

Army personnel manage and operate Arlington National Cemetery and the cemetery is under the jurisdiction of the United States Army. Accordingly, as the Ranking Member of the Committee of jurisdiction, I request that an additional referral be made to House Committee on Armed Services to provide for its full consideration of this bill.

It is important that the Committee on Armed Services be permitted to weigh in on this legislation prior to further consideration, as that Committee has legislative and oversight jurisdiction over the Department of the Army, and held a hearing on management issues at Arlington National Cemetery on June 30, 2010.

Thank you for your consideration of this matter.

Sincerely,

STEVE BUYER,  
Ranking Republican Member.

Mr. RUSH. Mr. Speaker, I rise today in support of S. 3860, A bill to require reports on the management of Arlington National Cemetery. This bill requires reports from the Department of the Army and the Government Accountability Office that will help restore the American people's faith in Arlington National Cemetery and, from this point forward, ensures that this sacred space continues to maintain the high level of service that is rightfully expected by the families of our servicemembers, both living and fallen.

Mr. Speaker, I have personally seen the pain and sorrow caused by cemetery errors.

As many of my colleagues are aware, Burr Oak cemetery, in my district, faced a similar situation like that which took place at Arlington.

I understand the sorrow created by this confusion. I have seen the anguish that family members suffered. It is something that I think no family should have to endure—especially the family members and loved ones of those who have paid the ultimate sacrifice to our country.

It is for this reason, Mr. Speaker, that I strongly support this legislation and encourage my colleagues on both sides of the aisle to do the same.

Mr. Speaker, I close with a reminder to my colleagues: the families of our fallen heroes have given so much. At the very least, we owe them the certainty that the gravesites they visit at Arlington National Cemetery are, indeed, the final resting place of their loved ones.

Mr. BUYER. Mr. Speaker, I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I have no further requests for time, I urge unanimous support, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, S. 3860.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## POST-9/11 VETERANS EDUCATIONAL ASSISTANCE IMPROVEMENTS ACT OF 2010

Mr. FILNER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3447) 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.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3447

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

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

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

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

Sec. 1. Short title; table of contents.

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

Sec. 3. Statutory Pay-As-You-Go Act compliance.

### TITLE I—POST-9/11 VETERANS EDUCATIONAL ASSISTANCE

Sec. 101. Modification of entitlement to educational assistance.

Sec. 102. Amounts of assistance for programs of education leading to a degree pursued at public, non-public, and foreign institutions of higher learning.

Sec. 103. Amounts of assistance for programs of education leading to a degree pursued on active duty.

Sec. 104. Educational assistance for programs of education pursued on half-time basis or less.

Sec. 105. Educational assistance for programs of education other than programs of education leading to a degree.

Sec. 106. Determination of monthly housing stipend payments for academic years.

Sec. 107. Availability of assistance for licensure and certification tests.

Sec. 108. National tests.

Sec. 109. Continuation of entitlement to additional educational assistance for critical skills or specialty.

Sec. 110. Transfer of unused education benefits.

Sec. 111. Bar to duplication of certain educational assistance benefits.

Sec. 112. Technical amendments.

### TITLE II—OTHER EDUCATIONAL ASSISTANCE MATTERS

Sec. 201. Extension of delimiting dates for use of educational assistance by primary caregivers of seriously injured veterans and members of the Armed Forces.

Sec. 202. Limitations on receipt of educational assistance under National Call to Service and other programs of educational assistance.

Sec. 203. Approval of courses.

Sec. 204. Reporting fees.

Sec. 205. Election for receipt of alternate subsistence allowance for certain veterans with service-connected disabilities undergoing training and rehabilitation.

Sec. 206. Modification of authority to make certain interval payments.

### SEC. 2. REFERENCE TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or re-

peal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

### SEC. 3. STATUTORY PAY-AS-YOU-GO ACT COMPLIANCE.

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

### TITLE I—POST-9/11 VETERANS EDUCATIONAL ASSISTANCE

#### SEC. 101. MODIFICATION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.

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

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

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

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

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

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

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

(b) CLARIFICATION OF APPLICABILITY OF HONORABLE SERVICE REQUIREMENT FOR CERTAIN DISCHARGES AND RELEASES FROM THE ARMED FORCES AS BASIS FOR ENTITLEMENT TO EDUCATIONAL ASSISTANCE.—Section 3311(c)(4) is amended in the matter preceding subparagraph (A) by striking “A discharge or release from active duty in the Armed Forces” and inserting “A discharge or release from active duty in the Armed Forces after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service”.

(c) EXCLUSION FROM PERIOD OF SERVICE ON ACTIVE DUTY OF PERIODS OF SERVICE IN CONNECTION WITH ATTENDANCE AT COAST GUARD ACADEMY.—Section 3311(d)(2) is amended by inserting “or section 182 of title 14” before the period at the end.

(d) EFFECTIVE DATES.—

(1) SERVICE IN NATIONAL GUARD AS ACTIVE DUTY.—The amendment made by subsection (a)(1) shall take effect on August 1, 2009, as if included in the enactment of chapter 33 of title 38, United States Code, pursuant to the Post-9/11 Veterans Educational Assistance Act of 2008 (title V of Public Law 110-252). However, no benefits otherwise payable by reason of such amendment for the period beginning on August 1, 2009, and ending on September 30, 2011, may be paid before October 1, 2011.

(2) ONE STATION UNIT TRAINING.—The amendment made by subsection (a)(2) shall take effect on the date of the enactment of this Act.

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

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

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

**SEC. 102. AMOUNTS OF ASSISTANCE FOR PROGRAMS OF EDUCATION LEADING TO A DEGREE PURSUED AT PUBLIC, NON-PUBLIC, AND FOREIGN INSTITUTIONS OF HIGHER LEARNING.**

(a) AMOUNTS OF EDUCATIONAL ASSISTANCE.—

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

(A) in the matter preceding paragraph (1), by inserting “leading to a degree at an institution of higher learning (as that term is defined in section 3452(f))” after “program of education”; and

(B) in paragraph (1), by striking subparagraph (A) and inserting the following new subparagraph (A):

“(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)) 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 percentage increase equal to the most recent percentage increase determined under section 3015(h).”.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows: “PROGRAMS OF EDUCATION LEADING TO A DEGREE PURSUED AT INSTITUTIONS OF HIGHER

LEARNING ON MORE THAN HALF-TIME BASIS.—”.

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

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

(2) by striking clause (i) and inserting the following new clauses:

“(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 institution of higher learning at which the individual is enrolled, 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.”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on August 1, 2011, and shall apply with respect to amounts payable for educational assistance for pursuit of programs of education on or after that date.

(2) STIPEND FOR DISTANCE LEARNING ON MORE THAN HALF-TIME BASIS.—Clause (iii) of section 3313(c)(1)(B) of title 38, United States Code (as added by subsection (b)(2) of this section), shall take effect on October 1, 2011, and shall apply with respect to amounts payable for educational assistance for pursuit of programs of education as covered by such clause on or after that date.

