

“(k) ANNUAL REPORT.—The Administrator shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Appropriations of the Senate and the Committee on Oversight and Government Reform and the Committee on Appropriations of the House of Representatives an annual report on the projected budget needs and expense plans of the FAI to fulfill its mandate.

“(l) CHIEF ACQUISITION OFFICER DEFINED.—In this section, the term ‘Chief Acquisition Officer’ means a Chief Acquisition Officer for an executive agency appointed pursuant to section 16.”.

(2) EXPANDED SCOPE OF ACQUISITION WORKFORCE TRAINING FUND.—Section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3)) is amended—

(A) in subparagraph (A), by striking “to support the training of the acquisition workforce of the executive agencies” and inserting “to support the activities set forth in section 37A(h)(1)”; and

(B) in subparagraph (E), by striking “ensure that funds collected for training under this section are not used for any purpose other than the purpose specified in subparagraph (A)” and inserting “ensure that funds collected under this section are not used for any purpose other than the activities set forth in section 37A(h)(1)”.

(b) CONFORMING AMENDMENT.—Section 6(d)(5) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(d)(5)) is amended to read as follows:

“(5) providing for and directing the activities of the Federal Acquisition Institute established under section 37A, including recommending to the Administrator of General Services a sufficient budget for such activities;”.

(c) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to preclude the Secretary of Defense from establishing acquisition workforce policies, procedures, training standards, and certification requirements for acquisition positions in the Department of Defense, as provided in chapter 87 of title 10, United States Code.

Mr. DURBIN. Madam President, I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2902), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

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

Mr. DURBIN. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 638, S. 3447.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A 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 Senate proceeded to consider 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, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

### 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.

#### 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 repeal 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.

#### 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).

(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, \$20,000; 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).”

(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 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. 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) 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;

“(ii) the amount equal to—

“(I) for the academic year beginning on August 1, 2011, \$20,000; or

“(II) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this clause, 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 DATE.**—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 as educational assistance for individuals who commence pursuit of programs of education on or after such effective 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, \$20,000; 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).

“(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, \$12,000; 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 assist-

ance (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, \$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).

“(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 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. 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, \$1,667; 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 August 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, \$1,667; 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 DATES 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; and

“(B) the person is unable to complete such program after the period of suspension and be-

fore 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 offered 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 August 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.

Mr. DURBIN. I ask unanimous consent that the committee-reported substitute amendment be considered and that the Akaka amendment which is at the desk be agreed to; the committee substitute amendment, as amended, be agreed to; the bill, as amended, be read a third time; and that the budgetary pay-go statement be read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Mr. Conrad: This is the Statement of Budgetary Effects of PAYGO Legislation for S. 3447, as amended.

Total Budgetary Effects of S. 3447 for the 5-year Statutory PAYGO Scorecard: net decrease in the deficit of \$1 million.

Total Budgetary Effects of S. 3447 for the 10-year Statutory PAYGO Scorecard: net decrease in the deficit of \$734 million.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act, as follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR S. 3447, THE POST-9/11 VETERANS EDUCATIONAL ASSISTANCE IMPROVEMENTS ACT OF 2010 (AS REPORTED ON OCTOBER 26, 2010), WITH AN AMENDMENT (ARM10D13) PROVIDED TO CBO ON DECEMBER 2, 2010

	By fiscal year, in millions of dollars—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT												
Statutory Pay-As-You-Go Impact .....	–16	–28	69	10	–36	–83	–121	–153	–176	–200	–1	–734

Note: S. 3447 as amended contains several provisions that would both increase and decrease the costs of veterans' education programs.  
Source: Congressional Budget Office.

Mr. AKAKA. Madam President, as chairman of the Senate Committee on Veterans' Affairs, I am delighted to bring before the Senate S. 3447, the Post-9/11 Veterans' Educational Assistance Improvements Act of 2010.

This measure, together with the managers' amendment, is based on the legislation I introduced on May 27, 2010. Hearings were held on the bill on July 21, 2010, and on August 5, 2010, the committee ordered the measure to be reported. The committee's report was filed on October 26, 2010.

