

111TH CONGRESS
2D SESSION

H. R. 5933

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 HOUSE OF REPRESENTATIVES

JULY 29, 2010

Mr. MINNICK (for himself, Mr. FILNER, Ms. MARKEY of Colorado, Mr. PERRIELLO, Mr. CHILDERS, Mr. MURPHY of New York, Mr. LOEBSACK, Ms. NORTON, Mr. KISSELL, Mr. CARNEY, Ms. GINNY BROWN-WAITE of Florida, Mr. BARTLETT, Mr. COURTNEY, Mr. HALL of New York, Mr. COSTA, Mr. LATHAM, Mr. WILSON of Ohio, Mr. KRATOVIL, and Mr. ELLSWORTH) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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”.

1 **SEC. 2. MODIFICATION OF ENTITLEMENT TO EDUCATIONAL**
2 **ASSISTANCE.**

3 (a) MODIFICATION OF DEFINITIONS THAT CONCERN
4 ELIGIBILITY FOR EDUCATIONAL ASSISTANCE.—

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

11 “(i) for the purpose of organizing, ad-
12 ministering, recruiting, instructing, or
13 training the reserve components of the
14 Armed Forces; or

15 “(ii) in support of a contingency oper-
16 ation (as defined in section 101(a) of title
17 10).”.

18 (2) EXPANSION OF DEFINITION OF ACTIVE
19 DUTY TO INCLUDE SERVICE IN NATIONAL GUARD
20 FOR CERTAIN PURPOSES.—Paragraph (1) of such
21 section is amended by adding at the end the fol-
22 lowing new subparagraph:

23 “(C) In the case of a member of the Army
24 National Guard of the United States or Air Na-
25 tional Guard of the United States, in addition

1 to service described in subparagraph (B), full-
2 time service—

3 “(i) in the National Guard of a State
4 for the purpose of organizing, admin-
5 istering, recruiting, instructing, or training
6 the National Guard; or

7 “(ii) in the National Guard under sec-
8 tion 502(f) of title 32 when authorized by
9 the President or Secretary of Defense.”.

10 (3) EXPANSION OF DEFINITION OF ENTRY
11 LEVEL AND SKILL TRAINING TO INCLUDE ONE STA-
12 TION UNIT TRAINING.—Paragraph (2)(A) of such
13 section is amended by inserting “or One Station
14 Unit Training” before the period at the end.

15 (b) CLARIFICATION OF APPLICABILITY OF HONOR-
16 ABLE SERVICE REQUIREMENT FOR CERTAIN DISCHARGES
17 AND RELEASES FROM THE ARMED FORCES AS BASIS FOR
18 ENTITLEMENT TO EDUCATIONAL ASSISTANCE.—Section
19 3311(c)(4) of such title is amended in the matter pre-
20 ceding subparagraph (A) by striking “A discharge or re-
21 lease from active duty in the Armed Forces” and inserting
22 “A discharge or release from active duty in the Armed
23 Forces after service on active duty in the Armed Forces
24 characterized by the Secretary concerned as honorable
25 service”.

1 (c) EXCLUSION OF PERIOD OF SERVICE ON ACTIVE
 2 DUTY OF PERIODS OF SERVICE IN CONNECTION WITH
 3 ATTENDANCE AT THE COAST GUARD ACADEMY.—Section
 4 3311(d)(2) of such title is amended by inserting “or sec-
 5 tion 182 of title 14” before the period at the end.

6 **SEC. 3. MODIFICATION OF AMOUNT OF ASSISTANCE AND**
 7 **TYPES OF APPROVED PROGRAMS OF EDU-**
 8 **CATION.**

9 (a) AMOUNT OF EDUCATIONAL ASSISTANCE FOR
 10 PROGRAMS OF EDUCATION PURSUED ON AT LEAST A
 11 HALF-TIME BASIS.—Section 3313 of title 38, United
 12 States Code, is amended—

13 (1) in subsection (c)—

14 (A) by striking the subsection heading and
 15 inserting the following: “PROGRAMS OF EDU-
 16 CATION AT INSTITUTIONS OF HIGHER LEARN-
 17 ING PURSUED ON AT LEAST A HALF-TIME
 18 BASIS.—”;

19 (B) in the matter preceding paragraph (1)
 20 by inserting “at an institution of higher learn-
 21 ing (as defined in section 3452(f) of this title)”
 22 after “program of education”; and

23 (C) in paragraph (1), by amending sub-
 24 paragraph (A) to read as follows:

25 “(A) An amount equal to—

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

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

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

10 “(II) \$20,000 for each academic
11 year.”; and

12 (2) by redesignating subsection (h) as sub-
13 section (i); and

14 (3) by adding at the end the following new sub-
15 section:

16 “(h) ANNUAL INCREASE IN CERTAIN AMOUNTS.—

17 “(1) IN GENERAL.—On August 1 of each year,
18 the Secretary shall provide an increase in the
19 amount in effect under subsection (c)(1)(A)(ii)(II)
20 equal to the percentage by which—

21 “(A) the average cost of undergraduate
22 tuition in the United States, as determined by
23 the National Center for Education Statistics,
24 for the last academic year preceding the begin-

1 ning of the fiscal year for which the increase is
2 made, exceeds

3 “(B) the average cost of undergraduate
4 tuition in the United States, as so determined,
5 for the academic year preceding the academic
6 year described in subparagraph (A).

7 “(2) APPLICABILITY.—Any increase under
8 paragraph (1) shall only apply to academic terms be-
9 ginning on or after the date on which the increase
10 is made and shall be rounded to the nearest whole
11 dollar amount.”.

12 (b) AMOUNT OF EDUCATIONAL ASSISTANCE FOR
13 PROGRAMS OF EDUCATION PURSUED ON LESS THAN A
14 HALF-TIME BASIS.—Subsection (f) of section 3313 of
15 title 38, United States Code, is amended—

16 (1) by striking the subsection heading and in-
17 serting the following: “PROGRAMS OF EDUCATION
18 AT INSTITUTIONS OF HIGHER LEARNING PURSUED
19 ON LESS THAN A HALF-TIME BASIS.—”;

20 (2) in paragraph (1), by striking “on half-time
21 basis or less” and inserting “on less than a half-time
22 basis”;

23 (3) in paragraph (2), by striking “on half-time
24 basis or less” and inserting “on less than a half-time
25 basis”; and

1 (4) in paragraph (3), by striking “on half-time
2 basis or less” and inserting “on less than a half-time
3 basis”.

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

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

11 and

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

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

19 “(I) the monthly amount of the
20 basic allowance for housing payable
21 under section 403 of title 37 for a
22 member with dependents in pay grade
23 E–5 residing in the military housing
24 area that encompasses all or the ma-
25 jority portion of the ZIP code area in

1 which is located the institution of
2 higher learning at which the indi-
3 vidual is enrolled, multiplied by

4 “(II) in the case of an individual
5 enrolled in a program of education—

6 “(aa) on a full-time basis,
7 100 percent;

8 “(bb) on a three-quarter-
9 time basis, 75 percent; or

10 “(cc) on a half-time basis,
11 50 percent.

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

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

24 “(II) in the case of an individual
25 enrolled in a program of education—

1 “(aa) on a full-time basis,
2 100 percent;

3 “(bb) on a three-quarter-
4 time basis, 75 percent; or

5 “(cc) on a half-time basis,
6 50 percent.

7 “(iii) In the case of an individual pur-
8 suing a program of education through dis-
9 tance learning on a half-time basis or
10 more, a monthly housing stipend amount
11 in an amount equal to the monthly amount
12 of the basic allowance for housing payable
13 under section 403 of title 37 for a member
14 with dependents in pay grade E-5 residing
15 in the military housing area that encom-
16 passes all or the majority portion of the
17 ZIP code area in which the individual re-
18 sides.”.

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

22 (1) APPROVED PROGRAMS OF EDUCATION AT
23 INSTITUTIONS OTHER THAN INSTITUTIONS OF HIGH-
24 ER LEARNING.—Subsection (b) of section 3313 of
25 such title is amended to read as follows:

1 “(b) APPROVED PROGRAMS OF EDUCATION.—For
 2 purposes of this chapter, a program of education is an
 3 approved program of education for purposes of this chap-
 4 ter if the program of education is approved for purposes
 5 of chapter 30 of this title (including approval by the State
 6 approving agency concerned) and—

7 “(1) is offered by an institution offering post-
 8 secondary level academic instruction that leads to an
 9 associate or higher degree and such institution is an
 10 institution of higher learning (as that term is de-
 11 fined in section 3452(f) of this title); or

12 “(2) is offered by an institution offering in-
 13 struction that does not lead to an associate or higher
 14 degree and such institution is an educational institu-
 15 tion (as that term is defined in section 3452(c) of
 16 this title).”.