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

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

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

(2) in paragraph (2)—

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

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

(C) in the matter preceding clause (i), as redesignated by subparagraph (B) of this paragraph—

(i) by striking “The amount” and inserting “The amounts”; and

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

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

(D) by striking clause (i), as so redesignated, and inserting the following new clauses:

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

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

“(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 (8) 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 (7) of subsection (c).”.

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

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this

section shall take effect on the date that is 60 days after the date of the enactment of this Act, and shall apply with respect to amounts payable for educational assistance for pursuit of programs of education on or after such effective date.

(2) LUMP SUM FOR BOOKS AND OTHER EDUCATIONAL COSTS.—Subparagraph (B) of section 3313(e)(2) of title 38, United States Code (as added by subsection (a)(2)(E) of this section), shall take effect on October 1, 2011, and shall apply with respect to amounts payable for educational assistance for pursuit of programs of education on or after that date.

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

(a) CLARIFICATION OF AVAILABILITY OF ASSISTANCE.—Section 3313(f) is amended—

(1) in paragraph (1), by inserting before the period at the end the following: “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”; and

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

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

“(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)) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees; or”.

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

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

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

(b) ASSISTANCE FOR PURSUIT OF PROGRAMS OF EDUCATION OTHER THAN PROGRAMS OF EDUCATION LEADING TO A DEGREE.—Such section is further amended—

(1) by striking subsection (h);

(2) by redesignating subsection (g) as subsection (h); and

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

“(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)) 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 institution at which the individual is enrolled; 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 (8) 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 (7) 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 (8) 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 (7) of subsection (c).

“(iv) In any month in which an individual pursuing a program of education consisting of a program of apprenticeship 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 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 (9) of section 3311(b), 100 percent; or

“(II) in the case of an individual entitled to educational assistance by reason of paragraphs (3) through (8) of section 3311(b), the same percentage as would otherwise apply to the monthly amounts payable to the individual under paragraphs (2) through (7) 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 (9) of section 3311(b), 100 percent; or

“(II) in the case of an individual entitled to educational assistance by reason of paragraphs (3) through (8) of section 3311(b), the same percentage as would otherwise apply to the monthly amounts payable to the individual under paragraphs (2) through (7) 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).”.

(c) PAYMENT OF AMOUNTS TO EDUCATIONAL INSTITUTIONS.—Subsection (h) of section 3313, as redesignated by subsection (b)(2) of this section, is amended by inserting “, and under subparagraphs (A)(i), (C), and (D) of subsection (g)(3),” after “(f)(2)(A)”.

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

#### SEC. 106. DETERMINATION OF MONTHLY HOUSING STIPEND PAYMENTS FOR ACADEMIC YEARS.

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

“(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.”.

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

#### SEC. 107. AVAILABILITY OF ASSISTANCE FOR LICENSURE AND CERTIFICATION TESTS.

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

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

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

“(c) CHARGE AGAINST ENTITLEMENT.—The charge against an individual's entitlement under this chapter for payment for a licensing or certification test shall be determined at the rate of one month (rounded to the nearest whole month) for each amount paid that equals—

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

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

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

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

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

(C) by adding at the end the following:

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

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on Au-

gust 1, 2011, and shall apply with respect to licensure and certification tests taken on or after that date.

#### SEC. 108. NATIONAL TESTS.

(a) NATIONAL TESTS.—

(1) IN GENERAL.—Chapter 33 is amended by inserting after section 3315 the following new section:

##### “§ 3315A. National tests

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

“(1) A national test for admission to an institution of higher learning as described in the last sentence of section 3452(b).

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

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

“(1) the fee charged for the test; or

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

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

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

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

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 is amended by inserting after the item relating to section 3315 the following new item:

“3315A. National tests.”.

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

#### SEC. 109. CONTINUATION OF ENTITLEMENT TO ADDITIONAL EDUCATIONAL ASSISTANCE FOR CRITICAL SKILLS OR SPECIALTY.

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

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

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

“(c) CONTINUATION OF INCREASED EDUCATIONAL ASSISTANCE.—

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

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

“(A) the rate of educational assistance otherwise payable to the individual under section 3015(d) or section 16131(i) of title 10, as the case may be, had the individual not made the election described in paragraph (1), multiplied by

“(B) the lesser of—

“(i) 1.0; or

“(ii) 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 the program of education, rounded to the nearest multiple of 10.

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

(b) CLARIFICATION ON FUNDING OF INCREASED ASSISTANCE.—

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

“(d) FUNDING.—Payments for increased educational assistance under this section shall be made from the Department of Defense Education Benefits Fund under section 2006 of title 10 or from appropriations available to the Department of Homeland Security for that purpose, as applicable.”.

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

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

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

“(E) The present value of any future benefits payable from the Fund for amounts attributable to increased amounts of educational assistance authorized by section 3316 of title 38.”.

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

#### SEC. 110. TRANSFER OF UNUSED EDUCATION BENEFITS.

(a) AVAILABILITY OF TRANSFER AUTHORITY FOR MEMBERS OF PHS AND NOAA.—Section 3319 is amended—

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

(2) by striking subsection (k).

(b) SCOPE AND EXERCISE OF AUTHORITY.—Subsection (a) of such section is amended—

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

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

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

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

#### SEC. 111. BAR TO DUPLICATION OF CERTAIN EDUCATIONAL ASSISTANCE BENEFITS.

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

“(e) BAR TO CONCURRENT RECEIPT OF TRANSFERRED EDUCATION BENEFITS AND MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP ASSISTANCE.—An individual entitled to educational assistance under both sections 3311(b)(9) and 3319 may not receive assistance under both provisions concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which provision to receive educational assistance.”.

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

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

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

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

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

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

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

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

“(1) ACTIVE-DUTY SERVICE.—An individual with qualifying service in the Armed Forces that establishes eligibility on the part of such individual for educational assistance under this chapter, chapter 30 or 32 of this title, and chapter 1606 or 1607 of title 10, shall elect (in such form and manner as the Secretary may prescribe) under which authority such service is to be credited.

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

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

#### SEC. 112. TECHNICAL AMENDMENTS.

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

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

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

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

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

#### TITLE II—OTHER EDUCATIONAL ASSISTANCE MATTERS

##### SEC. 201. EXTENSION OF DELIMITING DATE FOR USE OF EDUCATIONAL ASSISTANCE BY PRIMARY CAREGIVERS OF SERIOUSLY INJURED VETERANS AND MEMBERS OF THE ARMED FORCES.

(a) ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE.—Subsection (d) of section 3031 is amended to read as follows:

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

“(A) shall not run during the period the individual is so prevented from pursuing such program; and

“(B) shall again begin running on the first day after the individual's recovery from such disability on which it is reasonably feasible, as determined under regulations prescribed by the Secretary, for the individual to initiate or resume pursuit of a program of education with educational assistance under this chapter.

