

HARRY W. COLMERY VETERANS EDUCATIONAL  
ASSISTANCE ACT OF 2017

JULY 24, 2017.—Committed to the Committee of the Whole House on the State of  
the Union and ordered to be printed

Mr. ROE of Tennessee, from the Committee on Veterans' Affairs,  
submitted the following

R E P O R T

[To accompany H.R. 3218]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 3218) to amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

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

(a) **SHORT TITLE.**—This Act may be cited as the “Harry W. Colmery Veterans Educational Assistance Act of 2017”.

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

- Sec. 1. Short title; table of contents.  
 Sec. 2. References to title 38, United States Code.

**TITLE I—POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM**

- Sec. 101. Consideration of certain time spent receiving medical care from Secretary of Defense as active duty for purposes of eligibility for Post-9/11 Educational Assistance.  
 Sec. 102. Educational assistance under Post-9/11 Educational Assistance Program for members of the Armed Forces awarded the Purple Heart.  
 Sec. 103. Inclusion of Fry Scholarship recipients and Purple Heart recipients in Yellow Ribbon G.I. Education Enhancement Program.  
 Sec. 104. Consolidation of certain eligibility tiers under Post-9/11 Educational Assistance Program of the Department of Veterans Affairs.  
 Sec. 105. Eligibility for Post-9/11 Educational Assistance for certain members of reserve components of Armed Forces who lost entitlement to educational assistance under Reserve Educational Assistance Program.  
 Sec. 106. Calculation of monthly housing stipend under Post-9/11 Educational Assistance Program based on location of campus where classes are attended.  
 Sec. 107. Charge to entitlement for certain licensure and certification tests and national tests under Department of Veterans Affairs Post-9/11 Educational Assistance Program.  
 Sec. 108. Restoration of entitlement to educational assistance and other relief for veterans affected by school closure or disapproval.  
 Sec. 109. Additional authorized transfer of unused Post-9/11 Educational Assistance benefits to dependents upon death of originally designated dependent.  
 Sec. 110. Edith Nourse Rogers STEM Scholarship.  
 Sec. 111. Honoring the national service of members of the Armed Forces by elimination of time limitation for use of entitlement.  
 Sec. 112. Monthly stipend for certain members of the reserve components of the Armed Forces receiving Post-9/11 Educational Assistance.  
 Sec. 113. Improvement of information technology of the veterans benefits administration of the Department of Veterans Affairs.  
 Sec. 114. Department of Veterans Affairs high technology pilot program.  
 Sec. 115. Annual reports to Congress on information on student progress submitted by educational institutions.

**TITLE II—OTHER EDUCATIONAL ASSISTANCE PROGRAMS**

- Sec. 201. Work-study allowance.  
 Sec. 202. Duration of educational assistance under Survivors’ and Dependents’ Educational Assistance Program.  
 Sec. 203. Ölin E. Teague increase in amounts of educational assistance payable under Survivors’ and Dependents’ Educational Assistance Program.

**TITLE III—ADMINISTRATION OF EDUCATIONAL ASSISTANCE PROGRAMS**

- Sec. 301. State approving agency funding.  
 Sec. 302. Authorization for use of Post-9/11 Educational Assistance to pursue independent study programs at certain educational institutions that are not institutions of higher learning.  
 Sec. 303. Provision of information on priority enrollment for veterans in certain courses of education.  
 Sec. 304. Limitation on use of reporting fees payable to educational institutions and sponsors of programs of apprenticeship.  
 Sec. 305. Training for school certifying officials.  
 Sec. 306. Extension of authority for Advisory Committee on Education.  
 Sec. 307. Department of Veterans Affairs provision of on-campus educational and vocational counseling for veterans.  
 Sec. 308. Provision of information regarding veteran entitlement to educational assistance.  
 Sec. 309. Treatment, for purposes of educational assistance administered by the Secretary of Veterans Affairs, of educational courses that begin seven or fewer days after the first day of an academic term.

**TITLE IV—RESERVE COMPONENT BENEFITS**

- Sec. 401. Eligibility of reserve component members for Post-9/11 Educational Assistance.  
 Sec. 402. Time limitation for training and rehabilitation for veterans with service-connected disabilities.

**TITLE V—OTHER MATTERS**

- Sec. 501. Repeal inapplicability of modification of basic allowance for housing to benefits under laws administered by Secretary of Veterans Affairs.  
 Sec. 502. Reconsideration of previously denied claims for disability compensation for veterans who allege full-body exposure to nitrogen mustard gas, sulfur mustard gas, or Lewisite during World War II.

**SEC. 2. REFERENCES 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 EDUCATIONAL ASSISTANCE PROGRAM

### SEC. 101. CONSIDERATION OF CERTAIN TIME SPENT RECEIVING MEDICAL CARE FROM SECRETARY OF DEFENSE AS ACTIVE DUTY FOR PURPOSES OF ELIGIBILITY FOR POST-9/11 EDUCATIONAL ASSISTANCE.

(a) **IN GENERAL.**—Section 3301(1)(B) is amended by inserting “12301(h),” after “12301(g).”

(b) **RETROACTIVE APPLICATION.**—The amendment made by subsection (a) shall apply with respect to service in the Armed Forces occurring on or after September 11, 2001.

(c) **APPLICATION WITH RESPECT TO USE OF ENTITLEMENT.**—An individual who is entitled to educational assistance by reason of the amendment made by subsection (a) may use such entitlement to pursue a course of education beginning on or after August 1, 2018.

### SEC. 102. EDUCATIONAL ASSISTANCE UNDER POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM FOR MEMBERS OF THE ARMED FORCES AWARDED THE PURPLE HEART.

(a) **ELIGIBILITY.**—Section 3311(b) is amended by adding at the end the following new paragraph:

“(10) An individual who is awarded the Purple Heart for service in the Armed Forces occurring on or after September 11, 2001, and continues to serve on active duty in the Armed Forces or is discharged or released from active duty as described in subsection (c).”

(b) **AMOUNT OF ASSISTANCE.**—Section 3313(c)(1) is amended by striking “or (9)” and inserting “(9), or (10)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on August 1, 2018.

### SEC. 103. INCLUSION OF FRY SCHOLARSHIP RECIPIENTS AND PURPLE HEART RECIPIENTS IN YELLOW RIBBON G.I. EDUCATION ENHANCEMENT PROGRAM.

(a) **IN GENERAL.**—Section 3317(a) is amended in the second sentence by striking “paragraphs (1) and (2)” and inserting “paragraphs (1), (2), (9), and (10)”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on August 1, 2018.

### SEC. 104. CONSOLIDATION OF CERTAIN ELIGIBILITY TIERS UNDER POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) **ENTITLEMENT.**—Section 3311(b), as amended by section 102, is further amended—

- (1) in paragraph (6)(A), by striking “12 months” and inserting “6 months”;
- (2) by striking paragraph (7); and
- (3) by redesignating paragraphs (8), (9), and (10) as paragraphs (7), (8), and (9), respectively.

(b) **AMOUNT OF EDUCATIONAL ASSISTANCE.**—Section 3313(c) is amended by striking paragraph (7).

(c) **CONFORMING AMENDMENTS.**—Chapter 33 is further amended as follows:

(1) In section 3311(f), by striking “paragraph (9)” each place it appears and inserting “paragraph (8)”.

(2) In section 3313, as amended by section 102—

(A) in subsection (c)(1), by striking “(9), or (10)” and inserting “(8), or (9)”;

(B) in subsection (d), by striking “paragraphs (2) through (7)” each place it appears and inserting “paragraphs (2) through (6)”;

(C) in subsection (e)(2)(C)—

(i) by striking “paragraphs (3) through (8)” and inserting “paragraphs (3) through (7)”; and

(ii) by striking “paragraphs (2) through (7)” and inserting “paragraphs (2) through (6)”.

(D) in subsection (f)(2)(A)(ii), by striking “paragraphs (2) through (7)” and inserting “paragraphs (2) through (6)”;

(E) in subsection (g)(3)—

(i) in subparagraph (A)(iv)—

(I) by striking “paragraphs (3) through (8)” and inserting “paragraphs (3) through (7)”; and

(II) by striking “paragraphs (2) through (7)” and inserting “paragraphs (2) through (6)”;

(ii) in subparagraph (B)(iii)—

(I) by striking “paragraphs (3) through (8)” and inserting “paragraphs (3) through (7)”; and

- (II) by striking “paragraphs (2) through (7)” and inserting “paragraphs (2) through (6)”;
- (iii) in subparagraph (C)(ii)—
  - (I) in subclause (I), by striking “(9)” and inserting “(8)”;
  - (II) in subclause (II)—
    - (aa) by striking “paragraphs (3) through (8)” and inserting “paragraphs (3) through (7)”;
    - (bb) by striking “paragraphs (2) through (7)” and inserting “paragraphs (2) through (6)”;
- (iv) in subparagraph (D)(ii)—
  - (I) in subclause (I), by striking “(9)” and inserting “(8)”;
  - (II) in subclause (II)—
    - (aa) by striking “paragraphs (3) through (8)” and inserting “paragraphs (3) through (7)”;
    - (bb) by striking “paragraphs (2) through (7)” and inserting “paragraphs (2) through (6)”;
- (F) in subsection (h), by striking “paragraphs (2) through (7)” and inserting “paragraphs (2) through (6)”;
- (3) In section 3316—
  - (A) in subsection (a)(1), by striking “paragraphs (2) through (7)” and inserting “paragraphs (2) through (6)”;
  - (B) in subsection (b)(1), by striking “paragraphs (2) through (7)” and inserting “paragraphs (2) through (6)”.
- (4) In section 3317(a), in the second sentence, as amended by section 103, by striking “paragraphs (1), (2), (9), and (10)” and inserting “paragraphs (1), (2), (8), and (9)”.
- (5) In section 3321(b)(4), as amended by section 111, by striking “section 3311(b)(9)” and inserting “section 3311(b)(8)”.
- (6) In section 3322—
  - (A) in subsection (e), by striking “3311(b)(9)” and inserting “3311(b)(8)”;
  - (B) in subsection (f), by striking “3311(b)(9)” and inserting “3311(b)(8)”;
  - and
  - (C) in subsection (h)(2), by striking “3311(b)(9)” and inserting “3311(b)(8)”.
- (7) In section 3679(c)(2)(B), by striking “3311(b)(9)” and inserting “3311(b)(8)”.
- (d) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2020.

**SEC. 105. ELIGIBILITY FOR POST-9/11 EDUCATIONAL ASSISTANCE FOR CERTAIN MEMBERS OF RESERVE COMPONENTS OF ARMED FORCES WHO LOST ENTITLEMENT TO EDUCATIONAL ASSISTANCE UNDER RESERVE EDUCATIONAL ASSISTANCE PROGRAM.**

(a) ELECTION.—Section 16167 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) ELIGIBILITY FOR POST-9/11 EDUCATIONAL ASSISTANCE.—A member who loses eligibility for benefits under this chapter pursuant to subsection (b) shall be allowed to elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) to have such service previously credited toward this chapter credited towards establishing eligibility for educational assistance under chapter 33 of title 38, notwithstanding the provisions of section 16163(e) of this title or section 3322(h)(1) of title 38.”

(b) QUALIFICATION OF SERVICE.—Section 3301(1) of title 38, United States Code, shall be construed to include, in the case of a member of a reserve component of the Armed Forces who, before November 25, 2015, established eligibility for educational assistance under chapter 1607 of title 10, United States Code, pursuant to section 16163(a)(1) of such title, but lost eligibility for such educational assistance pursuant to section 16167(b) of such title, service on active duty (as defined in section 101 of such title) that satisfies the requirements of section 16163(a)(1) of such title.

(c) ENTITLEMENT.—Section 3311(b)(6) of title 38, United States Code, as amended by section 104(a), shall be construed to include an individual who, before November 25, 2015, established eligibility for educational assistance under chapter 1607 of title 10, United States Code, pursuant to section 16163(b) of such title, but lost such eligibility pursuant to section 16167(b) of such title.

(d) DURATION.—Notwithstanding section 3312 of title 38, United States Code, an individual who establishes eligibility for educational assistance under chapter 33 of such title by crediting towards such chapter service previously credited towards chapter 1607 of title 10, United States Code, is only entitled to a number of months of educational assistance under section 3313 of title 38, United States Code, equal to the number of months of entitlement remaining under chapter 1607 of title 10,

United States Code, at the time of conversion to chapter 33 of title 38, United States Code.

**SEC. 106. CALCULATION OF MONTHLY HOUSING STIPEND UNDER POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM BASED ON LOCATION OF CAMPUS WHERE CLASSES ARE ATTENDED.**

(a) **IN GENERAL.**—Section 3313(c)(1)(B)(i)(I) is amended by striking “the institution of higher learning at which the individual is enrolled” and inserting “the campus of the institution of higher learning where the individual physically participates in a majority of classes”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to initial enrollment in a program of education on or after August 1, 2018.

**SEC. 107. CHARGE TO ENTITLEMENT FOR CERTAIN LICENSURE AND CERTIFICATION TESTS AND NATIONAL TESTS UNDER DEPARTMENT OF VETERANS AFFAIRS POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM.**

(a) **LICENSURE AND CERTIFICATION TESTS.**—Subsection (c) of section 3315 is amended—

(1) by striking “shall be determined at the rate of one month (rounded to the nearest whole month)” and inserting “shall be pro-rated based on the actual amount of the fee charged for the test relative to the rate for one month”; and

(2) by striking “for each amount paid that equals” and inserting “payable”.

(b) **NATIONAL TESTS.**—Section 3315A is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

“(3) A national test that evaluates prior learning and knowledge and provides an opportunity for course credit at an institution of higher learning as so described.”; and

(2) in subsection (c)—

(A) by striking “shall be determined at the rate of one month (rounded to the nearest whole month)” and inserting “shall be pro-rated based on the actual amount of the fee charged for the test relative to the rate for one month”; and

(B) by striking “for each amount paid that equals” and inserting “payable”.

(c) **TESTS INCLUDED.**—Section 3452(b) is amended in the last sentence—

(1) by striking “and national tests providing” and inserting “, national tests providing”; and

(2) by inserting before the period at the end the following: “, and national tests that evaluate prior learning and knowledge and provides an opportunity for course credit at an institution of higher learning”.

(d) **EFFECTIVE DATE.**—The amendments made by this Act shall apply to a test taken on or after August 1, 2018.

**SEC. 108. RESTORATION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE AND OTHER RELIEF FOR VETERANS AFFECTED BY SCHOOL CLOSURE OR DISAPPROVAL.**

(a) **SCHOOL CLOSURE OR DISAPPROVAL.**—

(1) **RESTORATION OF ENTITLEMENT.**—Chapter 36 is amended by adding at the end the following new section:

**“§ 3699. Effects of closure or disapproval of educational institution**

“(a) **CLOSURE OR DISAPPROVAL.**—Any payment of educational assistance described in subsection (b) shall not—

“(1) be charged against any entitlement to educational assistance of the individual concerned; or

“(2) be counted against the aggregate period for which section 3695 of this title limits the receipt of educational assistance by such individual.

“(b) **EDUCATIONAL ASSISTANCE DESCRIBED.**—Subject to subsection (c), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or program of education at an educational institution under chapters 30, 32, 33, or 35 of this title, or chapters 1606 or 1607 of title 10, if the Secretary determines that the individual—

“(1) was forced to discontinue the pursuit of such course or program as a result of—

“(A) the permanent closure of the educational institution; or

“(B) the disapproval of the course or a course that is a necessary part of that program under this chapter by reason of—

“(i) a provision of law enacted after the date on which the individual enrolls at such institution affecting the approval or disapproval of courses under this chapter; or

“(ii) after the date on which the individual enrolls at such institution, the Secretary prescribing or modifying regulations or policies of the Department affecting such approval or disapproval; and

“(2) did not receive credit or lost training time, toward completion of the program of education being so pursued.

“(c) PERIOD NOT CHARGED.—The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the aggregate of—

“(1) the portion of the period of enrollment in the course from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subsection (b)(2), and

“(2) the period by which a monthly stipend is extended under section 3680(a)(2)(B) of this title.

“(d) CONTINUING PURSUIT OF DISAPPROVED COURSES.—(1) The Secretary may treat a course of education that is disapproved under this chapter as being approved under this chapter with respect to an individual described in paragraph (2) if the Secretary determines, on a case-by-case basis, that—

“(A) such disapproval is the result of an action described in clause (i) or (ii) of subsection (b)(1)(B); and

“(B) continuing pursuing such course is in the best interest of the individual.

“(2) An individual described in this paragraph is an individual who is pursuing a course of education at an educational institution under chapters 30, 32, 33, or 35 of this title, or chapters 1606 or 1607 of title 10, as of the date on which the course is disapproved under this chapter.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3698 the following new item:

“3699. Effects of closure or disapproval of educational institution.”.

(b) MONTHLY HOUSING STIPEND.—

(1) IN GENERAL.—Subsection (a) section 3680 is amended—

(A) by striking the matter after paragraph (3)(B);

(B) in paragraph (3), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(C) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(D) in the matter preceding subparagraph (A), as redesignated, in the first sentence, by striking “Payment of” and inserting “(1) Except as provided in paragraph (2), payment of”; and

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

“(2) Notwithstanding paragraph (1), the Secretary may, pursuant to such regulations as the Secretary shall prescribe, continue to pay allowances to eligible veterans and eligible persons enrolled in courses set forth in paragraph (1)(A)—

“(A) during periods when educational institutions are temporarily closed under an established policy based on an Executive order of the President or due to an emergency situation, except that the total number of weeks for which allowances may continue to be so payable in any 12-month period may not exceed four weeks; or

“(B) solely for the purpose of awarding a monthly housing stipend described in section 3313 of this title, during periods following a permanent closure of an educational institution, or following the disapproval of a course of study described in section 3699(b)(1)(B) of this title, except that payment of such a stipend may only be continued until the earlier of—

“(i) the date of the end of the term, quarter, or semester during which the closure or disapproval occurred; and

“(ii) the date that is 120 days after the date of the closure or disapproval.”.

(2) CONFORMING AMENDMENT.—Paragraph (1)(C)(ii) of such subsection, as redesignated, is amended by striking “described in subclause (A) of this clause” and inserting “described in clause (i)”.

(c) APPLICABILITY.—

(1) SCHOOL CLOSURE OR DISAPPROVAL.—

(A) IN GENERAL.—The amendments made by subsection (a) shall take effect on the date that is 90 days after the date of the enactment of this Act, and shall apply with respect to courses and programs of education discontinued as described in section 3699 of title 38, United States Code, as added by subsection (a)(1), after January 1, 2015.

(B) SPECIAL APPLICATION.—With respect to courses and programs of education discontinued as described in section 3699 of title 38, United States Code, as added by subsection (a)(1), during the period beginning January 1, 2015, and ending on the date of the enactment of this Act, an individual who is unable to transfer credits from such program of education shall be deemed to be an individual who did not receive such credits, as described in subsection (b)(2) of such section. In carrying out this paragraph, the Secretary of Veterans Affairs, in consultation with the Secretary of Education, shall establish procedures to determine whether credits are unable to be transferred.

(2) MONTHLY HOUSING STIPEND.—The amendments made by subsection (b) shall take effect on August 1, 2018, and shall apply with respect to courses and programs of education discontinued as described in section 3699 of title 38, United States Code, as added by such subsection, on or after the date of the enactment of this Act.

**SEC. 109. ADDITIONAL AUTHORIZED TRANSFER OF UNUSED POST-9/11 EDUCATIONAL ASSISTANCE BENEFITS TO DEPENDENTS UPON DEATH OF ORIGINALLY DESIGNATED DEPENDENT.**

(a) TRANSFER UPON DEATH OF DEPENDENT.—Section 3319 is amended—

(1) in subsection (f)(1), by inserting after “section 3321” the following: “, and except as provided in subsection (k) or (l),”; and

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

“(k) ADDITIONAL TRANSFER UPON DEATH OF DEPENDENT.—In the case of a dependent to whom entitlement to educational assistance is transferred under this section who dies before using all of such entitlement, the individual who transferred the entitlement to the dependent may transfer any remaining entitlement to a different eligible dependent, notwithstanding whether the individual is serving as a member of the Armed Forces when such transfer is executed.

“(l) TRANSFER BY DEPENDENT.—In the case of an individual who transfers entitlement to educational assistance under this section who dies before the dependent to whom entitlement to educational assistance is so transferred has used all of such entitlement, such dependent may transfer such entitlement to another eligible dependent in accordance with the provisions of this section.”.

(b) EFFECTIVE DATES.—

(1) ELIGIBLE DEATHS.—The amendments made by this section shall apply with respect to deaths occurring on or after August 1, 2009.

(2) USE OF ENTITLEMENT.—A dependent to whom entitlement to educational assistance is transferred under subsection (k) or (l) of section 3319 of title 38, United States Code, as added by subsection (a), may use such entitlement to pursue a course of education beginning on or after August 1, 2018.

**SEC. 110. EDITH NOURSE ROGERS STEM SCHOLARSHIP.**

(a) IN GENERAL.—Subchapter II of chapter 33 is amended by adding at the end the following new section:

**“§ 3320. Edith Nourse Rogers STEM Scholarship**

“(a) IN GENERAL.—Subject to the limitation under subsection (f), the Secretary shall provide additional benefits to eligible individuals selected by the Secretary under this section. Such benefits shall be known as the ‘Edith Nourse Rogers STEM Scholarship’.

“(b) ELIGIBILITY.—For purposes of this section, an eligible individual is an individual—

“(1) who is or was entitled to educational assistance under section 3311 of this title;

“(2) who has used all of the educational assistance to which the individual is entitled under this chapter or will, based on the individual’s rate of usage, use all of such assistance within 180 days of applying for benefits under this section;

“(3) who applies for assistance under this section; and

“(4) who—

“(A) is an individual who—

“(i) is enrolled in a program of education leading to a post-secondary degree that requires more than the standard 128 semester (or 192 quarter) credit hours for completion in—

“(I) biological or biomedical science;

“(II) physical science;

“(III) science technologies or technicians;

“(IV) computer and information science and support services;

“(V) mathematics or statistics;

“(VI) engineering;  
 “(VII) engineering technologies or an engineering-related field;  
 “(VIII) a health profession or related program;  
 “(IX) a medical residency program; or  
 “(X) an agriculture science program or a natural resources science program; and

“(ii) has completed at least 60 standard semester (or 90 quarter) credit hours in a field referred to in clause (i); or

“(B) is an individual who has earned a post-secondary degree in a field referred to in subparagraph (A)(i) and is enrolled in a program of education leading to a teaching certification.

“(c) PRIORITY.—In selecting eligible individuals to receive additional benefits under this section, the Secretary shall give priority to the following individuals:

“(1) Individuals who require the most credit hours described in subsection (b)(4).

“(2) Individuals who are entitled to educational assistance under this chapter by reason of paragraph (1), (2), (8), or (9) of section 3311(b) of this title.

“(d) AMOUNT OF ASSISTANCE.—(1) The Secretary shall pay to each eligible individual who receives additional benefits under this section the monthly amount payable under section 3313 of this title for not more than nine months of the program of education in which the individual is enrolled (adjusted with respect to the individual pursuant to section 3313(c), as appropriate), except that the aggregate amount paid to an individual under this section may not exceed \$30,000.

“(2) The Secretary may not pay to such an individual an amount in addition to the amount payable under paragraph (1) by reason of section 3317 of this title.

“(3) An individual who receives additional benefits under this section may also receive amounts payable by a college or university pursuant to section 3317 of this title.

“(e) PROHIBITION ON TRANSFER.—An individual who receives additional benefits under this section may not transfer any amount of such additional benefits under section 3319 of this title.

“(f) MAXIMUM AMOUNT OF TOTAL ASSISTANCE.—The total amount of benefits paid to all eligible individuals under this section may not exceed—

“(1) \$25,000,000 for fiscal year 2019;

“(2) \$75,000,000 for each of fiscal years 2020 through 2022; and

“(3) \$100,000,000 for fiscal year 2023 and each subsequent fiscal year.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3319 the following new item:

“3320. Edith Nourse Rogers STEM Scholarship.”.

(c) EFFECTIVE DATE.—Section 3320 of title 38, United States Code, shall take effect on August 1, 2019.

**SEC. 111. HONORING THE NATIONAL SERVICE OF MEMBERS OF THE ARMED FORCES BY ELIMINATION OF TIME LIMITATION FOR USE OF ENTITLEMENT.**

(a) IN GENERAL.—Subsection (a) of section 3321 amended—

(1) by striking “individual’s entitlement” and all that follows through the period and inserting “individual’s entitlement—”; and

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

“(1) in the case of an individual who first becomes entitled to such entitlement before January 1, 2013, expires at the end of the 15-year period beginning on the date of such individual’s last discharge or release from active duty; or

“(2) in the case of an individual who first becomes entitled to such entitlement on or after January 1, 2013, shall not expire.”.

(b) CHILDREN OF DECEASED MEMBERS.—Subsection (b)(4) of such section is amended—

(1) by inserting “of this title” after “3311(b)(9)”;

(2) by striking “child’s entitlement” and all that follows through the period and inserting “child’s entitlement—”; and

(3) by adding at the end the following new subparagraphs:

“(A) in the case of a child who first becomes entitled to such entitlement before January 1, 2013, expires at the end of the 15-year period beginning on the date of such child’s eighteenth birthday; or

“(B) in the case of a child who first becomes entitled to such entitlement on or after January 1, 2013, shall not expire.”.



**SEC. 112. MONTHLY STIPEND FOR CERTAIN MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES RECEIVING POST-9/11 EDUCATIONAL ASSISTANCE.**

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

“(j) DETERMINATION OF MONTHLY STIPENDS DURING CERTAIN ACTIVE DUTY SERVICE.—

“(1) PRO RATA BASIS.—In any month in which an individual described in paragraph (2) is performing active duty service described in section 3301(1)(B) of this title, the Secretary shall determine the amount of monthly stipends payable under this section for such month on a pro rata basis for the period of such month in which the covered individual is not performing such active duty service.

“(2) INDIVIDUAL DESCRIBED.—An individual described in this paragraph is an individual who is—

- “(A) a member of the reserve components of the Armed Forces; and
- “(B) pursuing a program of education using educational assistance under this chapter.”.

(b) APPLICATION.—The amendment made by subsection (a) shall apply with respect to a quarter, semester, or term, as applicable, commencing on or after August 1, 2018.

**SEC. 113. IMPROVEMENT OF INFORMATION TECHNOLOGY OF THE VETERANS BENEFITS ADMINISTRATION OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) PROCESSING OF CERTAIN EDUCATIONAL ASSISTANCE CLAIMS.—The Secretary of Veterans Affairs shall, to the maximum extent possible, make such changes and improvements to the information technology system of the Veterans Benefits Administration of the Department of Veterans Affairs to ensure that—

- (1) to the maximum extent possible, all original and supplemental claims for educational assistance under chapter 33 of title 38, United States Code, are adjudicated electronically; and
- (2) rules-based processing is used to make decisions with respect to such claims with little human intervention.

(b) IMPLEMENTATION PLAN.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to implement the changes and improvements described in subsection (a).

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the implementation of the changes and improvements described in subsection (a).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs \$30,000,000 to carry out this section during fiscal years 2018 and 2019.

**SEC. 114. DEPARTMENT OF VETERANS AFFAIRS HIGH TECHNOLOGY PILOT PROGRAM.**

(a) PILOT PROGRAM.—The Secretary of Veterans Affairs shall carry out a pilot program under which the Secretary shall provide eligible veterans with the opportunity to enroll in high technology programs of education.

