an individual to educational assistance under this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

(e) PROGRAMS OF EDUCATION LEADING TO A DEGREE PURSUED ON ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS ON MORE THAN HALF-TIME BASIS.—

(1) IN GENERAL.—Educational assistance is payable under this chapter for pursuit of an approved program of education leading to a degree while on active duty for a period of more than 30 days.

(2) AMOUNT OF ASSISTANCE.—The amounts of educational assistance payable under this chapter to an individual pursuing a program of education leading to a degree while on active duty for a period of more than 30 days are as follows:

(A) Subject to subparagraph (C), an amount equal to the lesser of—

(i) in the case of a program of education pursued at a public institution of higher learning, the actual net cost for in-State tuition and fees assessed by the institution for the program of education after the application of—

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

(II) 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 (20 U.S.C. 1070a(b))) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees;

(ii) in the case of a program of education pursued at a non-public or foreign institution of higher learning, the lesser of—

(I) the actual net cost for tuition and fees assessed by the institution 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 per-

centage increase equal to the most recent percentage increase determined under section 3015(h); or

(iii) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1).

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

(i) \$1,000, multiplied by

(ii) the fraction of a complete academic year under the program of education that such quarter, semester, or term constitutes.

(C) In the case of an individual entitled to educational assistance by reason of paragraphs (3) through (7) of section 3311(b), the amounts payable to the individual pursuant to subparagraphs (A)(i), (A)(ii), and (B) shall be the amounts otherwise determined pursuant to such subparagraphs multiplied by the same percentage applicable to the monthly amounts payable to the individual under paragraphs (2) through (6) of subsection (c).

(3) QUARTER, SEMESTER, OR TERM PAYMENTS.—Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

(4) MONTHLY PAYMENTS.—For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

(f) PROGRAMS OF EDUCATION PURSUED ON HALF-TIME BASIS OR LESS.—

(1) IN GENERAL.—Educational assistance is payable under this chapter for pursuit of an approved program of education on half-time basis or less whether a program of education pursued on active duty, a program of education leading to a degree, or a program of education other than a program of education leading to a degree.

(2) AMOUNT OF ASSISTANCE.—The educational assistance payable under this chapter to an individual pursuing a program of education covered by this subsection on half-time basis or less is the amounts as follows:

(A) The amount equal to the lesser of—

(i) the actual net cost for in-State tuition and fees assessed by the institution of higher learning for the program of education after the application of—

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

(II) 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 (20 U.S.C. 1070a(b))) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees; or

(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (6) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

(3) QUARTER, TERM, OR SEMESTER PAYMENTS.—Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

(4) MONTHLY PAYMENTS.—For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by

(B) the number of course hours for full-time pursuit of such program of education.

(g) PROGRAMS OF EDUCATION OTHER THAN PROGRAMS OF EDUCATION LEADING TO A DEGREE.—

(1) IN GENERAL.—Educational assistance is payable under this chapter for pursuit of an approved program of education other than a program of education leading to a degree at an institution other than an institution of higher learning (as that term is defined in section 3452(f)).

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

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

(A) In the case of an individual enrolled in a program of education (other than a program described in subparagraphs (B) through (D)) in pursuit of a certificate or other non-college degree, the following:

(i) Subject to clause (iv), an amount equal to 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 (20 U.S.C. 1070a(b))) 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 increase equal to the most recent percentage increase determined under section 3015(h).

(ii) Except in the case of an individual pursuing a program of education on a half-time or less basis and subject to clause (iv), a monthly housing stipend equal to the product—

(I) of—

(aa) in the case of an individual pursuing resident training, the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the campus of the institution of where the individual physically participates in a majority of classes; or

(bb) in the case of an individual pursuing a program of education through distance learning, a monthly amount equal to 50 percent of the amount payable under item (aa), multiplied by

(II) the lesser of—

(aa) 1.0; or

(bb) the number of course hours borne by the individual in pursuit of the program of education involved, divided by the minimum number of course hours required for full-time pursuit of such program of education, rounded to the nearest multiple of 10.

(iii) Subject to clause (iv), a monthly stipend in an amount equal to \$83 for each month (or pro rata amount for a partial month) of training pursued for

books, supplies, equipment, and other educational costs.

(iv) In the case of an individual entitled to educational assistance by reason of paragraphs (3) through (7) of section 3311(b), the amounts payable pursuant to clauses (i), (ii), and (iii) shall be the amounts otherwise determined pursuant to such clauses multiplied by the same percentage applicable to the monthly amounts payable to the individual under paragraphs (2) through (6) of subsection (c).