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

“(i) shall not run during the period the individual is so prevented from pursuing such program; and

“(ii) shall again begin running on the first day after the date of the recovery of the veteran or member from the injury, or the date on which the individual ceases to be the primary provider of personal care services for the veteran or member, whichever is earlier, on which it is reasonably feasible, as so determined, for the individual to initiate or resume pursuit of a program of education with educational assistance under this chapter.

“(B) Subparagraph (A) shall not apply with respect to the period of an individual as a primary provider of personal care services if the period concludes with the revocation of the individual's designation as such a primary provider under section 1720G(a)(7)(D) of this title.”.

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

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

“(A) IN GENERAL.—A child to whom entitlement is transferred under this section may use the benefits transferred without regard to the 15-year delimiting date specified in section 3321, but may not, except as provided in subparagraph (B), use any benefits so transferred after attaining the age of 26 years.

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

“(i) IN GENERAL.—Subject to clause (ii), in the case of a child who, before attaining the age of 26 years, is prevented from pursuing a chosen program of education by reason of acting as the primary provider of personal care services for a veteran or member of the Armed Forces under section 1720G(a), the child may use the benefits beginning on the date specified in clause (iii) for a period whose length is specified in clause (iv).

“(ii) INAPPLICABILITY FOR REVOCATION.—Clause (i) shall not apply with respect to the period of an individual as a primary provider of personal care services if the period concludes with the revocation of the individual's designation as such a primary provider under section 1720G(a)(7)(D).

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

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

“(II) the date on which it is reasonably feasible, as determined under regulations prescribed by the Secretary, for the child to initiate or resume the use of benefits; or

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

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

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

“(II) ends on the later of—

“(aa) the date on which the child ceases acting as the primary provider of personal care services for the veteran or member as described in clause (i); or

“(bb) the date on which it is reasonably feasible, as so determined, for the child to initiate or resume the use of benefits.”.

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

“(c)(1) Notwithstanding subsection (a) and subject to paragraph (2), an eligible person may be afforded educational assistance beyond the age limitation applicable to the person under such subsection if—

“(A) the person suspends pursuit of such person's program of education after having enrolled in such program within the time period applicable to such person under such subsection;

“(B) the person is unable to complete such program after the period of suspension and before attaining the age limitation applicable to the person under such subsection; and

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

“(i) The actions of the person as the primary provider of personal care services for a veteran or member of the Armed Forces under section 1720G(a) of this title.

“(ii) Conditions otherwise beyond the control of the person.

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

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

“(A) the age limitation applicable to the person under subsection (a), plus a period of time equal to the period the person was required to suspend pursuit of the person's program of education as described in paragraph (1); or

“(B) the date of the person's thirty-first birthday.”.

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

## SEC. 202. LIMITATIONS ON RECEIPT OF EDUCATIONAL ASSISTANCE UNDER NATIONAL CALL TO SERVICE AND OTHER PROGRAMS OF EDUCATIONAL ASSISTANCE.

(a) BAR TO DUPLICATION OF EDUCATIONAL ASSISTANCE BENEFITS.—Section 3322(a) is amended by inserting “or section 510” after “or 1607”.

(b) LIMITATION ON CONCURRENT RECEIPT OF EDUCATIONAL ASSISTANCE.—Section 3681(b)(2) is amended by inserting “and section 510” after “and 107”.

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

## SEC. 203. APPROVAL OF COURSES.

(a) CONSTRUCTIVE APPROVAL OF CERTAIN COURSES.—

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

(A) by inserting “(1)” after “(b)”;

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

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

“(i) An accredited standard college degree program offered at a public or not-for-profit proprietary educational institution that is accredited by an agency or association recognized for that purpose by the Secretary of Education.

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

“(iii) An apprenticeship program registered with the Office of Apprenticeship (OA) of the Employment Training Administration of the Department of Labor or a State apprenticeship agency recognized by the Office of Apprenticeship pursuant to the Act of August 16, 1937 (popularly known as the ‘National Apprenticeship Act’; 29 U.S.C. 50 et seq.).

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

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

(2) CONFORMING AMENDMENTS.—

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

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

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

(C) Section 3689(a)(1) is amended by inserting after “unless” the following: “the test is deemed approved by section 3672(b)(2)(B) of this title or”.

(b) USE OF STATE APPROVING AGENCIES FOR COMPLIANCE AND OVERSIGHT ACTIVITIES.—Section 3673 is amended by adding at the end the following new subsection:

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

(c) APPROVAL OF ACCREDITED COURSES.—

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

ferred by an educational institution” and inserting “The Secretary or a State approving agency may approve accredited programs (including non-degree accredited programs) offered by proprietary for-profit educational institutions”.

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

(A) in the matter preceding paragraph (1), by inserting “the Secretary or” after “this section,”; and

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

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

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

## SEC. 204. REPORTING FEES.

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

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

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

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

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

## SEC. 205. ELECTION FOR RECEIPT OF ALTERNATE SUBSISTENCE ALLOWANCE FOR CERTAIN VETERANS WITH SERVICE-CONNECTED DISABILITIES UNDERGOING TRAINING AND REHABILITATION.

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

“(4) A veteran entitled to a subsistence allowance under this chapter and educational assistance under chapter 33 of this title may elect to receive payment from the Secretary in lieu of an amount otherwise determined by the Secretary under this subsection in an amount equal to the applicable monthly amount of 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 institution providing rehabilitation program concerned.”.

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

## SEC. 206. MODIFICATION OF AUTHORITY TO MAKE CERTAIN INTERVAL PAYMENTS.

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

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



The SPEAKER pro tempore (Mrs. HALVORSON). Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

## GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend and include extraneous material on S. 3447.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1850

Mr. FILNER. Madam Speaker, I yield myself such time as I may consume.

I want to thank Senator AKAKA, chairman of the Senate Veterans' Affairs Committee, for introducing this bill, also known as the Post-9/11 Veterans Educational Assistance Improvements Act of 2010. And I want to thank my colleague, Representative WALT MINNICK of Idaho, for his advocacy on behalf of our Nation's veterans and for introducing a similar bill in the House of Representatives.

My colleagues may recall that we successfully passed the Post-9/11 Veterans Educational Assistance Act of 2008 to help pay the full cost of tuition at 4-year colleges for veterans who served after September 11, 2001. This new entitlement has provided thousands of veterans with funds to pay for tuition and fees, a monthly housing allowance, and a \$1,000 book stipend. While this has proven to be a significant step to improve existing educational benefits for our veterans, much work remains to be done.

This bill is fully paid for, bipartisan, and seeks to rectify many of the ongoing technical concerns that were highlighted after the passage of the Post-9/11 GI bill while expanding benefits to veterans that were originally excluded from participating in this new benefit.