(b) ELIGIBILITY.—For purposes of the pilot program under this section, an eligible veteran is a veteran who is entitled to educational assistance under chapter 30, 32, 33, 34, or 35 of title 38, United States Code, or chapter 1606 or 1607 of title 10, United States Code.

(c) CONTRACTS.—

(1) IN GENERAL.—For purposes of carrying out subsection (a), by not later than 180 days after August 1, 2018, the Secretary shall seek to enter into contracts with any number of qualified providers of high technology programs of education for the provision of such programs to eligible veterans under the pilot program.

(2) PAYMENT OF CONTRACTORS.—A contract under this subsection shall provide that the Secretary shall pay to a provider—

- (A) upon the enrollment of an eligible veteran in the program, 25 percent of the cost of the tuition and other fees for the program of education for the veteran;
- (B) upon the completion of the program by the veteran, 25 percent of such cost; and
- (C) upon the employment of the veteran in the field of study of the program following completion of the program, 50 percent of such cost.

(3) QUALIFIED PROVIDERS.—For purposes of the pilot program, a provider of a high technology program of education is qualified if—

- (A) the provider has been operational for at least two years;
- (B) the provider has successfully provided the high technology program for at least one year; and

- (C) the provider meets the approval criteria developed by the Secretary under paragraph (4).
- (4) APPROVAL CRITERIA.—The Secretary shall develop criteria for approving providers for purposes of the pilot program. In developing such criteria, the Secretary may consult with State approving agencies. Such criteria is not required to meet the requirements of section 3672 of title 38, United States Code.
- (5) TUITION REIMBURSEMENT.—In entering into contracts to carry out the pilot program, the Secretary shall give preference to a qualified provider that offers tuition reimbursement for any student who—
- (A) completes a program of education offered by the provider; and
- (B) does not find full-time meaningful employment in the field of study of the program within the 180-day period beginning on the date the student completes the program.
- (d) HOUSING STIPEND.—The Secretary shall pay to each eligible veteran who is enrolled in a high technology program of education under the pilot program on a full-time basis a monthly housing stipend equal to the product—
- (1) of—
- (A) in the case of a veteran pursuing resident training, the monthly amount of the basic allowance for housing payable under section 403 of title 37, United States Code, 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
- (B) in the case of a veteran pursuing a program of education through distance learning, a monthly amount equal to 50 percent of the amount payable under subparagraph (A), multiplied by
- (2) the lesser of—
- (A) 1.0; or
- (B) 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.
- (e) HIGH TECHNOLOGY PROGRAM OF EDUCATION DEFINED.—In this section, the term “high technology program of education” means a program of education that—
- (1) is offered by an entity other than an institution of higher learning;
- (2) does not lead to a degree; and
- (3) provides instruction in computer programming, computer software, media application, data processing, or information sciences.
- (f) REPORTS.—
- (1) SECRETARY OF VETERANS AFFAIRS.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the pilot program under this section.
- (2) COMPTROLLER GENERAL.—
- (A) INTERIM REPORT.—Not later than three years after the date on which the Secretary first enters into a contract under this section, the Comptroller General of the United States shall submit to Congress a report containing the results of the interim assessment of the Comptroller General. Such report shall include the recommendations of the Comptroller General for improving the pilot program and an assessment of each of the following:
- (i) The technology experience of the directors and instructors of the providers of high technology programs of education under the pilot program.
- (ii) Whether the providers cooperated with the technology industry to create the curriculum for the program of education.
- (iii) Whether the providers use an open source curriculum for the program of education.
- (iv) The admittance rate into the pilot program.
- (v) The job placement rate for veterans who completed a program of education under the pilot program in the field of study of the program.
- (vi) The average salary of veterans who completed a program of education under the pilot program and were subsequently employed.
- (vii) The average age of veterans who participated in the pilot program.
- (B) FINAL REPORT.—Not later than five years after the date on which the Secretary first enters into a contract under this section, the Comptroller General shall submit to Congress a final report on the pilot program. Such report shall include the recommendation of the Comptroller General with respect to whether the program should be extended and an assessment of each of the following:

(i) Each item described in clauses (i) through (vii) of subparagraph (A).

(ii) The percentage of veterans who completed a program of education under the pilot program who were subsequently employed for a period of six months or longer in a field of study of the program.

(iii) The percentage of veterans who completed a program of education under the pilot program who were subsequently employed for a period of less than six months in a field of study of the program.

(g) **AUTHORIZATION OF APPROPRIATIONS.**—For each fiscal year during which the Secretary carries out a pilot program under this section, \$15,000,000 shall be made available for such purpose from funds appropriated to, or otherwise made available to, the Department for the payment of readjustment benefits.

(h) **TERMINATION.**—The authority to carry out a pilot program under this section shall terminate on the date that is five years after the date on which the Secretary first enters into a contract under this section.

**SEC. 115. ANNUAL REPORTS TO CONGRESS ON INFORMATION ON STUDENT PROGRESS SUBMITTED BY EDUCATIONAL INSTITUTIONS.**

Section 3326 is amended—

(1) by striking “As a condition” and inserting “(a) SUBMITTAL OF INFORMATION BY EDUCATIONAL INSTITUTIONS.—As a condition”; and

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

“(b) **REPORTS TO CONGRESS.**—Not later than March 1 of each year, the Secretary shall submit to Congress a report that includes a summary of the information provided by educational institutions under subsection (a) for the calendar year preceding the year during which such report is submitted.”.

## **TITLE II—OTHER EDUCATIONAL ASSISTANCE PROGRAMS**

**SEC. 201. WORK-STUDY ALLOWANCE.**

Section 3485(a)(4) is amended by striking “the period beginning on June 30, 2017, and ending on June 30, 2022,” each place it appears and inserting “any time on or after June 30, 2017,”.

**SEC. 202. DURATION OF EDUCATIONAL ASSISTANCE UNDER SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL ASSISTANCE PROGRAM.**

Section 3511(a)(1) is amended—

(1) by striking “chapter for” and all that follows through the period and inserting “chapter—”; and

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

“(A) in the case of a person who first enrolls in a program of education using such entitlement before August 1, 2018, for an aggregate period not in excess of 45 months (or to the equivalent thereof in part-time training); or

“(B) in the case of a person who first enrolls in a program of education using such entitlement on or after August 1, 2018, for an aggregate period not in excess of 36 months (or to the equivalent thereof in part-time training).”.

**SEC. 203. OLIN E. TEAGUE INCREASE IN AMOUNTS OF EDUCATIONAL ASSISTANCE PAYABLE UNDER SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL ASSISTANCE PROGRAM.**

(a) **INCREASE.**—Section 3532 is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “\$788” and inserting “\$1,224”;

(ii) by striking “\$592” and inserting “\$967”; and

(iii) by striking “\$394” and inserting “\$710”; and

(B) in paragraph (2)(B), by striking “\$788” and inserting “\$1,224”; and

(2) in subsection (b), by striking “\$788” and inserting “\$1,224”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to a month that begins on or after October 1, 2018.

## **TITLE III—ADMINISTRATION OF EDUCATIONAL ASSISTANCE PROGRAMS**

**SEC. 301. STATE APPROVING AGENCY FUNDING.**

(a) **INCREASE.**—Section 3674(a) of title 38, United States Code, is amended—

- (1) in paragraph (2)(A), by striking “out of amounts available for the payment of readjustment benefits” and inserting “out of amounts in the Department of Veterans Affairs readjustment benefits account and amounts appropriated to the Secretary”;
- (2) by redesignating paragraph (4) as paragraph (5);
- (3) by inserting after paragraph (3) the following new paragraph (4):
- “(4) In addition to amounts made available under paragraph (5), there is authorized to be appropriated to carry out this section \$3,000,000 for fiscal year 2019 and each subsequent fiscal year.”; and
- (4) in paragraph (5), as so redesignated—
  - (A) by striking “The total” and inserting “(A) The total”;
  - (B) by striking “for any fiscal year shall be \$19,000,000” and inserting “for fiscal year 2018 shall be \$21,000,000 and for fiscal year 2019 and thereafter shall be \$23,000,000”; and
  - (C) by adding at the end the following new subparagraph:
    - “(B) Beginning in fiscal year 2019, whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the amount in effect under subparagraph (A), as in effect immediately prior to the date of such increase in benefit amounts payable under title II of the Social Security Act, by the same percentage as the percentage by which such benefit amounts are increased.”.

**SEC. 302. AUTHORIZATION FOR USE OF POST-9/11 EDUCATIONAL ASSISTANCE TO PURSUE INDEPENDENT STUDY PROGRAMS AT CERTAIN EDUCATIONAL INSTITUTIONS THAT ARE NOT INSTITUTIONS OF HIGHER LEARNING.**

Paragraph (4) of section 3680A(a) is amended to read as follows:

- “(4) any independent study program except an independent study program (including such a program taken over open circuit television) that—
  - “(A) is accredited by a nationally recognized accrediting agency; and
  - “(B) leads—
    - “(i) to a standard college degree;
    - “(ii) to a certificate that reflects educational attainment offered by an institution of higher learning; or
    - “(iii) to a certificate that reflects completion of a course of study offered by—
      - “(I) an area career and technical education school (as defined in subparagraphs (C) and (D) of section 3(3) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(3))) that provides education at the postsecondary level; or
      - “(II) a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c))) that provides education at the postsecondary level.”.

**SEC. 303. PROVISION OF INFORMATION ON PRIORITY ENROLLMENT FOR VETERANS IN CERTAIN COURSES OF EDUCATION.**

Section 3698(c)(1)(C) is amended—

- (1) in clause (ix), by striking “and” at the end;
- (2) in clause (x), by striking the period and inserting “; and”; and
- (3) by adding at the end the following new clause:
  - “(xi) information on whether the institution administers a priority enrollment system that allows certain student veterans to enroll in courses earlier than other students.”.

**SEC. 304. LIMITATION ON USE OF REPORTING FEES PAYABLE TO EDUCATIONAL INSTITUTIONS AND SPONSORS OF PROGRAMS OF APPRENTICESHIP.**

(a) IN GENERAL.—Subsection (c) of section 3684 is amended to read as follows:

- “(c)(1) The Secretary may pay to any educational institution, or to the sponsor of a program of apprenticeship, furnishing education or training under either this chapter or chapter 31, 34, or 35 of this title, a reporting fee which will be in lieu of any other compensation or reimbursement for reports or certifications which such educational institution or sponsor of a program of apprenticeship is required to submit to the Secretary by law or regulation.
- “(2) Such reporting fee shall be computed for each calendar year by multiplying \$16 by the number of eligible veterans or eligible persons enrolled under this chapter or chapter 31, 34, or 35 of this title. The reporting fee shall be paid to such educational institution or sponsor of a program of apprenticeship as soon as feasible after the end of the calendar year for which it is applicable.
- “(3) No reporting fee payable to an educational institution under this subsection shall be subject to offset by the Secretary against any liability of such institution

for any overpayment for which such institution may be administratively determined to be liable under section 3685 of this title unless such liability is not contested by such institution or has been upheld by a final decree of a court of appropriate jurisdiction.

“(4) Any reporting fee paid to an educational institution or sponsor of a program of apprenticeship after the date of the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2011 (Public Law 111–377)—

“(A) shall be utilized by such institution or sponsor 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; and

“(B) with respect to an institution that has 100 or more enrollees described in paragraph (2) may not be used for or merged with amounts available for the general fund of the educational institution or sponsor of a program of apprenticeship.

“(5) The reporting fee payable under this subsection shall be paid from amounts appropriated for readjustment benefits.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on August 1, 2018.

**SEC. 305. TRAINING FOR SCHOOL CERTIFYING OFFICIALS.**

(a) TRAINING REQUIREMENT.—The Secretary of Veterans Affairs shall, in consultation with the State approving agencies, set forth requirements relating to training for school certifying officials employed by covered educational institutions offering courses of education approved under chapter 36 of title 38, United States Code. If a covered educational institution does not ensure that a school certifying official employed by the educational institution meets such requirements, the Secretary may disapprove any course of education offered by such educational institution.

(b) DEFINITIONS.—In this section:

(1) The term “covered educational institution” means an educational institution that has enrolled 20 or more individuals using educational assistance under title 38, United States Code.

(2) The term “school certifying official” means an employee of an educational institution with primary responsibility for certifying veteran enrollment at the educational institution.

(3) The term “State approving agency” means a department or agency of a State designated under section 3671 of title 38, United States Code.

(c) EFFECTIVE DATE.—This section shall take effect on August 1, 2018.

**SEC. 306. EXTENSION OF AUTHORITY FOR ADVISORY COMMITTEE ON EDUCATION.**

Section 3692 is amended by striking “December 31, 2017” and inserting “December 31, 2022”.

**SEC. 307. DEPARTMENT OF VETERANS AFFAIRS PROVISION OF ON-CAMPUS EDUCATIONAL AND VOCATIONAL COUNSELING FOR VETERANS.**

(a) IN GENERAL.—Chapter 36 is amended by inserting after section 3697A the following new section:

**“§ 3697B. On-campus educational and vocational counseling**

“(a) IN GENERAL.—The Secretary shall provide educational and vocational counseling services for individuals described in section 3697A(b) of this title at locations on the campuses of institutions of higher learning selected by the Secretary. Such counseling services shall be provided by employees of the Department who provide such services under section 3697A of this title.

“(b) SELECTION OF LOCATIONS.—(1) To be selected by the Secretary under this section, an institution of higher learning shall provide an appropriate space on the campus of the institution where counseling services can be provided under this section.

“(2) In selecting locations for the provision of counseling services under this section, the Secretary shall seek to select locations where the maximum number of veterans would have access to such services.

“(c) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this section, and each year thereafter, the Secretary shall submit to Congress a report on the counseling services provided under this section. Such report shall include, for the year covered by the report—

“(1) the average ratio of counselors providing such services to individuals who received such services at each location where such services were provided;

“(2) a description of such services provided;

“(3) the recommendations of the Secretary for improving the provision of such services; and

“(4) any other matters the Secretary determines appropriate.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3697A the following new item:

“3697B. On-campus educational and vocational counseling.”.

**SEC. 308. PROVISION OF INFORMATION REGARDING VETERAN ENTITLEMENT TO EDUCATIONAL ASSISTANCE.**

(a) IN GENERAL.—Subchapter II of chapter 36 is further amended by adding at the end the following new section:

**“§ 3699A. Provision of certain information to educational institutions**

“(a) IN GENERAL.—For each veteran or other individual pursuing a course of education that has been approved under this chapter using educational assistance to which the veteran or other individual is entitled under chapter 30, 32, 33, or 35 of this title, the Secretary shall make available to the educational institution offering the course information about the amount of such educational assistance to which the veteran or other individual is entitled. Such information shall be provided to such educational institution through a secure information technology system accessible by the educational institution and shall be regularly updated to reflect any amounts used by the veteran or other individual.

“(b) ELECTION.—A veteran or other individual pursuing a course of education described in subsection (a) may elect not to provide the information described in such subsection to an educational institution in a manner prescribed by the Secretary.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is further amended by inserting after the item relating to section 3699 the following new item:

“3699A. Provision of certain information to educational institutions.”.

(c) EFFECTIVE DATE.—Section 3699A of title 38, United States Code, as added by this section, shall take effect on August 1, 2018.

**SEC. 309. TREATMENT, FOR PURPOSES OF EDUCATIONAL ASSISTANCE ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS, OF EDUCATIONAL COURSES THAT BEGIN SEVEN OR FEWER DAYS AFTER THE FIRST DAY OF AN ACADEMIC TERM.**

Section 3684(a) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) A course offered by an educational institution that does not begin on the first day of an academic term, but does begin seven or fewer days after such day, shall be treated as beginning on such day for purposes of this section.”.

## **TITLE IV—RESERVE COMPONENT BENEFITS**

**SEC. 401. ELIGIBILITY OF RESERVE COMPONENT MEMBERS FOR POST-9/11 EDUCATIONAL ASSISTANCE.**

(a) IN GENERAL.—Section 3301(1)(B) is amended by striking “or 12304” and inserting “12304, 12304a, or 12304b”.

(b) RETROACTIVE APPLICATION.—The amendment made by subsection (a) shall apply with respect to service in the Armed Forces occurring on or after the date of the enactment of the Post-9/11 Veterans Educational Assistance Act of 2008 (Public Law 110–252).

(c) APPLICATION WITH RESPECT TO USE OF ENTITLEMENT.—An individual who is entitled to educational assistance by reason of the amendment made by subsection (a) may use such entitlement to pursue a course of education beginning on or after August 1, 2018.

**SEC. 402. TIME LIMITATION FOR TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.**

Section 3103(f) is amended by striking “or 12304” and inserting “12304, 12304a, or 12304b”.

## TITLE V—OTHER MATTERS

### SEC. 501. REPEAL INAPPLICABILITY OF MODIFICATION OF BASIC ALLOWANCE FOR HOUSING TO BENEFITS UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.

(a) REPEAL.—Subsection (b) of section 604 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 37 U.S.C. 403 note) is repealed.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2018, and shall apply with respect to individuals who first use their entitlement to educational assistance under chapter 33 of title 38, United States Code, on or after such date.

### SEC. 502. RECONSIDERATION OF PREVIOUSLY DENIED CLAIMS FOR DISABILITY COMPENSATION FOR VETERANS WHO ALLEGE FULL-BODY EXPOSURE TO NITROGEN MUSTARD GAS, SULFUR MUSTARD GAS, OR LEWISITE DURING WORLD WAR II.

(a) IN GENERAL.—

(1) RECONSIDERATION REQUIRED.—The Secretary of Veterans Affairs shall reconsider all claims for compensation described in paragraph (2) and make a new determination regarding each such claim.

(2) CLAIMS FOR COMPENSATION DESCRIBED.—A claim for compensation described in this paragraph is a claim for compensation under chapter 11 of title 38, United States Code, that the Secretary determines—

(A) arose from the alleged full-body exposure of a veteran to a covered substance—

(I) during active military, naval, or air service during World War II; and

(ii) at a site listed in paragraph (3); and

(B) was denied before the date of the enactment of this Act.

(3) SITES.—The sites listed in this paragraph are the following:

(A) Camp Siebert, Alabama.

(B) Fort McClellan, Alabama.

(C) Huntsville Arsenal, Alabama.

(D) Rocky Mountain Arsenal, Colorado.

(E) Naval Research Laboratory, D.C.

(F) Bushnell Field, Florida.

(G) Great Lakes Naval Training Center, Illinois.

(H) Edgewood Arsenal, Maryland.

(I) Fort Detrick, Maryland.

(J) Naval Research Laboratory, Maryland.

(K) Naval Training Center, Bainbridge, Maryland.

(L) Horn Island Installation, Mississippi.

(M) Camp Crowder, Missouri.

(N) Hart’s Island, New York.

(O) Camp Lejeune, North Carolina.

(P) Charleston, South Carolina.

(Q) Dugway Proving Ground, Utah.

(R) Toole Army Depot, Utah.

(S) Naval Research Laboratory, Virginia.

(T) U.S.S. Eagle Boat No. 58.

(U) Ondal, India.

(V) Fort Clayton, San Jose Island, Panama.

(W) Any site the Secretary of Veterans Affairs determines is appropriate.

(4) FACTORS OF CONSIDERATION.—In making a determination under paragraph (1), the Secretary—

(A) shall consider—

(i) that contemporaneous records of testing of full-body exposure to a covered substance frequently may be unavailable because such tests were classified or such records were lost or destroyed;

(ii) that many veterans were sworn to secrecy following testing described in clause (i);

(iii) each statement based on personal knowledge of a veteran who served at a site listed in paragraph (3);

(iv) information in the report from the Secretary of Defense under subsection (b)(2); and

(v) any evidence the Secretary considers relevant; and

(B) may not determine that testing of full-body exposure to a covered substance did not occur at a site based solely on—

- (i) information contained in the Department of Defense and Department of Veterans Affairs Chemical Biological Warfare Database; or
  - (ii) any list of known sites of testing of full-body exposure to a covered substance maintained by the Department of Veterans Affairs or the Department of Defense.
- (5) PRESUMPTION OF EXPOSURE.—In carrying out paragraph (1), when the Secretary of Veterans Affairs makes a determination regarding whether a veteran experienced full-body exposure to a covered substance, the Secretary—
- (A) shall presume, unless there is affirmative evidence to establish otherwise, that the veteran experienced such exposure by reason of the service of the veteran in World War II—
    - (i) based on the locations listed in paragraph (3); and
    - (ii) consistent with the places, types, and circumstances of service of the veteran in accordance with section 1154 of title 38; and
  - (B) shall resolve each reasonable doubt in favor of the veteran.
- (6) EFFECTIVE DATE OF AWARD.—The effective date of any award of disability compensation resulting from reconsideration of a claim under paragraph (1) shall be fixed in accordance with the facts found, but shall not be earlier than the date of the receipt of the claim for compensation described in paragraph (2).
- (b) INVESTIGATION AND REPORT BY THE SECRETARY OF DEFENSE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—
- (1) investigate and assess each site—
    - (A) where the Army Corps of Engineers has uncovered evidence of testing conducted by the Department of Defense during World War II to assess the effects of full-body exposure to a covered substance on humans; or
    - (B) with regards to which more than two veterans have been denied claims for compensation under chapter 11 of title 38, United States Code, in connection with exposure to a covered substance at such site; and
  - (2) submit to the appropriate congressional committees and the Secretary of Veterans Affairs a report on testing described in paragraph (1)(A), including—
    - (A) a list of each location where such testing occurred, including locations investigated and assessed under paragraph (1);
    - (B) the dates of each such testing; and
    - (C) the number of members of the Armed Forces who experienced full-body exposure to a covered substance in each such testing.
- (c) INVESTIGATION AND REPORT BY SECRETARY OF VETERANS AFFAIRS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—
- (1) investigate and assess—
    - (A) the actions taken by the Secretary to contact individuals who experienced full-body exposure to a covered substance in the course of testing described in subsection (b)(1)(A);
    - (B) the number of claims filed with the Secretary for disability compensation under chapter 11 of title 38, United States Code, arising from testing described in subsection (b)(1)(A); and
    - (C) the percentage of claims described in subparagraph (B) that the Secretary denied.
  - (2) submit to the appropriate congressional committees and the Secretary of Defense a report regarding the investigations and assessments carried out under paragraph (1).
- (d) DEFINITIONS.—In this section:
- (1) The terms “active military, naval, or air service”, “veteran”, and “World War II” have the meanings given such terms in section 101 of title 38, United States Code.
  - (2) The term “appropriate congressional committees” means—
    - (A) the Committees on Armed Services of the House of Representatives and the Senate; and
    - (B) the Committees on Veterans’ Affairs of the House of Representatives and the Senate.
  - (3) The term “covered substance” means—
    - (A) nitrogen mustard gas;
    - (B) sulfur mustard gas; or
    - (C) Lewisite.
  - (4) The term “full-body exposure”, with respect to a covered substance, has the meaning given that term by the Secretary of Defense.



## PURPOSE AND SUMMARY

H.R. 3218, the “Harry W. Colmery Veterans Educational Assistance Act of 2017,” was introduced by Representative David P. Roe, M.D. of Tennessee, Chairman of the Committee on Veterans’ Affairs, on July 13, 2017. H.R. 3218, as amended, would improve education benefits provided to veterans, servicemembers, dependents, and survivors. H.R. 3218, as amended, incorporates the text of the following bills: H.R. 43, introduced by Representative Markwayne Mullin of Oklahoma introduced on January 3, 2017; H.R. 245, introduced by Representative Paul Cook of California on January 4, 2017; H.R. 1104, introduced by Representative Susan Brooks of Indiana on February 16, 2017; H.R. 1112, introduced by Representative Raul Labrador of Idaho on February 16, 2017; H.R. 1216, introduced by Representative Luke Messer of Indiana introduced on February 24, 2017; H.R. 2068, introduced by Representative Mark Takano of California on April 6, 2017; H.R. 1331, introduced by Representative Jim Banks of Indiana on March 2, 2017; H.R. 1379, introduced by Representative Scott Peters of California on March 7, 2017; H.R. 1384, introduced by Representative Steven Palazzo of Mississippi on March 7, 2017; H.R. 1793, introduced by Representative Tim Ryan of Ohio on March 29, 2017; H.R. 1956, introduced by Representative Phil Roe of Tennessee on April 5, 2017; H.R. 1989, introduced by Representative Kevin McCarthy of California on April 6, 2017; H.R. 1994, introduced by Gus Bilirakis of Florida on April 6, 2017; H.R. 2099, introduced by Representative Mark Takano of California on April 14, 2017; H.R. 2100, introduced by Representative Mark Takano of California on April 14, 2017; H.R. 2103, introduced by Representative John Rutherford of Florida on April 17, 2017; H.R. 2108, introduced by Representative David McKinley of West Virginia on April 20, 2017; H.R. 2257, introduced by Representative Brad Wenstrup of Ohio on April 28, 2017; and H.R. 2549 introduced by Representative Mike Coffman of Colorado on May 19, 2017.

## BACKGROUND AND NEED FOR LEGISLATION

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

*Section 101. Consideration of Certain Time Spent Receiving Medical Care From Secretary of Defense as Active Duty for Purposes of Eligibility for Post-9/11 Educational Assistance*

Under current law, Guardsmen and Reservists wounded in combat receive orders under section 12301(h) of title 10, U.S.C., to serve time for medical and recovery purposes upon their return from deployment. However, federal law does not recognize such orders as creditable for Post-9/11 GI Bill education assistance, meaning that while these Guardsmen and Reservists are on orders under section 12301(h) of title 10, U.S.C., and receiving medical treatment, they do not accrue any time towards their Post-9/11 GI Bill eligibility. Under this scenario, a Guardsman or Reservist who serves on active duty but was never injured could accrue more Post-9/11 GI Bill benefits than one who is still active duty but recovering from injuries sustained in combat. Guardsmen and Reservists who deploy on active duty are no less vulnerable to injury in combat than full-time active duty servicemembers.

This section would end this unequal treatment and ensure that Guardsmen and Reservists are able to accrue eligibility for Post-9/11 GI Bill benefits while on orders under section 12301(h) of title 10, U.S.C. The Committee believes this policy would fairly reflect the time that Guardsmen and Reservists spend serving our nation for the purposes of their education assistance benefits.

*Section 102. Educational assistance under Post-9/11 Educational Assistance Program for Members of the Armed Forces Awarded the Purple Heart*

Since September 11, 2001 the mission of members of the National Guard and Reserve has moved from strategic reserve to a truly operational force. This change has meant an increased number of members of the National Guard and Reserve have been deployed overseas and have served in combat. As a result, a number of these servicemembers have been awarded the Purple Heart, an honor bestowed to those servicemembers who have been wounded in combat. However, some servicemembers who have received the Purple Heart do not meet active duty activation requirements to receive the full benefits provided by the Post-9/11 GI Bill.

This section would address this inequity and extend full eligibility for the Post-9/11 GI Bill to any Purple Heart recipient since September 11, 2001. The Committee believes there could be at least 3,000 that will be impacted by this change over the next ten years, and that this change is an appropriate acknowledgement of their sacrifice for this country.