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

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

(I) during the first six-month period of the program, the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the employer at which the individual pursues such program;

(II) during the second six-month period of the program, 80 percent of the monthly amount of the basic allowance for housing payable as described in subclause (I);

(III) during the third six-month period of the program, 60 percent of the monthly amount of the basic allowance for housing payable as described in subclause (I);

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

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

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

(iii) In the case of an individual entitled to educational assistance by reason of paragraphs (3) through (7) of sections 3311(b), the amounts payable pursuant to clauses (i) and (ii) shall be the amounts otherwise determined pursuant to such clauses multiplied by the same percentage applicable to the monthly amounts payable to the individual under paragraphs (2) through (6) of subsection (c).

(iv) In any month in which an individual pursuing a program of education consisting of a program of ap-

prenticeship or other on-job training fails to complete 120 hours of training, the amount of monthly educational assistance allowance 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]** *Subject to the limitation under subsection (m), 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 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, \$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 (8) of section 3311(b), 100 percent; or

(II) in the case of an individual entitled to educational assistance by reason of paragraphs (3) through (7) of section 3311(b), the same percentage as would otherwise apply to the monthly amounts payable to the individual under paragraphs (2) through (6) of subsection (c).

(D) In the case of an individual enrolled in a program of education that is pursued exclusively by correspondence (regardless of the institution providing such program of education), an amount equal to—

(i) the lesser of—

(I) the actual net cost for 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 directly 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 (8) of section 3311(b), 100 percent; or

(II) in the case of an individual entitled to educational assistance by reason of paragraphs (3) through (7) of section 3311(b), the same percentage as would otherwise apply to the monthly amounts payable to the individual under paragraphs (2) through (6) of subsection (c).

(4) FREQUENCY OF PAYMENT.—

(A) QUARTER, SEMESTER, OR TERM PAYMENTS.—Payment of the amounts payable under paragraph (3)(A)(i) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

(B) MONTHLY PAYMENTS.—Payment of the amounts payable under paragraphs (3)(A)(ii) and (3)(B)(i) for pursuit of a program of education shall be made on a monthly basis.

(C) LUMP SUM PAYMENTS.—

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

(ii) Payment of the amount payable under paragraph (3)(C) for pursuit of a program of education shall be made upon receipt of certification for training completed by the individual and serviced by the training facility.

(D) QUARTERLY PAYMENTS.—Payment of the amounts payable under paragraph (3)(D) for pursuit of a program of education shall be made quarterly on a pro rata basis for the lessons completed by the individual and serviced by the institution.

(5) CHARGE AGAINST ENTITLEMENT FOR CERTIFICATE AND OTHER NON-COLLEGE DEGREE PROGRAMS.—

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

- (i) the amount so paid, divided by
- (ii) subject to subparagraph (B), the amount equal to one-twelfth of the amount applicable in the academic year in which the payment is made under paragraph (3)(A)(i)(II).

(B) PRO RATA ADJUSTMENT BASED ON CERTAIN ELIGIBILITY.—If the amount otherwise payable with respect to an individual under paragraph (3)(A)(i) is subject to a percentage adjustment under paragraph (3)(A)(iv), the amount applicable with respect to the individual under subparagraph (A)(ii) shall be the amount otherwise determined pursuant to such subparagraph subject to a percentage adjustment equal to the percentage adjustment applicable with respect to the individual under paragraph (3)(A)(iv).

(h) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (6) of subsection (c)), (e)(2), and (f)(2)(A), and under subparagraphs (A)(i), (C), and (D) of subsection (g)(3), shall be paid directly to the educational institution concerned.

(i) DETERMINATION OF HOUSING STIPEND PAYMENTS FOR ACADEMIC YEARS.—Any monthly housing stipend payable under this section during the academic year beginning on August 1 of a calendar year shall be determined utilizing rates for basic allowances for housing payable under section 403 of title 37 in effect as of January 1 of such calendar year.

(j) DETERMINATION OF MONTHLY HOUSING STIPENDS DURING ACTIVE DUTY SERVICE.—For any month during which an individual who is entitled to a monthly housing stipend under this section is performing active duty service, the Secretary shall determine the amount of such stipend payable to such individual for such month on a pro rata basis for the period of such month during which the individual is not performing active duty service.

(k) PROVISION OF HOUSING STIPEND PAYMENT INFORMATION.—

(1) IN GENERAL.—The Secretary shall furnish to individuals receiving educational assistance under this chapter documentation that verifies the amount of the monthly housing stipend the individual receives under this section.

(2) MANNER.—The Secretary shall make such documentation available to the individual using an internet website in the same manner the Secretary provides documentation verifying compensation and other benefits furnished by the Secretary to individuals.