Current law prohibits certain individuals in the Reserve and National Guard from obtaining veterans education benefits under the Post-9/11 bill. This legislation seeks to address this inequity by allowing qualified individuals in our Reserve and National Guard to receive benefits under the Post-9/11 GI bill. The legislation would also provide veterans with a housing stipend while taking courses strictly through long distance learning, a key issue which many of us have spoken on. In addition to expanding the housing stipend, student veterans will also have the ability to use their educational benefits to pay for national tests, licensure, and certification tests.

Furthermore, this bill would address a major shortfall expressed by the veterans' community by those who would prefer to attend a non-college degree program that would meet their professional goals. This bill seeks to expand

on the eligible programs of education to include apprenticeship and on-the-job training, in addition to flight training and non-college degree programs of education.

Finally, this bill seeks to recognize the family's role of caring for an injured veteran by extending the period that a family member can use his or her education benefits. Providing more time for a caregiver to pursue their educational goals is the least we can do for those who have taken on the responsibility to care for an injured loved one.

I would like to thank our Speaker, Ms. PELOSI, for her leadership and dedication to America's veterans. It is only fitting to note that enhancing veterans education benefits was a major focus when Democrats took control of the House 4 years ago, and remains a final priority here in the final hours of the 111th Congress. Certainly, we look forward to continuing this advocacy in the next Congress.

## AMVETS

NATIONAL HEADQUARTERS,  
Lanham, MD, December 14, 2010.

Hon. Chairman BOB FILNER,  
Rayburn House Office Building,  
Washington, DC.

DEAR CONGRESSMAN BOB FILNER: On behalf of AMVETS (American Veterans), I am writing to express our support of S. 3447, the "Post 9/11 Veterans Educational Assistance Improvement Act of 2010."

AMVETS believes this piece of legislation to play a vital role in correcting numerous shortfalls of the current Post 9/11 GI Bill program. AMVETS believes that this piece of legislation only stands to better the educational opportunities afforded to all veterans, servicemembers, National Guard and Reserve. Furthermore, AMVETS believes that this piece of legislation will provide, much overdue, clarity and understanding to our veterans, servicemembers and the schools seeking to offer them an education and the exact funds available to all of the parties involved. For these reasons, AMVETS extends their support to S. 3447, the "Post 9/11 Veterans Educational Assistance Improvement Act of 2010."

Sincerely,

CHRISTINA M. ROOF,  
National Deputy Legislative Director.

MILITARY OFFICERS ASSOCIATION  
OF AMERICA,

Alexandria, VA, December 14, 2010.

Hon. BOB FILNER,  
Chairman, House Committee on Veterans Affairs,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the 370,000 members of the Military Officers Association of America (MOAA), I am writing to urge your support for final passage of S. 3447, the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, as passed by the Senate on 13 December.

S. 3447 takes the best GI Bill Since World War II to a new level of excellence, transparency and efficiency for veterans, college administrators and the Department of Veterans Affairs. The bill simplifies the complex and confusing payment system, reduces costs in key areas, eliminates glaring inequities, and enhances the opportunity for our veterans to successfully reintegrate in society after serving their nation.

We are particularly pleased that top MOAA priorities in S. 3447 would:

Permit full-time National Guard members on Title 32 orders to earn the benefit for their service;

Open vocational, apprenticeship, OJT and other job training—the Post-9/11 GI Bill is the only GI Bill program since WWII that excludes job training;

Simplify the payment system for public college attendance and set a national baseline for private college enrollment;

Permit USPHS and NOAA Corps service women and men to transfer their benefits to family members, if requested by their Department's respective Secretaries with the approval of the Secretary of Defense;

Authorize a book stipend (up to \$1000 annually) for active duty participants;

Establish a housing allowance for veterans enrolled in full-time online study;

Raise the cost-of-living stipend for wounded warriors eligible for Vocational Rehabilitation and Employment benefits

The CBO has reported that the bill will save \$734 million over 10 years. More importantly, S. 3447 will help our veterans gain the skills and training they need to compete in a very difficult economic climate. This legislation will reduce the need for future costly intervention programs for under- and unemployed veterans, making it a wise investment for our country.

On behalf of our entire membership, I would respectfully recommend your personal support for final passage this week of S. 3447.

Thank you for your leadership and support for our nation's uniformed servicemembers, their families and our veterans.

Sincerely,

NORBERT R. RYAN, Jr.  
President.

IRAQ AND AFGHANISTAN VETERANS  
OF AMERICA,

Washington, DC, December 14, 2010.

Hon. BOB FILNER,  
Cannon House Office Building,  
Washington, DC.

Hon. STEVE BUYER,  
Cannon House Office Building,  
Washington, DC.

DEAR CHAIRMAN FILNER AND RANKING MEMBER BUYER: Iraq and Afghanistan Veterans of America (IAVA) offers our strong support for S. 3447, commonly referred to as the New GI Bill 2.0. Our work on the New GI Bill is not done. The New GI Bill is a historic commitment to this generation of veterans that has enabled over 300,000 student veterans to attend school. However, tens of thousands of young veterans are unable to take advantage of these new GI Bill benefits because confusing regulations and holes in the original legislation. To ensure every veteran has access to a first class future, IAVA recommends swift passage of S. 3447.

New GI Bill 2.0 finishes the Post 9/11 GI Bill and includes:

Vocational Training: Invaluable job training for students studying at vocational schools.

Title 32 AGR: Grant National Guardsmen responding to national disasters full GI Bill credit.

Distance Learners: Provide living allowances for veterans in distance learning programs.

Tuition/Fees: Expand and simplify the Yellow Ribbon Program.

Active Duty: Include a book stipend for active duty students.

New GI Bill 2.0 will help student veterans like Charles Conrad who returned home to a tough economy and enrolled in a vocational school to help prepare him for a meaningful career only to find out that his vocational school was not covered by the new GI Bill and SPC Weaver a Purple Heart recipient whose vertigo is so bad he can't sit in a

classroom for an entire period and therefore does not qualify for a living allowance because he has to take classes online. This legislation will also help the tens of thousands of National Guard troops who were activated to clean up the oil spill in the Gulf and have not received credit toward the GI Bill for their service.

We are proud to offer our assistance on this vital piece of legislation. If we can be of help please feel free to contact Tim Embree.

Sincerely,

PAUL RIECKHOFF,  
*Executive Director.*

NATIONAL GUARD ASSOCIATION OF  
THE UNITED STATES,  
Washington, DC, December 14, 2010.

Hon. ROBERT FILNER,  
*House Committee on Veterans' Affairs, Chairman, Cannon House Office Building, Washington, DC.*

DEAR CHAIRMAN FILNER: NGAUS strongly supports the cost neutral S. 3447, The Post-9/11 Veterans Educational Assistance Improvements Act of 2010, which unanimously passed the Senate on December 13, 2010. It is our understanding that S. 3447 will be placed on the House suspension calendar this week in order that it may be considered this session.