*Section 103. Inclusion of Fry Scholarship Recipients and Purple Heart Recipients in Yellow Ribbon GI Education Enhancement Program*

The Post-9/11 GI Bill covers a large amount of school costs, but many private schools cost more than authorized in statute. In cases where a veteran is not eligible for the in-state tuition rate, the cost to attend public school can also exceed what is allowable by law. Section 3317 of title 38, U.S.C., authorizes the Yellow Ribbon Program, which authorizes the Department of Veterans Affairs (VA) to enter into agreements with private and public schools to pay a dollar-for-dollar matching grant to cover the additional tuition costs beyond what is provided in the tuition and fee cap for the Post-9/11 GI Bill in section 3313(c) of title 38, U.S.C.

Under current law, individuals using the Fry Scholarship and those who do not have full Post-9/11 GI eligibility are not also eligible to use the Yellow Ribbon Program to pay for the rest of their tuition amount beyond what is provided in the Post-9/11 GI Bill. The Committee believes it was not the intention of Congress to limit the Fry Scholarship to exclude children and spouses of servicemembers who have died in the line of duty from being able to utilize the Yellow Ribbon program. Additionally, as stated in the previous section, the Committee recognizes the sacrifice of those who have received the Purple Heart and believes that recipients should also be eligible for the Yellow Ribbon Program. This section would amend section 3317(a) of title 38, U.S.C., to allow individuals eligible for the Fry Scholarship and those servicemembers who have received the Purple Heart to also be eligible to use the Yellow Ribbon Program while they attend school. The Committee believes

that by making this change, an inequity for those who have sacrificed will be corrected.

*Section 104. Consolidation of Eligibility Tiers Under Post-9/11 Educational Assistance Program of the Department of Veterans Affairs*

Section 3311(b) of title 38, U.S.C., provides eligibility for the Post-9/11 GI Bill based on active duty service. After 90 days of active service duty service, other than for training, the servicemember is eligible for 40% of the benefit and this percentage goes up by 10% with an additional six months of service and continues to gradually increase until an individual reaches 36 months of active service, which then makes them eligible for the full amount available under the GI Bill. At the legislative hearing on this bill on July 17, 2017, Mr. John Kamin with The American Legion testified that these tiers of benefits make it so many members of the National Guard and Reserve have to incur, “large sums of educational debt due to partial eligibility of GI Bill benefits.”

As previously discussed, the National Guard and Reserve forces are bearing a larger share of active duty missions than in previous years. As such, the Committee believes it is important to reduce the burden on those student veterans with less than full eligibility for the Post-9/11 GI Bill. Therefore, this section would authorize additional GI Bill funding for members of the National Guard and Reserve. This section would increase the amount of money/eligibility that individuals receive who serve at least 90 days but less than 6 months on active duty—it would increase from 40% to 50% benefit payable. It would also increase the amount of money/eligibility that individuals receive who serve at least 6 months but less than 12 months—it would increase from 50% to 60% benefit payable. A chart comparing the old and new tier structure is listed below. The Committee believes this increase is needed to assist these servicemembers attend school and for a student attending a private school, this would result in approximately \$2,300 more a year in tuition than they are receiving now and would receive additional money for their housing allowance.

OLD TIER STRUCTURE

Member Serves	Percentage of Maximum Benefit Payable
At least 36 months .....	100%
At least 30 continuous days on active duty and must be discharged due to service-connected disability ....	100%
At least 30 months, but less than 36 months .....	90%
At least 24 months, but less than 30 months .....	80%
At least 18 months, but less than 24 months .....	70%
At least 12 months, but less than 18 months .....	60%
At least 6 months, but less than 12 months .....	50%
At least 90 days, but less than 6 months .....	40%

NEW TIER STRUCTURE

Member Serves	Percentage of Maximum Benefit Payable
At least 36 months .....	100%
At least 30 continuous days on active duty and must be discharged due to service-connected disability ....	100%

NEW TIER STRUCTURE—Continued

Member Serves	Percentage of Maximum Benefit Payable
At least 30 months, but less than 36 months .....	90%
At least 24 months, but less than 30 months .....	80%
At least 18 months, but less than 24 months .....	70%
At least 6 months, but less than 18 months .....	60%
At least 90 days, but less than 6 months .....	50%

*Section 105. Eligibility for Post-9/11 Educational Assistance for Certain Members of Reserve Components of Armed Forces who Lost Entitlement to Educational Assistance under Reserve Educational Assistance Program*

The Reserve Education Assistance Program (REAP) sunsetted in November of 2015. Reservists who had eligibility for REAP, but had not used any of these benefits before this date lost eligibility. Many of these servicemembers lost such eligibility due to no fault of their own, and the Committee believes it is important to provide a bridge for these servicemembers to the Post-9/11 GI Bill. This section would allow certain members of the Reserve component to transfer into the Post-9/11 GI Bill who lost educational assistance under REAP.

*Section 106. Calculation of Monthly House Stipend under Post-9/11 Educational Assistance Program Based on Location of Campus where Classes are Attended*

Current law, section 3313(c)(1)(B)(i)(I) of title 38 U.S.C., authorizes VA to pay a Monthly House Allowance (MHA) to beneficiaries of the Post-9/11 GI Bill, which is based on the Basic Allowance for Housing (BAH) paid to active duty servicemembers at the E-5 with dependents rate. This MHA is based on the BAH rate for the ZIP code that the student’s school or training program enrollment is certified, which, in some cases, is not necessarily where the school is actually located or where the student takes their training. This creates an inequity where a student could be receiving an MHA based on the school’s headquarters’ location instead of where they are attending the majority of their classes. The Committee believes the intention of the drafters of the Post-9/11 GI Bill and the MHA benefit was to meet the actual living expenses at the E-5 with dependents rate of where the student was living and studying.

This section would address this issue and would require VA to pay the MHA based on where the student attends the majority of their classes and not where the school or training programs actually certifies their enrollment. This section would grandfather in current students and would apply such a change to initial enrollments on or after August 1, 2018. The Committee’s intent is to give VA a methodology that is administratively workable and also cannot be taken advantage of by schools. If VA finds that the new methodology is not workable or is still being taken advantage of, then it is the Committee’s expectation that VA will alert the Committee.

*Section 107. Charge to Entitlement for Certain Licensure and Certification Tests and National Tests under Department of Veterans' Affairs Post-9/11 Educational Assistance*

Section 3315 and 3315A of title 38, U.S.C., authorizes VA pay for the costs associated with a beneficiary taking national tests, such as Graduate Record Exam (GRE), Graduate Management Admission Test (GMAT), and other tests that lead to a specific license or credential. However, in order to have VA pay for these tests, a beneficiary must use an entire month's worth of entitlement, regardless of how much this test costs. Current law authorizes those eligible for the Post-9/11 GI Bill at the 100% level with 36 months of education benefits. These months are finite and the Committee believes that they should be used judiciously to maximize the beneficiary's education and training goals.

This section, therefore, would change the current rules that require that a beneficiary be charged a whole month of entitlement to pay for any national test or licensing credentialing test and would instead require VA to prorate entitlement to the amount of the actual cost of the test. The Committee believes this is a common sense change that will help students achieve academic success by making it easier to pay for these important tests in an equitable fashion that does not deplete their valuable months of entitlement to the GI Bill.

*Section 108. Restoration of Entitlement to Post-9/11 Educational Assistance for Veterans Affected by Closures of Educational Institution*

When institutions of higher education abruptly close due to financial trouble, federal investigations, lawsuits, or other factors, GI Bill beneficiaries in attendance at the time of the closure often lose education benefits because they are unable to complete their courses and gain or transfer credits. This is also the case when VA initially approves a course of study and then disapproves of it at a later date, often because it changed its regulations or changed how it enforces its regulations. Many of these veterans and their dependents also suddenly lose access to vital supplemental income benefits, like the MHA.

This section would restore some of those GI Bill benefits and continue educational assistance payments in these situations. Specifically, veterans whose schools closed or were disapproved would not have the term during which their studies were interrupted count toward the aggregate of their GI Bill entitlement. Under this section they would also continue receiving monthly education assistance payments, including the MHA, through the end of the term, quarter, or semester in which the school closes, or for up to 120 days from the date of the school closure, whichever is less. This section would also provide the VA Secretary with the ability to waive disapproval of a course of study on a case-by-case basis to allow veterans already pursuing that course of study to complete their programs.

Additionally, those veterans whose schools closed between January 1, 2015 and the date of enactment of this Act who are unable to transfer their already-earned credits to another eligible institution would not have the terms during which they earned those credits count toward the aggregate of their GI Bill entitlement.

To the maximum extent possible, the Committee also expects the VA Secretary to coordinate with the Secretary of Education on matters relating to outreach to students, transferring credits for courses completed, teach-out plans (as defined in section 487(f)(2) of the Higher Education Act of 1965 (20 U.S.C. 1094(f)(2))), discharging student loans, and carrying out section 3312(d) of title 38, U.S.C., as added by this section.

*Section 109. Additional Authorized Transfer of Unused Post-9/11 Educational Assistance Benefits to Dependents upon Death of Originally Designated Dependent*

Section 3319 of title 38, U.S.C., provides for the ability for eligible Post-9/11 GI Bill users to transfer some, or all, of their 36 months of benefits to a dependent spouse or child. In order to be eligible to transfer this benefit, a servicemember must serve for six years on active duty and agree to serve an additional four years on active duty. A servicemember must make the decision to transfer these benefits while on active duty and provide at least one month to each dependent before the servicemember separates or retires from active duty for their dependents to be eligible. The servicemember is authorized to make changes to the allotment of their 36 months of benefits at any point in their life, but they are the only ones who may make such a change. While such stringent requirements were put in place with the enactment of the Post-9/11 GI Bill to ensure this benefit was not abused, the Committee believes that situations have arisen since the enactment of the law that need to be addressed to provide fairness to certain groups of survivors when either the servicemember or a dependent dies.

At the July 17, 2017 legislative hearing on this bill, Ms. Ashlynn Haycock with Tragedy Assistance Providers for Survivors (TAPS) highlighted two real-life cases where current law is blocking common sense usage of the transferability benefit:

From Coleen Bowman, surviving spouse:

“I am the widow of SGM Robert Bowman. Realizing the importance of education, when the opportunity for transferring the Post 9/11 GI bill arose, my husband took advantage of the opportunity and designated myself and our 4 daughters to be recipients of the benefit, being told he could reapportion the benefit when the time for their education came about. Unfortunately, after exposure to environmental toxins, my husband succumbed to cancer in January 2013. Before he died, our then 13 year old daughter told him “Dad, I promise you I am going to go to college and do great things and make you proud.” This daughter is now almost 18 years old, in her junior year of high school and doing very well. She is in the top 20 percent of her class and talks almost daily about how excited she is to go to college and the things she needs to do in order to get there.

I called the VA about 8 to 10 months ago and spoke to someone about changing the allotted months from one child to another, or myself to my daughters. We had 19 months of benefits that neither I nor her sister would use. I was told “The only person that can move the months of

benefits around is the service member/veteran.” I said “You do understand he passed away in 2013?” She said to me again “Yes, ma’am, I understand but again the only person who can move the months is Robert Bowman.”

I was able to deal with all of my late husband’s estate, I am entrusted with all financial benefits for our two youngest daughters, I certainly should be able to manage their education benefits as well. My hope is that this issue can be resolved and survivors like me will be able to have some relief of stress in this area.”

From Tammy McCracken, surviving spouse:

“Colonel David McCracken served honorably in the Army and Army Reserves for over 20 years. During his military career, he was deployed multiple times; during his last tour he was activated as a reservist to deploy to the Middle East. Upon return from his deployment, he was diagnosed with brain cancer which was found to be service-connected by the VA because of the link to burn pit exposure in the Middle East. He was not on active-duty orders nor training at the time of his death due to illness, and his children are not eligible for the Fry Scholarship. As he already had a Masters degree, Col. McCracken knew he was never going to use his own GI Bill benefits so when transferability became an option he immediately transferred it to his 2 young children. He transferred 35 months to his son and 1 month to his daughter thinking he could go back and split it as they needed it later, but because he died of wounds from his service it is stuck split that way. Col. McCracken’s son, Connor has received an ROTC scholarship to Embry-Riddle Aeronautical University and would like to give all 35 of his months to his sister to use but because only the service member can make adjustments to the amount of months each dependent receives, Connor will have to let the 35 months he has go to waste.”

This section would authorize a servicemember to transfer remaining months of GI Bill entitlement to another dependent if the dependent who originally received the transferred benefits dies before they can use all of the benefits. The section would also allow a dependent to transfer remaining months of GI Bill entitlement to another dependent after the death of the servicemember or veteran.

*Section 110. Edith Nourse Rogers STEM Scholarship.*

As the workforce needs of the country continue to evolve, there has been a national emphasis placed on preparing American students for the expected growth in the fields of Science, Technology, Engineering, and Math (STEM). The U.S. Department of Education expects the growth in these fields to significantly outpace the growth of all other occupations through the year 2020.<sup>1</sup> At the July 17, 2017 legislative hearing on H.R. 3218, Student Veterans of America cited a report from Georgetown University’s Center of

<sup>1</sup>U.S. Department of Education, “Science, Technology, Engineering, and Math (STEM): Education for Global Leadership.” <https://www.ed.gov/stem>

Education and the Workforce, “The Economic Value of College Majors”, that found that top-paying college majors earn a total \$3.4 million more than the lowest-paying majors over a lifetime and the top ten highest paying majors are all in STEM fields, eight of which are in engineering.<sup>2</sup>

This data shows that there is a demand for high paying STEM occupations. The Committee believes that we should encourage veterans to pursue these positions. To meet this obstacle, there is clearly a need to increase the types of education programs and opportunities that lead to STEM careers. The difficulty that arises is that many of the programs that lead to a degree in the STEM field can take longer to complete than the current 36 months of eligibility provided to students under the GI Bill. This section, therefore, would authorize VA to provide a scholarship to provide additional GI Bill funds to help a student veteran complete a STEM degree. Certain eligible students would be eligible to apply for the program if they are at least half way through a STEM degree and expect their GI Bill benefits to be exhausted before completing their program. The scholarship would pay for nine additional months of the Post-9/11 GI Bill benefit, up to a maximum payment of \$30,000. The amount of money that could be spent on this program would not exceed \$100,000,000 in any one fiscal year and would be phased in over time by authorizing \$25,000,000 in fiscal year 2019; \$75,000,000 for each of the fiscal years 2020 through 2022; and \$100,000,000 for fiscal year 2023 and each subsequent year. The scholarship would be known as the ‘Edith Nourse Rogers STEM Scholarship’ and is named for the late Congresswoman Edith Nourse Rogers, former Chairwoman of the House Committee on Veterans’ Affairs.

The Committee believes this extra benefit would help student veterans and provide a positive return on investment for the country and the country’s national needs. Additionally, the Committee expects VA to use this authority judiciously and ensure that schools are not expanding the number of credit hours needed to complete a STEM program so they can receive additional tuition and fee payments.

*Section 111. Honoring National Service of the Members Elimination of Time Limitation for use of Entitlement*

Section 3321(a) of title 38, U.S.C., limits the amount of time that a beneficiary under the Post-9/11 GI Bill has to use their entitlement to the date that is 15 years after the servicemember’s last discharge from active duty. This provision is in line with past versions of the GI Bill that also included a delimiting date for usage, albeit that those programs had a 10-year delimiting date. The Committee believes that these restrictions on usage of the GI Bill are outdated and that the benefit should be viewed as a lifetime benefit that could be used by a beneficiary throughout their entire life. This section, therefore, would eliminate the current time limitation to use the GI Bill for new members of the Armed Forces and any servicemember who first becomes entitled to this benefit on or after January 1, 2013. This section would also eliminate the

<sup>2</sup> Carnevale, Anthony, “The Economic Value of College Majors”, Georgetown University Center for Education and the Workforce, 2015, <https://cew.georgetown.edu/cew-reports/valueofcollegemajors/> 2—



15-year delimiting date for any child of a deceased servicemember who first becomes entitled to such entitlement on or after January 1, 2013.

*Section 112. Monthly Stipend for Certain Members of the Reserve Components of the Armed Forces Receiving Post-9/11 Educational Assistance*

Under current law, if a beneficiary of the Post-9/11 GI Bill is serving as a Reservist and is called up for active duty under title 10, U.S.C., they can lose an entire month's worth of MHA payments even if they were only on active duty for one day of the affected month. This leaves the Reservist at a disadvantage as they do not receive payment from the U.S. Department of Defense (DoD) when they are not on active duty and with no MHA for the entire month they have to find some other way to pay for their living expenses. The Committee believes this inequity can be a disincentive to students from continuing to serve in the Guard and Reserve and should be addressed. This section, therefore, would require VA to prorate the GI Bill MHA provided to Reservists who get called up for active duty during the middle of a month to ensure that they continue to receive their housing allowance.

*Section 113. Improvement of Information Technology of the Veterans Benefits Administration of the Department of Veterans Affairs*

When VA began implementing the Post-9/11 G.I. Bill in 2009, there were considerable processing delays due to an outdated Information and Technology (IT) system that required VA to process many claims manually. As VA found short-term workarounds, Congress approved funding for VA to automate processing through a system called the "Long Term Solution" (LTS). The goal of LTS was for most, if not all, claims to be completed electronically without any human intervention.

VA took years and expended millions of dollars to complete six different releases of the LTS. At a March 24, 2015 Subcommittee on Economic Opportunity legislative hearing, VA stated that LTS activated the capability for end-to-end automation of supplemental claims in September 2012. VA also stated that currently over 80 percent of supplemental claims are now completed without any human intervention; supplemental claims are for current students who are simply re-certifying that they are going to continue with their training or education program. Furthermore, VA stated in their testimony the following:

Currently, LTS is in a sustainment phase with only minimal increases in functionality. Further development would allow LTS to automate certificates of eligibility and provide very fast service (possibly one day) for some Veterans who apply for the Post-9/11 GI Bill, as opposed to the current 16-day average processing time. In addition, further development for supplemental claims would allow LTS to produce increased efficiencies in processing through additional automation, while ensuring consistent and timely service to Veterans.

Although VA has made progress processing supplemental claims, LTS is now in sustainment mode, and VA has told the Committee that there are no plans to automate the processing of original or first time claims. The President's budget for FY 2018 did not include any new funding for LTS or additional staff to process original claims, and predicted that it will take, on average, 21 days to process an original claim; that is three days longer than it took VA in FY 2015. The Committee is pleased that supplemental claims are being adjudicated quickly, but remains concerned that there is no plan to also fully automate original claims. This is problematic, because housing allowance checks and tuition payments to schools are critically important for Post-9/11 GI Bill participants.

This section would require the Secretary, to the maximum extent possible, to complete all Post-9/11 GI Bill benefit claims electronically using rules-based processing with little, to no, human intervention. Under this Section, VA would be required to provide to the Committee a report on its plan to implement new IT systems within 180 days of enactment. This section would also authorize \$30 million to fund these system improvements.

*Section 114. Department of Veterans Affairs High Technology Pilot Program*

As the jobs market for the country continues to change, the education benefits provided to servicemembers should change with it as well. In recent years, there has been a growth rate in the need for high technology jobs. In a support letter from the Technology Industry Council, they stated that, "as of today, there are approximately half a million open computing jobs across the United States, with additional technology jobs projected to grow at double the rate of all other fields in the upcoming years." In order to fill these jobs there has been a growth in high technology education programs or coding boot camps. These are educational programs that are outside the definition of traditional higher education as they are usually short term in nature and focus on the core skills that are needed to receive a job in the growing technology sector. The problem is that many of these programs or boot camps don't meet the requirements for eligibility for the GI Bill. The Committee believes that there should be a way to allow veterans the opportunity to take advantage of these programs and gain access to high technology jobs.

This section would authorize VA to conduct a 5-year pilot program that would provide veterans the opportunity to enroll in high technology courses. VA would enter into contracts with these schools or programs and would provide tuition and fees payments on a sliding scale that incentivizes the schools to graduate the student and ensure they find a job in their field of study. The section would also authorize a living stipend payment equal to the Post-9/11 rate to students while they are using the benefit. The Committee believes that such a limited pilot program is warranted to help these students find jobs in this growing sector of the American economy. The Committee expects VA to ensure when entering into contracts with providers of these programs that it seeks providers who are respected by leading technology employers, and to ensure that employment lasts at least 6 months following program completion. In doing so, the Committee expects VA to properly administer

this program so as not to allow subpar providers to benefit from the funding without benefiting the veterans taking part in the pilot program.

*Section 115. Annual reports to Congress on information on student progress submitted by educational institutions*

Section 3326 of title 38, U.S.C., requires schools and training programs authorized for GI Bill benefits to annually provide information to VA on the academic progress of beneficiaries using Post-9/11 GI Bill benefits. The Committee believes it is important for Congress, and the public, to have visibility on the success of student veterans at GI Bill approved programs. This section, therefore, would simply require an annual report to Congress on the results of the data collection required by section 3326 of title 38, U.S.C.

TITLE II—OTHER EDUCATIONAL ASSISTANCE PROGRAMS

*Section 201. Work Study Allowance*

VA's work-study program allows certain veterans and dependents enrolled in school through a VA educational program to perform a certain number of hours of work in exchange for compensation through VA's work study program. Eligible individuals are able to work for up to 25 hours times the number of weeks contained in an enrollment period. Participants receive the greater of the State's minimum wage rate or the national minimum wage rate under section 6(a) of the Fair Labor Standards Act of 1938 (section 206(a) of title 29, U.S.C.). Eligible work-study activities were expanded to the following positions: (1) VA outreach services programs or outreach services to servicemembers and veterans furnished by employees of a SAA; (2) Hospital and domiciliary care and medical treatment at VA facilities, and care to veterans in a state home; and (3) Activities relating to the administration of a national cemetery or a state veterans' cemetery.

This program gives veterans and dependents an alternative means to supplement their income as they attend an institution of higher learning. In recent years, the average student has been leaving college with an average debt of \$24,000 to cover all college expenses. This program would help veterans mitigate this debt while also getting work experience as they attend school. This section, therefore, would amend section 3485(a)(4) of title 38, U.S.C., by striking the expiration date of June 30, 2022 in each case that it appears and inserting "any time on or after June 30, 2017," to make the Work Study program permanent.

*Section 202. Duration of Educational Assistance under Survivors' and Dependent' Educational Assistance Program*

Section 3511(a) of title 38, U.S.C., authorizes beneficiaries of the Survivors' and Dependents' Educational Assistance Program up to 45 months of educational assistance. This is in contrast to other GI Bill programs that provide 36 months of eligibility for educational assistance.

This section would change the number of months of entitlement for individuals who become eligible for this program from 45 months to 36 months. This change would only apply to individuals

that become entitled to this program on or after August 1, 2018, to ensure current beneficiaries will not be affected by this change. The Committee believes this re-alignment is necessary and appropriate offset to pay for a portion of the changes to this program that would be made by section 203 of this bill.

*Section 203. Olin E. Teague Increase in the Amounts of Educational Assistance Payable Under Survivors' and Dependent' Educational Assistance Program*

Chapter 35 of title 38, U.S.C., the Survivors' and Dependents' Educational Assistance Program, provides education benefits to eligible surviving spouses and children. This education benefit is paid directly to the beneficiary monthly and is a flat amount. This program currently pays \$1,224 per month to eligible beneficiaries and, outside of minor adjustments for cost of living adjustments, this payment amount has not been increased since 2003.

At the July 17, 2017 legislative hearing on this bill, Ms. Ashlynn Haycock with Tragedy Assistance Providers for Survivors (TAPS) highlighted an example of one survivor who could benefit from a change in the monthly rate provided by Chapter 35:

From Carla Stumpf Patton, surviving spouse:

“As a surviving family of an active duty Marine who died prior to 9/11, an increase in Chapter 35 benefits would make a dramatic difference in alleviating the financial strain associated with the increasing rates of college expenses for families of the fallen. Families like ours are often excluded from other funding programs that offer tremendous assistance to families post 9/11; on top of the loss we have experienced, this financial burden can be overwhelming. Because I was pregnant at the time of my husband's death and our child was born posthumously, it would be eighteen years before our child needed educational assistance and while there was some funding, it was not nearly enough to cover tuition rates associated with his school. We were excluded from other sources of funding either due to the date of death or due to the manner of death, leaving very few options for financial assistance other than private scholarships and having to take out large personal loans. Increasing the current benefit will address the cost of living and sky-rocketing college expenses our families are facing in the 21st century.”

The Committee believes the monthly payments for this program have clearly not kept pace with the true cost of attending post-secondary education or training and they should be increased. This section, therefore, would increase the monthly payment for educational assistance provided under Survivors' and Dependent' Educational Assistance Program by \$200 a month.

*Section 301. State Approving Agency Funding*

State Approving Agencies (SAAs) are authorized under Chapter 36 of title 38, U.S.C., with the mission of approving and monitoring education and training programs that use VA education benefits. SAAs employ state employees and are reimbursed for their expenses by VA out of the mandatory re-adjustment account of VA's

budget. Despite the additional workload that SAA's have been tasked with, such as completing compliance surveys and increased usage of the Post-9/11 GI Bill, the funding for their reimbursement has been flat lined since 2007. The Committee believes the work of the SAA's is vital to the success of all VA education programs as they are the front line staff tasked with ensuring veterans attend quality education and training programs.

To help SAAs complete their mission, this section would increase the funding out of VA's mandatory re-adjustment account for SAAs from \$19 million a year to \$21 million for fiscal year 2018 and to \$23 million a year for each subsequent fiscal year. This section would also authorize VA to provide an additional \$3 million in appropriations a year to the SAAs out of the Department's general operating account. This section would also, beginning in fiscal year 2019, require VA to provide a cost of living adjustment increase to the SAAs budget in an amount that equals the same percentage increase as benefits provided under the Social Security Act.

*Section 302. Authorization for Use of Post-9/11 Educational Assistance to Pursue Independent Study Programs at Certain Educational Institutions that are Not Institutions of Higher Learning*

One of the historical values of GI Bill is the ability to use education benefits at training and education programs like career and technical education that are not at traditional institutions of higher education. Due to recent changes in how these types of schools provide training, several of them have been disapproved for GI Bill benefits. The Committee believes these programs provide another avenue for training for GI Bill users to receive an education and the growth in use of online education at these schools should be approved if the program is appropriately accredited. This section would address this issue and would authorize an eligible individual to use their GI Bill benefits at an accredited independent study program (including open circuit television) that is an area career and technical education school or a postsecondary vocational school providing postsecondary level education.

The Committee expects that VA will ensure that any independent study program that would be authorized by this section is recognized and accepted by employers in the student's regional area as meeting employers' expectations for employment in the student's field of study. The Committee also expects that VA will properly administer this program so as not to allow subpar providers to benefit from the GI Bill without benefiting the GI Bill beneficiaries.

*Section 303. Provision of Information on Priority Enrollment for Veterans in Certain Courses of Education*

Section 3698 of title 38, U.S.C., requires that VA create a comprehensive policy to easily provide information to veterans and other beneficiaries on GI Bill eligible schools. Through this requirement, VA has created the GI Bill Comparison Tool, which allows users to compare GI Bill eligible schools using key measures that include affordability, performance data, and other factors. The Committee believes this tool is a valuable asset to students so they can make informed choices on which school or training program

will best suit their needs. It has recently come to the Committee's attention that some schools are voluntarily offering priority enrollment in classes to veterans.

The Committee believes this is an invaluable benefit that will assist student veterans so they are not closed out of needed classes to complete their course of study in a finite amount of time that they have before their benefits are depleted. This section, therefore, would require VA to include on its GI Bill Comparison Tool, information on whether a school has a priority enrollment system in place that allows veterans to enroll in courses earlier than other students attending the school.

