



The Post-9/11 Veterans Educational Assistance Improvements Act of 2010, As Enacted

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Summary

The Post-9/11 Veterans Educational Assistance Act of 2008 (Title 38 U.S.C., Chapter 33), commonly called the Post-9/11 GI Bill, was enacted as Title V of P.L. 110-252. It became effective August 1, 2009. Following enactment, concerns were raised about several aspects of the Post-9/11 GI Bill, and calls were made for the program to be amended. These included proposals to expand eligibility and to improve the program's implementation, administration, and benefits. The Post-9/11 Veterans Educational Assistance Improvements Act of 2010 (P.L. 111-377) was enacted on January 4, 2011. It amends the Post-9/11 GI Bill and other veterans educational assistance programs. Major amendments made by P.L. 111-377 to the Post-9/11 GI Bill and other veterans educational assistance programs include the following:

- Certain full-time duty by National Guard members under Title 32 is included in the qualifying active duty service period.
- Active duty service obligations based on an appointment at the U.S. Coast Guard Academy (USCGA) are excluded from the qualifying active duty service period.
- Up to full in-state tuition and fees less certain waivers, reductions, scholarships, and assistance to degree-seeking individuals will be available to those who attend public institutions of higher learning (IHLs) more than half-time.
- Up to \$17,500 in tuition and fees will be available to degree-seeking individuals who attend private or foreign IHLs more than half-time.
- A reduced monthly housing allowance will be provided to degree-seeking individuals who attend IHLs more than half-time but less than full-time.
- Degree-seeking individuals who attend IHLs more than half-time exclusively through distance learning will be eligible for a monthly housing allowance.
- Degree-seeking individuals on active duty who are enrolled more than half-time will be eligible for a books and supplies stipend, but the tuition and fees benefit will be limited.
- The approved programs of education will be expanded to include on-the-job, apprenticeship, flight, and correspondence training and programs at non-IHLs.
- The number of licensing and certification tests eligible for reimbursement will be unlimited as long as the individual has sufficient entitlement remaining.
- The transfer of benefits to dependents will be authorized for commissioned officers in the Public Health Service (PHS) and National Oceanic and Atmospheric Administration (NOAA).
- Reporting fees to training establishments and educational institutions for administering veterans educational assistance programs will be increased.
- Individuals eligible for both Vocational Rehabilitation and Employment (VR&E; Title 38 U.S.C., Chapter 31) and the Post-9/11 GI Bill will be eligible for an increased housing allowance.
- Most payments between academic terms for all the veterans educational assistance programs will be eliminated.

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Introduction

The Post-9/11 Veterans Educational Assistance Act of 2008 (Title 38 U.S.C., Chapter 33), commonly called the Post-9/11 GI Bill, was enacted as Title V of P.L. 110-252. It became effective August 1, 2009. For a full description of the Post-9/11 GI Bill, see CRS Report R40723, *Educational Assistance Programs Administered by the U.S. Department of Veterans Affairs*, by Cassandra Dortch. The Post-9/11 GI Bill was designed to provide financially comprehensive educational benefits to members of the Armed Forces for service on active duty after September 10, 2001, while meeting military recruiting and retention goals.

Following enactment, concerns were raised about several aspects of the Post-9/11 GI Bill, and calls were made for the program to be amended. These included proposals to expand eligibility and to improve the program's implementation, administration, and benefits. The 111th Congressional veterans committees held at least nine hearings to review progress and examine issues related to implementation, administration, benefit recipients, and the scope of the benefits. The 111th Congress introduced more than 30 bills (and companion bills) to amend the Post-9/11 GI Bill by revising provisions that specify benefit allowances, the approved programs of education, participant eligibility, and transferability to dependents. The Senate Committee on Veterans' Affairs determined that "early experiences with the [Post-9/11 GI Bill] demonstrated that, in a number of instances, the new program was extraordinarily complex, was difficult to understand, and resulted in inequities."¹

The first major revision to the Post-9/11 GI Bill since its enactment established the Marine Gunnery Sergeant John David Fry Scholarship (Fry Scholarship) within the Post-9/11 GI Bill. The Fry Scholarship was established by the Supplemental Appropriations Act 2009 (P.L. 111-32). The Fry Scholarship provides some Post-9/11 GI Bill benefits to the children of individuals who, on or after September 11, 2001, die in the line of duty while serving on active duty as a member of the Armed Forces.