When Congress hurriedly enacted the educational assistance for members of the Armed Forces who serve after September 11, 2001, commonly known as the Post 9/11 GI Bill, it mistakenly excluded Title 32 active duty service from qualifying for benefits under this program, and limited benefits for vocational learning, on-the-job training, and distance learning that is so vital to geographically isolated members for the National Guard.

S. 3447 would fully credit all National Guard Title 32 AGR duty and service under Title 32 section 502(f) in response to a national emergency declared by the President. The bill would also provide expanded benefits for vocational learning, apprenticeships, on-the-job training, and provide a living allowance for full-time distance learners. Of critical importance is the fact that the Congressional Budget Office has rated the bill to be cost neutral.

NGAUS strongly supports approval of a motion to suspend the rules for S. 3447 in the House to correct this inequity and properly credit our members of the National Guard for their service to our country. The sooner this corrective legislation may be passed, the sooner our members and veterans will be able to improve their skills in a difficult economy.

Our men and women who bravely serve and have served our nation richly deserve the recognition that S. 3447 would provide. Thank you for this opportunity to express our support.

Sincerely,

GUS HARGETT,  
*Major General, (Ret), President.*

NATIONAL ASSOCIATION FOR  
UNIFORMED SERVICES,  
Springfield, VA, December 14, 2010.

Hon. BOB FILNER,  
*Chairman, House Veterans' Affairs Committee, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The National Association for Uniformed Services (NAUS) strongly supports passage of S. 3447, the Post-9/11 Veterans Educational Assistance Improvements Act. The bill brings critical upgrades and welcome expansion of the extraordinary and historic Post 9/11 GI Bill.

As approved in the Senate earlier this week, the Post-9/11 Veterans Educational Assistance Improvements Act makes a number of modifications to the education assistance legislation. Not only does it open edu-

cational opportunities for National Guard and Reserve members called to active duty, it would simplify the bill making it less complex, and expand the program to include on-the-job and vocational training opportunity for veterans interested in developing a career in skilled trades.

NAUS urges speedy action to complement, upgrade and improve the historic action previously taken under your leadership to approve the Post-9/11 GI Bill. Our membership endorses this legislation, and we urge your colleagues to support the course of action you propose. For those men and women who have honorably served in the Uniformed Services, it is the right thing to do.

Sincerely,

RICHARD A. JONES,  
*Legislative Director.*

THE AMERICAN LEGION,  
Washington, DC, December 14, 2010.  
Hon. STEPHANIE HERSETH SANDLIN,  
*Cannon House Office Building, House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE HERSETH SANDLIN: On behalf of the 2.4 million members of The American Legion, I am expressing our support for S. 3447, the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, legislation which expands and improves upon the Post 9/11 G.I. Bill. Most importantly, the new measure expands the Post 9/11 G.I. Bill beyond covering college courses by allowing veterans to use the more generous benefits of this program to cover vocational and technical education at non-degree granting institutions. This will help more veterans get the skills they need to get back in the work force quickly and help get our economy back on track.

The act also expands eligibility for the new G.I. Bill to certain members of the National Guard and Reserve forces activated under Title 32 for domestic emergencies or homeland security missions, or who serve full-time under the Active Guard and Reserve (AGR) program and who were inadvertently left out of the original legislation passed in June 2009. Last year, by Guard estimates, the oversight had denied more than 75,000 Army Guard and 2,500 Air Guard members access to the best veterans' education benefit since World War II. In addition, the bill would provide a living allowance for distance learners, expand and simplify the existing Yellow Ribbon program, reimburse student-veterans taking multiple certification tests and national exams, and allow active duty service members and their spouses to receive a \$1000 per year book stipend, among other things.

The American Legion has a proud history of advocating for veterans' benefits, most notably the contribution to writing and passing the historic Servicemen's Readjustment Act of 1944, commonly known as the "G.I. Bill of Rights." Harry W. Colmery, a former National Commander of the American Legion, is credited with drafting the original language that would become the G.I. Bill. S. 3447 will go far in ensuring that current veterans will be helped as much as the original G.I. Bill helped the Greatest Generation in shaping America. Once again, The American Legion fully supports this legislation and we urge final passage of this bill before the close of the 111th Congress.

Sincerely,

TIM TETZ,  
*Director, National Legislative Commission.*

STUDENT VETERANS OF AMERICA,  
BOARD OF DIRECTORS,  
December 14, 2010.

Hon. CONGRESSMAN FILNER, *Chairman*,  
Hon. CONGRESSMAN BUYER, *Ranking Member*,  
*House Veterans Affairs Committee*,  
*Cannon House Office Building*,  
CHAIRMAN FILNER, RANKING MEMBER  
BUYER, AND ESTEEMED MEMBERS: We at Student Veterans of America strongly support the provisions of S. 3447, which was passed unanimously by the Senate last evening, on December 14th, 2010. This bill enjoys broad bipartisan support, corrects many of the deficiencies of the original Post 9/11 GI Bill, and even reduces the deficit by more than \$700 million over ten years. It is rare that this kind of opportunity comes along with overwhelming support from both parties and the vast majority, if not all, of the veteran services organizations, and we respectfully request that you move to ensure its swift passage.

This Bill will truly change the landscape of veterans' education, and is a fantastic follow-up to the Post 9/11 GI Bill that was passed into law two years ago. Since that time we have seen great successes come from its provisions, and yet we have also seen some veterans left out of its generous promises. S. 3447 addresses almost all of these concerns, and we are excited to be involved in its movement to help all veterans, despite this difficult political climate.

Among its many improvements, S. 3447 establishes a national average for private and graduate school rates that will alleviate the most complex part of this program by giving predictability to all veterans as to what their benefit is worth regardless of where they are studying. Additionally, allowing the Post 9/11 GI Bill to be used for vocational training and apprenticeships, including Title 32 National Guard service members, and providing a housing allowance to distance learners will finally close some of the largest issues with the program thus far, expanding the eligibility and usage to its intended audience: all Post 9/11 veterans.

We are excited and proud to stand with you on this issue and we look forward to continuing to work with you to help our nation's heroes achieve success in the classroom and in their professional lives. Giving student veterans the tools they need to excel in their chosen careers will allow them to continue their exceptional contributions to our country. Please stand with us by passing S. 3447.

Very Respectfully,

JEREMY GLASSTETTER,  
*National President.*

Mr. Speaker, I reserve the balance of my time.

Mr. BUYER. I yield myself such time as I may consume.

I don't know since when the GI bill all of a sudden became the greatest hallmark of Democrats. It's of both parties, Mr. Chairman.

I rise to express my concerns about the way, once again, we are legislating outside of regular order, leaving undone significant fixes needed to correct known substantive and technical problems with the bill. And this all goes back to the way the GI bill came to us. It came to us as a political instrument, not properly even vetted through the House. It came as a political instrument in a highly Presidential election time.