*Section 304. Limitation on Use of Reporting Fees Payable to Educational Institutions and Sponsors of Programs of Apprenticeship*

Each GI Bill eligible institution or training program designates a staff member, known as a School Certifying Official (SCO), to certify the beneficiary's enrollment at their school or program and handles all of the paperwork associated with this enrollment. Current law authorizes VA to pay \$12 per certification directly to the school to help offset the costs associated with submitting this paperwork. This certification was reduced from \$15 per certification to the \$12 amount by section 412 of by P.L. 113-315, the Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016.

The Committee believes that as more beneficiaries access the Post-9/11 GI Bill and the cost of administering this benefit at the institutional level increases, there is a need to increase these reporting fees. This section would require VA to provide \$16 to the institution for each individual that they certify as using GI Bill benefits at their institution. Additionally, this section would also require that schools with 100 or more enrollees using GI Bill benefits, may not use the funds received by the institution from the reporting fees for the institution's general fund and that these funds may only be used for veterans programs at that institution.

*Section 305. Training for School Certifying Officials*

There is high turnover in SCO positions at many schools and training programs, which results in a lack of training on complicated GI Bill information technology systems. Lack of an SCO's training on these systems often leads to incorrect certifications and overpayments. The U.S. Government Accountability Office highlighted and recommended the need to improve SCO training to reduce overpayments in their 2015 report entitled, "Additional Actions Needed to Help Reduce Overpayments and Increase Collections."<sup>3</sup>

This section would address the lack of training and would require VA, in consultation with the SAAs, to provide requirements for training for school certifying officials at educational institutions that are approved for GI Bill benefits. This section would also allow VA to disapprove a course of education if a school does not ensure that the SCO meets the training requirements.

<sup>3</sup>U.S. Government Accountability Office. "Additional Actions Needed to Help Reduce Overpayments and Increase Collections." October 21, 2015. <https://www.gao.gov/products/GAO-16-42>.

*Section 306. Extension of Authority for Advisory Committee on Education*

Section 3692 of title 38, U.S.C., authorizes the Veterans Advisory Committee on Education. This committee provides advice to the Secretary on the administration of education and training programs provided by VA. The Committee values the input of this advisory committee and therefore this section would extend the authority for this committee from December of 2017 through to December of 2022.

*Section 307. Department of Veterans Affairs Provision of On-Campus Educational and Vocational Counseling for Veterans*

In 2009, VA began a pilot program at the University of South Florida to provide a trained Vocational Rehabilitation and Employment (VR&E) counselor on this school's campus to assist veterans with their transition from military to college life, as well as to provide the student veterans with the support and assistance needed to pursue their educational and employment goals. In return, the school provided this counselor an office and other office equipment to help them complete their mission.

This pilot program has since been expanded to 94 campuses nationwide and is known as the Veterans Success of Campus Program (VSOC). Since the program's inception, the Committee has been impressed with the results of the collaborative effort between VA and these 94 campuses and believes this program should be made a permanent program at VA. This section, therefore, would simply codify this program into a new section 3697B of title 38, U.S.C.

*Section 308. Provision of Information Regarding Veteran Entitlement to Educational Assistance*

One of the most common concerns that the Committee receives from SCOs at GI Bill eligible schools, is that VA's current IT system does not allow them to view a student veteran's remaining GI Bill entitlement. This flaw in VA's system makes it difficult for an SCO to quickly and properly advise a student veteran on which educational programs they are eligible to receive.

This section would address this issue and would require that VA provide access to IT systems that would allow SCOs to view a student veteran's eligibility for educational assistance under title 38, U.S.C. This section would also allow the veteran or their dependent (if they are a beneficiary of their GI Bill benefits) to opt out of the school's ability to receive such information from VA.

*Section 309. Treatment, for Purposes of Educational Assistance Administered by the Secretary of Veterans Affairs, of Educational Courses that Begin Seven or Fewer Days after the First Day of an Academic Year*

The administration of the Post 9/11 GI bill can be cumbersome and the Committee is always open to suggestions from SCOs and other stakeholders on how to simplify administration of this generous benefit. This section would implement a suggestion provided to the Committee by SCOs that would provide more flexibility to the SCOs if the first day of a course does not start on the first day of an academic term. This section would allow the SCO to certify

the course as beginning on the first day of the academic term for purposes of certifying a veteran for GI Bill benefits.

TITLE IV—RESERVE COMPONENT BENEFITS

*Section 401. Eligibility of Reserve Component Members for Post 9/11 Educational Assistance*

When Congress expanded the authority of the DoD to deploy National Guard and Reserve component forces on active duty missions to support the combatant commands, it did not make corresponding changes in the benefits for which these National Guard and Reserve component service members are eligible. As such, health, education, leave, pay, and retirement benefits that active duty component troops are entitled to who are serving the same functions have been denied to Guard and Reserve component soldiers serving under section 12304 of title 10, U.S.C., authority.

Since the expansion of that authority, Guard and Reserve components have been deployed on operations to support the Multinational Force Observers mission in the Sinai, Egypt, NATO's Operation Joint Guardian in Kosovo, and most recently, the European Reassurance Initiative countering Russian aggression in Eastern Europe. Utilization of Guard and Reserve forces have provided a cost-effective means of meeting the needs of combatant commanders with forces bringing important experience and expertise.

This section rectifies part of the unequal treatment of Guard and Reserve component soldiers serving on active duty orders and would allow them to earn GI Bill eligibility while serving on active duty orders in section 12304 of title 10, U.S.C. The Committee believes this is a vital change to the readiness, morale, and welfare of our Guard and Reserve component service members.

*Section 402. Time Limitation for Training and Rehabilitation for Veterans with Service-Connected Disabilities*

Section 3103(f) of title 38, U.S.C., extends the period of eligibility for a veteran to use Vocational Rehabilitation and Employment (VR&E) benefits when they are called up for certain types of active duty orders. Similar to the situation with section 401 of this bill, 12304, 12304(a) and 12304(b) orders are currently not included in the types of orders that can extend VR&E eligibility. To address this inequity similar to the provisions of section 401, this section would add these sections of title 10, U.S.C., orders to this list or approved orders that extend VR&E eligibility.

TITLE V—OTHER MATTERS

*Section 501. Repeal Inapplicability of Modification of Basic Allowance for Housing to Benefits under Laws Administered by Secretary of Veterans Affairs*

In the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (P.L. 113–291), the annual percentage increase to active duty BAH payments was reduced by 1% a year for five years, but GI Bill living allowance payments (tied to the E–5 with dependents rate) were exempt. This section would provide equity to the living stipend payments for those using the Post-9/11 GI Bill (E–5 with dependents rate) to the same BAH payments currently paid to active duty servicemembers



at the E-5 with dependents rate. This section would also stipulate that these decreases to the annual percentage increase would only be in effect for individuals who first begin using their education benefits on or after January 1, 2018. The Committee believes this provides true equity between MHA for GI Bill users and BAH payments to active duty servicemembers. The Committee believes that Congress did intend such inequity and believes this change is appropriate with the grandfather clause to ensure current students do not experience a drop in their own MHA.

*Section 502. Reconsideration of Previously Denied Claims for Disability Compensation for Veterans who Allege Full-Body Exposure to Nitrogen Mustard Gas, Sulfur Mustard Gas, or Lewisite During World War II*

According to VA and DoD, the DoD subjected approximately 4,000 servicemembers to full-body exposure to mustard gas or Lewisite in the 1940s.<sup>4</sup> As a result of such exposure, these veterans may have developed serious diseases and conditions and, therefore, would be eligible for veterans disability benefits.

Under current VA policy, former servicemembers who develop a health condition<sup>5</sup> that VA recognizes as linked to mustard gas or Lewisite exposure must demonstrate that they were subjected to full-body exposure during service to qualify for compensation. Unfortunately, it may be difficult for veterans to prove exposure because of the potential classified nature of these experiments, in addition to the fact that many of the paper records from the 1940s may have been lost or destroyed since that time.

To make it easier for these veterans to receive benefits, this section would require that VA review previously denied claims of former servicemembers who allege that they were subjected to full-body exposure to mustard gas or Lewisite. Under the section, VA must presume that such veterans who had filed applications for benefits prior to the enactment of this bill were exposed to mustard gas or Lewisite, if he or she served in specific locations where VA acknowledges that mustard gas or Lewisite was tested. Furthermore, such exposure must be consistent with the places, types, and circumstances of the veteran's service. Lastly, any reasonable doubt in determining the presumption must be resolved in favor of the veteran's claim. However, the section clarifies that if there is affirmative evidence that the veteran was not subjected to full-body exposure to such chemicals, the veteran would not receive the presumption. The section further states that the Secretary may not determine that the testing of full-body exposure did not occur solely based on information contained in the DoD and VA Chemical Biological Warfare Database or any list of known testing sites maintained by DoD or VA. The section would also require DoD and VA to issue certain reports to appropriate Congressional committees within 180 days of enactment of this Act.

#### HEARINGS

On July 17, 2017, the full Committee held a legislative hearing on H.R. 3218. The following witnesses testified:

<sup>4</sup> <https://www.publichealth.va.gov/exposures/mustardgas/> (last accessed July 19, 2017).

<sup>5</sup> Such health conditions are enumerated in 38 C.F.R. 3.316(a).

The Honorable Kevin McCarthy, U.S. House of Representatives, 23rd Congressional District, California; The Honorable Mark Takano, U.S. House of Representatives, 41st Congressional District, California; The Honorable Gus Bilirakis, U.S. House of Representatives, 12th Congressional District, Florida; The Honorable Scott Peters, U.S. House of Representatives, 52nd Congressional District, California; The Honorable Mike Coffman, U.S. House of Representatives, 6th Congressional District, Colorado; The Honorable Brad Wenstrup, U.S. House of Representatives, 2nd Congressional District, Ohio; The Honorable John Rutherford, U.S. House of Representatives, 4th Congressional District, Florida; The Honorable Jim Banks, U.S. House of Representatives, 3rd Congressional District, Indiana; The Honorable Luke Messer, U.S. House of Representatives, 6th Congressional District, Indiana; The Honorable Paul Cook, U.S. House of Representatives, 8th Congressional District, California; Mr. Curtis L. Coy, Deputy Under Secretary for Economic Opportunity, Veterans Benefits Administration, U.S. Department of Veterans Affairs; Mr. Patrick D. Murray, Associate Director, National Legislative Service, Veterans of Foreign Wars of the United States; Mr. William Hubbard, Vice President of Government Affairs, Student Veterans of America; Mr. John Kamin, Assistant Director, Veteran Employment and Education, The American Legion; and Ms. Ashlynn Haycock, Senior Coordinator, Education Support Services, Tragedy Assistance Program for Survivors.

The following individuals and organizations submitted statements for the record:

The Honorable David McKinley, U.S. House of Representatives, 1st Congressional District, West Virginia; The Honorable Markwayne Mullin, U.S. House of Representatives, 2nd Congressional District, Oklahoma; The Honorable Tim Ryan, U.S. House of Representatives, 13th Congressional District, Ohio; The Honorable Susan Brooks, U.S. House of Representatives, 5th Congressional District, Indiana; The Military Order of the Purple Heart; the National Guard Association of the United States; Veterans Education Success; Captain Edward H. Hill; Vietnam Veterans of America; High Ground Veterans Advocacy; and Iraq and Afghanistan Veterans of America.

#### SUBCOMMITTEE CONSIDERATION

There was no subcommittee consideration of H.R. 3218, as amended.

#### COMMITTEE CONSIDERATION

On July 19, 2017, the full Committee met in open markup session, a quorum being present, and ordered H.R. 3218, as amended, be reported favorably to the House of Representatives by voice vote. During consideration of the bill, the following amendments were considered:

An amendment in the nature of a substitute offered by Chairman Roe of Tennessee made several technical and conforming changes to the underlying bill. It also changed some effective dates, including an initial effective date for section

110 to August 1, 2019. These changes were made to remain in line with budget requirements. The amendment in the nature of a substitute also made changes to the school closure section (section 108) by ensuring that veterans affected by the ITT Tech and Corinthian closures, would receive full entitlement back for any credits they were unable to transfer to another school. It would also ensure that, going forward, any veterans affected by a school closure would receive entitlement back for that semester they are enrolled in when the school closes, as well as a bridge payment of up to 4 months' worth of housing allowances. The amendment in the nature of substitute, as amended, was approved by voice vote.

An amendment to the amendment in the nature of a substitute offered Representative Kathleen Rice of New York added a new section 502 to require VA to make a new determination regarding each claim for disability compensation in connection with exposure to mustard gas or Lewisite during active military, naval, or air service during World War II that was denied before this bill's enactment. The amendment to the amendment in the nature of a substitute was agreed to by voice vote.

An amendment to the amendment in the nature of substitute offered by Representative Jodey Arrington of Texas would require VA to submit a report to Congress, not later than March 1st of each year, summarizing the information provided by educational institutions on student progress for the preceding calendar year. This information on student progress was included in PL 114-315, the "Jeff Miller and Richard Blumenthal Veterans Health Care and Benefits Improvement Act of 2016." The amendment to the amendment in the nature of a substitute was agreed to by voice vote.

A motion by Ranking Member Tim Walz of Minnesota to report H.R. 3218, as amended, favorably to the House of Representatives was agreed to by voice vote.

#### COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, no recorded votes were taken on amendments or in connection with ordering H.R. 3218, as amended, reported to the House.

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July 21, 2017

The Honorable William M. "Mac" Thornberry  
 Chairman  
 House Committee on Armed Services  
 2216 Rayburn House Office Building  
 Washington, D.C. 20515


Dear Chairman Thornberry:

In reference to your letter on July 20, 2017, I write to confirm our mutual understanding regarding H.R. 3218, as amended, the "Harry W. Colmery Veterans Educational Assistance Act of 2017."

I appreciate the House Committee on Armed Services' waiver of consideration of provisions under its jurisdiction and its subject matter as specified in your letter. I acknowledge that the waiver was granted only to expedite floor consideration of H.R. 3218, as amended, and does not in any way waive or diminish the Committee on Armed Services' jurisdictional interests over this legislation or similar legislation. I will support your committee's request for appointment to any House-Senate conference on H.R. 3218, as amended. Finally, I will also support your request to include a copy of our exchange of letters on this matter in the committee report on H.R. 3218, as amended, and in the *Congressional Record* during floor consideration.

Again, thank you for your assistance and cooperation with these matters.

Sincerely,



**David P. Roe M.D.**  
 Chairman

cc: The Honorable Paul Ryan, Speaker of the House  
 The Honorable Adam Smith, Ranking Member, Armed Services Committee  
 The Honorable Tim Walz, Ranking Member, Veterans' Affairs Committee  
 Mr. Thomas J. Wickham Jr., Parliamentarian

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## COMMITTEE ON ARMED SERVICES

U.S. House of Representatives

Washington, DC 20515-6035

ONE HUNDRED FIFTEENTH CONGRESS

July 20, 2017

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ROBERT L. SIMMONS, II, STAFF DIRECTOR

The Honorable David P. Roe, M.D.  
 Chairman, Committee on Veterans' Affairs  
 U.S. House of Representatives  
 335 Cannon House Office Building  
 Washington, D.C. 20515


Dear Mr. Chairman:

I am writing to you concerning H.R. 3218, the "Harry W. Colmery Veterans Educational Assistance Act of 2017." There are certain provisions in the bill which fall within the Rule X jurisdiction of the Committee on Armed Services.

In the interest of permitting your committee to proceed expeditiously to floor consideration of this important legislation, I am willing to waive this committee's further consideration of H.R. 3218. I do so with the understanding that by waiving consideration of the bill, the Committee on Armed Services does not waive any future jurisdictional claim over the subject matters contained in the legislation which fall within its Rule X jurisdiction.

Please place a copy of this letter and your response acknowledging our jurisdictional interest into the committee report on H.R. 3218 and into the *Congressional Record* during consideration of the measure on the House floor. The committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

Sincerely,

  
 William M. "Mac" Thornberry  
 Chairman

cc: The Honorable Paul D. Ryan, Speaker of the House  
 The Honorable Adam Smith, Ranking Member, Committee on Armed Services  
 The Honorable Tim Walz, Ranking Member, Committee on Veterans' Affairs  
 Mr. Thomas J. Wickham, Jr., Parliamentarian

## COMMITTEE OVERSIGHT FINDINGS

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

## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives of H.R. 3218, as amended, are to provide improvements to educational benefits provided to veterans.

## EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 3218, as amended, does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

## COMMITTEE COST ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. The Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office. The Committee believes, and according to a preliminary score from the Congressional Budget Office, that enactment of this bill would result in a savings of \$205 million over the 2018–2027 period. Assuming the appropriation of authorized amounts, the Committee estimates that the legislation would also have a discretionary cost of \$111 million over the 2018–2022 period.

## BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of the Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

## FEDERAL MANDATES STATEMENT

With respect to the requirements of Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandates Reform Act, P.L. 104-4), the Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether the provisions of the reported bill include unfunded mandates.

## ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 3218, as amended.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to Article I, section 8 of the United States Constitution, H.R. 3218, as amended, is authorized by Congress' power to "provide for the common Defense and general Welfare of the United States."

## APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that H.R. 3218, as amended, does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

## STATEMENT ON DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 3218, as amended, establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

## DISCLOSURE OF DIRECTED RULEMAKING

Pursuant to section 3(i) of H. Res. 5, 115th Cong. (2017), H.R. 3218, as amended, would require the Secretary of Veterans Affairs to prescribe new regulations in regards to the provisions of the school closure provision in section 108.

## SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

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

*Section 101. Consideration of Certain Time Spent Receiving Medical Care from Secretary of Defense as Active Duty for Purposes of Eligibility for Post-9/11 Educational Assistance*

Section 101(a) would amend section 3301(1)(B) by inserting "12301(h)" after "12301(g)".

Section 101(b) would apply the amendment made in section 101(a) to any service in the Armed Forces occurring on or after September 11, 2001.

Section 101(c) would authorize any individual who is entitled to educational assistance by reason of the amendment made by subsection 101(a) to use such entitlement to pursue a course of education beginning on or after August 1, 2018.

*Section 102. Educational Assistance under Post-9/11 Educational Assistance Program for Members of the Armed Forces Awarded the Purple Heart*

Section 102(a) would amend section 3311(b) of title 38, U.S.C., by adding at the end the following new paragraph: “(10) An individual who is awarded the Purple Heart for service in the Armed Forces occurring on or after September 11, 2001, and continues to serve on active duty in the Armed Forces or is discharged or released from active duty as described in subsection (c).”.

Section 102(b) would amend section 3313(c)(1) of title 38, U.S.C., by striking “or (9)” and inserting “(9), or (10)”.

Section 102(c) would require the amendments made by the new section 102 to take effect on August 1, 2018.

*Section 103. Inclusion of Fry Scholarship Recipients and Purple Heart Recipients in Yellow Ribbon G.I. Education Enhancement Program*

Section 103(a) would amend the second sentence of section 3317(a) of title 38, U.S.C., by striking “paragraphs (1) and (2)” and inserting “paragraphs (1), (2), (9), and (10).”.

Section 103(b) would require the amendment made by the new section 103(a) to take effect on August 1, 2018.

*Section 104. Consolidation of Certain Eligibility Tiers under Post-9/11 Educational Assistance Program of the Department of Veterans Affairs*

Section 104(a) would further amend section 3311(b) of title 38, U.S.C., as amended by the new section 102, by striking “12 months” and inserting “6 months” in paragraph 6(A); by striking paragraph (7); and by redesignating paragraphs (8), (9), and (10) as paragraphs (7), (8), and (9), respectively.

Section 104(b) would amend section 3313(c) of title 38, U.S.C., by striking paragraph (7).

Section 104(c) would make several conforming amendments to Chapter 33 of title 38, U.S.C.

Section 104(d) would require the amendment made by this section to take effect on August 1, 2020.

*Section 105. Eligibility for Post-9/11 Educational Assistance for Certain Members of Reserve Components of Armed Forces who Lost Entitlement to Educational Assistance under Reserve Educational Assistance Program*

Section 105(a) would amend section 16167 of title 10, U.S.C., by adding at the end the following new subsection: “(c) Eligibility for Post-9/11 Educational Assistance—A member who loses eligibility for benefits under this chapter pursuant to subsection (b) shall be allowed to elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) to have such service previously credited toward this chapter credited towards establishing eligibility for educational assistance under Chapter 33 of title 38, notwith-



standing the provisions of section 16163(e) of this title or section 3322(h)(1) of title 38.”.

Section 105(b) would require that section 3301(1) of title 38, U.S.C., shall be construed to include, in the case of a member of the Armed Forces who, before November 25, 2015, established eligibility for educational assistance under Chapter 1607 of title 10, U.S.C., pursuant to section 16163(a)(1) of such title, but lost eligibility for such educational assistance pursuant to section 16167(b) of such title, service on active duty (as defined in section 101 of such title) that satisfies the requirements of section 16163(a)(1) of such title.

Section 105(c) would require that section 3311(b)(6) of title 38, U.S.C., as amended by section 104(a) of this bill, shall be construed to include an individual who, before November 25, 2015, established eligibility for educational assistance under Chapter 1607 of title 10, U.S.C., pursuant to section 16163(b) of such title, but lost such eligibility pursuant to section 16167(b) of such title.

Section 105(d) would require that, notwithstanding section 3312 of title 38, U.S.C., an individual who establishes eligibility for educational assistance under Chapter 33 of such title by crediting towards such chapter service previously credited towards Chapter 1607 of title 10, U.S.C., is only entitled to a number of months of educational assistance under section 3313 of title 38, U.S.C., equal to the number of months of entitlement remaining under Chapter 1607 of title 10, U.S.C., at the time of conversion to Chapter 33 of title 38, U.S.C.

*Section 106. Calculation of Monthly Housing Stipend under Post-9/11 Educational Assistance Program Based on Location of Campus Where Classes are Attended*

Section 106(a) would amend section 3313(c)(1)(B)(i)(I) of title 38, U.S.C., by striking “the institution of higher learning at which the individual is enrolled” and inserting “the campus of the institution of higher learning where the individual physically participates in a majority of classes”.

Section 106(b) would require that the amendment made by the new section 106(a) shall apply with respect to initial enrollment in a program of education on or after August 1, 2018.

*Section 107. Charge to Entitlement for Certain Licensure and Certification Tests and National Tests under Department of Veterans Affairs Post-9/11 Educational Assistance Program*

Section 107(a) would amend subsection (c) of section 3315 of title 38, U.S.C., by striking “shall be determined at the rate of one month (rounded to the nearest whole month)” and inserting “shall be pro-rated based on the actual amount of the fee charged for the test relative to the rate for one month”; and by striking “for each amount paid that equals” and inserting “payable”.

Section 107(b) would amend section 3315A of title 38, U.S.C., by adding at the end of subsection (a) the following new paragraph: “(3) A national test that evaluates prior learning and knowledge and provides an opportunity for course credit at an institution of higher learning as so described.” Section 108(b) would also amend subsection (c) of 3315A of title 38, U.S.C., by striking “shall be determined at the rate of one month (rounded to the nearest whole

month)” and inserting “shall be prorated based on the actual amount of the fee charged for the test relative to the rate for one month”; and by striking “for each amount paid that equals” and inserting “payable”.

Section 107(c) would amend section 3452(b) of title 38, U.S.C., by striking “and national tests providing” and inserting “, national tests providing”; and by inserting before the period at the end the following: “, and national tests that evaluate prior learning and knowledge and provides an opportunity for course credit at an institution of higher learning”.

Section 107(d) would require that the amendments made by this Act shall apply to a test taken on or after August 1, 2018.

*Section 108. Restoration of Entitlement to Educational Assistance and Other Relief for Veterans Affected by School Closure or Disapproval*

Section 108(a) would amend Chapter 36 by adding at the end the following new section: “§ Effects of closure or disapproval of educational institution.”

Sec. 3699(a) would stipulate that any payment of educational assistance described in subsection (b) shall not be charged against any entitlement to educational assistance of the individual concerned; or be counted against the aggregate period for which section 3695 of this title limits the receipt of educational assistance by such individual.

Sec. 3699(b) would stipulate that, subject to subsection (c), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course of program of education at an educational institution under Chapters 30, 32, 33, or 35 of this title, or Chapter 1606 or 1607 of title 10, U.S.C., if the Secretary determines that the individual: (1) was forced to discontinue the pursuit of such course or program as a result of the permanent closure of the educational institution; or the disapproval of a course or a course that is a necessary part of that program under this chapter by reason of a provision of law enacted after the date on which the individual enrolls at such institution affecting the approval or disapproval of courses under this chapter or after the date on which the individual enrolls at such institution, the Secretary prescribing or modifying regulations or policies of the Department affecting such approval or disapproval; and did not receive credit or lost training time, toward completion of the program of education being so pursued.

Sec. 3699(c) would stipulate that the period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the aggregate of the portion of the period of enrollment in the course from which the individual failed to receive credit or with respect to which the individual lost training time as determined under subsection (b)(2), and the period by which a monthly stipend is extended under section 3680(a)(2)(B) of this title.

Sec. 3699(d) would allow the Secretary to treat a course of education that is disapproved under this chapter as being approved under this chapter with respect to an individual described in paragraph (2) if the Secretary determines, on a case-by-case basis, that

such disapproval is the result of an action described in clause (i) or (ii) of subsection (b)(1)(B); and continuing pursuing such course is in the best interest of the individual. Sec. 3699(d) would also prescribe that an individual described in this paragraph is an individual who is pursuing a course of education at an educational institution under Chapters 30, 32, 33, or 35 of this title or Chapter 1606 or 1607 of title 10, U.S.C., as of the date on which the course is disapproved under this chapter.

Section 108(b) would amend subsection (a) of section 3680 of title 38, U.S.C., by striking the matter after paragraph (3)(B); by redesignating subparagraphs (A) and (B) in paragraph (3) as clauses (i) and (ii), respectively; by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively; in the matter preceding subparagraph (A), as redesignated, in the first sentence, by striking “Payment of” and inserting “(1) Except as provided in paragraph (2), payment of”; and by adding at the end the following new paragraph: “(2) Notwithstanding paragraph (1), the Secretary may, pursuant to such regulations as the Secretary shall prescribe, continue to pay allowances to eligible persons enrolled in courses set forth in paragraph (1)(A)–(A) during periods when educational institutions are temporarily closed under an established policy based on an Executive order of the President or due to an emergency situation, except that the total number of weeks for which allowances may continue to be so payable in any 12-month period may not exceed four weeks; or (B) solely for the purpose of awarding a monthly housing stipend described in section 3313 of this title, during periods following a permanent closure of an educational institution, or following the disapproval of a course of study described in section 3699(b)(1)(B) of this title, except that payment of such a stipend may only be continued until the earlier of the date of the end of the term, quarter, or semester during which the closure or disapproval occurred; and the date that is 120 days after the date of the closure or disapproval.”

Section 108(c) would require that the amendments made by the new section 108(a) shall take effect on the date that is 90 days after the date of enactment of this Act; and shall apply with respect to courses and programs of education discontinued in section 3699 of title 38, U.S.C., as added by the new subsection (a)(1), after January 1, 2015. Section 108(c) would also make a special application with respect to courses and programs of education discontinued as described in section 3699 of title 38, U.S.C., during the period beginning on January 1, 2015 and ending on the date of the enactment of this Act, an individual who is unable to transfer credits from such program of education shall be deemed to be an individual who did not receive such credits. The Secretary would be required to consult with the Secretary of Education to establish procedures to determine whether credits are unable to be transferred. Section 108(c) would also require that amendments made by 108(b) shall take effect on August 1, 2018 and shall apply with respect to courses and programs of education discontinued as described in the new section 3699 of title 38, U.S.C., as created by this section, on or after the date of the enactment of this Act.