(l) VERIFICATION OF ENROLLMENT.—

(1) IN GENERAL.—Except as provided in paragraph (4), the Secretary shall require—

(A) each educational institution to submit to the Secretary verification of each individual who is enrolled in a course or program of education at the educational institution and is receiving educational assistance under this chapter—

(i) not later than such time as the Secretary determines reasonable after the date on which the individual is enrolled; and

(ii) not later than such time as the Secretary determines reasonable after the last date on which a student is able to withdraw from the course or program of education without penalty; and

(B) each individual who is enrolled in a course or program of education and is receiving educational assistance under this chapter to submit to the Secretary verification of such enrollment for each month during which the individual is so enrolled and receiving such educational assistance.

(2) FORM OF VERIFICATION.—Verification under this subsection shall be in an electronic form prescribed by the Secretary.

(3) FAILURE TO SUBMIT VERIFICATION.—If an individual fails to submit the verification required under paragraph (1)(B) for two consecutive months, the Secretary may not make a monthly housing stipend payment to the individual under this section until the individual submits such verification.

(4) EXCEPTION.—An educational institution is not required to submit verification of an individual under paragraph (1)(A) if—

(A) the individual is enrolled in a course or program of education offered by the educational institution on at least a full-time basis before the date on which the individual is able to withdraw from the course or program of education without penalty;

(B) the educational institution charges the same amount of tuition and fees for students who are enrolled on a full-time basis and students who are enrolled on a more-than-full-time basis; and

(C) the individual remains enrolled in the course or program of education after the date on which the individual is able to withdraw from the course or program of education without penalty.

(m) *LIMITATION ON USE OF ENTITLEMENT FOR FLIGHT TRAINING.—(1) Notwithstanding any other provision of this chapter and subject to paragraph (2), the maximum total amount payable under this chapter for tuition and fees in the case of an individual pursuing a degree-granting or non-degree-granting program of flight training offered by a public institution of higher learning is—*

*(A) in the case of an individual who first pursues such a program during the academic year beginning on August 1, 2025, \$108,480; and*

*(B) in the case of an individual who first pursues such a program during any subsequent academic year, the amount in effect under this subsection for the previous academic year beginning on August 1, as increased by the percentage increase equal*

*to the most recent percentage increase determined under section 3015(h) of this title.*

*(2) An individual who receives educational assistance under this subsection may not receive more than the maximum total amount in effect under paragraph (1) with respect to the individual, regardless of when the individual pursues the program of flight training or how many such programs the individual pursues.*

*(3) An individual who receives educational assistance under this subsection in an amount equal to less than the maximum total amount in effect under paragraph (1) shall be entitled to additional educational assistance under this chapter in an amount equal to the difference between—*

*(A) the amount the individual received under this subsection, and*

*(B) the maximum total amount in effect under paragraph (1).*

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**CHAPTER 36—ADMINISTRATION OF EDUCATIONAL BENEFITS**

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**SUBCHAPTER II—STATE APPROVING AGENCIES**

\* \* \* \* \*

**§ 3679. Disapproval of courses**

(a)(1) Except as provided by paragraph (2), any course approved for the purposes of this chapter which fails to meet any of the requirements of this chapter (including failure to comply with a risk-based survey under this chapter or secure an affirmation of approval by the appropriate State approving agency following the survey) shall be immediately disapproved by the Secretary or the appropriate State approving agency. An educational institution which has its courses disapproved by the Secretary or a State approving agency will be notified of such disapproval by a certified or registered letter of notification and a return receipt secured.

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

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

(b) Each State approving agency shall notify the Secretary of each course which it has disapproved under this section. The Secretary shall notify the State approving agency of the Secretary’s

disapproval of any educational institution under chapter 31 of this title.

(c)(1) Notwithstanding any other provision of this chapter and subject to paragraphs (3) through (6), the Secretary shall disapprove a course of education provided by a public institution of higher learning if the institution charges tuition and fees for that course for covered individuals who are pursuing the course with educational assistance under chapter 30, 31, 33, or 35 of this title, or chapter 1606 of title 10, while living in the State in which the institution is located at a rate that is higher than the rate the institution charges for tuition and fees for that course for residents of the State in which the institution is located, regardless of the covered individual's State of residence.