The House committee was doing its work on modernizing the Montgomery GI bill. STEPHANIE HERSETH and JOHN



BOOZMAN were doing yeoman's work, under the guidance of Chairman FILER, and they were doing everything that they were supposed to do to that bill. Sure enough, they took a bill that was drafted by one staffer who had not been properly vetted in the Senate and sent that bill over to the House without even being vetted here by the House. And then Speaker PELOSI wanted to do that, and it was all about, at that time, jamming JOHN MCCAIN.

Now I voted for that when it came here to the House floor. The reason I did that is I wanted a seat at the table. I wanted to be able to correct problems with the bill. We cited 10 or 11 of the problems that we had with the bill, all of which were ignored.

So what happened? All these inequities, all these poor drafting errors, the challenge that the administration even had with regard to the implementation of the legislation. Oh, once again we'll just do something quickly, with expediency, bypass the House process, ignore regular order, dump it on the administration, and then force them to fix it. And then, if they don't do things according to the timeline for which we foresee, then we'll just beat 'em up. This is like the worst way to legislate.

If you want to do proper governing, you don't worry about winning and losing and who's getting credit, whether a Democrat is getting credit or a Republican is getting credit. You don't think about winning and losing. Good government is about the collective ideas of all people of this House.

So, once again, what are we doing? Here comes a bill, once again, coming from the Senate to us on issues that we haven't even had a chance to pore through. Oh, let's come to the floor. Let's cheerlead. Let's embrace. And you're doing it, once again, in a lame duck session.

Then-Speaker Dennis Hastert, in 2006, when Democrats took over the House, what did Dennis Hastert do? He held a conference and he told Republicans: Respect the will of the American people. We will not legislate our agenda in a lame duck.

What are you doing? You're ignoring the will of the American people and trying to jam everything imaginable that you can before you, quote, lose power. So let's do gays in the military and let's jam everything imaginable you can. Let's do this. You're creating even more inequities in this bill than you think that you're correcting.

In order to understand my concerns: Originally the bill cost nearly \$80 billion and was not paid for. We could be headed for a similar situation by passing this bill today without going through regular order.

I received a long list of technical changes from the VA that would have facilitated successful implementation. Unfortunately, the majority continues to block my efforts for these changes. In the end, the House once again will have no say in a major piece of legislation expanding veterans' benefits.

So be careful getting out there and pounding your chest thinking that you've done a lot of great things or that you've had all the input. We have not.

I am concerned about the policy change in this bill that ends living stipend payments to veterans during periods of time between semesters. You had better think about what you are about to vote on. This cut in veterans' benefits will hit veterans and their families hard, especially during the holiday season, since many schools dismiss for the winter break veterans who would receive their living stipend check during that period. I can't think of a worse idea than to cut a veteran benefit during the Christmas and holiday season. All Americans know that the month of December is already a strain on their pocketbook, and to have your paycheck cut during a devastating time period is pretty tough.

My second policy concern deals with the national cap on tuition and fees. Current law allows the VA to pay up to the maximum in-state tuition and fees for each veteran enrolled in an institution of higher learning. This means that each State has a different maximum amount of tuition and fees that the VA is required to pay. While the revised benefit of up to \$17,500 a year will be a windfall for most veterans, there are veterans in several States, including Texas, New York, and New Hampshire that will see their tuition and fees payments reduced. Veterans in these States will be forced to pay for this reduction from other sources or from their own pocket.

For example, a veteran who is a junior studying at Baylor University in Texas currently receives roughly \$26,000 in tuition and fee payments per year. Under this bill, that veteran would receive only \$17,500 in tuition and fee payments for a difference of \$8,500 per year; or, \$34,000 over a 4-year time period will be cut from their benefit.

□ 1900

This bill should have included a provision to grandfather the current students in these high-cost States so they are not required to make up the difference in tuition, but the Members of the House Committee on Veterans' Affairs did not get that change, or any other change, for that matter. By removing these interval payments and excluding a grandfather clause, the drafters of this bill were able to pay for their other enhancements of the bill. However, these enhancements are being done at the expense of some veterans to the benefit of other veterans.

It is one of those things which we are always cautious about, cutting one veteran's benefit to the benefit of some other veteran. If you went out and surveyed the average student veteran, I believe they would oppose improving their own benefit at the expense of one of their comrades.

What is even more disturbing to me is that by rushing this bill through

without regular order, the majority and the veterans service organizations who support this move don't seem to have a problem with either of these issues that will hurt some of America's veterans in the name of expediency and of the apparent need to score some kind of point here in the lame duck.

I am surprised that the veterans service organizations have jumped on board in support of this bill despite the fact of its cuts of veterans benefits. I am quite certain they are very uncomfortable with me standing here on the House floor talking about the veterans service organizations' support of the cut in veterans benefits.

In a press release on Tuesday, the commander of the American Legion, Jimmie Foster, stated: "This is great news. This bill rectifies the inequities and shortcomings of the well-intentioned but incomplete Post-9/11 GI Bill and makes it whole."

It does not. We create even more inequities and make the matter even worse.

In testimony in July before the Senate Committee on Veterans' Affairs, the Iraq and Afghanistan Veterans of America stated: "The discussion draft of Senate 3447 will improve the new GI Bill and ensure that all student veterans have access to the most generous investment in veterans education since World War II."

At the same hearing, the Veterans of Foreign Wars stated: "Senator AKAKA, your legislation addresses every area of concern the VFW has with improving the Post-9/11 GI Bill. We cannot say enough about the noble intent driving this legislation."

Madam Speaker, I guess we have a few questions for the veterans who are members of these veterans service organizations. Number one, are your Representatives in Washington really standing up for you when they endorse a bill that cuts your living stipend during the holidays?

Please understand what this does. When an individual finishes their fall semester and before they start their spring semester, their benefits are cut. At some schools they might be out 5 weeks, or 3 weeks, or 4 weeks. We are going to cut their stipend during that break between semesters.

The other question is, are they really representing the view of a veteran when they endorse legislation that cuts tuition payments for some veterans by thousands of dollars while trying to benefit a veteran in some other place?

While I am retiring here at the end of this Congress, I am sure that Members of the new majority will want to hold hearings on the shortcomings in the Post-9/11 GI Bill and look for ways to improve the bill early in the next Congress. That way we can further consider the VA's and the committee's concerns, avoid unintended consequences, and do so in a bipartisan manner, and, most importantly, using regular order and making sure everyone participates in the process. That is

the best way for us to govern a country.

With that, I reserve the balance of my time.

Mr. FILNER. Madam Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. LOEBSACK), who has been a great leader on veterans issues.

Mr. LOEBSACK. I thank Chairman FILNER, and I want to thank Democrats and Republicans alike who have worked on this bill and folks in the Senate who have worked on this bill as well, both Democrats and Republicans.

Mr. Speaker, the Post-9/11 GI Bill is an expression of our Nation's gratitude to those who have served our country since the 9/11 attacks.

