

**SUMMARY OF S. 3447, THE POST-9/11 VETERANS EDUCATIONAL
ASSISTANCE IMPROVEMENTS ACT OF 2010**

**TITLE I--POST-9/11 VETERANS EDUCATIONAL
ASSISTANCE**

Section 101

Would amend the definition of active duty for purposes of eligibility for benefits under the Post-9/11 Veterans Educational Assistance Act of 2008 (Post-9/11 GI Bill) in order to align full-time National Guard duty with the Reserve active duty under the provisions of section 12301(d) of title 10, U.S.C., thereby correcting the inadvertent omission of eligibility for two distinct types of full-time National Guard duty, both of which qualify for the current Montgomery GI Bill (MGIB): (1) Active Guard Reserve (AGR) duty under title 32, U.S.C., and (2) individuals ordered to full-time National Guard duty by the President or the Secretary of Defense under section 502(f) of title 32, U.S.C.

Would clarify that specialized types of training proprietary to the Department of the Army and to the Coast Guard (One Station Unit Training and A School Training, respectively) should be considered to be active duty for training and thus should count towards eligibility for Post-9/11 GI Bill benefits only in certain circumstances.

Would clarify that, in order to be eligible for Post-9/11 GI Bill benefits, individuals receiving certain other than traditional discharges (such as “existed prior to service” or hardship discharges) must receive discharges characterized as honorable.

Would align the eligibility of individuals attending the Coast Guard Academy with those attending the other three military academies, so that eligibility for Post-9/11 GI Bill benefits would only begin to accrue following the completion of any obligated period of service required by virtue of completion of a program of education at the Academy.

Section 102

Would provide that the amount of assistance paid on behalf of an individual enrolled in a degree program at a public institution of higher learning would be up to the actual cost of in-State tuition and fees (less any waiver or reduction of tuition or fees or any amount provided directly to the institution on behalf of an eligible student for the sole purpose of defraying tuition and fees).

Would provide that the amount of assistance paid on behalf of an individual enrolled in a degree program at a non-public or foreign institution of higher learning would be up to the lesser of an annualized rate of \$17,500 (adjusted annually by increases in the cost of education) or the actual cost of tuition and fees (less any waiver or reduction of tuition or fees or any amount provided directly to the institution on behalf of an eligible student for the sole purpose of defraying tuition and fees).

Would provide that the living stipend payable to individuals training on more than a half-time basis would be adjusted based on actual training time rounded to the nearest tenth.

Would provide that the maximum living stipend payable to individuals enrolled more than half-time in training courses consisting entirely of distance learning would be fifty percent of 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, adjusted based on the actual training time.

Section 103

Would provide that the amount of assistance paid on behalf of an individual enrolled in training while on active duty would be up to the lesser of an annualized rate of \$17,500 (adjusted annually by increases in the cost of education) or the actual cost of in-State tuition and fees (less any waiver or reduction of tuition or fees or any amount provided directly to the institution on behalf of an eligible student for the sole purpose of defraying tuition and fees).

Would provide for up to a \$1,000 annual book allowance to be paid to individuals training while on active duty.

Section 104

Would clarify the amount of assistance payable to individuals enrolled in training on a half-time-or-less basis.

Section 105

Would provide that Post-9/11 GI Bill benefits may be used at institutions other than institutions of higher learning.

Would provide that the amount of assistance paid to an individual enrolled in a program of education not leading to a college degree would be up to the lesser of an annualized rate of \$17,500 (adjusted annually by increases in the cost of education) or the actual cost of in-State tuition and fees (less any waiver or reduction of tuition or fees or any amount provided directly to the institution on behalf of an eligible student for the sole purpose of defraying tuition and fees).

Would provide that the living stipend payable to individuals enrolled on more than a half-time basis in a program of education not leading to a college degree would be adjusted based on actual training time rounded to the nearest tenth.

Would provide for the payment of up to a \$1,000 annual book allowance to individuals enrolled in programs of education not leading to a college degree.

Would provide that the maximum payment of the living allowance to individuals enrolled in full-time programs of apprenticeship or on-job training would be 100 percent of the otherwise

applicable allowance for the first six months, 80 percent for the second six months, 60 percent for the third six months, 40 percent for the fourth six months, and 20 percent for any subsequent periods of training.