17 (2) ASSISTANCE FOR PURSUIT OF PROGRAMS
 18 OF EDUCATION AT INSTITUTIONS OTHER THAN IN-
 19 STITUTIONS OF HIGHER LEARNING.—Such section is
 20 further amended—

21 (A) by redesignating subsections (g), (h)
 22 (as added by subsection (c)), and (i) (as redes-
 23 ignated by as subsection(c)) as subsections (h),
 24 (i), and (j) respectively; and

1 (B) by inserting after subsection (f) the
2 following new subsection (g):

3 “(g) PROGRAMS OF EDUCATION PURSUED AT INSTI-
4 TUTIONS OTHER THAN INSTITUTIONS OF HIGHER
5 LEARNING.—

6 “(1) IN GENERAL.—Educational assistance is
7 payable under this chapter for pursuit of an ap-
8 proved program of education at an institution other
9 than an institution of higher learning.

10 “(2) AMOUNT OF ASSISTANCE.—The amounts
11 of educational assistance payable under this chapter
12 to each individual entitled to educational assistance
13 under this chapter who is pursuing an approved pro-
14 gram of education at an institution other than an in-
15 stitution of higher learning (as defined in section
16 3452(f) of this title) are amounts as follows:

17 “(A) In the case of an individual enrolled
18 in a program of education consisting of on-job
19 training or a program of apprenticeship, a sti-
20 pend for each month the individual pursues the
21 program, as follows:

22 “(i) For the first six-month period of
23 the program, an amount equal to the
24 monthly amount of the basic allowance for
25 housing payable under section 403 of title

1 37 for a member with dependents in pay
2 grade E-5 residing in the military housing
3 area that encompasses all or the majority
4 portion of the ZIP code area in which the
5 employer is located.

6 “(ii) For the second six-month period
7 of the program, an amount equal to 80
8 percent of such amount.

9 “(iii) For the third six-month period
10 of the program, an amount equal to 60
11 percent of such amount.

12 “(iv) For any month after the first 18
13 months of such program, an amount equal
14 to 40 percent of such amount.

15 “(B) In the case of an individual enrolled
16 in a program of education consisting of flight
17 training, an amount equal to the lesser of—

18 “(i) the established charges for the
19 program of education; or

20 “(ii) 60 percent of the amount in ef-
21 fect under section 3313(c)(1)(A)(ii)(II) of
22 this title.

23 “(C) In the case of an individual enrolled
24 in a program of education that is pursued ex-

1 exclusively by correspondence, an amount equal to
 2 the lesser of—

3 “(i) the established charges for the
 4 program of education; or

5 “(ii) 55 percent of the amount in ef-
 6 fect under section 3313(c)(1)(A)(ii)(II) of
 7 this title.

8 “(3) CHARGE AGAINST ENTITLEMENT.—The
 9 entitlement of an individual to educational assistance
 10 under this chapter shall be charged at the rate of
 11 one month for each month of assistance provided
 12 under this subsection.”.

13 (3) CONFORMING AMENDMENT.—Subsection (i)
 14 of such section 3313, as redesignated by paragraph
 15 (2) of this subsection, is amended by striking
 16 “(e)(2), and (f)(2)(A)” and inserting “subsections
 17 (e)(2) and (f)(2)(A), and subparagraphs (A)(i), (B),
 18 and (C), of subsection (g)(2)”.

19 (e) PROGRAMS OF EDUCATION PURSUED ON ACTIVE
 20 DUTY.—

21 (1) IN GENERAL.—Subsection (e)(2) of such
 22 section is amended—

23 (A) by redesignating subparagraphs (A)
 24 and (B) as clauses (i) and (ii), respectively;

1 (B) in the matter preceding clause (i), as
2 redesignated by subparagraph (A)—

3 (i) by striking “The amount” and in-
4 serting “The amounts”; and

5 (ii) by striking “is the lesser of—”
6 and inserting “are the amounts as follows:
7 “(A) An amount equal to the lesser of—”;

8 and

9 (C) by adding at the end the following new
10 subparagraph (B):

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

18 “(i) \$1,000, multiplied by

19 “(ii) the fraction which is the portion
20 of a complete academic year under the pro-
21 gram of education that such quarter, se-
22 mester, or term constitutes.”.

23 (2) TECHNICAL AMENDMENT.—Clause (ii) of
24 subsection (e)(2)(A) of such section, as redesignated

1 by paragraph (1)(A) of this subsection, is amended
2 by adding a period at the end.

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

5 (a) REPEAL OF LIMITATION ON NUMBER OF REIM-
6 BURSABLE TESTS.—Subsection (a) of section 3315 of title
7 38, United States Code, is amended by striking “one li-
8 censing or certification test” and inserting “licensing or
9 certification tests”.