The purpose of this legislation is to make modifications in the program of educational assistance operated under chapter 33 of title 38, United States Code, for veterans who have served on active duty since September 11, 2001. It would provide for a streamlined, less complex, and more equitable program, and expand certain opportunities for training and education, including on-job and vocational training. It would also correct a number of inadvertent omissions and errors in the new chap-

ter 33 program as enacted in 2008 as title V of Public Law 110–252, the Supplemental Appropriations Act, 2008.

As one who knows, from firsthand experience, the value of G.I. bill benefits and how they can substantially enhance all aspects of an individual's life, I believe that it is critical that we move toward making this new G.I. bill for today's veterans the best that it can be. And that is what my bill is intended to do.

In 2008, I was pleased to join with our distinguished colleague from Virginia, Mr. WEBB, as a cosponsor of the original measure which established this new program. However, since the process leading to the enactment of this new program was outside the framework of the usual committee route for development and consideration of legislation, there are a number of issues with the new program that require legislative remedies. In addition, VA's yearlong experience with the program has made it clear that the new program is very

complex, difficult to understand, and results in unintended inequities.

I worked with my colleagues here in the Senate, with the Department of Veterans' Affairs, and with various veteran and other organizations to craft legislation that addresses many of the problems and will, in addition, make additional valuable educational opportunities for veterans available through on-job and apprenticeship training. Because the details of the legislation are described in detail in the committee's report on S. 3447—Senate Report 111–34—I will just highlight a few of the provisions.

First, the bill would allow members of the National Guard and Reserve to benefit from the new program. These individuals—those activated under the authority of title 32 by orders of the President or the Secretary of Defense to support a national security mission—were inadvertently omitted from the program when it was enacted in 2008 and the pending measure would remedy this oversight.



Second, the bill would simplify the payments. Instead of a complex and sometimes inequitable benefits calculation based on a State-by-State determination, this measure would provide that if an individual is enrolled in a program of education at a public institution of higher learning, VA would pay the cost of tuition and fees. If an individual is enrolled in other than a public institution, VA would pay up to a national cap that will be adjusted annually based on increases in the cost of education. My measure sets the initial cap at \$17,500.

Third, the bill would expand the options available to individuals and provide that benefits could be paid for the pursuit of apprenticeship and on-job training as well as for pursuit of a vocational goal. This will open up the doors for valuable benefits for those who choose these options.

Fourth, the bill would expand the program to authorize the payment of the \$1,000 annual book allowance to individuals who are attending school while on active duty. It would also permit veterans and servicemembers to use benefits for multiple licensing and certification courses.

Finally, this measure would permit service-connected disabled veterans enrolled in a program of vocational rehabilitation under chapter 31 of title 38 who also have eligibility for the new Post-9/11 G.I. bill program to select under which program to receive a living or subsistence allowance. This will remove the economic incentive for an individual to forgo the valuable assistance available under the chapter 31 program in exchange for a higher living stipend under the chapter 33 program.

While I am pleased that we have been able to produce this package of improvements that will go a long way toward making the new program the best that it can be, I note that we still have much to do in this area. There are questions and issues that have not been addressed in this measure—such as how to ensure that veterans using their benefits are afforded a quality education, a 48-month cap on the total amount of benefits available under all the programs of educational assistance offered by VA, and the overall need to curb instances of fraud, abuse, and misuse of benefits. I am certain this list can only grow longer.

But this marks an important first step and I look forward to continuing to working with my colleagues here and in the House of Representatives as we continue to move through the legislative process to do what needs to be done.

In closing, I extend a note of personal thanks to the committee's distinguished ranking member from North Carolina, Mr. BURR, and his staff member, Amanda Meredith, whose hard work and dedication are much appreciated.

I urge the Senate to pass the pending measure.

The amendment (No. 4802) was agreed to, as follows:

On page 22, in the matter following line 17, insert after the item relating to section 2 the following:

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

On page 23, between lines 6 and 7, insert the following:

**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.

On page 25, line 23, insert after the period the following: "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."

On page 29, line 3, strike "\$20,000" and insert "\$17,500".

On page 32, strike lines 5 through 8 and insert the following:

(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.

On page 33, strike line 7 and all that follows through page 34, line 8, and insert 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); or".

On page 35, strike lines 12 through 17 and insert the following:

(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.

On page 39, line 17, strike "\$20,000" and insert "\$17,500".

On page 45, line 24, strike "\$12,000" and insert "\$10,000".

On page 47, line 25, strike "\$10,000" and insert "\$8,500".