Would provide for the payment of up to a \$1,000 annual book and supplies allowance to individuals enrolled in programs of apprenticeship or on-job training.

Would provide that the maximum amount of assistance paid on behalf of an individual enrolled in a program of flight training would be the lesser of an annualized rate of \$10,000 (adjusted annually by increases in the cost of education) or the actual cost of in-State tuition and fees (less waiver or reduction of tuition or fees or any amount provided directly to the institution on behalf of an eligible student for the sole purpose of defraying tuition and fees).

Would provide that the maximum amount of assistance paid on behalf of an individual enrolled in a program of training exclusively by correspondence would be the lesser of an annualized rate of \$8,500 (adjusted annually by increases in the cost of education) or the actual cost of tuition and fees (less any waiver or reduction of tuition or fees or any amount provided directly to the institution on behalf of an eligible student for the sole purpose of defraying tuition and fees).

Would specify the timing and frequency of payments for other than traditional programs of education.

Would provide for the charge to entitlement for individuals pursuing other than programs of education leading to a degree based on the amount paid as a percentage of the otherwise applicable annual rate.

Section 106

Would provide that increases in the living stipend would take effect on August 1 of each year.

Section 107

Would remove provisions that limit use of Post-9/11 GI Bill benefits to a single licensing or certification test and do not provide for a charge to entitlement for the pursuit of a certificate or licensing test; it would instead allow unlimited use of benefits to pay for licensing and certification tests with a charge to entitlement for each such test.

Section 108

Would permit individuals to use Post-9/11 GI Bill benefits for the purpose of taking certain national tests with a charge to entitlement for each such test.

Section 109

Would clarify that individuals who receive recruitment or retention kickers from the Department of Defense (DOD) under the MGIB or the Montgomery GI Bill--Selected Reserves may convert that assistance into Post-9/11 GI Bill benefits.

Would permit DOD to pay the Department of Veterans Affairs (VA) for such kickers from funds deposited in the Department of Defense Education Benefits Fund.

Section 110

Would permit certain members of the U.S. Public Health Service and the National Oceanic and Atmospheric Administration to transfer Post-9/11 GI Bill benefits to their dependents (following the completion of minimum duty requirements).

Clarifies that the purpose of the transferability feature is to promote recruitment and retention and that the individual Secretary concerned (e.g., Secretary of the Army, Secretary of the Navy, Secretary of Health and Human Services, and others) may exercise the authority when authorized by the Secretary of Defense because to do so is in the national security interests of the United States.

Section 111

Would bar duplication of certain VA benefits to individuals in receipt of benefits under the Marine Gunnery Sergeant John David Fry Scholarship Assistance program.

Would prohibit a dependent from concurrently using transferred Post-9/11 GI Bill benefits from more than one individual.

Would bar duplication of benefits based on a single event or period of service.

Section 112

Would make a series of technical and conforming amendments.

TITLE II--OTHER EDUCATIONAL ASSISTANCE MATTERS

Section 201

Would permit a tolling of the delimiting date for use of education benefits by otherwise eligible individuals who are designated caregivers of disabled veterans or servicemembers and who, by virtue of that caregiving, were unable to pursue a program of education.

Section 202

Would add the National Call to Service program to the list of programs under which duplication of benefits is prohibited.

Section 203

Would provide that certain programs of education that are accredited by agencies or associations recognized by the Secretary of Education or approved by other Federal agencies or States could be considered to be approved for VA purposes without the need for approval by a State approving agency (SAA).

Would provide that the Secretary of Veterans Affairs may use the services of SAAs for such compliance and oversight purposes as the Secretary considers appropriate.

Would provide that either the Secretary of Veterans Affairs or SAAs may approve accredited programs offered by for-profit institutions.

Would provide that a course that does not meet VA requirements will be disapproved either by the Secretary or by SAAs.

Section 204

Would provide for an increase in the amount of reporting fees paid to institutions and would add a requirement that fees be used to support certifying activities or other activities that support veterans.

Section 205

Would permit service-connected disabled veterans enrolled in a program under chapter 31 of title 38 (veterans' rehabilitation and training) who also have eligibility under the Post-9/11 GI Bill to elect under what chapter to receive either the applicable subsistence allowance or the living allowance.

Section 206

Would eliminate interval pay available to individuals between breaks in education training programs except in the cases of emergency situations.