10 (b) CHARGE OF ENTITLEMENT FOR RECEIPT OF AS-
11 SISTANCE.—Such section is further amended by striking
12 subsection (c) and inserting the following new subsection
13 (c):

14 “(c) CHARGE AGAINST ENTITLEMENT.—The charge
15 against entitlement of an individual under this chapter for
16 payment for a licensing or certification test under sub-
17 section (a) shall be charged for any amount of more than
18 \$2,000 at the rate of one month for each amount equal
19 to the national average of the monthly amount of the basic
20 allowance for housing payable under section 403 of title
21 37 for a member with dependents in pay grade E–5.”.

1 **SEC. 5. TRANSFER OF ENTITLEMENT TO SUPPLEMENTAL**
2 **EDUCATIONAL ASSISTANCE TO POST-9/11**
3 **EDUCATIONAL ASSISTANCE.**

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

6 (1) by redesignating subsection (c) as sub-
7 section (e); and

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

10 “(c) TRANSFER OF SUPPLEMENTAL EDUCATIONAL
11 ASSISTANCE.—

12 “(1) IN GENERAL.—An individual entitled to
13 supplemental educational assistance under sub-
14 chapter III of chapter 30 of this title may transfer
15 such entitlement to entitlement for supplemental
16 educational assistance under this section. Such indi-
17 vidual shall receive entitlement to one month of sup-
18 plemental educational assistance under this section
19 for each month of entitlement to supplemental edu-
20 cational assistance so transferred.

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

14 “(d) REIMBURSEMENT.—Any expense incurred by
15 the Secretary for the provision of increased assistance or
16 supplemental assistance to an individual under this section
17 shall be reimbursed by the Secretary concerned.”.

(a) BAR TO DUPLICATION OF EDUCATIONAL ASSIST-
ANCE BENEFITS.—Section 3322(a) of title 38, United
States Code, is amended by inserting “or section 510”
after “or 1607”.

1 (b) LIMITATION ON CONCURRENT RECEIPT OF EDU-
2 CATIONAL ASSISTANCE.—Section 3681(b)(2) of such title
3 is amended by inserting “and section 510” after “and
4 107”.

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

6 Section 3684(c) of title 38, United States Code, is
7 amended—

8 (1) by striking “multiplying \$7” and inserting
9 “multiplying \$21”; and

10 (2) by striking “or \$11” and inserting “or
11 \$25”.

12 **SEC. 8. AMOUNT OF SUBSISTENCE ALLOWANCE FOR VET-**
13 **ERANS WITH SERVICE-CONNECTED DISABIL-**
14 **ITIES.**

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

18 “(4) A veteran entitled to subsistence allowance
19 under this chapter and educational assistance under chap-
20 ter 33 of this title may elect to receive payment from the
21 Secretary in lieu of an amount otherwise determined by
22 the Secretary under this subsection in an amount equal
23 to the national average of the monthly amount of basic
24 allowance for housing payable under section 403 of title
25 37 for a member with dependents in pay grade E–5.”.

1 **SEC. 9. PUBLIC-PRIVATE CONTRIBUTIONS FOR ADDI-**
2 **TIONAL EDUCATIONAL ASSISTANCE EX-**
3 **TENDED TO NATIONAL GUARD AND RESERV-**
4 **ISTS.**

5 Section 3317(a) of title 38, United States Code, is
6 amended by striking the last sentence.

7 **SEC. 10. REAUTHORIZATION OF VETERANS' ADVISORY**
8 **COMMITTEE ON EDUCATION.**

9 Section 3692(c) of title 38, United States Code, is
10 amended by striking “December 31, 2009” and inserting
11 “December 31, 2016”.

12 **SEC. 11. MODIFICATION TO MONTGOMERY G.I. BILL COST**
13 **OF LIVING ADJUSTMENTS.**

14 (a) IN GENERAL.—Section 3015 of title 38, United
15 States Code, is amended—

16 (1) by striking subsection (h);

17 (2) in subsection (a)(1), by striking “rate of—
18 ” and all that follows through “; or” and inserting
19 “rate of \$1368; or”; and

20 (3) in subsection (b)(1), by striking “rate of—
21 ” and all that follows through “; or” and inserting
22 “rate of \$1111; or”.

23 (b) EFFECTIVE DATE.—The amendments made by
24 subsection (a) shall take effect on the date of the enact-
25 ment of this Act.

1 **SEC. 12. EFFECTIVE DATE.**

2 Sections 1 through 10 of this Act shall take effect
3 on August 1, 2011.

○