*Section 109. Additional Authorized Transfer of Unused Post-9/11 Educational Assistance Benefits to Dependents upon Death of Originally Designated Dependent*

Section 109(a) would amend section 3319 of title 38, U.S.C., by inserting after “section 3321” the following: “, and except as provided in subsection (k) or (l),”; and by adding at the end the following new subsection: “(k) Additional Transfer Upon Death of Dependent—In the case of a dependent to whom entitlement to educational assistance is transferred under this section who dies before using all of such entitlement, the individual who transferred the entitlement to the dependent may transfer any remaining entitlement to a different eligible dependent, notwithstanding whether the individual is serving as a member of the Armed Forces when such transfer is executed. (l) Transfer by Dependent—In the case of an individual who transfers entitlement to educational assistance under this section who dies before the dependent to whom entitlement to educational assistance is so transferred has used all of such entitlement, such dependent may transfer such entitlement to another eligible dependent in accordance with the provisions of this section.”

Section 109(b) would require that the amendments made by this new section shall apply with respect to deaths occurring on or after August 1, 2009; and would allow a dependent, to whom entitlement is transferred under subsection (k) and (l) of section 3319 of title 38, U.S.C., as added by subsection (a), to use such entitlement to pursue a course of education beginning on or after August 1, 2018.

*Section 110. Edith Nourse Rogers STEM Scholarship*

Section 110(a) would amend subchapter II of Chapter 33 by adding at the end the following new section: “§ 3320. Edith Nourse Rogers STEM Scholarship.”

Sec. 3320(a) would require the Secretary, subject to the limitation under subsection (f), to provide additional benefits to eligible individuals selected by the Secretary under this section. It would require that such additional benefits shall be known as the ‘Edith Nourse Rogers STEM Scholarship’.

Sec. 3320(b) would stipulate that an eligible individual is an individual: (1) who is or was entitled to educational assistance under section 3311 of this title; (2) who has used all of the educational assistance to which the individual is entitled under this chapter or will, based on the individual’s rate of usage, use all of such assistance within 180 days of applying for benefits under this section; (3) who applies for assistance under this section; and (4) who is an individual who is enrolled in a program of education leading to a post-secondary degree that requires more than the standard 128 semester (or 192 quarter) credit hours for completion in biological or biomedical science; physical science; science technologies or technicians; computer and information science and support services; mathematics or statistics; engineering; engineering technologies or an engineering-related field; a health profession or related program; a medical residency program; or an agriculture science program or a natural resources science program. The individual would also have to have already completed at least 60 standard semester (or 90 quarter) credit hours in a field referred to earlier in the subchapter or be an individual who has earned a post-secondary de-

gree in a field referred to in subparagraph (A)(i) and is enrolled in a program of education leading to a teaching certification.

Sec. 3320(c) would require the Secretary, when selecting eligible individuals to receive additional benefits, to give priority to the following individuals: (1) Individuals who require the most credit hours described in subsection (b)(4); and (2) Individuals who are entitled to educational assistance under this chapter by reason of paragraph (1), (2), (8), or (9) of section 3311(b) of this title.

Sec. 3320(d) would require the Secretary to pay each eligible individual who receives additional benefits under this section the monthly amount payable under section 3313 of this title for not more than nine months of the program of education in which the individual is enrolled, except that the aggregate amount paid to an individual under this section may not exceed \$30,000. The Secretary would not be allowed to pay an additional amount to an individual that exceeds that amount payable under this section, and an individual who receives additional benefits under this section may also receive amounts payable by a college or university pursuant to section 3317 of this title.

Sec. 3320(e) would stipulate that an individual who receives additional benefits under this section may not transfer any amount of such additional benefits under section 3319 of this title.

Sec. 3320(f) would stipulate that the total amount of benefits paid to all eligible individuals under this section may not exceed: (1) \$25,000,000 for fiscal year 2019; (2) \$75,000,000 for each of fiscal years 2020 through 2022; (3) \$100,000,000 for fiscal year 2023 and each subsequent fiscal year.”

Section 110(b) would make a clerical amendment to the table of sections.

Section 110(c) would require that the new section 3320, of title 38, U.S.C., as created by this section, shall take effect on August 1, 2019.

*Section 111. Honoring the National Service of Members of the Armed Forces by Elimination of Time Limitation for Use of Entitlement*

Section 111(a) would amend subsection (a) of section 3321 of title 38.U.S.C., by striking “individual’s entitlement” and all that follows through the period and inserting “individual’s entitlement-”; and by adding at the end the following new paragraphs: “(1) in the case of an individual who first becomes entitled to such entitlement before January 1, 2013, expires at the end of the 15-year period beginning on the date of such individual’s last discharge or release from active duty; or (2) in the case of an individual who first becomes entitled to such entitlement on or after January 1, 2013, shall not expire.”

Section 112(b) would amend subsection (b)(4) of such section by inserting “of this title” after “3311(b)(9)”; by striking “child’s entitlement” and all that follows through the period and inserting “child’s entitlement-”; and by adding at the end the following new subparagraphs: “(A) in the case of a child who first becomes entitled to such entitlement before January 1, 2013, expires at the end of the 15-year period beginning on the date of such child’s eighteenth birthday; or (B) in the case of a child who first becomes enti-

tled to such entitlement on or after January 1, 2013, shall not expire.”

*Section 112. Monthly Stipend for Certain Members of the Reserve Components of the Armed Forces Receiving Post-9/11 Educational Assistance*

Section 112(a) would further amend section 3313 of title 38, U.S.C., by adding at the end the following new subsection: “(j) Determination of Monthly Stipends During Certain Active Duty Service.” This new subsection would require: (1) the Secretary, in any month in which an individual described in paragraph (2) is performing active duty service described in section 3301(1)(B) of this title, to determine the amount of monthly stipends payable under this section for such month on a pro rata basis for the period of such month in which the covered individual is not performing such active duty service; and (2) that an individual described in this paragraph is an individual who is a member of the reserve components of the Armed Forces; and who is pursuing a program of education using educational assistance under this chapter.

Section 112(b) would require that the amendment made by subsection (a) shall apply with respect to a quarter, semester, or term, as applicable, commencing on or after August 1, 2018.

*Section 113. Improvement of Information Technology of the Veterans Benefits Administration of the Department of Veterans Affairs*

Section 113(a) would require the Secretary, to the maximum extent possible, to make such changes and improvements to the information and technology system of the Veterans Benefits Administration to ensure that: (1) to the maximum extent possible, all original and supplemental claims for educational assistance under Chapter 33 of title 38, U.S.C., are adjudicated electronically; and (2) rules-based processing is used to make decisions with respect to such claims with little human intervention.

Section 113(b) would require the Secretary, not later than 180 days after the enactment of this Act, to submit a plan to Congress to implement the changes and improvements described in section 113(a).

Section 113(c) would require the Secretary, not later than one year after the date of the enactment of this Act, to submit to Congress a report on the implementation of the changes and improvements described in section 113(a).

Section 113(d) would authorize to be appropriated to the Secretary \$30,000,000 to carry out this section during fiscal years 2018 and 2019.

*Section 114. Department of Veterans Affairs High Technology Pilot Program*

Section 114(a) would require the Secretary to carry out a pilot program under which the Secretary shall provide eligible veterans with the opportunity to enroll in high technology programs of education.

Section 114(b) would stipulate that for purposes of the pilot program under this section, an eligible veteran is a veteran who is en-

titled to educational assistance under Chapter 30, 32, 33, 34, or 35 of title 38, U.S.C., or Chapter 1607 or 1607 of title 10, U.S.C.

Section 114(c) would: (1) Require the Secretary, by not later than 180 days after August 1, 2018, to seek to enter into contracts with any number of qualified providers of high technology programs of education for the provision of such programs to eligible veterans under the pilot program; (2) Require the Secretary to pay the provider, upon enrollment of an eligible veteran in the program, 25 percent of the cost of the tuition and other fees for the program of education for the veteran; upon completion of the program by the veteran, 25 percent of such cost; and upon the employment of the veteran in the field of study of the program following completion of the program, 50 percent of such cost; (3) Define a provider of a high technology program of education as qualified if: the provider has been operational for at least two years; the provider has successfully provided the high technology program for at least one year; and the provider meets the approval criteria developed by the Secretary; (4) Require the Secretary to develop criteria for approving providers for the pilot program and would allow the Secretary, when developing such criteria, to consult with State approving agencies, but that the criteria is not required to meet the requirements in section 3672 of title 38, U.S.C.; (5) Require the Secretary, when entering into contracts to carry out the pilot program, to give preference to a qualified provider that offers tuition reimbursement for any student who completes a program offered by the provider and who does not find full-time meaningful employment in the field of study of the program within the 180-day period beginning on the date the student completes the program.

Section 114(d) would require the Secretary to pay each eligible veteran who is enrolled in a high technology program under this pilot program on a full-time basis a monthly housing stipend equal to the product of: (1) the basic allowance for housing payable under section 403 of title 37, U.S.C., 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 the institution is located at which the individual is enrolled; or (2) in the case of a veteran pursuing the program through distance learning, a monthly amount equal to 50 percent of the amount payable under subparagraph (A), multiplied by the lesser of 1.0 or the number of course hours the individual is in pursuit of the program of education involved, divided by the minimum number of course hours required for full-time pursuit of such program, rounded to the nearest multiple of ten.

Section 114(e) would define the term “high technology program of education” as a program that: (1) is offered by an entity other than an institution of higher learning; (2) does not lead to a degree; and (3) provides instruction in computer programming, computer software, media application, data processing, or information sciences.

Section 114(f) would require the Secretary, not later than one year after the date of the enactment of this Act and annually thereafter, to submit a report to Congress on the pilot program created by this section. Section 115(f) would also require the Comptroller General of the United States, not later than three years after the date on which the Secretary first enters into a contract under this

pilot program, to submit a report containing the interim assessment of the pilot program. The report would be required to include recommendation to include the pilot program and as assessment on the following: (1) The technology experience of the directors and instructors of the providers of the programs under the pilot program; (2) Whether the providers cooperated with the technology industry to create the curriculum for the program of education; (3) Whether the providers use an open source curriculum for the program of education; (4) The admittance rate into the pilot program; (5) The job placement rate for veterans who completed a program of education under the pilot program in the field of study of the program; (6) The average salary of veterans who completed a program of education under the pilot program and were subsequently employed; and (7) The average age of veterans who participated in the pilot program. The Comptroller General of the United States would also be required to submit a final report on the pilot program to Congress with respect to whether the program should be extended and an assessment on each of the following: (1) Each item required for the interim report; (2) The percentage of veterans who completed a program of education under the pilot program who were subsequently employed for a period of six months or longer in a field of study of the program; and (3) The percentage of veterans who completed a program of education under the pilot program who were subsequently employed for a period of less than six months in a field of study of the program.

Section 114(g) would authorize \$15,000,000 to fund the pilot program for each fiscal year that the Secretary carries out the program.

Section 114(h) would require the termination of the pilot program on the date that is five years after the date on which the Secretary first enters into a contract under this section.

*Section 115. Annual Reports to Congress on Information on Student Progress Submitted by Educational Institutions*

Section 115 would amend section 3326 of title 38, U.S.C., by striking “As a condition” and inserting “(a) Submittal of Information by Educational Institutions.—As a condition”; and by adding at the end the following new subparagraph: “(b) Reports to Congress.—Not later than March 1 of each year, the Secretary shall submit to Congress a report that includes a summary of the information provided by educational institutions under subsection (a) for the calendar year preceding the year during which such report is submitted.”.

TITLE II—OTHER EDUCATIONAL ASSISTANCE PROGRAMS

*Section 201. Work-Study Allowance*

Section 201 would amend section 3485(a)(4) by striking “the period beginning on June 30, 2017, and ending on June 30, 2022,” each place it appears and inserting “any time on or after June 30, 2017,”.



*Section 202. Duration of Educational Assistance under Survivors' and Dependents' Educational Assistance Program*

Section 202 would amend section 3511(a)(1) of title 38, U.S.C., by: (1) striking “chapter for” and all that follows through the period and inserting “chapter-“; (2) by adding at the end the following new subparagraphs: “(A) in the case of a person who first enrolls in a program of education using such entitlement before August 1, 2018, for an aggregate period not in excess of 45 months (or to the equivalent thereof in part-time training); or (B) in the case of a person who first enrolls in a program of education using such entitlement on or after August 1, 2018, for an aggregate period not in excess of 36 months (or to the equivalent thereof in part-time training).”.

*Section 203. Olin E. Teague Increase in Amounts of Educational Assistance Payable under Survivors' and Dependents' Educational Assistance Program*

Section 203(a) would amend subsection (a) of section 3532 of title 38, U.S.C., by striking “\$788” and inserting “\$1,224”; by striking “\$592” and inserting “\$967”; by striking “\$394” and inserting “\$710”; and by striking “\$788” and inserting “\$1,224” in paragraph (2)(B). Section 203(b) would also amend subsection (b) of section 3532 of title 38, U.S.C., by striking “\$788” and inserting “\$1,224”.

Section 203(b) would require that the amendments made by section 203(a) shall apply with respect to a month that begins on or after October 1, 2018.

TITLE III—ADMINISTRATION OF EDUCATIONAL ASSISTANCE PROGRAMS

*Section 301. State Approving Agency Funding*

Section 301(a) would amend section 3674(a) of title 38, U.S.C., by: (1) striking “out of amounts available for the payment of readjustment benefits” in paragraph (2)(A) and inserting “out of amounts in the Department of Veterans Affairs readjustment benefits account and accounts appropriated to the Secretary”; (2) redesignating paragraph (4) as paragraph (5); (3) by inserting after paragraph (3) the following new paragraph—“(4) In addition to amounts made available under paragraph (5), there is authorized to be appropriated to carry out this section \$3,000,000 for fiscal year 2019 and each subsequent year.”; and (4) in paragraph by striking “The total” and inserting “(A) The total”; by striking “for any fiscal year shall be \$19,000,000” and inserting “for fiscal year 2018 shall be \$21,000,000 and for fiscal year 2019 and thereafter shall be \$23,000,000”; and by adding at the end the following new subparagraph: “(B) Beginning in fiscal year 2019, whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the amount in effect under subparagraph (A), as in effect immediately prior to the date of such increase in benefit amounts payable under title II of the Social Security Act, by the same percentage as the percentage by which such benefit amounts are increased.”.

*Section 302. Authorization for use of Post-9/11 Educational Assistance To Pursue Independent Study Programs at Certain Educational Institutions That are Not Institutions of Higher Learning*

Section 302 would amend paragraph (4) of section 3680A(a) of title 38, U.S.C., to read as follows: “(4) any independent study program except an independent study program (including such a program taken over open circuit television) that—(A) is accredited by a nationally recognized accrediting agency; and (B) leads—(i) to a standard college degree; (ii) to a certificate that reflects educational attainment offered by an institution of higher learning; or (iii) to a certificate that reflects completion of a course of study offered by (I) an area career and technical education school (as defined in subparagraphs (C) and (D) of section 3(3) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(3))) that provides education at the postsecondary level; or (II) a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(2))) that provides education at the postsecondary level.”.

*Section 303. Provision of Information on Priority Enrollment for Veterans in Certain Courses of Education*

Section 303 would amend section 3698(c)(1) by making several conforming changes and by adding at the end the following new clause: “(xi) information on whether the institution administers a priority enrollment system that allows certain student veterans to enroll in courses earlier than other students.

*Section 304. Limitation on Use of Reporting Fees Payable to Educational Institutions and Sponsors of Programs of Apprenticeship*

Section 304(a) would amend subsection (c) of section 3684 of title 38, U.S.C., to read as follows: “(c)(1) The Secretary may pay to any educational institution, or to the sponsor of a program of apprenticeship, furnishing education or training under either this chapter or chapter 31, 34, or 35 of this title, a reporting fee which will be in lieu of any other compensation or reimbursement for reports or certifications which such educational institution or sponsor of a program of apprenticeship is required to submit to the Secretary by law or regulation. “(2) Such reporting fee shall be computed for each calendar year by multiplying \$16 by the number of eligible veterans or eligible persons enrolled under this chapter or chapter 31, 34, or 35 of this title. The reporting fee shall be paid to such educational institution or sponsor of a program of apprenticeship as soon as feasible after the end of the calendar year for which it is applicable. “(3) No reporting fee payable to an educational institution under this subsection shall be subject to offset by the Secretary against any liability of such institution for any overpayment for which such institution may be administratively determined to be liable under section 3685 of this title unless such liability is not contested by such institution or has been upheld by a final decree of a court of appropriate jurisdiction. “(4) Any reporting fee paid to an educational institution or sponsor of a program of apprenticeship after the date of the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2011 (Public Law 111–

377)—“(A) shall be utilized by such institution or sponsor 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; and “(B) with respect to an institution that has 100 or more enrollees described in paragraph (2) may not be used for or merged with amounts available for the general fund of the educational institution or sponsor of a program of apprenticeship. “(5) The reporting fee payable under this subsection shall be paid from amounts appropriated for readjustment benefits.”.

Section 304(b) would require that the amendment made by section 304(a) shall take effect on August 1, 2018.

*Section 305. Training for School Certifying Officials*

Section 305(a) would require the Secretary, in consultation with the State approving agencies, to set forth requirements for the training of school certifying officials employed by covered institutions of higher learning that are approved under Chapter 36 of title 38, U.S.C. Section 305(a) would also stipulate that if a covered educational institution does not ensure that a school certifying official employed by the institution meets such training requirements, then the Secretary may disapprove any course of education offered by such educational institution.

Section 305(b) would provide definitions for this section. The term “covered educational institution” would mean an institution that has enrolled 20 or more individuals who are using educational assistance under title 38, U.S.C. The term “school certifying official” means an employee of an educational with primary responsibility for certifying veteran enrollments at that institution. The term “State approving agency” means a department or agency of a State designated under section 3671 of title 38, U.S.C.

Section 305(c) would require that the changes made in section 305 shall take effect on August 1, 2018.

*Section 306. Extension of Authority for Advisory Committee on Education*

Section 306 would amend section 3692 of title 38, U.S.C, by striking “December 31, 2017” and inserting “December 31, 2022”.

*Section 307. Department of Veterans Affairs Provision of On-Campus Educational and Vocational Counseling for Veterans*

Section 307(a) would amend Chapter 36 of title 38, U.S.C, by inserting the following new section after section 3697(A): “§ 3697B. On-campus educational and vocational counseling”.

Sec. 3697B(a) would require the Secretary to provide educational and vocational counseling services for individuals described in section 3697(b) of this title at locations on the campuses of institutions of higher learning selected by the Secretary and such counseling services shall be provided by Department employees who also provide such services under section 3697A of this title.

Sec. 3697B(b) would require that an institution of higher learning that is selected by the Secretary under this section shall have an appropriate space on the campus of the institution where counseling services can be provided. The Secretary would be required, when seeking locations to carry out this section, to select locations

where the maximum number of veterans would have access to such services.

Sec. 3697B(c) would require the Secretary, not later than 180 days after the date of enactment of this section, to submit a report to Congress on the counseling locations provided under this section. Such report shall include, for the year covered by the report—(1) the average ratio of counselors providing such services to individuals who received such services at each location where such services were provided; (2) a description of such services; (3) the recommendations of the Secretary for improving the provision of such services; and (4) any other matters the Secretary determines appropriate.”.

Section 307(b) would make a clerical amendment to the table of sections of chapter 36 to insert the new section 3697B.

*Section 308. Provision of Information Regarding Veteran Entitlement to Educational Assistance*

Section 308(a) would further amend subchapter II of Chapter 36 of title 38, U.S.C., by adding at the end the following new section: “§ 3699A. Provision of certain information to educational institutions”.

Sec. 3699A(a) would require the Secretary, to make available to an educational institution where individuals are pursuing a course of education that has been approved under this chapter for educational assistance to which the individual is entitled under Chapter 30, 32, 33, or 35 of this title, information about the amount of such educational assistance to which the individual is entitled. Such information would be required to be provided to such educational institution through a secure information technology system accessible by the educational institution and would be required to be regularly updated to reflect the correct amounts used by the individual.

Sec. 3699A(b) would allow an individual pursuing a course of education described in subsection (a) to elect not to provide the information described in such subsection to an educational institution in a manner prescribed by the Secretary.

Section 308(b) would make a clerical amendment to the table of sections by adding the new section 3699A.

Section 308(c) would require that the new section 3699A of title 38, U.S.C., as added by this section, shall take effect on August 1, 2018.

*Section 309. Treatment, for Purposes of Educational Assistance Administered by the Secretary of Veterans Affairs of Educational Courses that Begin Seven or Fewer Days after the First of an Academic Term*

Section 309 would amend section 3684(a) by redesignating paragraph (4) as paragraph (5); and by inserting after paragraph (3) the following new paragraph: “(4) A course offered by an educational institution that does not begin on the first day of an academic term, but does begin seven or fewer days after such day, shall be treated as beginning on such day for purposes for this section.”.

## TITLE IV—RESERVE COMPONENT BENEFITS

*Section 401. Eligibility of Reserve Component Members for Post-9/11 Educational Assistance*

Section 401(a) would amend section 3301(1)(B) of title 38, U.S.C., by striking “or 12304” and inserting “12304, 12304a, or 12304b”.

Section 401(b) would require that the amendment made by section 401(a) shall apply with respect to service in the Armed Forces occurring on or after the date of the enactment of the Post-9/11 Veterans Educational Assistance Act of 2008 (Public Law 110–252).

Section 401(c) would stipulate that an individual who is entitled to educational assistance by reason of the amendment made in section 401(a) may use such entitlement to pursue a course of education beginning on or after August 1, 2018.

*Section 402. Time Limitation for Training and Rehabilitation for Veterans with Service-Connected Disabilities*

Section 402 would amend section 3103(f) of title 38, U.S.C., by striking “or 12304” and inserting “12304, 12304a, or 12304b”.

## TITLE V—OTHER MATTERS

*Section 501. Repeal Inapplicability of Modification of Basic Allowance for Housing to Benefits under Laws Administered by Secretary of Veterans Affairs*

Section 501(a) would repeal subsection (b) of section 604 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 37 U.S.C., 403 note).

Section 501(b) would require that the amendment made by 501(a) shall take effect on January 1, 2018 and that it shall apply with respect to individuals who first use their entitlement to educational assistance under Chapter 33 of title 39, U.S.C., on or after such date.

*Section 502. Reconsideration of Previously Denied Claims for Disability Compensation for Veterans who Allege Full-Body Exposure to Nitrogen Mustard Gas, Sulfur Mustard Gas, or Lewisite During World War II*

Section 502(a)(1) would require VA to reconsider certain claims for compensation and make a new determination regarding each such claim.

Section 502(a)(2) would define the claims VA must reconsider pursuant to Section 502(a)(1).

Section 502(a)(3) would provide a list of locations where the DOD and VA acknowledge that DOD subjected some to mustard gas or Lewisite during World War II. Additionally, the bill would authorize the Secretary of Veterans Affairs to add more sites to this list, as appropriate.

Section 502(a)(4) would establish the factors that VA must consider during the reconsideration of claims described in Section 502(a)(1). Clarifies that VA may not determine that testing of full-body exposure to a covered substance did not occur based solely on: (1) information contained in the DOD and VA Chemical Biological

Warfare Database; or, (2) any list of known sites of testing of full-body exposure to a covered substance maintained by VA or DOD.

Section 502(a)(5) would require VA to presume, unless there is affirmative evidence to establish otherwise, that the veteran experienced such exposure during service during World War II if the veteran served in one of the locations listed in Section 502(a)(3); and, consistent with the places, types, and circumstances of the veteran's service. Clarifies that VA shall resolve any reasonable doubt in favor of the veteran.

Section 502(a)(6) would establish that the effective date of the award of disability benefits shall not be earlier than the date of the receipt of such claim.

Section 502(b) would require the DOD, not later than 180 days after the date of enactment of this Act, to investigate and assess each site: (1) where the Army Corps of Engineers has uncovered evidence of testing conducted by DOD during World War II to assess the effects of full-body exposure to covered substance on humans; or (2) where more than two veterans have been denied claims for compensation in connection with exposure to a covered substance at such site. Would require DOD to submit a report to appropriate congressional committees and VA on such testing, including a list of each location DOD investigated and assessed; the dates of such testing; and, the number of servicemembers who experienced full-body exposure to a covered substance in each such testing.

Section 502(c) would require VA, not later than 180 days after the date of enactment of this Act, to issue a report to appropriate congressional committees and DOD on the actions taken by VA to contact individuals who experienced full-body exposure to a covered substance; the number of claims for disability compensation arising from testing described in section 5(b)(1); and, the percentage of such claims denied by VA.

Section 502(d) would define the terms: "active military, naval, or air service;" "veteran;" "World War II;" "appropriate congressional committees;" "covered substance;" and, "full-body exposure."

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

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

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

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

### TITLE 38, UNITED STATES CODE

\* \* \* \* \*

**PART III—READJUSTMENT AND RELATED  
BENEFITS**

\* \* \* \* \*

**CHAPTER 31—TRAINING AND REHABILITATION FOR  
VETERANS WITH SERVICE-CONNECTED DISABILITIES**

\* \* \* \* \*

**§ 3103. Periods of eligibility**

(a) Except as provided in subsection (b), (c), (d), or (e) of this section, a rehabilitation program may not be afforded to a veteran under this chapter after the end of the twelve-year period beginning on the date of such veteran's discharge or release from active military, naval, or air service.

(b)(1) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because a medical condition of such veteran made it infeasible for such veteran to participate in such a program, the twelve-year period of eligibility shall not run during the period of time that such veteran was so prevented from participating in such a program, and such period of eligibility shall again begin to run on the first day following such veteran's recovery from such condition on which it is reasonably feasible, as determined under regulations which the Secretary shall prescribe, for such veteran to participate in such a program.

(2) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because—

(A) such veteran had not met the requirement of a discharge or release from active military, naval, or air service under conditions other than dishonorable before (i) the nature of such discharge or release was changed by appropriate authority, or (ii) the Secretary determined, under regulations prescribed by the Secretary, that such discharge or release was under conditions other than dishonorable, or

(B) such veteran's discharge or dismissal was, under section 5303 of this title, a bar to benefits under this title before the Secretary made a determination that such discharge or dismissal is not a bar to such benefits, the twelve-year period of eligibility shall not run during the period of time that such veteran was so prevented from participating in such a program.

(3) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because such veteran had not established the existence of a service-connected disability rated at 10 percent or more, the twelve-year period of eligibility shall not run during the period such veteran was so prevented from participating in such a program.

(c) In any case in which the Secretary determines that a veteran is in need of services to overcome a serious employment handicap, such veteran may be afforded a vocational rehabilitation program after the expiration of the period of eligibility otherwise applicable to such veteran if the Secretary also determines, on the basis of such veteran's current employment handicap and need for such services, that an extension of the applicable period of eligibility is necessary for such veteran and—

(1) that such veteran had not previously been rehabilitated to the point of employability;

(2) that such veteran had previously been rehabilitated to the point of employability but (A) the need for such services had arisen out of a worsening of such veteran's service-connected disability that precludes such veteran from performing the duties of the occupation for which such veteran was previously trained in a vocational rehabilitation program under this chapter, or (B) the occupation for which such veteran had been so trained is not suitable in view of such veteran's current employment handicap and capabilities; or

(3) under regulations which the Secretary shall prescribe, that an extension of the period of eligibility of such veteran is necessary to accomplish the purposes of a rehabilitation program for such veteran.