On page 51, line 13, strike "August 1, 2011" and insert "October 1, 2011".

On page 52, line 21, strike "\$1,667" and insert "\$1,460".

On page 54, line 20, strike "\$1,667" and insert "\$1,460".

On page 73, line 18, strike "August 1, 2011" and insert "October 1, 2011".

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. DURBIN. I ask unanimous consent that the bill be passed and the motions to reconsider be laid upon the table, with no intervening action or debate and any statements be printed in the RECORD with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3447) was passed, 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 repeal 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 insert-

ing “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 (i) 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”;

(2) in paragraph (2)—

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

(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 Au-

gust 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—

“(i) 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—

“(i) 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 August 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 DATES 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 TRANSFERREES 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 TRANSFERREES.—

“(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 (ii) 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)”; and

(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 offered 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.

#### KINGMAN AND HERITAGE ISLANDS ACT OF 2010

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6278, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6278) to amend the National Children's Island Act of 1995 to expand allowable uses for Kingman and Heritage Islands by the District of Columbia, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LIEBERMAN. Madam President, I rise today to speak about the Kingman and Heritage Islands Act of 2010, H.R. 6278. In particular, I wish to describe the legislative history and intent of this act. Earlier this year, essentially identical legislation, H.R. 2092, passed the House and the Senate but has not been enacted for reasons that I will address in this statement. Therefore, the House and Senate committee reports describing H.R. 2092 should be referenced as applicable legislative history for H.R. 6278.

D.C. Delegate ELEANOR HOLMES NORTON introduced H.R. 2092, The Kingman and Heritage Islands Act of 2009, on April 23, 2009. The bill was considered by the House Committee on Oversight and Government Reform on September 10, 2009, and ordered reported favorably with an amendment. On October 7, 2009, H.R. 2092 passed the House of Representatives under suspension of the rules and the subsequent day, H.R. 2092 was referred to the Senate Homeland Security and Governmental Affairs Committee. The committee considered the bill on May 17, 2010, and ordered the bill reported to the full Senate

with one amendment. On September 27, 2010, the Senate passed H.R. 2092 by unanimous consent. Due to a mistake, however, the version that the Senate passed on September 27 contained a few drafting errors and did not reflect all of the modifications that our committee had intended.

Rather than seek the enactment of the Senate-passed version of H.R. 2092, and in order to avoid any confusion among the government entities responsible for implementing the bill, Delegate NORTON subsequently introduced H.R. 6278 with the support of the chairman and ranking member of the House Committee on Oversight and Government Reform. H.R. 6278 consists of the text of H.R. 2092 as my committee had amended it and intended it to pass in the Senate. Delegate NORTON introduced H.R. 6278 on September 29, 2010, and it passed the House of Representatives on November 16, 2010, under suspension of the rules. After being received in the Senate, the bill was held at the desk and today it will pass the Senate by unanimous consent.

Because neither the relevant House nor Senate committee had the opportunity to file committee reports describing H.R. 6278, the committee reports describing H.R. 2092 should be considered as applicable legislative history for this bill. The report filed by the House Committee on Oversight and Government Reform report is House Report 111-275 and the report filed by the Senate Committee on Homeland Security and Governmental Affairs is Senate Report 111-300. In the remainder of my statement I further describe the background and intent of the legislation.

The Kingman and Heritage Islands Act of 2010 would allow the District of Columbia to use all of Heritage Island and portions of Kingman Island—the Islands—for recreational, environmental and educational uses. The U.S. Army Corps of Engineers created Kingman and Heritage Islands in the District of Columbia from sediment dredged from the Anacostia River.

Until the enactment in 1996 of the National Children's Island Act of 1995—the act—the National Park Service held administrative jurisdiction on both islands. The act required the Federal Government to transfer title of the islands to the District of Columbia for use as a children's recreational park. It also mandated that title to the islands would revert back to the Federal Government if the District did not use the land in a manner consistent with the purposes specified in the act. The Secretary of the Interior transferred title of the Islands to the District via quitclaim deed in January 1997. In 2000, the Secretary of Interior wrote the District a letter stating that the District had fully lived up to the letter and spirit of the act and that DC should retain title to the Islands.

DC has not developed a children's recreational park on the Islands, and since that time, it has re-evaluated its