As a former college professor, I know firsthand the impact a post-secondary education can have. It opens doors and it broadens opportunities, and it is critical to the strength of our military and the future of our economy.

I have had the honor to meet many members of the Iowa National Guard. I have seen them respond to the floods that hit my district in 2008, and I have visited them in Iraq and Afghanistan. The dual role of the National Guard in our homeland and national security is unique, and it has only increased since the 9/11 attacks.

The National Guard is no longer a strategic reserve. It is an operational one. These soldiers and airmen secure our airspace, respond to disasters, protect our borders, and deploy to Iraq and Afghanistan. Yet the Post-9/11 GI Bill did not recognize this dual role. It counts only service overseas and overlooked the role the National Guard plays in federally funded homeland security missions.

That is why I introduced the National Guard Education Equality Act, which has over 100 bipartisan cosponsors and has been endorsed by a number of veterans service organizations. I am very proud that my bill has been included in the Post-9/11 Veterans Education Assistance Improvements Act. As a result, tens of thousands of National Guard members will receive benefits they are due for their service to our country.

While this bill is not perfect and more needs to be done, it is an essential step forward. Among its many other improvements for our veterans, it will recognize and it will honor the contributions of the National Guard to both our homeland and our national security. I urge support for this critical legislation.

I again thank Chairman FILNER and Members for all their great work on this, Democrats and Republicans alike.

Ms. HERSETH SANDLIN. Mr. Speaker, I rise today in strong support of S. 3447, The Post-9/11 Veterans Educational Assistance Improvements Act of 2010.

I would like to thank Senator AKAKA for introducing this critical legislation in the Senate and Representative WALT MINNICK of Idaho who introduced the companion bill here in the House and worked diligently to refine the landmark Post-9/11 G.I. Bill enacted in 2008.

I would also like to thank Veterans Affairs Committee Chairman FILNER, as well as Ranking Member BUYER, for their leadership throughout the 110th and 111th Congresses on this topic in helping ensure that our Nation's veterans have access to the educational benefits they deserve and have earned.

One of the most significant accomplishments of the 110th Congress was the passage of the Post-9/11 G.I. Bill. That legislation offered the first update and improvement of the Montgomery G.I. Bill in over a generation, and set the Department of Veterans Affairs on the path toward providing today's veterans the educational benefits that befit their service and sacrifice.

Today, by passing S. 3447, this House can take another significant step on the ongoing journey to provide veterans with those improved educational benefits.

During the 111th Congress, I have had the honor to serve our Nation's veterans as Chairman of the Economic Opportunity Subcommittee. As part of my work as chairman, our subcommittee held six hearings on various aspects of the Post-9/11 G.I. Bill program. We addressed the VA's long-term strategy to implement the benefit and investigated the reasons behind some of the processing delays that plagued the program when the VA first began paying benefits in August of 2009. In addition, our Subcommittee held an education roundtable and several legislative hearings on bills that sought to improve or expand the Post-9/11 G.I. Bill program.

During these many hearings, it became clear that, while the version of the Post-9/11 G.I. Bill program the House passed in the 110th Congress was a positive step, there were also logical, commonsense, bipartisan improvements to be made to the benefit that would allow veterans greater flexibility and better meet their needs.

S. 3447 contains many of those needed improvements.

This bill:

Allows veterans to use Post-9/11 benefits for Apprenticeship and On-the-Job Training programs.

Provides students pursuing education through distance learning access to the housing stipend given to traditional students.

Credits National Guard members—who are activated under Title 32 orders for national disasters—with Post-9/11 eligibility.

Improves the often confusing state cap system to expand and simplify the yellow ribbon program which allows veterans to receive funds to attend private schools.

Fully covers tuition at any public school.

Is fully offset and cost neutral thanks in part to closing several loopholes in the program.

There is historical precedence for making such changes. The 78th Congress also needed to pass several reforms to the original Montgomery G.I. Bill. Today, the Montgomery G.I. Bill is considered to be one of the most successful veterans programs in the history of our country. By passing S. 3447, we are following in that tradition.

In conclusion, I would like to thank the many Veterans Service Organizations who worked with Senator AKAKA, Representative MINNICK, and myself on these issues. Groups such as the Veterans of Foreign Wars, the American Legion, and the Iraq and Afghanistan Veterans of America were tireless champions on this bill and these issues. The passage of S. 3447 would not be possible without their efforts.

I also want to thank Economic Opportunity Subcommittee Ranking Member JOHN BOOZMAN for his leadership and effort in conducting proper oversight of the Post-9/11 G.I. Bill and helping to improve it. I am very proud of the bipartisan way that Representative BOOZMAN and I approached Economic Opportunity issues and this topic was no exception. I wish him the best of luck in his work in the Senate on behalf of veterans and the State of Arkansas.

Again, I urge all my colleagues, on both sides of the aisle, to support this important legislation.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of S. 3447, the Post-9/11 Veterans Educational Assistance Improvements Act of 2010.

First I want to thank the Chairman of the Senate Committee on Veterans' Affairs, and my very good friend, Senator DANIEL AKAKA, for his leadership and for continuing to look out for the needs of our veterans. I also want to thank the gentleman from Idaho, Mr. WALTER MINNICK, for his work on this important issue.

The bill, S. 3447, embodies Congress' responsibility to those that have served and fought in defense of this great Nation. Since the Serviceman's Readjustment Act of 1944, or the original GI Bill, Congress has continued to provide assistance through a myriad of programs designed to meet the many critical needs of our veterans. And service members. These programs include the construction of additional hospitals; extending educational assistance to disabled and non-disabled veterans; providing access to loans for home, business, and farm; job counseling and placement services and unemployment benefits.

The bill before us today, S. 3447, underscores this continued responsibility. It will make several improvements to the existing Post-9/11 Veterans Educational Assistance Program, or the Post-9/11 GI Bill of 2008.

Among other improvements, S. 3447 will modify eligibility for entitlements to educational assistance; the amount of assistance and types of approved program of education; and assistance for licensure and certification tests.

Under the proposed legislation, individuals, who have been discharged or released from the Armed Forces, will be able to transfer unused education benefits to family members or dependents. Those pursuing a college degree or certificate through an accredited distance learning program will also be eligible for educational assistance. Eligible individuals entitled to supplemental educational assistance for additional service under the Montgomery GI Bill-Active Duty, MGIB-AD, may also receive remaining payments if the individual elects to receive benefits under the Post-9/11 GI Bill. Veterans with service-connected disabilities will be eligible to choose the national average of BAH, or the DOD benefit to provide housing compensation, in lieu of the monthly subsistence allowance currently authorized. Commissioned officers in the Public Health Service, PHS, and National Oceanic and Atmospheric Administration, NOAA, may also transfer Post-9/11 GI Bill benefits to their dependents.

Overall, this piece of legislation provides the opportunity for veterans and servicemembers to maximize their benefits and to ensure that their needs are met. And again I thank Senator AKAKA for his leadership on this important piece of legislation.