(d) In any case in which the Secretary has determined that a veteran's disability or disabilities are so severe that the achievement of a vocational goal currently is not reasonably feasible, such veteran may be afforded a program of independent living services and assistance in accordance with the provisions of section 3120 of this title after the expiration of the period of eligibility otherwise applicable to such veteran if the Secretary also determines that an extension of the period of eligibility of such veteran is necessary for such veteran to achieve maximum independence in daily living.

(e)(1) The limitation in subsection (a) shall not apply to a rehabilitation program described in paragraph (2).

(2) A rehabilitation program described in this paragraph is a rehabilitation program pursued by a veteran under section 3102(b) of this title.

(f) In any case in which the Secretary has determined that a veteran was prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility otherwise prescribed in this section as a result of being ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, [or 12304] *12304*, *12304a*, or *12304b* of title 10, such period of eligibility shall not run for the period of such active duty service plus four months.

\* \* \* \* \*

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

SUBCHAPTER I—DEFINITIONS

Sec.  
3301. Definitions.

SUBCHAPTER II—EDUCATIONAL ASSISTANCE

\* \* \* \* \*



\* \* \* \* \*

## SUBCHAPTER I—DEFINITIONS

**§ 3301. Definitions**

In this chapter:

- (1) The term “active duty” has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b)):
- (A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A).
  - (B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), *12301(h)*, 12302, [or 12304] *12304*, *12304a*, or *12304b* of title 10 or section 712 of title 14.
  - (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) The term “entry level and skill training” means the following:
- (A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training or One Station Unit Training.
  - (B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called “A” School).
  - (C) In the case of members of the Air Force, Basic Military Training and Technical Training.
  - (D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).
  - (E) In the case of members of the Coast Guard, Basic Training and Skill Training (or so-called “A” School).
- (3) The term “program of education” has the meaning given such term in section 3002, except to the extent otherwise provided in section 3313.
- (4) The term “Secretary of Defense” means the Secretary of Defense, except that the term means the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy.

## SUBCHAPTER II—EDUCATIONAL ASSISTANCE

**§ 3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement**

(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

(1) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty; or

(ii) is discharged or released from active duty as described in subsection (c).

(2) An individual who—

(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

(3) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 36 months; or

(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

(4) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 30 months; or

(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

(5) An individual who—

- (A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and
- (B) after completion of service described in subparagraph (A)—
- (i) continues on active duty for an aggregate of less than 24 months; or
  - (ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).
- (6) An individual who—
- (A) commencing on or after September 11, 2001, serves an aggregate of at least **12 months** *6 months*, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and
- (B) after completion of service described in subparagraph (A)—
- (i) continues on active duty for an aggregate of less than 18 months; or
  - (ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).
- [(7) An individual who—**
- [(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and**
- [(B) after completion of service described in subparagraph (A)—**
- [(i) continues on active duty for an aggregate of less than 12 months; or**
  - [(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).]**
- [(8) (7) An individual who—**
- (A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and
- (B) after completion of service described in subparagraph (A)—
- (i) continues on active duty for an aggregate of less than 6 months; or
  - (ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).
- [(9) (8) An individual who is the child or spouse of a person who, on or after September 11, 2001, dies in line of duty while serving on active duty as a member of the Armed Forces.**
- (9) An individual who is awarded the Purple Heart for service in the Armed Forces occurring on or after September 11,*

*2001, and continues to serve on active duty in the Armed Forces or is discharged or released from active duty as described in subsection (c).*

(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

(1) A discharge from active duty in the Armed Forces with an honorable discharge.

(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

(4) 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 for—

(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

(B) hardship; or

(C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

(d) PROHIBITION ON TREATMENT OF CERTAIN SERVICE AS PERIOD OF ACTIVE DUTY.—The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:

(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10 or section 182 of title 14.

(3) A period of service that is terminated because of a defective enlistment and induction based on—

(A) the individual's being a minor for purposes of service in the Armed Forces;

(B) an erroneous enlistment or induction; or

(C) a defective enlistment agreement.

(e) TREATMENT OF INDIVIDUALS ENTITLED UNDER MULTIPLE PROVISIONS.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of subsection (b).

(f) MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP.—

(1) IN GENERAL.—Educational assistance payable by reason of **[paragraph (9)]** *paragraph (8)* of subsection (b) shall be known as the “Marine Gunnery Sergeant John David Fry scholarship”.

(2) LIMITATION.—The entitlement of an individual to assistance under subsection (a) pursuant to **[paragraph (9)]** *paragraph (8)* of subsection (b) because the individual was a spouse of a person described in such paragraph shall expire on the earlier of—

(A) the date that is 15 years after the date on which the person died; or

(B) the date on which the individual remarries.

(3) ELECTION ON RECEIPT OF CERTAIN BENEFITS.—Except as provided in paragraph (4), a surviving spouse entitled to assistance under subsection (a) pursuant to **[paragraph (9)]** *paragraph (8)* of subsection (b) who is also entitled to educational assistance under chapter 35 of this title may not receive assistance under both this section and such chapter, but shall make an irrevocable election (in such form and manner as the Secretary may prescribe) under which section or chapter to receive educational assistance.

(4) EXCEPTION FOR CERTAIN ELECTIONS.—

(A) IN GENERAL.—An election made under paragraph (3) by a spouse described in subparagraph (B) may not be treated as irrevocable if such election occurred before the date of the enactment of this paragraph.

(B) ELIGIBLE SURVIVING SPOUSE.—A spouse described in this subparagraph is an individual—

(i) who is entitled to assistance under subsection (a) pursuant to **[paragraph (9)]** *paragraph (8)* of subsection (b); and

(ii) who was the spouse of a member of the Armed Forces who died during the period beginning on September 11, 2001, and ending on December 31, 2005.

(5) DEFINITION OF CHILD.—For purposes of **[paragraph (9)]** *paragraph (8)* of subsection (b), the term “child” includes a married individual or an individual who is above the age of twenty-three years.

\* \* \* \* \*

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

(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual’s subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

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

(c) PROGRAMS OF EDUCATION LEADING TO A DEGREE PURSUED AT INSTITUTIONS OF HIGHER LEARNING ON MORE THAN HALF-TIME

BASIS.—The amounts payable under this subsection for pursuit of an approved program of education leading to a degree at an institution of higher learning (as that term is defined in section 3452(f)) are amounts as follows:

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

(A) An amount equal to the following:

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

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

(II) any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b))) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees.

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

(I) the actual net cost for tuition and fees assessed by the institution for the program of education after the application of—

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

(bb) any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees; or

(II) the amount equal to—

(aa) for the academic year beginning on August 1, 2011, \$17,500; or

(bb) for an academic year beginning on any subsequent August 1, the amount for the 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).

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

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

(I) the monthly amount of the basic allowance for housing payable under section 403 of title 37

for a member with dependents in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located **the institution of higher learning at which the individual is enrolled** *the campus of the institution of higher learning where the individual physically participates in a majority of classes*, multiplied by

(II) the lesser of—

(aa) 1.0; or

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

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

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

(II) the lesser of—

(aa) 1.0; or

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

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

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

(I) \$1,000, multiplied by

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

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

education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

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

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

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

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

[(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8), amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.]

(d) FREQUENCY OF PAYMENT.—

(1) QUARTER, SEMESTER, OR TERM PAYMENTS.—Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under [paragraphs (2) through (7)] *paragraphs (2) through (6)* of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

(2) MONTHLY PAYMENTS.—Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under [paragraphs (2) through (7)] *paragraphs (2) through (6)* of subsection (c), for pursuit of a program of education shall be made on a monthly basis.

(3) REGULATIONS.—The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance under this chapter that are chargeable under this chapter for an advance payment of amounts under



paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

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

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

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

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

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

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

(II) any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b))) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees;

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

(I) the actual net cost for tuition and fees assessed by the institution for the program of education after the application of—

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

(bb) any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees; or

(II) the amount equal to—

(aa) for the academic year beginning on August 1, 2011, \$17,500; or

(bb) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subclause, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h); or

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

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

- (i) \$1,000, multiplied by
- (ii) the fraction of a complete academic year under the program of education that such quarter, semester, or term constitutes.

(C) In the case of an individual entitled to educational assistance by reason of [paragraphs (3) through (8)] *paragraphs (3) through (7)* of section 3311(b), the amounts payable to the individual pursuant to subparagraphs (A)(i), (A)(ii), and (B) shall be the amounts otherwise determined pursuant to such subparagraphs multiplied by the same percentage applicable to the monthly amounts payable to the individual under [paragraphs (2) through (7)] *paragraphs (2) through (6)* of subsection (c).

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

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

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

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

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

(A) The amount equal to the lesser of—

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

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

(II) any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b))) that is provided directly to

the institution and specifically designated for the sole purpose of defraying tuition and fees; or

(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of ~~paragraphs (2) through (7)~~ *paragraphs (2) through (6)* of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

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

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

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

(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by  
(B) the number of course hours for full-time pursuit of such program of education.

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

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

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

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

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

(i) Subject to clause (iv), an amount equal to the lesser of—

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

- (aa) any waiver of, or reduction in, tuition and fees; and
- (bb) any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b))) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees; or
- (II) the amount equal to—
  - (aa) for the academic year beginning on August 1, 2011, \$17,500; or
  - (bb) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subclause, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h).
- (ii) Except in the case of an individual pursuing a program of education on a half-time or less basis and subject to clause (iv), a monthly housing stipend equal to the product—
  - (I) of—
    - (aa) in the case of an individual pursuing resident training, the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the 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)] *paragraphs (3) through (7)* of section

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

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

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

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

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

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

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

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

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

(iii) In the case of an individual entitled to educational assistance by reason of **【paragraphs (3) through (8)】** *paragraphs (3) through (7)* of sections 3311(b), the amounts payable pursuant to clauses (i) and (ii) shall be the amounts otherwise determined pursuant to such clauses multiplied by the same percentage applicable to the monthly amounts payable to the individual under **【paragraphs (2) through (7)】** *paragraphs (2) through (6)* of subsection (c).

(iv) In any month in which an individual pursuing a program of education consisting of a program of apprenticeship or other on-job training fails to complete 120 hours of training, the amount of monthly edu-

cational assistance allowance payable under clauses (i) and (iii) to the individual shall be limited to the same proportion of the applicable rate determined under this subparagraph as the number of hours worked during such month, rounded to the nearest eight hours, bears to 120 hours.

(C) In the case of an individual enrolled in a program of education consisting of flight training (regardless of the institution providing such program of education), an amount equal to—

(i) the lesser of—

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

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

(bb) any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees; or

(II) the amount equal to—

(aa) for the academic year beginning on August 1, 2011, \$10,000; or

(bb) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subclause, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h), multiplied by—

(ii) either—

(I) in the case of an individual entitled to educational assistance by reason of paragraphs (1), (2), or ~~[(9)]~~ (8) of section 3311(b), 100 percent; or

(II) in the case of an individual entitled to educational assistance by reason of ~~paragraphs (3) through (8)]~~ *paragraphs (3) through (7)* of section 3311(b), the same percentage as would otherwise apply to the monthly amounts payable to the individual under ~~paragraphs (2) through (7)]~~ *paragraphs (2) through (6)* of subsection (c).

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

(i) the lesser of—

(I) the actual net cost for tuition and fees assessed by the institution concerned for the program of education after the application of—

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

(bb) any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees.

(II) the amount equal to—

(aa) for the academic year beginning on August 1, 2011, \$8,500; or

(bb) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subclause, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h), multiplied by—

(ii) either—

(I) in the case of an individual entitled to educational assistance by reason of paragraphs (1), (2), or ~~[(9)]~~ (8) of section 3311(b), 100 percent; or

(II) in the case of an individual entitled to educational assistance by reason of ~~paragraphs (3) through (8)]~~ *paragraphs (3) through (7)* of section 3311(b), the same percentage as would otherwise apply to the monthly amounts payable to the individual under ~~paragraphs (2) through (7)]~~ *paragraphs (2) through (6)* of subsection (c).

(4) FREQUENCY OF PAYMENT.—

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

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

(C) LUMP SUM PAYMENTS.—

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

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

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

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

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

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

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

(h) PAYMENT OF ESTABLISHED CHARGES TO EDUCATIONAL INSTITUTIONS.—Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under [paragraphs (2) through (7)] *paragraphs (2) through (6)* of subsection (c)), (e)(2), and (f)(2)(A), and under subparagraphs (A)(i), (C), and (D) of subsection (g)(3), shall be paid directly to the educational institution concerned.

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

(j) DETERMINATION OF MONTHLY STIPENDS DURING CERTAIN ACTIVE DUTY SERVICE.—

(1) PRO RATA BASIS.—*In any month in which an individual described in paragraph (2) is performing active duty service described in section 3301(1)(B) of this title, the Secretary shall determine the amount of monthly stipends payable under this section for such month on a pro rata basis for the period of such month in which the covered individual is not performing such active duty service.*

(2) INDIVIDUAL DESCRIBED.—*An individual described in this paragraph is an individual who is—*

- (A) *a member of the reserve components of the Armed Forces; and*
- (B) *pursuing a program of education using educational assistance under this chapter.*

\* \* \* \* \*

**§ 3315. Licensure and certification tests**

(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for licensing or certification tests described in section 3452(b).



(b) **LIMITATION ON AMOUNT.**—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

- (1) \$2,000;
- (2) the fee charged for the test; or
- (3) 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 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)] *shall be pro-rated based on the actual amount of the fee charged for the test relative to the rate for one month* [for each amount paid that equals] *payable*—

- (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).

#### § 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.
- (3) *A national test that evaluates prior learning and knowledge and provides 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)] *shall be pro-rated based on the actual amount of the fee charged for the test relative to the rate for one month* [for each amount paid that equals] *payable*—

- (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).

**§ 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service**

(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—

(1) IN GENERAL.—In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c), or under [paragraphs (2) through (7)] *paragraphs (2) through (6)* of such section (as applicable).

(2) MAXIMUM AMOUNT OF INCREASE IN ASSISTANCE.—The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) at the time of the increase under paragraph (1).

(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—

(1) IN GENERAL.—The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c), or under [paragraphs (2) through (7)] *paragraphs (2) through (6)* of such section (as applicable).

(2) ELIGIBILITY.—Eligibility for supplemental educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

(3) AMOUNT.—The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational assistance payable under section 3022.

(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.

(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.

(e) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

**§ 3317. Public-private contributions for additional educational assistance**

(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in [paragraphs (1) and (2)] *paragraphs (1), (2), (8), and (9)* of section 3311(b).

(b) DESIGNATION OF PROGRAM.—The program under this section shall be known as the “Yellow Ribbon G.I. Education Enhancement Program”.

(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.

(2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.

(3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.

(4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.

(d) MATCHING CONTRIBUTIONS.—

(1) **IN GENERAL.**—In instances where the educational assistance provided an individual under section 3313(c)(1)(A) does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

(2) **USE OF APPROPRIATED FUNDS.**—Amounts available to the Secretary under section 3324(b) for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

(e) **OUTREACH.**—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

\* \* \* \* \*

### **§ 3319. Authority to transfer unused education benefits to family members**

(a) **IN GENERAL.**—

(1) Subject to the provisions of this section, the Secretary concerned may permit an individual described in subsection (b) who is entitled to educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such individual's entitlement to such assistance, subject to the limitation under subsection (d).

(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.

(b) **ELIGIBLE INDIVIDUALS.**—An individual referred to in subsection (a) is any member of the uniformed services who, at the time of the approval of the individual's request to transfer entitlement to educational assistance under this section, has completed at least—

(1) six years of service in the Armed Forces and enters into an agreement to serve at least four more years as a member of the uniformed services; or

(2) the years of service as determined in regulations pursuant to subsection (j).

(c) **ELIGIBLE DEPENDENTS.**—An individual approved to transfer an entitlement to educational assistance under this section may transfer the individual's entitlement as follows:

(1) To the individual's spouse.

(2) To one or more of the individual's children.

(3) To a combination of the individuals referred to in paragraphs (1) and (2).

(d) **LIMITATION ON MONTHS OF TRANSFER.**—The total number of months of entitlement transferred by a individual under this section may not exceed 36 months. The Secretary of Defense may pre-

scribe regulations that would limit the months of entitlement that may be transferred under this section to no less than 18 months.

(e) DESIGNATION OF TRANSFEREE.—An individual transferring an entitlement to educational assistance under this section shall—

(1) designate the dependent or dependents to whom such entitlement is being transferred;

(2) designate the number of months of such entitlement to be transferred to each such dependent; and

(3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).

(f) TIME FOR TRANSFER; REVOCATION AND MODIFICATION.—

(1) TIME FOR TRANSFER.—Subject to the time limitation for use of entitlement under section 3321, *and except as provided in subsection (k) or (l)*, an individual approved to transfer entitlement to educational assistance under this section may transfer such entitlement only while serving as a member of the Armed Forces when the transfer is executed.

(2) MODIFICATION OR REVOCATION.—

(A) IN GENERAL.—An individual transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.

(B) NOTICE.—The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.

(3) PROHIBITION ON TREATMENT OF TRANSFERRED ENTITLEMENT AS MARITAL PROPERTY.—Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.

(g) COMMENCEMENT OF USE.—A dependent to whom entitlement to educational assistance is transferred under this section may not commence the use of the transferred entitlement until—

(1) in the case of entitlement transferred to a spouse, the completion by the individual making the transfer of at least—

(A) six years of service in the Armed Forces; or

(B) the years of service as determined in regulations pursuant to subsection (j); or

(2) in the case of entitlement transferred to a child, both—

(A) the completion by the individual making the transfer of at least—

(i) ten years of service in the Armed Forces; or

(ii) the years of service as determined in regulations pursuant to subsection (j); and

(B) either—

(i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or

(ii) the attainment by the child of 18 years of age.

(h) ADDITIONAL ADMINISTRATIVE MATTERS.—

(1) USE.—The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the individual making the transfer at the

rate of one month for each month of transferred entitlement that is used.

(2) NATURE OF TRANSFERRED ENTITLEMENT.—Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6)—

(A) in the case of entitlement transferred to a spouse under this section, the spouse is entitled to educational assistance under this chapter in the same manner as the individual from whom the entitlement was transferred; or

(B) in the case of entitlement transferred to a child under this section, the child is entitled to educational assistance under this chapter in the same manner as the individual from whom the entitlement was transferred as if the individual were not on active duty.

(3) RATE OF PAYMENT.—The monthly rate of educational assistance payable to a dependent to whom entitlement referred to in paragraph (2) is transferred under this section shall be payable—

(A) in the case of a spouse, at the same rate as such entitlement would otherwise be payable under this chapter to the individual making the transfer; or

(B) in the case of a child, at the same rate as such entitlement would otherwise be payable under this chapter to the individual making the transfer as if the individual were not on active duty.

(4) DEATH OF TRANSFEROR.—The death of an individual transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

(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.

(6) SCOPE OF USE BY TRANSFEREES.—The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).

(7) ADDITIONAL ADMINISTRATIVE PROVISIONS.—The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible individual for purposes of such provisions.

(i) OVERPAYMENT.—

(1) JOINT AND SEVERAL LIABILITY.—In the event of an overpayment of educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the individual making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685.

(2) FAILURE TO COMPLETE SERVICE AGREEMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if an individual transferring entitlement under this section fails to complete the service agreed to by the individual under subsection (b)(1) in accordance with the terms of the agreement of the individual under that subsection, the amount of any transferred entitlement under this section that is used by a dependent of the individual

as of the date of such failure shall be treated as an overpayment of educational assistance under paragraph (1).

(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of an individual who fails to complete service agreed to by the individual—

- (i) by reason of the death of the individual; or
- (ii) for a reason referred to in section 3311(c)(4).

(j) REGULATIONS.—(1) The Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall prescribe regulations for purposes of this section.

(2) Such regulations shall specify—

(A) the manner of authorizing the transfer of entitlements under this section;

(B) the eligibility criteria in accordance with subsection (b); and

(C) the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).

(k) *ADDITIONAL TRANSFER UPON DEATH OF DEPENDENT.*—*In the case of a dependent to whom entitlement to educational assistance is transferred under this section who dies before using all of such entitlement, the individual who transferred the entitlement to the dependent may transfer any remaining entitlement to a different eligible dependent, notwithstanding whether the individual is serving as a member of the Armed Forces when such transfer is executed.*

(l) *TRANSFER BY DEPENDENT.*—*In the case of an individual who transfers entitlement to educational assistance under this section who dies before the dependent to whom entitlement to educational assistance is so transferred has used all of such entitlement, such dependent may transfer such entitlement to another eligible dependent in accordance with the provisions of this section.*

### **§ 3320. Edith Nourse Rogers STEM Scholarship**

(a) *IN GENERAL.*—*Subject to the limitation under subsection (f), the Secretary shall provide additional benefits to eligible individuals selected by the Secretary under this section. Such benefits shall be known as the “Edith Nourse Rogers STEM Scholarship”.*

(b) *ELIGIBILITY.*—*For purposes of this section, an eligible individual is an individual—*

(1) *who is or was entitled to educational assistance under section 3311 of this title;*

(2) *who has used all of the educational assistance to which the individual is entitled under this chapter or will, based on the individual’s rate of usage, use all of such assistance within 180 days of applying for benefits under this section;*

(3) *who applies for assistance under this section; and*

(4) *who—*

(A) *is an individual who—*

(i) *is enrolled in a program of education leading to a post-secondary degree that requires more than the standard 128 semester (or 192 quarter) credit hours for completion in—*

(I) *biological or biomedical science;*

(II) *physical science;*

(III) *science technologies or technicians;*



(IV) computer and information science and support services;

(V) mathematics or statistics;

(VI) engineering;

(VII) engineering technologies or an engineering-related field;

(VIII) a health profession or related program;

(IX) a medical residency program; or

(X) an agriculture science program or a natural resources science program; and

(ii) has completed at least 60 standard semester (or 90 quarter) credit hours in a field referred to in clause (i); or

(B) is an individual who has earned a post-secondary degree in a field referred to in subparagraph (A)(i) and is enrolled in a program of education leading to a teaching certification.

(c) *PRIORITY.*—In selecting eligible individuals to receive additional benefits under this section, the Secretary shall give priority to the following individuals:

(1) Individuals who require the most credit hours described in subsection (b)(4).

(2) Individuals who are entitled to educational assistance under this chapter by reason of paragraph (1), (2), (8), or (9) of section 3311(b) of this title.

(d) *AMOUNT OF ASSISTANCE.*—(1) The Secretary shall pay to each eligible individual who receives additional benefits under this section the monthly amount payable under section 3313 of this title for not more than nine months of the program of education in which the individual is enrolled (adjusted with respect to the individual pursuant to section 3313(c), as appropriate), except that the aggregate amount paid to an individual under this section may not exceed \$30,000.

(2) The Secretary may not pay to such an individual an amount in addition to the amount payable under paragraph (1) by reason of section 3317 of this title.

(3) An individual who receives additional benefits under this section may also receive amounts payable by a college or university pursuant to section 3317 of this title.

(e) *PROHIBITION ON TRANSFER.*—An individual who receives additional benefits under this section may not transfer any amount of such additional benefits under section 3319 of this title.

(f) *MAXIMUM AMOUNT OF TOTAL ASSISTANCE.*—The total amount of benefits paid to all eligible individuals under this section may not exceed—

(1) \$25,000,000 for fiscal year 2019;

(2) \$75,000,000 for each of fiscal years 2020 through 2022; and

(3) \$100,000,000 for fiscal year 2023 and each subsequent fiscal year.

## SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

**§ 3321. Time limitation for use of and eligibility for entitlement**

(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such [individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.] *individual's entitlement—*

(1) *in the case of an individual who first becomes entitled to such entitlement before January 1, 2013, expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty; or*

(2) *in the case of an individual who first becomes entitled to such entitlement on or after January 1, 2013, shall not expire.*

(b) EXCEPTIONS.—

(1) APPLICABILITY OF SECTION 3031 TO RUNNING OF PERIOD.—Subsections (b), (c), and (d) of section 3031 shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 with respect to the running of the 10-year period described in section 3031(a).

(2) APPLICABILITY OF SECTION 3031 TO TERMINATION.—Section 3031(f) shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 shall be deemed to be a reference to section 3312 of this title.

(3) DETERMINATION OF LAST DISCHARGE OR RELEASE.—For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2).

(4) APPLICABILITY TO CHILDREN OF DECEASED MEMBERS.—The period during which a child entitled to educational assistance by reason of [section 3311(b)(9)] *section 3311(b)(8) of this title* may use such [child's entitlement expires at the end of the 15-year period beginning on the date of such child's eighteenth birthday.] *child's entitlement—*

(A) *in the case of a child who first becomes entitled to such entitlement before January 1, 2013, expires at the end of the 15-year period beginning on the date of such child's eighteenth birthday; or*

(B) *in the case of a child who first becomes entitled to such entitlement on or after January 1, 2013, shall not expire.*

**§ 3322. Bar to duplication of educational assistance benefits**

(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assist-

ance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 or section 510 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96-449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

(b) **INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.**—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

(c) **SERVICE IN SELECTED RESERVE.**—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

(d) **ADDITIONAL COORDINATION MATTERS.**—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section 5003(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

(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)] 3311(b)(8)** 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.

(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)] 3311(b)(8)** 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.

(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.

(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)~~ 3311(b)(8) 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.

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**§ 3326. Report on student progress**

(a) *SUBMITTAL OF INFORMATION BY EDUCATIONAL INSTITUTIONS.*—As a condition of approval under chapter 36 of this title of a course offered by an educational institution (as defined in section 3452 of this title), each year, each educational institution (as so defined) that received a payment in that year on behalf of an individual entitled to educational assistance under this chapter shall submit to the Secretary such information regarding the academic progress of the individual as the Secretary may require.

(b) *REPORTS TO CONGRESS.*—Not later than March 1 of each year, the Secretary shall submit to Congress a report that includes a summary of the information provided by educational institutions under subsection (a) for the calendar year preceding the year during which such report is submitted.

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**CHAPTER 34—VETERANS' EDUCATIONAL ASSISTANCE**

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**SUBCHAPTER I—PURPOSE—DEFINITIONS**

\* \* \* \* \*

**§ 3452. Definitions**

For the purposes of this chapter and chapter 36 of this title—

(a)(1) The term “eligible veteran” means any veteran who—

(A) served on active duty for a period of more than 180 days, any part of which occurred after January 31, 1955, and before January 1, 1977, and was discharged or released therefrom under conditions other than dishonorable;

(B) contracted with the Armed Forces and was enlisted in or assigned to a reserve component prior to January 1, 1977, and as a result of such enlistment or assignment served on active duty for a period of more than 180 days,

any part of which commenced within 12 months after January 1, 1977, and was discharged or released from such active duty under conditions other than dishonorable; or

(C) was discharged or released from active duty, any part of which was performed after January 31, 1955, and before January 1, 1977, or following entrance into active service from an enlistment provided for under subparagraph (B), because of a service-connected disability.

(2) The requirement of discharge or release, prescribed in subparagraph (A) or (B) of paragraph (1), shall be waived in the case of any individual who served more than 180 days in an active-duty status for so long as such individual continues on active duty without a break therein.