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

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

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

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

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

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

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

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

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

(E) *An individual who is entitled to assistance under section 16131 of title 10.*

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

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

(B) To the extent feasible, the Secretary shall make publicly available on the internet website of the Department a database explaining any requirements described in subparagraph (A) that are

established by a public institution of higher learning for an individual to be charged tuition and fees at a rate that is equal to or less than the rate the institution charges for tuition and fees for residents of the State in which the institution is located. The Secretary shall disapprove a course of education provided by such an institution that does not provide the Secretary—

(i) an initial explanation of such requirements; and

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

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

(6) Disapproval under paragraph (1) shall apply only with respect to educational assistance under chapters 30, 31, 33, and 35 of this title, *or chapter 1606 of title 10*.

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

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

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

(e)(1) Notwithstanding any other provision of this chapter, beginning on August 1, 2019, a State approving agency, or the Secretary when acting in the role of the State approving agency, shall disapprove a course of education provided by an educational institution that has in effect a policy that is inconsistent with any of the following:

(A) A policy that permits any covered individual to attend or participate in the course of education during the period beginning on the date on which the individual provides to the educational institution a certificate of eligibility for entitlement to educational assistance under chapter 31, 33, or 35 of this title, *or chapter 1606 of title 10*, and ending on the earlier of the following dates:

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

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

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

title] *chapter 31, 33, or 35 of this title, or chapter 1606 of title 10* .

(2) For purposes of this subsection, a covered individual is any individual who is entitled to educational assistance under [chapter 31 33, or 35 of this title] *chapter 31, 33, or 35 of this title, or chapter 1606 of title 10* .

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

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

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

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

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

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

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

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

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

(iii) the amount of the costs under clauses (i) and (ii) that are covered by the educational assistance provided to the individual under chapter 30, 31, 32, 33, or 35 of this title, or chapter 1606 or 1607 of title 10, as the case may be;

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

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

(vi) information regarding graduation rates;

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

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

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

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

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

(C) Maintain policies to—

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

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

(D) Maintain policies to—

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

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

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

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

(G) Maintain a policy that—

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

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

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

(2) Except as provided by paragraph (5), a State approving agency, or the Secretary when acting in the role of the State approving agency, shall take an action described in paragraph (4)(A) if the State approving agency, the Secretary, or any Federal agency, de-

termines that an educational institution, or any person with whom the institution has an agreement to provide educational programs, marketing, advertising, recruiting or admissions services, does any of the following:

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

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

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

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

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

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

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

(A) Accreditor sanctions.

(B) Accreditation probation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (A) located in a foreign country; or
- (B) that provides to a covered individual consumer information regarding costs of the program of education (including fi-

nancial aid available to such covered individual) using a form or template developed by the Secretary of Education.

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

\* \* \* \* \*

COMMITTEE CORRESPONDENCE

COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6033

ONE HUNDRED EIGHTEENTH CONGRESS

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September 12, 2024

The Honorable Mike Bost  
Chairman, House Committee on Veterans' Affairs  
364 Cannon House Office Building  
Washington, D.C. 2003

Dear Chairman Bost:

I write concerning H.R. 7323, a bill sponsored by Representative Van Orden of Wisconsin. As a result of your having consulted with us on provisions within H.R. 7323 that fall within the Rule X jurisdiction of the Committee on Armed Services, I agree to forego any further consideration of this bill so that it may proceed expeditiously to the House floor for consideration.

The Committee on Armed Services takes this action with our mutual understanding that by foregoing consideration of H.R. 7323 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation and that our committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction.

Finally, I ask that a copy of our exchange of letters on this matter be included by House Committee on Veterans' Affairs in the Congressional Record during floor consideration, to memorialize our understanding. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,



Michael D. Rogers  
Chairman, House Committee on Armed Services

cc: Hon. Adam Smith, Ranking Member, Committee on Armed Services

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September 12, 2024

The Honorable Mike Rogers  
 Chairman  
 Committee on Armed Services  
 House of Representatives  
 Washington, DC

Dear Chairman Rogers:

Thank you for your letter regarding H.R. 7323, the Montgomery GI Bill Selected Reserves Tuition Fairness Act of 2024. I acknowledge that provisions of the bill fall within the jurisdiction of the Committee on Armed Services. I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of the Committee on Armed Services over the subject matters contained in this bill or similar legislation in the future. In addition, I would support your request to have the Committee on Armed Services appropriately consulted on any issues in this bill or similar legislation that fall under the jurisdiction of the Committee on Armed Services.

I will place copies of this exchange in the committee report on H.R. 7323 and into the Congressional Record during consideration of this legislation on the House floor.

Sincerely,



**MIKE BOST**  
 Chairman

Cc: The Honorable Mike Johnson, Speaker of the House  
 The Honorable Mark Takano, Ranking Member, House Veterans' Affairs Committee  
 Mr. Jason Smith, Parliamentarian