I urge my colleagues to support this bill.

Ms. BORDALLO. Mr. Speaker, I rise today in support of S. 3447, the Post-9/11 Veterans Educational Assistance Improvements Act of 2010. I commend Chairman IKE SKELTON of the House Armed Services Committee, Chairman JOHN SPRATT of the House Committee on the Budget, and Chairman BOB FILNER of the House Committee on Veterans Affairs for their commitment, hard work and dedication to expanding education benefits for the men and women who have served our great nation in uniform since September 11, 2001. The work of committee leadership ensures that this Congress will make a meaningful positive impact on our Armed Forces.

The improvements to the bill will make it easier for the U.S. Department of Veterans Affairs and the military services to implement the program thereby speeding up the time it presently takes to use the benefits. Further the proposed legislation expands tile types of training which can be pursued to include vocational and technical schools, apprenticeships and on the job training that were not previously covered. Another important improvement to the Bill includes expanded financial assistance to active duty members to cover the cost of books and administrative fees and to broaden the opportunity to participate in distance learning programs.

Another critical component of the legislation is expanding eligibility to many men and women of the National Guard who serve under Title 32 authority. Men and women of the National Guard continue to be called upon to serve at home and abroad to protect our national interests. The distinction between different types of orders is often blurred due to archaic procedures and operational requirements. The legislation significantly enhances benefits for men and women of the National Guard by including active duty time spent for the purpose of organizing, administering, recruiting, instructing, or training the National Guard. It also includes time spent under section 502(f) of title 32 when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.

This legislation continues our solemn commitment to veterans and servicemembers. The bill improves the processing of these benefits and ensures that we fulfill our commitment to all servicemembers and veterans. As such, I urge my colleagues to join me in supporting S. 3447.

Mr. BUYER. Mr. Speaker, I yield back the balance of my time.

Mr. FILNER. Mr. Speaker, I have no further requests for time. This is an important bill that extends benefits to even more of our veterans and tries to enhance the benefits for those who already are receiving them. I ask for unanimous support, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LANGEVIN). The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the bill, S. 3447.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FILNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### SUPPORTING A NEGOTIATED SOLUTION TO THE ISRAELI-PALESTINIAN CONFLICT

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1765) supporting a negotiated solution to the Israeli-Palestinian conflict and condemning unilateral declarations of a Palestinian state, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

##### H. RES. 1765

Whereas a true and lasting peace between Israel and the Palestinians can only be achieved through direct negotiations between the parties;

Whereas Palestinian leaders have repeatedly threatened to declare unilaterally a Palestinian state and to seek recognition of a Palestinian state by the United Nations and other international forums;

Whereas Palestinian leaders are reportedly pursuing a coordinated strategy of seeking recognition of a Palestinian state within the United Nations, in other international forums, and from a number of foreign governments;

Whereas, on November 24, 2010, Mahmoud Abbas, leader of the Palestinian Authority and the Palestine Liberation Organization, wrote to the President of Brazil, requesting that the Government of Brazil recognize a Palestinian state, with the hope that such an action would encourage other countries likewise to recognize a Palestinian state;

Whereas, on December 1, 2010, in response to Abbas's letter, the Government of Brazil unilaterally recognized a Palestinian state;

Whereas, on December 6, 2010, the Government of Argentina announced its decision to recognize unilaterally a Palestinian state, and the Government of Uruguay announced that it would unilaterally recognize a Palestinian state in 2011;

Whereas, on March 11, 1999, the Senate adopted Senate Concurrent Resolution 5, and on March 16, 1999, the House of Representatives adopted House Concurrent Resolution 24, both of which resolved that "any attempt to establish Palestinian statehood outside the negotiating process will invoke the strongest congressional opposition";

Whereas, on October 20, 2010, Secretary of State Hillary Rodham Clinton stated, "There is no substitute for face-to-face discussion and, ultimately, for an agreement that leads to a just and lasting peace";

Whereas, on November 5, 2010, United States Department of State Spokesman Mark Toner, responding to a question about the Palestinians possibly taking action to seek recognition of a Palestinian state at the United Nations, said, "[T]he only way that we're going to get a comprehensive peace is through direct negotiations, and anything that might affect those direct negotiations we feel is not helpful and not constructive";

Whereas, on November 10, 2010, Secretary Clinton stated, "we have always said and I continue to say that negotiations between the parties is the only means by which all of

the outstanding claims arising out of the conflict can be resolved . . . There can be no progress until they actually come together and explore where areas of agreement are and how to narrow areas of disagreement. So we do not support unilateral steps by either party that could prejudice the outcome of such negotiations.";

Whereas, on December 7, 2010, Assistant Secretary of State for Public Affairs Philip J. Crowley stated, "We don't think that we should be distracted from the fact that the only way to resolve the core issues within the process is through direct negotiations.";

Whereas, on December 10, 2010, Secretary Clinton stated, "it is only a negotiated agreement between the parties that will be sustainable";

Whereas the Government of Israel has made clear that it would reject a Palestinian unilateral declaration of independence, has repeatedly affirmed that the conflict should be resolved through direct negotiations with the Palestinians, and has repeatedly called on the Palestinian leadership to return to direct negotiations; and

Whereas efforts to bypass negotiations and to unilaterally declare a Palestinian state, or to appeal to the United Nations or other international forums or to foreign governments for recognition of a Palestinian state, would violate the underlying principles of the Oslo Accords, the Road Map, and other relevant Middle East peace process efforts: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) reaffirms its strong support for a negotiated solution to the Israeli-Palestinian conflict resulting in two states, a democratic, Jewish state of Israel and a viable, democratic Palestinian state, living side-by-side in peace, security, and mutual recognition;

(2) reaffirms its strong opposition to any attempt to establish or seek recognition of a Palestinian state outside of an agreement negotiated between Israel and the Palestinians;

(3) urges Palestinian leaders to—

(A) cease all efforts at circumventing the negotiation process, including efforts to gain recognition of a Palestinian state from other nations, within the United Nations, and in other international forums prior to achievement of a final agreement between Israel and the Palestinians, and calls upon foreign governments not to extend such recognition; and

(B) resume direct negotiations with Israel immediately;

(4) supports the Administration's opposition to a unilateral declaration of a Palestinian state; and

(5) calls upon the Administration to—

(A) lead a diplomatic effort to persuade other nations to oppose a unilateral declaration of a Palestinian state and to oppose recognition of a Palestinian state by other nations, within the United Nations, and in other international forums prior to achievement of a final agreement between Israel and the Palestinians; and

(B) affirm that the United States would deny recognition to any unilaterally declared Palestinian state and veto any resolution by the United Nations Security Council to establish or recognize a Palestinian state outside of an agreement negotiated by the two parties.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Texas (Mr. POE) each will control 20 minutes.

The Chair recognizes the gentleman from California.