(3) For purposes of paragraph (1)(A) and section 3461(a), the term "active duty" does not include any period during which an individual (A) was assigned full time by the Armed Forces to a civilian institution for a course of education which was substantially the same as established courses offered to civilians, (B) served as a cadet or midshipman at one of the service academies, or (C) served under the provisions of section 12103(d) of title 10 pursuant to an enlistment in the Army National Guard or the Air National Guard or as a Reserve for service in the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve unless at some time subsequent to the completion of such period of active duty for training such individual served on active duty for a consecutive period of one year or more (not including any service as a cadet or midshipman at one of the service academies).

(b) The term "program of education" means any curriculum or any combination of unit courses or subjects pursued at an educational institution which is generally accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective. Such term also means any curriculum of unit courses or subjects pursued at an educational institution which fulfill requirements for the attainment of more than one predetermined and identified educational, professional, or vocational objective if all the objectives pursued are generally recognized as being reasonably related to a single career field. Such term also means any unit course or subject, or combination of courses or subjects, pursued by an eligible veteran at an educational institution, required by the Administrator of the Small Business Administration as a condition to obtaining financial assistance under the provisions of section 7(i)(1) of the Small Business Act (15 U.S.C. 636(i)(1)). Such term also includes licensing or certification tests, the successful completion of which demonstrates an individual's possession of the knowledge or skill required to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession, provided such tests and the licensing or credentialing organizations or entities that offer such tests are approved by the Secretary in accordance with section 3689 of this title. Such term also includes any course, or combination of courses, offered by a qualified provider of entrepreneurship courses. Such term also includes national tests for admission to institutions of higher learning or graduate schools (such as the Scholastic Aptitude Test (SAT), Law School Admission Test (LSAT),

Graduate Record Exam (GRE), and Graduate Management Admission Test (GMAT)) [and national tests providing], *national tests providing* an opportunity for course credit at institutions of higher learning (such as the Advanced Placement (AP) exam and College-Level Examination Program (CLEP)), *and national tests that evaluate prior learning and knowledge and provides an opportunity for course credit at an institution of higher learning.*

(c) The term “educational institution” means any public or private elementary school, secondary school, vocational school, correspondence school, business school, junior college, teachers’ college, college, normal school, professional school, university, or scientific or technical institution, or other institution furnishing education for adults. Such term includes any entity that provides training required for completion of any State-approved alternative teacher certification program (as determined by the Secretary). Such term also includes any private entity (that meets such requirements as the Secretary may establish) that offers, either directly or under an agreement with another entity (that meets such requirements), a course or courses to fulfill requirements for the attainment of a license or certificate generally recognized as necessary to obtain, maintain, or advance in employment in a profession or vocation in a high technology occupation (as determined by the Secretary). Such term also includes any qualified provider of entrepreneurship courses.

(d) The term “dependent” means—

- (1) a child of an eligible veteran;
- (2) a dependent parent of an eligible veteran; and
- (3) the spouse of an eligible veteran.

(e) The term “training establishment” means any of the following:

- (1) An establishment providing apprentice or other on-job training, including those under the supervision of a college or university or any State department of education.
- (2) An establishment providing self-employment on-job training consisting of full-time training for a period of less than six months that is needed or accepted for purposes of obtaining licensure to engage in a self-employment occupation or required for ownership and operation of a franchise that is the objective of the training.
- (3) A State board of vocational education.
- (4) A Federal or State apprenticeship registration agency.
- (5) The sponsor of a program of apprenticeship.
- (6) An agency of the Federal Government authorized to supervise such training.

(f) The term “institution of higher learning” means a college, university, or similar institution, including a technical or business school, offering postsecondary level academic instruction that leads to an associate or higher degree if the school is empowered by the appropriate State education authority under State law to grant an associate or higher degree. When there is no State law to authorize the granting of a degree, the school may be recognized as an institution of higher learning if it is accredited for degree programs by a recognized accrediting agency. Such term shall also include a hospital offering educational programs at the postsecondary level without regard to whether the hospital grants a postsecondary degree.

Such term shall also include an educational institution which is not located in a State, which offers a course leading to a standard college degree, or the equivalent, and which is recognized as such by the secretary of education (or comparable official) of the country or other jurisdiction in which the institution is located.

(g) The term “standard college degree” means an associate or higher degree awarded by (1) an institution of higher learning that is accredited as a collegiate institution by a recognized regional or national accrediting agency; or (2) an institution of higher learning that is a “candidate” for accreditation as that term is used by the regional or national accrediting agencies; or (3) an institution of higher learning upon completion of a course which is accredited by an agency recognized to accredit specialized degree-level programs. For the purpose of this section, the accrediting agency must be one recognized by the Secretary of Education under the provisions of section 3675 of this title.

(h) The term “qualified provider of entrepreneurship courses” means any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).

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SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS;  
VETERAN-STUDENT SERVICES

\* \* \* \* \*

**§ 3485. Work-study allowance**

(a)(1) Individuals utilized under the authority of subsection (b) shall be paid an additional educational assistance allowance (hereinafter in this section referred to as “work-study allowance”). Such allowance shall be paid in return for an individual’s entering into an agreement described in paragraph (3).

(2) Such work-study allowance shall be paid in an amount equal to the product of—

- (A) the applicable hourly minimum wage; and
- (B) the number of hours worked during the applicable period.

(3) An agreement described in this paragraph is an agreement of an individual to perform services, during or between periods of enrollment, aggregating not more than a number of hours equal to 25 times the number of weeks in the semester or other applicable enrollment period, required in connection with a qualifying work-study activity.

(4) For the purposes of this section, the term “qualifying work-study activity” means any of the following:

- (A) The outreach services program under chapter 63 of this title as carried out under the supervision of a Department employee or, during the period preceding June 30, 2013, or [the period beginning on June 30, 2017, and ending on June 30, 2022,] *any time on or after June 30, 2017*, outreach services to servicemembers and veterans furnished by employees of a State approving agency.

(B) The preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the Department.

(C) The provision of hospital and domiciliary care and medical treatment under chapter 17 of this title, including, during the period preceding June 30, 2013, or ~~the period beginning on June 30, 2017, and ending on June 30, 2022,~~ *any time on or after June 30, 2017*, the provision of such care to veterans in a State home for which payment is made under section 1741 of this title.

(D) Any other activity of the Department as the Secretary determines appropriate.

(E) In the case of an individual who is receiving educational assistance under chapter 1606 or 1607 of title 10, an activity relating to the administration of that chapter at Department of Defense, Coast Guard, or National Guard facilities.

(F) During the period preceding June 30, 2013, or ~~the period beginning on June 30, 2017, and ending on June 30, 2022,~~ *any time on or after June 30, 2017*, an activity relating to the administration of a national cemetery or a State veterans' cemetery.

(G) Any activity of a State veterans agency related to providing assistance to veterans in obtaining any benefit under the laws administered by the Secretary or the laws of the State.

(H) A position working in a Center of Excellence for Veteran Student Success, as established pursuant to part T of title VIII of the Higher Education Act of 1965 (20 U.S.C. 1161t et seq.).

(I) A position working in a cooperative program carried out jointly by the Department and an institution of higher learning.

(J) Any other veterans-related position in an institution of higher learning.

(5) An individual may elect, in a manner prescribed by the Secretary, to be paid in advance an amount equal to 40 percent of the total amount of the work-study allowance agreed to be paid under the agreement in return for the individual's agreement to perform the number of hours of work specified in the agreement (but not more than an amount equal to 50 times the applicable hourly minimum wage).

(6) For the purposes of this subsection and subsection (e), the term "applicable hourly minimum wages" means—

(A) the hourly minimum wage under section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)); or

(B) the hourly minimum wage under comparable law of the State in which the services are to be performed, if such wage is higher than the wage referred to in subparagraph (A) and the Secretary has made a determination to pay such higher wage.

(b) Notwithstanding any other provision of law, the Secretary shall, subject to the provisions of subsection (e) of this section, utilize, in connection with the activities specified in subsection (a)(1) of this section, the service of individuals who are pursuing pro-



grams of rehabilitation, education, or training under chapter 30, 31, 32, 33, or 34 of this title or chapter 1606 or 1607 of title 10, at a rate equal to at least three-quarters of that required of a full-time student. In carrying out this section, the Secretary, wherever feasible, shall give priority to veterans with disabilities rated at 30 percent or more for purposes of chapter 11 of this title. In the event an individual ceases to be at least a three-quarter-time student before completing such agreement, the individual may, with the approval of the Secretary, be permitted to complete such agreement.

(c) The Secretary shall determine the number of individuals whose services the Department of Veterans Affairs can effectively utilize and the types of services that such individuals may be required to perform, on the basis of a survey, which the Secretary shall conduct annually, of each Department of Veterans Affairs regional office in order to determine the numbers of individuals whose services can effectively be utilized during an enrollment period in each geographical area where Department of Veterans Affairs activities are conducted, and shall determine which individuals shall be offered agreements under this section in accordance with regulations which the Secretary shall prescribe, including as criteria (1) the need of the individual to augment the veteran's educational assistance or subsistence allowance; (2) the availability to the individual of transportation to the place where the individual's services are to be performed; (3) the motivation of the individual; and (4) in the case of a disabled veteran pursuing a course of vocational rehabilitation under chapter 31 of this title, the compatibility of the work assignment to the veteran's physical condition.

(d) While performing the services authorized by this section, individuals shall be deemed employees of the United States for the purposes of the benefits of chapter 81 of title 5 but not for the purposes of laws administered by the Office of Personnel Management.

(e)(1) Subject to paragraph (2) of this subsection, the Secretary may, notwithstanding any other provision of law, enter into an agreement with an individual under this section, or a modification of such an agreement, whereby the individual agrees to perform a qualifying work-study activity described in subsection (a)(4) and agrees that the Secretary shall, in lieu of paying the work-study allowance payable for such services, as provided in subsection (a) of this section, deduct the amount of the allowance from the amount which the individual has been determined to be indebted to the United States by virtue of such individual's participation in a benefits program under this chapter, chapter 30, 31, 32, 33, 35, or 36 of this title, or chapter 1606 or 1607 of title 10 (other than an indebtedness arising from a refund penalty imposed under section 2135 of such title).

(2)(A) Subject to subparagraph (B) of this paragraph, the provisions of this section (other than those provisions which are determined by the Secretary to be inapplicable to an agreement under this subsection) shall apply to any agreement authorized under paragraph (1) of this subsection.

(B) For the purposes of this subsection, the Secretary may—

(i) waive, in whole or in part, the limitations in subsection (a) of this section concerning the number of

hours and periods during which services can be performed by the individual and the provisions of subsection (b) of this section requiring the individual's pursuit of a program of rehabilitation, education, or training;

(ii) in accordance with such terms and conditions as may be specified in the agreement under this subsection, waive or defer charging interest and administrative costs pursuant to section 5315 of this title on the indebtedness to be satisfied by performance of the agreement; and

(iii) notwithstanding the indebtedness offset provisions of section 5314 of this title, waive or defer until the termination of an agreement under this subsection the deduction of all or any portion of the amount of indebtedness covered by the agreement from future payments to the individual as described in section 5314 of this title.

(3)(A) Subject to the provisions of subparagraphs (B) and (C) of this paragraph, an agreement authorized under this subsection shall terminate in accordance with the provisions of this section and the terms and conditions of the agreement which are consistent with this subsection.

(B) In no event shall an agreement under this subsection continue in force after the total amount of the individual's indebtedness described in paragraph (1) of this subsection has been recouped, waived, or otherwise liquidated.

(C) Notwithstanding the provisions of subparagraphs (A) and (B) of this paragraph, if the Secretary finds that an individual was without fault and was allowed to perform services described in the agreement after its termination, the Secretary shall, as reasonable compensation therefor, pay the individual at the applicable hourly minimum wage rate for such services as the Secretary determines were satisfactorily performed.

(4) The Secretary shall promulgate regulations to carry out this subsection.

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**CHAPTER 35—SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE**

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**SUBCHAPTER II—ELIGIBILITY AND ENTITLEMENT**

\* \* \* \* \*

**§ 3511. Duration of educational assistance**

(a)(1) Each eligible person, whether made eligible by one or more of the provisions of section 3501(a)(1) of this title, shall be entitled to educational assistance under this [chapter for an aggregate period not in excess of 45 months (or to the equivalent thereof in part-time training).] *chapter—*

*(A) in the case of a person who first enrolls in a program of education using such entitlement before August 1, 2018, for an*

*aggregate period not in excess of 45 months (or to the equivalent thereof in part-time training); or*

*(B) in the case of a person who first enrolls in a program of education using such entitlement on or after August 1, 2018, for an aggregate period not in excess of 36 months (or to the equivalent thereof in part-time training).*

(2)(A) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall not—

(i) be charged against the entitlement of any individual under this chapter; or

(ii) be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of assistance.

(B) The payment of the educational assistance allowance referred to in subparagraph (A) of this paragraph is the payment of such an allowance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

(i) had to discontinue such course pursuit as a result of being ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10 or of being involuntarily ordered to full-time National Guard duty under section 502(f) of title 32; and

(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i) of this subparagraph, his or her course pursuit.

(C) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subparagraph (B)(ii) of this paragraph.

(b) If any eligible person pursuing a program of education, or of special restorative training, under this chapter ceases to be an "eligible person" because—

(1) the parent or spouse from whom eligibility is derived is found no longer to have a "total disability permanent in nature", as defined in section 3501(a)(8) of this title,

(2) the parent or spouse from whom eligibility is derived based upon section 3501(a)(1)(C) of this title is no longer listed in one of the categories specified therein,

(3) the spouse, as an eligible person under subparagraph (D) or (E) of section 3501(a)(1) of this title, is divorced, without fault on such person's part, from the person upon whose disability such person's eligibility is based, or

(4) the parent or spouse from whom such eligibility is derived based upon subparagraph (E) of section 3501(a)(1) of this

title no longer meets a requirement under clause (i), (ii), or (iii) of that subparagraph, then such eligible person (if such person has sufficient remaining entitlement) may, nevertheless, be afforded educational assistance under this chapter until the end of the quarter or semester for which enrolled if the educational institution in which such person is enrolled is operated on a quarter or semester system, or if the educational institution is not so operated until the end of the course, or until 12 weeks have expired, whichever first occurs.

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SUBCHAPTER IV—PAYMENTS TO ELIGIBLE PERSONS

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**§ 3532. Computation of educational assistance allowance**

(a)(1) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be paid at the monthly rate of ~~[\$788]~~ \$1,224 for full-time, ~~[\$592]~~ \$967 for three-quarter-time, or ~~[\$394]~~ \$710 for half-time pursuit.

(2) The educational assistance allowance on behalf of an eligible person pursuing a program of education on less than a half-time basis shall be paid at the rate of the lesser of—

(A) the established charges for tuition and fees that the educational institution involved requires similarly circumstanced nonveterans enrolled in the same program to pay; or

(B) ~~[\$788]~~ \$1,224 per month for a full-time course.

(b) The educational assistance allowance to be paid on behalf of an eligible person who is pursuing a full-time program of education which consists of institutional courses and alternate phases of training in a business or industrial establishment with the training in the business or industrial establishment being strictly supplemental to the institutional portion, shall be computed at the rate of ~~[\$788]~~ \$1,224 per month.

(c)(1) An eligible person who is enrolled in an educational institution for a “farm cooperative” program consisting of institutional agricultural courses prescheduled to fall within forty-four weeks of any period of twelve consecutive months and who pursues such program on—

(A) a full-time basis (a minimum of ten clock hours per week or four hundred and forty clock hours in such year prescheduled to provide not less than eighty clock hours in any three-month period),

(B) a three-quarter-time basis (a minimum of seven clock hours per week), or

(C) a half-time basis (a minimum of five clock hours per week),

shall be eligible to receive an educational assistance allowance at the appropriate rate provided in paragraph (2) of this subsection, if such eligible person is concurrently engaged in agricultural employment which is relevant to such institutional agricultural courses as determined under standards prescribed by the Secretary. In computing the foregoing clock hour requirements there

shall be included the time involved in field trips and individual and group instruction sponsored and conducted by the educational institution through a duly authorized instructor of such institution in which the person is enrolled.

(2) The monthly educational assistance allowance to be paid on behalf of an eligible person pursuing a farm cooperative program under this chapter shall be \$636 for full-time, \$477 for three-quarter-time, or \$319 for half-time pursuit.

(d) If a program of education is pursued by an eligible person at an institution located in the Republic of the Philippines, the educational assistance allowance computed for such person under this section shall be paid at the rate of \$0.50 for each dollar.

(e) In the case of an eligible person who is pursuing a program of education under this chapter while incarcerated in a Federal, State, local, or other penal institution or correctional facility for conviction of a felony, the educational assistance allowance shall be paid in the same manner prescribed in section 3482(g) of this title for incarcerated veterans, except that the references therein to the monthly educational assistance allowance prescribed for a veteran with no dependents shall be deemed to refer to the applicable allowance payable to an eligible person under corresponding provisions of this chapter or chapter 36 of this title, as determined by the Secretary.

(f)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3501(a)(5) of this title is the lesser of \$2,000 or the fee charged for the test.

(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1), such individual would otherwise be paid under this chapter.

(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.

(g)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a national test for admission or national test providing an opportunity for course credit at institutions of higher learning described in section 3501(a)(5) of this title is the amount of the fee charged for the test.

(2) The number of months of entitlement charged in the case of any individual for a test described in paragraph (1) is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance, except for paragraph (1), such individual would otherwise be paid under this chapter.

(3) In no event shall payment of educational assistance under this subsection for a test described in paragraph (1) exceed the amount of the individual's available entitlement under this chapter.

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**CHAPTER 36—ADMINISTRATION OF EDUCATIONAL BENEFITS**

SUBCHAPTER I—STATE APPROVING AGENCIES

Sec.

3670. Scope of approval.

\* \* \* \* \*

SUBCHAPTER II—MISCELLANEOUS PROVISIONS

\* \* \* \* \*

3697B. *On-campus educational and vocational counseling.*

\* \* \* \* \*

3699. *Effects of closure or disapproval of educational institution.*

3699A. *Provision of certain information to educational institutions.*

SUBCHAPTER I—STATE APPROVING AGENCIES

\* \* \* \* \*

**§ 3674. Reimbursement of expenses**

(a)(1) Subject to paragraphs (2) through (4) of this subsection, the Secretary is authorized to enter into contracts or agreements with State and local agencies to pay such State and local agencies for reasonable and necessary expenses of salary and travel incurred by employees of such agencies and an allowance for administrative expenses in accordance with the formula contained in subsection (b) of this section in (A) rendering necessary services in ascertaining the qualifications of educational institutions for furnishing courses of education to eligible persons or veterans under this chapter and chapters 30 through 35 of this title and chapter 106 of title 10, and in the supervision of such educational institutions, and (B) furnishing, at the request of the Secretary, any other services in connection with such chapters. Each such contract or agreement shall be conditioned upon compliance with the standards and provisions of such chapters. The Secretary may also reimburse such agencies for work performed by their subcontractors where such work has a direct relationship to the requirements of such chapters, and has had the prior approval of the Secretary.

(2)(A) The Secretary shall make payments to State and local agencies, [out of amounts available for the payment of readjustment benefits] *out of amounts in the Department of Veterans Affairs readjustment benefits account and amounts appropriated to the Secretary*, for the reasonable and necessary expenses of salary and travel incurred by employees of such agencies in carrying out contracts or agreements entered into under this section, for expenses approved by the Secretary that are incurred in carrying out activities described in section 3674A(a)(3) of this title (except for administrative overhead expenses allocated to such activities), and for the allowance for administrative expenses described in subsection (b).

(B) The Secretary shall make such a payment to an agency within a reasonable time after the agency has submitted a report pursuant to paragraph (3) of this subsection.

(C) Subject to paragraph (4) of this subsection, the amount of any such payment made to an agency for any period shall be equal to the amount of the reasonable and necessary expenses of salary and

travel certified by such agency for such period in accordance with paragraph (3) of this subsection plus the allowance for administrative expenses described in subsection (b) and the amount of expenses approved by the Secretary that are incurred in carrying out activities described in section 3674A(a)(3) of this title for such period (except for administrative overhead expenses allocated to such activities).

(3) Each State and local agency with which a contract or agreement is entered into under this section shall submit to the Secretary on a monthly or quarterly basis, as determined by the agency, a report containing a certification of the reasonable and necessary expenses incurred for salary and travel by such agency under such contract or agreement for the period covered by the report. The report shall be submitted in the form and manner required by the Secretary.

*(4) In addition to amounts made available under paragraph (5), there is authorized to be appropriated to carry out this section \$3,000,000 for fiscal year 2019 and each subsequent fiscal year.*

**[(4) The total]** *(5)(A) The total amount made available under this section [for any fiscal year shall be \$19,000,000] for fiscal year 2018 shall be \$21,000,000 and for fiscal year 2019 and thereafter shall be \$23,000,000.*

*(B) Beginning in fiscal year 2019, whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the amount in effect under subparagraph (A), as in effect immediately prior to the date of such increase in benefit amounts payable under title II of the Social Security Act, by the same percentage as the percentage by which such benefit amounts are increased.*

(b) The allowance for administrative expenses incurred pursuant to subsection (a) of this section shall be paid in accordance with the following formula:

(c) Each State and local agency with which the Secretary contracts or enters into an agreement under subsection (a) of this section shall report to the Secretary periodically, but not less often than annually, as determined by the Secretary, on the activities in the preceding twelve months (or the period which has elapsed since the last report under this subsection was submitted) carried out under such contract or agreement. Each such report shall describe, in such detail as the Secretary shall prescribe, services performed and determinations made in connection with ascertaining the qualifications of educational institutions in connection with this chapter and chapters 32, 34, and 35 of this title and in supervising such institutions.

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### **§ 3679. Disapproval of courses**

(a)(1) Except as provided by paragraph (2), any course approved for the purposes of this chapter which fails to meet any of the requirements of this chapter shall be immediately disapproved by the Secretary or the appropriate State approving agency. An educational institution which has its courses disapproved by the Secretary or a State approving agency will be notified of such dis-

approval by a certified or registered letter of notification and a return receipt secured.

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

(b) Each State approving agency shall notify the Secretary of each course which it has disapproved under this section. The Secretary shall notify the State approving agency of the Secretary's disapproval of any educational institution under chapter 31 of this title.

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

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

(A) A veteran who was discharged or released from a period of not fewer than 90 days of service in the active military, naval, or air service less than three years before the date of enrollment in the course concerned.

(B) An individual who is entitled to assistance under section ~~3311(b)(9)~~ 3311(b)(8) or 3319 of this title by virtue of such individual's relationship to a veteran described in subparagraph (A).

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

(4) It shall not be grounds to disapprove a course of education under paragraph (1) if a public institution of higher learning requires a covered individual pursuing a course of education at the institution to demonstrate an intent, by



means other than satisfying a physical presence requirement, to establish residency in the State in which the institution is located, or to satisfy other requirements not relating to the establishment of residency, in order to be charged tuition and fees for that course at a rate that is equal to or less than the rate the institution charges for tuition and fees for that course for residents of the State.

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

(6) Disapproval under paragraph (1) shall apply only with respect to educational assistance under chapters 30 and 33 of this title.

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

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

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

## SUBCHAPTER II—MISCELLANEOUS PROVISIONS

### § 3680. Payment of educational assistance or subsistence allowances

(a) PERIOD FOR WHICH PAYMENT MAY BE MADE.—[Payment of] (1) *Except as provided in paragraph (2), payment of* educational assistance or subsistence allowances to eligible veterans or eligible persons pursuing a program of education or training, other than a program by correspondence, in an educational institution under chapter 31, 34, or 35 of this title shall be paid as provided in this section and, as applicable, in section 3108, 3482, 3491, or 3532 of this title. Such payments shall be paid only for the period of such veterans' or persons' enrollment in, and pursuit of, such program, but no amount shall be paid—

[(1)] (A) to any eligible veteran or eligible person for any period when such veteran or person is not pursuing such veteran's or person's course in accordance with the regularly established policies and regulations of the educational institution, with the provisions of such regulations as may be prescribed by the Secretary pursuant to subsection (g) of this section, and with the requirements of this chapter or of chapter 34 or 35 of this title, but payment may be made for an actual period of pursuit of one or more unit subjects pursued for a period of time shorter than the enrollment period at the educational institution;

[(2)] (B) to any eligible veteran or person for auditing a course; or

[(3)] (C) to any eligible veteran or person for a course for which the grade assigned is not used in computing the

requirements for graduation including a course from which the student withdraws unless—

[(A)] (i) the eligible veteran or person withdraws because he or she is ordered to active duty; or

[(B)] (ii) the Secretary finds there are mitigating circumstances, except that, in the first instance of withdrawal (without regard to withdrawals [described in subclause (A) of this clause] *described in clause (i)*) by the eligible veteran or person from a course or courses with respect to which the veteran or person has been paid assistance under this title, mitigating circumstances shall be considered to exist with respect to courses totaling not more than six semester hours or the equivalent thereof.

[Notwithstanding the foregoing, the Secretary may, subject to such regulations as the Secretary shall prescribe, continue to pay allowances to eligible veterans and eligible persons enrolled in courses set forth in clause (1) 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.]

(2) *Notwithstanding paragraph (1), the Secretary may, pursuant to such regulations as the Secretary shall prescribe, continue to pay allowances to eligible veterans and eligible persons enrolled in courses set forth in paragraph (1)(A)—*

(A) *during periods when educational institutions are temporarily closed under an established policy based on an Executive order of the President or due to an emergency situation, except that the total number of weeks for which allowances may continue to be so payable in any 12-month period may not exceed four weeks; or*

(B) *solely for the purpose of awarding a monthly housing stipend described in section 3313 of this title, during periods following a permanent closure of an educational institution, or following the disapproval of a course of study described in section 3699(b)(1)(B) of this title, except that payment of such a stipend may only be continued until the earlier of—*

(i) *the date of the end of the term, quarter, or semester during which the closure or disapproval occurred; and*

(ii) *the date that is 120 days after the date of the closure or disapproval.*

(b) CORRESPONDENCE TRAINING CERTIFICATIONS.—No educational assistance allowance shall be paid to an eligible veteran or spouse or surviving spouse enrolled in and pursuing a program of education exclusively by correspondence until the Secretary shall have received—

(1) from the eligible veteran or spouse or surviving spouse a certificate as to the number of lessons actually completed by the veteran or spouse or surviving spouse and serviced by the educational institution; and

(2) from the training establishment a certification or an endorsement on the veteran's or spouse's or surviving spouse's certificate, as to the number of lessons completed by the vet-

eran or spouse or surviving spouse and serviced by the institution.

(c) APPRENTICESHIP AND OTHER ON-JOB TRAINING.—No training assistance allowance shall be paid to an eligible veteran or eligible person enrolled in and pursuing a program of apprenticeship or other on-job training until the Secretary shall have received—

(1) from such veteran or person a certification as to such veteran's or person's actual attendance during such period; and

(2) from the training establishment a certification, or an endorsement on the veteran's or person's certificate, that such veteran or person was enrolled in and pursuing a program of apprenticeship or other on-job training during such period.

(d) ADVANCE PAYMENT OF INITIAL EDUCATIONAL ASSISTANCE OR SUBSISTENCE ALLOWANCE.—(1) The educational assistance or subsistence allowance advance payment provided for in this subsection is based upon a finding by the Congress that eligible veterans and eligible persons may need additional funds at the beginning of a school term to meet the expenses of books, travel, deposits, and payment for living quarters, the initial installment of tuition, and the other special expenses which are concentrated at the beginning of a school term.

(2) Subject to the provisions of this subsection, and under regulations which the Secretary shall prescribe, an eligible veteran or eligible person shall be paid an educational assistance allowance or subsistence allowance, as appropriate, advance payment. Such advance payment shall be made in an amount equivalent to the allowance for the month or fraction thereof in which pursuit of the program will commence, plus the allowance for the succeeding month. In the case of a person on active duty, who is pursuing a program of education, the advance payment shall be in a lump sum based upon the amount payable for the entire quarter, semester, or term, as applicable. In no event shall an advance payment be made under this subsection to a veteran or person intending to pursue a program of education on less than a half-time basis. An advance payment may not be made under this subsection to any veteran or person unless the veteran or person requests such payment and the Secretary finds that the educational institution at which such veteran or person is accepted or enrolled has agreed to, and can satisfactorily, carry out the provisions of paragraphs (4)(B) and (C) and (5) of this subsection. The application for advance payment, to be made on a form prescribed by the Secretary, shall—

(A) in the case of an initial enrollment of a veteran or person in an educational institution, contain information showing that the veteran or person (i) is eligible for educational benefits, (ii) has been accepted by the institution, and (iii) has notified the institution of such veteran's or person's intention to attend that institution; and

(B) in the case of a re-enrollment of a veteran or person, contain information showing that the veteran or person (i) is eligible to continue such veteran's or person's program of education or training and (ii) intends to re-enroll in the same institution,

and, in either case, shall also state the number of semester or clock-hours to be pursued by such veteran or person.

(3) For purposes of the Secretary's determination whether any veteran or person is eligible for an advance payment under this section, the information submitted by the institution, the veteran or person, shall establish such veteran's or person's eligibility unless there is evidence in such veteran's or person's file in the processing office establishing that the veteran or person is not eligible for such advance payment.

(4) The advance payment authorized by paragraph (2) of this subsection shall, in the case of an eligible veteran or eligible person, be (A) drawn in favor of the veteran or person; (B) mailed to the educational institution listed on the application form for temporary care and delivery to the veteran or person by such institution; and (C) delivered to the veteran or person upon such veteran's or person's registration at such institution, but in no event shall such delivery be made earlier than thirty days before the program of education is to commence.

(5) Upon delivery of the advance payment pursuant to paragraph (4) of this subsection, the institution shall submit to the Secretary a certification of such delivery. If such delivery is not effected within thirty days after commencement of the program of education in question, such institution shall return such payment to the Secretary forthwith.

(e) RECOVERY OF ERRONEOUS PAYMENTS.—(1) Subject to paragraph (2), if an eligible veteran or eligible person fails to enroll in or pursue a course for which an educational assistance or subsistence allowance advance payment is made, the amount of such payment and any amount of subsequent payments which, in whole or in part, are due to erroneous information required to be furnished under subsection (d)(2) of this section, shall become an overpayment and shall constitute a liability of such veteran or person to the United States and may be recovered, unless waived pursuant to section 5302 of this title, from any benefit otherwise due such veteran or person under any law administered by the Department of Veterans Affairs or may be recovered in the same manner as any other debt due the United States.

(2) Paragraph (1) shall not apply to the recovery of an overpayment of an educational allowance or subsistence allowance advance payment to an eligible veteran or eligible person who fails to enroll in or pursue a course of education for which the payment is made if such failure is due to the death of the veteran or person.

(f) PAYMENTS FOR LESS THAN HALF-TIME TRAINING.—Payment of educational assistance allowance in the case of any eligible veteran or eligible person pursuing a program of education on less than a half-time basis shall be made in an amount computed for the entire quarter, semester, or term not later than the last day of the month immediately following the month in which certification is received from the educational institution that such veteran or person has enrolled in and is pursuing a program at such institution. Such lump sum payment shall be computed at the rate provided in section 3482(b) or 3532(a)(2) of this title, as applicable.

(g) DETERMINATION OF ENROLLMENT, PURSUIT, AND ATTENDANCE.—(1) The Secretary may, pursuant to regulations which the

Secretary shall prescribe, determine and define with respect to an eligible veteran and eligible person the following:

(A) Enrollment in a course or program of education or training.

(B) Pursuit of a course or program of education or training.

(C) Attendance at a course or program of education or training.

(2) The Secretary may withhold payment of benefits to an eligible veteran or eligible person until the Secretary receives such proof as the Secretary may require of enrollment in and satisfactory pursuit of a program of education by the eligible veteran or eligible person. The Secretary shall adjust the payment withheld, when necessary, on the basis of the proof the Secretary receives.

(3) In the case of an individual other than an individual described in paragraph (4), the Secretary may accept the individual's monthly certification of enrollment in and satisfactory pursuit of a program of education as sufficient proof of the certified matters.

(4) In the case of an individual who has received an accelerated payment of basic educational assistance under section 3014A of this title during an enrollment period for a program of education, the Secretary may accept the individual's certification of enrollment in and satisfactory pursuit of the program of education as sufficient proof of the certified matters if the certification is submitted after the enrollment period has ended.

#### **§ 3680A. Disapproval of enrollment in certain courses**

(a) The Secretary shall not approve the enrollment of an eligible veteran in—

(1) any bartending course or personality development course;

(2) any sales or sales management course which does not provide specialized training within a specific vocational field;

(3) any type of course which the Secretary finds to be avocational or recreational in character (or the advertising for which the Secretary finds contains significant avocational or recreational themes) unless the veteran submits justification showing that the course will be of bona fide use in the pursuit of the veteran's present or contemplated business or occupation; or

[(4) any independent study program except an accredited independent study program (including open circuit television) leading (A) to a standard college degree, or (B) to a certificate that reflects educational attainment offered by an institution of higher learning.]

*(4) any independent study program except an independent study program (including such a program taken over open circuit television) that—*

*(A) is accredited by a nationally recognized accrediting agency; and*

*(B) leads—*

*(i) to a standard college degree;*

(ii) to a certificate that reflects educational attainment offered by an institution of higher learning; or

(iii) to a certificate that reflects completion of a course of study offered by—

(I) an area career and technical education school (as defined in subparagraphs (C) and (D) of section 3(3) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(3))) that provides education at the postsecondary level; or

(II) a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c))) that provides education at the postsecondary level.

(b) Except to the extent otherwise specifically provided in this title or chapter 106 of title 10, the Secretary shall not approve the enrollment of an eligible veteran in any course of flight training other than one given by an educational institution of higher learning for credit toward a standard college degree the eligible veteran is seeking.

(c) The Secretary shall not approve the enrollment of an eligible veteran in any course to be pursued by radio.

(d)(1) Except as provided in paragraph (2) of this subsection, the Secretary shall not approve the enrollment of any eligible veteran, not already enrolled, in any course for any period during which the Secretary finds that more than 85 percent of the students enrolled in the course are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution or by the Department of Veterans Affairs under this title or under chapter 106 of title 10. The Secretary may waive the requirements of this subsection, in whole or in part, if the Secretary determines, pursuant to regulations which the Secretary shall prescribe, it to be in the interest of the eligible veteran and the Federal Government. The provisions of this subsection shall not apply to any course offered by an educational institution if the total number of veterans and persons receiving assistance under this chapter or chapter 30, 31, 32, or 35 of this title or under chapter 106 of title 10 who are enrolled in such institution equals 35 percent or less, or such other percent as the Secretary prescribes in regulations, of the total student enrollment at such institution (computed separately for the main campus and any branch or extension of such institution), except that the Secretary may apply the provisions of this subsection with respect to any course in which the Secretary has reason to believe that the enrollment of such veterans and persons may be in excess of 85 percent of the total student enrollment in such course.

(2) Paragraph (1) of this subsection does not apply with respect to the enrollment of a veteran—

(A) in a course offered pursuant to section 3019, 3034(a)(3), 3234, or 3241(a)(2) of this title;

(B) in a farm cooperative training course; or

(C) in a course described in subsection (g).

(e) The Secretary may not approve the enrollment of an eligible veteran in a course not leading to a standard college degree offered by a proprietary profit or proprietary nonprofit educational institution if—

(1) the educational institution has been operating for less than two years;

(2) the course is offered at a branch of the educational institution and the branch has been operating for less than two years; or

(3) following either a change in ownership or a complete move outside its original general locality, the educational institution does not retain substantially the same faculty, student body, and courses as before the change in ownership or the move outside the general locality (as determined in accordance with regulations the Secretary shall prescribe) unless the educational institution following such change or move has been in operation for at least two years.

(f) The Secretary may not approve the enrollment of an eligible veteran in a course as a part of a program of education offered by an educational institution if the course is provided under contract by another educational institution or entity and—

(1) the Secretary would be barred under subsection (e) from approving the enrollment of an eligible veteran in the course of the educational institution or entity providing the course under contract; or

(2) the educational institution or entity providing the course under contract has not obtained approval for the course under this chapter.

(g) Notwithstanding subsections (e) and (f)(1), the Secretary may approve the enrollment of an eligible veteran in a course approved under this chapter if the course is offered by an educational institution under contract with the Department of Defense or the Department of Homeland Security and is given on or immediately adjacent to a military base, Coast Guard station, National Guard facility, or facility of the Selected Reserve.

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**§ 3684. Reports by veterans, eligible persons, and institutions; reporting fee**

(a)(1) Except as provided in paragraph (2) of this subsection, the veteran or eligible person and the educational institution offering a course in which such veteran or eligible person is enrolled under chapter 31, 32, 33, 34, 35, or 36 of this title shall, without delay, report to the Secretary, in the form prescribed by the Secretary, such enrollment and any interruption or termination of the education of each such veteran or eligible person. The date of such interruption or termination will be the last date of pursuit, or, in the case of correspondence training, the last date a lesson was serviced by a school.

(2)(A) In the case of a program of independent study pursued on less than a half-time basis in an educational institution, the Secretary may approve a delay by the educational institution in reporting the enrollment or reenrollment of an eligible veteran or eligible person until the end of the term, quarter, or semester if the educational institution requests the delay and the Secretary determines that it is not feasible for the educational institution to monitor interruption or termination of the veteran's or eligible person's pursuit of such program.

(B) An educational institution which, pursuant to subparagraph (A) of this paragraph, is delaying the reporting of the enrollment or reenrollment of a veteran shall provide the veteran with notice of the delay at the time that the veteran enrolls or reenrolls.

(3)(A) Subject to subparagraph (B) of this paragraph, an educational institution offering courses on a term, quarter, or semester basis may certify the enrollment of a veteran who is not on active duty, or of an eligible person, in such courses for more than one term, quarter, or semester at a time, but not for a period extending beyond the end of a school year (including the summer enrollment period).

(B) Subparagraph (A) of this paragraph shall not apply with respect to any term, quarter, or semester for which the veteran or eligible person is enrolled on a less than half-time basis and shall not be construed as restricting the Secretary from requiring that an educational institution, in reporting an enrollment for more than one term, quarter, or semester, specify the dates of any intervals within or between any such terms, quarters, or semesters.

*(4) A course offered by an educational institution that does not begin on the first day of an academic term, but does begin seven or fewer days after such day, shall be treated as beginning on such day for purposes of this section.*

**[(4)]** (5) For purposes of this subsection, the term “educational institution” may include a group, district, or consortium of separately accredited educational institutions located in the same State that are organized in a manner that facilitates the centralized reporting of the enrollments in such group, district, or consortium of institutions.

(b) The Secretary, prior to making payment of a reporting fee to an educational institution, as provided for in subsection (c) of this section, shall require such institution to certify that it has exercised reasonable diligence in determining whether such institution or any course offered by such institution approved for the enrollment of veterans or eligible persons meets all of the applicable requirements of chapters 31, 34, 35, and 36 of this title and that it will, without delay, report any failure to meet any such requirement to the Secretary.

**[(c)]** The Secretary may pay to any educational institution, or to the sponsor of a program of apprenticeship, furnishing education or training under either this chapter or chapter 31, 34, or 35 of this title, a reporting fee which will be in lieu of any other compensation or reimbursement for reports or certifications which such educational institution or joint apprenticeship training committee is required to submit to the Secretary by law or regulation. Such reporting fee shall be computed for each calendar year by multiplying \$12 by the number of eligible veterans or eligible persons enrolled under this chapter or chapter 31, 34, or 35 of this title, or \$15 in the case of those eligible veterans and eligible persons whose educational assistance checks are directed in care of each institution for temporary custody and delivery and are delivered at the time of registration as provided under section 3680(d)(4) of this title, during the calendar year. The reporting fee shall be paid to such educational institution or joint apprenticeship training committee as soon as feasible after the end of the calendar year for which it is applicable. No reporting fee payable to an educational institution



under this subsection shall be subject to offset by the Secretary against any liability of such institution for any overpayment for which such institution may be administratively determined to be liable under section 3685 of this title unless such liability is not contested by such institution or has been upheld by a final decree of a court of appropriate jurisdiction. 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. The reporting fee payable under this subsection shall be paid from amounts appropriated for readjustment benefits.】

*(c)(1) The Secretary may pay to any educational institution, or to the sponsor of a program of apprenticeship, furnishing education or training under either this chapter or chapter 31, 34, or 35 of this title, a reporting fee which will be in lieu of any other compensation or reimbursement for reports or certifications which such educational institution or sponsor of a program of apprenticeship is required to submit to the Secretary by law or regulation.*

*(2) Such reporting fee shall be computed for each calendar year by multiplying \$16 by the number of eligible veterans or eligible persons enrolled under this chapter or chapter 31, 34, or 35 of this title. The reporting fee shall be paid to such educational institution or sponsor of a program of apprenticeship as soon as feasible after the end of the calendar year for which it is applicable.*

*(3) No reporting fee payable to an educational institution under this subsection shall be subject to offset by the Secretary against any liability of such institution for any overpayment for which such institution may be administratively determined to be liable under section 3685 of this title unless such liability is not contested by such institution or has been upheld by a final decree of a court of appropriate jurisdiction.*

*(4) Any reporting fee paid to an educational institution or sponsor of a program of apprenticeship after the date of the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2011 (Public Law 111-377)—*

*(A) shall be utilized by such institution or sponsor 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; and*

*(B) with respect to an institution that has 100 or more enrollees described in paragraph (2) may not be used for or merged with amounts available for the general fund of the educational institution or sponsor of a program of apprenticeship.*

*(5) The reporting fee payable under this subsection shall be paid from amounts appropriated for readjustment benefits.*

*(d) Not later than 90 days after the date of the enactment of this subsection, the Secretary shall ensure that the Department provides personnel of educational institutions who are charged with submitting reports or certifications to the Secretary under this section with assistance in preparing and submitting such reports or certifications.*

\* \* \* \* \*

**§ 3692. Advisory committee**

(a) There shall be a Veterans' Advisory Committee on Education formed by the Secretary which shall be composed of persons who are eminent in their respective fields of education, labor, and management and of representatives of institutions and establishments furnishing education to eligible veterans or persons enrolled under chapter 30, 32, 33, or 35 of this title and chapter 1606 of title 10. The committee shall also, to the maximum extent practicable, include a representative sample of veterans and other individuals who have used, or may in the future use, educational assistance benefits administered by the Secretary. The Assistant Secretary of Education for Postsecondary Education (or such other comparable official of the Department of Education as the Secretary of Education may designate) and the Assistant Secretary of Labor for Veterans' Employment and Training shall be ex officio members of the advisory committee.

(b) The Secretary shall consult with and seek the advice of the committee from time to time with respect to the administration of this chapter, chapters 30, 32, 33, and 35 of this title, and chapter 1606 of title 10. The committee may make such reports and recommendations as it considers desirable to the Secretary and the Congress.

(c) The committee shall remain in existence until [December 31, 2017] *December 31, 2022*.

\* \* \* \* \*

**§ 3697B. On-campus educational and vocational counseling**

(a) *IN GENERAL.*—*The Secretary shall provide educational and vocational counseling services for individuals described in section 3697A(b) of this title at locations on the campuses of institutions of higher learning selected by the Secretary. Such counseling services shall be provided by employees of the Department who provide such services under section 3697A of this title.*

(b) *SELECTION OF LOCATIONS.*—(1) *To be selected by the Secretary under this section, an institution of higher learning shall provide an appropriate space on the campus of the institution where counseling services can be provided under this section.*

(2) *In selecting locations for the provision of counseling services under this section, the Secretary shall seek to select locations where the maximum number of veterans would have access to such services.*

(c) *ANNUAL REPORT.*—*Not later than 180 days after the date of the enactment of this section, and each year thereafter, the Secretary shall submit to Congress a report on the counseling services provided under this section. Such report shall include, for the year covered by the report—*

(1) *the average ratio of counselors providing such services to individuals who received such services at each location where such services were provided;*

(2) *a description of such services provided;*

(3) *the recommendations of the Secretary for improving the provision of such services; and*

(4) *any other matters the Secretary determines appropriate.*

**§ 3698. Comprehensive policy on providing education information to veterans**

(a) **COMPREHENSIVE POLICY REQUIRED.**—The Secretary shall develop a comprehensive policy to improve outreach and transparency to veterans and members of the Armed Forces through the provision of information on institutions of higher learning.

(b) **SCOPE.**—In developing the policy required by subsection (a), the Secretary shall include each of the following elements:

(1) Effective and efficient methods to inform individuals of the educational and vocational counseling provided under section 3697A of this title.

(2) A centralized mechanism for tracking and publishing feedback from students and State approving agencies regarding the quality of instruction, recruiting practices, and post-graduation employment placement of institutions of higher learning that—

(A) allows institutions of higher learning to verify feedback and address issues regarding feedback before the feedback is published;

(B) protects the privacy of students, including by not publishing the names of students; and

(C) publishes only feedback that conforms with criteria for relevancy that the Secretary shall determine.

(3) The merit of and the manner in which a State approving agency shares with an accrediting agency or association recognized by the Secretary of Education under subpart 2 of part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099b) information regarding the State approving agency's evaluation of an institution of higher learning.

(4) Description of the information provided to individuals participating in the Transition Assistance Program under section 1144 of title 10 relating to institutions of higher learning.

(5) Effective and efficient methods to provide veterans and members of the Armed Forces with information regarding post-secondary education and training opportunities available to the veteran or member.

(c) **POSTSECONDARY EDUCATION INFORMATION.**—(1) The Secretary shall ensure that the information provided pursuant to subsection (b)(5) includes—

(A) an explanation of the different types of accreditation available to educational institutions and programs of education;

(B) a description of Federal student aid programs; and

(C) for each institution of higher learning, for the most recent academic year for which information is available—

(i) whether the institution is public, private nonprofit, or proprietary for-profit;

(ii) the name of the national or regional accrediting agency that accredits the institution, including the contact information used by the agency to receive complaints from students;

(iii) information on the State approving agency, including the contact information used by the agency to receive complaints from students;

(iv) whether the institution participates in any programs under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.);

(v) the tuition and fees;

(vi) the median amount of debt from Federal student loans under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) held by individuals upon completion of programs of education at the institution of higher learning (as determined from information collected by the Secretary of Education);

(vii) the cohort default rate, as defined in section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)), of the institution;

(viii) the total enrollment, graduation rate, and retention rate, as determined from information collected by the Integrated Postsecondary Education Data System of the Secretary of Education;

(ix) whether the institution provides students with technical support, academic support, and other support services, including career counseling and job placement; **[and]**

(x) the information regarding the institution's policies related to transfer of credit from other institutions, as required under section 485(h)(1) of the Higher Education Act of 1965 (20 U.S.C. 1092(h)(1)) and provided to the Secretary of Education under section 132(i)(1)(V)(iv) of such Act (20 U.S.C. 1015a(i)(1)(V)(iv))**[.]**; *and*

(xi) *information on whether the institution administers a priority enrollment system that allows certain student veterans to enroll in courses earlier than other students.*

(2) To the extent practicable, the Secretary shall provide the information described in paragraph (1) by including hyperlinks on the Internet website of the Department to other Internet websites that contain such information, including the Internet website of the Department of Education, in a form that is comprehensive and easily understood by veterans, members of the Armed Forces, and other individuals.

(3)(A) If the Secretary of Veterans Affairs requires, for purposes of providing information pursuant to subsection (b)(5), information that has been reported, or information that is similar to information that has been reported, by an institution of higher learning to the Secretary of Education, the Secretary of Defense, the Secretary of Labor, or the heads of other Federal agencies under a provision of law other than under this section, the Secretary of Veterans Affairs shall obtain the information the Secretary of Veterans Affairs requires from the Secretary or head with the information rather than the institution of higher learning.

(B) If the Secretary of Veterans Affairs requires, for purposes of providing information pursuant to subsection (b)(5), information from an institution of higher learning that has not been reported to another Federal agency, the Secretary shall, to the degree practicable, obtain such information through the Secretary of Education.

(d) **CONSISTENCY WITH EXISTING EDUCATION POLICY.**—In carrying out this section, the Secretary shall ensure that—

(1) the comprehensive policy is consistent with any requirements and initiatives resulting from Executive Order No. 13607; and

(2) the efforts of the Secretary to implement the comprehensive policy do not duplicate the efforts being taken by any Federal agencies.

(e) COMMUNICATION WITH INSTITUTIONS OF HIGHER LEARNING.—To the extent practicable, if the Secretary considers it necessary to communicate with an institution of higher learning to carry out the comprehensive policy required by subsection (a), the Secretary shall carry out such communication through the use of a communication system of the Department of Education.

(f) DEFINITIONS.—In this section:

(1) The term “institution of higher learning” has the meaning given that term in section 3452(f) of this title.

(2) The term “postsecondary education and training opportunities” means any postsecondary program of education, including apprenticeships and on-job training, for which the Secretary of Veterans Affairs provides assistance to a veteran or member of the Armed Forces.

**§ 3699. Effects of closure or disapproval of educational institution**

(a) CLOSURE OR DISAPPROVAL.—Any payment of educational assistance described in subsection (b) shall not—

(1) be charged against any entitlement to educational assistance of the individual concerned; or

(2) be counted against the aggregate period for which section 3695 of this title limits the receipt of educational assistance by such individual.

(b) EDUCATIONAL ASSISTANCE DESCRIBED.—Subject to subsection (c), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or program of education at an educational institution under chapters 30, 32, 33, or 35 of this title, or chapters 1606 or 1607 of title 10, if the Secretary determines that the individual—

(1) was forced to discontinue the pursuit of such course or program as a result of—

(A) the permanent closure of the educational institution;

or

(B) the disapproval of the course or a course that is a necessary part of that program under this chapter by reason of—

(i) a provision of law enacted after the date on which the individual enrolls at such institution affecting the approval or disapproval of courses under this chapter; or

(ii) after the date on which the individual enrolls at such institution, the Secretary prescribing or modifying regulations or policies of the Department affecting such approval or disapproval; and

(2) did not receive credit, or lost training time, toward completion of the program of education being so pursued.

(c) PERIOD NOT CHARGED.—The period for which, by reason of this subsection, educational assistance is not charged against enti-

tlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the aggregate of—

- (1) the portion of the period of enrollment in the course from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under subsection (b)(2), and
- (2) the period by which a monthly stipend is extended under section 3680(a)(2)(B) of this title.

(d) CONTINUING PURSUIT OF DISAPPROVED COURSES.—(1) The Secretary may treat a course of education that is disapproved under this chapter as being approved under this chapter with respect to an individual described in paragraph (2) if the Secretary determines, on a case-by-case basis, that—

- (A) such disapproval is the result of an action described in clause (i) or (ii) of subsection (b)(1)(B); and
- (B) continuing pursuing such course is in the best interest of the individual.

(2) An individual described in this paragraph is an individual who is pursuing a course of education at an educational institution under chapters 30, 32, 33, or 35 of this title, or chapters 1606 or 1607 of title 10, as of the date on which the course is disapproved under this chapter.

**§3699A. Provision of certain information to educational institutions**

(a) IN GENERAL.—For each veteran or other individual pursuing a course of education that has been approved under this chapter using educational assistance to which the veteran or other individual is entitled under chapter 30, 32, 33, or 35 of this title, the Secretary shall make available to the educational institution offering the course information about the amount of such educational assistance to which the veteran or other individual is entitled. Such information shall be provided to such educational institution through a secure information technology system accessible by the educational institution and shall be regularly updated to reflect any amounts used by the veteran or other individual.

(b) ELECTION.—A veteran or other individual pursuing a course of education described in subsection (a) may elect not to provide the information described in such subsection to an educational institution in a manner prescribed by the Secretary.

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**TITLE 10, UNITED STATES CODE**

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**SUBTITLE E—RESERVE COMPONENTS**

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**PART IV—TRAINING FOR RESERVE COMPONENTS AND EDUCATIONAL ASSISTANCE PROGRAMS**

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**CHAPTER 1607—EDUCATIONAL ASSISTANCE FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND CERTAIN OTHER OPERATIONS**

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**§ 16167. Sunset**

(a) SUNSET.—The authority to provide educational assistance under this chapter shall terminate on the date that is four years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016.

(b) LIMITATION ON PROVISION OF ASSISTANCE PENDING SUNSET.—Notwithstanding any other provision of this chapter, during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2016 and ending on the date that is four years after the date of the enactment of that Act, educational assistance may be provided under this chapter only to a member otherwise eligible for educational assistance under this chapter who received educational assistance under this chapter for a course of study at an educational institution for the enrollment period at the educational institution that immediately preceded the date of the enactment of that Act.

(c) ELIGIBILITY FOR POST-9/11 EDUCATIONAL ASSISTANCE.—A member who loses eligibility for benefits under this chapter pursuant to subsection (b) shall be allowed to elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) to have such service previously credited toward this chapter credited towards establishing eligibility for educational assistance under chapter 33 of title 38, notwithstanding the provisions of section 16163(e) of this title or section 3322(h)(1) of title 38.

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**CARL LEVIN AND HOWARD P. 'BUCK' MCKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015**

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**DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

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## TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

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### Subtitle A—Pay and Allowances

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**SEC. 604. MODIFICATION OF COMPUTATION OF BASIC ALLOWANCE FOR HOUSING INSIDE THE UNITED STATES.**

(a) **IN GENERAL.**—Paragraph (3) of section 403(b) of title 37, United States Code, is amended to read as follows:

“(3)(A) The monthly amount of the basic allowance for housing for an area of the United States for a member of a uniformed service shall be the amount equal to the difference between—

“(i) the amount of the monthly cost of adequate housing in that area, as determined by the Secretary of Defense, for members of the uniformed services serving in the same pay grade and with the same dependency status as the member; and

“(ii) the amount equal to a specified percentage (determined under subparagraph (B)) of the national average monthly cost of adequate housing in the United States, as determined by the Secretary, for members of the uniformed services serving in the same pay grade and with the same dependency status as the member.

“(B) The percentage to be used for purposes of subparagraph (A)(ii) shall be determined by the Secretary of Defense and may not exceed one percent.”.

[(b) **SPECIAL RULE.**—Any reduction authorized by paragraph (3) of subsection (b) of section 403 of title 37, United States Code, as amended by subsection (a), shall not apply with respect to benefits paid by the Secretary of Veterans Affairs under the laws administered by the Secretary, including pursuant to sections 3108 and 3313 of title 38, United States Code. Such benefits that are determined in accordance with such section 403 shall be subject to paragraph (3) of such section as such paragraph was in effect on the day before the date of the enactment of this Act.]

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