Senator Daniel K. Akaka introduced the Post-9/11 Veterans Educational Assistance Improvements Act of 2010 (Improvements Act; S. 3447) on May 27, 2010. The Senate Committee on Veterans' Affairs held a hearing on the bill on July 21, 2010, and voted, without dissent, to report S. 3447 favorably with an amendment in the nature of a substitute on August 5, 2010. The Congressional Budget Office (CBO) estimated that the bill, as approved by the Senate Committee on Veterans Affairs, would increase direct spending for veterans readjustment benefits by about \$2.3 billion over the period from FY2011 to FY2020. A second amendment of the bill was prepared based on feedback from key stakeholders and to comply with the Statutory Pay-As-You-Go Act of 2010 (P.L. 111-139).² CBO estimated that the second amendment would decrease direct spending for veterans readjustment benefits by about \$734 million over the FY2011-FY2020 period. The Improvements Act, as amended by the second amendment, passed the Senate by unanimous consent on December 13, 2010, and passed the House by a vote of 409-3 on December 16, 2010. It amends the Post-9/11 GI Bill and other veterans educational assistance programs. The Post-

¹ U.S. Congress, Senate Committee on Veterans' Affairs, *Post-9/11 Veterans Educational Assistance Improvements Act of 2010*, To accompany S. 3447, 111th Cong., 2nd sess., October 26, 2010, S.Rept. 111-346 (Washington, DC: GPO, 2010), p. 6.

² For detailed information on the Statutory Pay-As-You-Go Act of 2010, see CRS Report R41157, *The Statutory Pay-As-You-Go Act of 2010: Summary and Legislative History*, by Bill Heniff Jr.

9/11 Veterans Educational Assistance Improvements Act of 2010 (P.L. 111-377) was enacted on January 4, 2011.

Some of the major issues encountered during the implementation of the Post-9/11 GI Bill, as originally enacted, and during the implementation of the other veterans educational assistance programs that P.L. 111-377 is intended to address include the following:

- Full-time duty under a Title 32 call to order by National Guard members was excluded from the active duty service eligibility period for the Post-9/11 GI Bill, as originally enacted. Other GI Bills,³ like the Montgomery GI Bill-Active Duty (MGIB-AD; Title 38 U.S.C., Chapter 30) and Reserves Educational Assistance Program (REAP; Title 10 U.S.C., Chapter 1607), provide some coverage for National Guard personnel serving in a Title 32 status.⁴ The Senate Committee on Veterans' Affairs termed the exclusion of such service in the Post-9/11 GI Bill an "inadvertent oversight."⁵
- Many educational and training options were excluded from the approved programs of education under the Post-9/11 GI Bill, as originally enacted. Several veterans service organizations⁶ requested this amendment so that eligible individuals would have the maximum choice in education and training options as provided in the other GI Bills.
- Tying the maximum tuition and fees benefit to the highest in-state undergraduate tuition and fees charged in each state was criticized for being complicated, inequitable, and difficult to administer under the Post-9/11 GI Bill, as originally enacted. There is great variability in tuition and fees charges between states and, sometimes, in the middle of the academic year.
- The separation of established charges into a tuition benefit and a fees benefit through U.S. Department of Veterans Affairs (VA) regulations for the Post-9/11 GI Bill, as originally enacted, was criticized for complicating the determination of an individual's tuition and fees benefit amount.

³ The other GI Bills are the Montgomery GI Bill-Active Duty (MGIB-AD; 38 U.S.C., Chapter 30), the Vocational Rehabilitation and Employment Program (VR&E; 38 U.S.C., Chapter 31), the Post-Vietnam Era Veterans Educational Assistance Program (38 U.S.C., Chapter 32), the Survivors' and Dependents' Educational Assistance Program (DEA; 38 U.S.C., Chapter 35), the Montgomery GI Bill-Selected Reserve (MGIB-SR; 10 U.S.C., Chapter 1606), and the Reserve Educational Assistance Program (REAP; 10 U.S.C., Chapter 1607).

⁴ The definition of "active duty" for the Montgomery GI Bill-Active Duty "includes full-time National Guard duty first performed after June 30, 1985, by a member of the Army National Guard of the United States or the Air National Guard of the United States in the member's status as a member of the National Guard of a State for the purpose of organizing, administering, recruiting, instructing, or training the National Guard" (38 U.S.C. 3002 (7)). The Reserve Educational Assistance Program provides coverage to a member of the reserve component who "(1) served on active duty in support of a contingency operation for 90 consecutive days or more; or (2) in the case of a member of the Army National Guard of the United States or Air National Guard of the United States, performed full time National Guard duty under section 502(f) of title 32 for 90 consecutive days or more when authorized by the President or Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds" (10 U.S.C. 16163(a)).

⁵ U.S. Congress, Senate Committee on Veterans' Affairs, *Post-9/11 Veterans Educational Assistance Improvements Act of 2010*, To accompany S. 3447, 111th Cong., 2nd sess., October 26, 2010, S.Rept. 111-346 (Washington, DC: GPO, 2010), p. 7.

⁶ For example, see Veterans of Foreign Wars, *The Independent Budget for the Department of Veterans Affairs, Fiscal Year 2011*, pp. 34-35.

- Individuals enrolled in a program of education offered through distance learning were not eligible for the housing allowance under the Post-9/11 GI Bill, as originally enacted. Veterans service organizations asserted that excluding individuals enrolled *exclusively* in a program of education through distance learning from the housing allowance is unfair and does not take into consideration the unique needs and circumstances of veterans.⁷
- Individuals enrolled more than half-time while on active duty and their spouses to whom Post-9/11 GI Bill benefits were transferred were eligible for up to the full tuition and fees charged by the institution of higher learning (IHL) under the Post-9/11 GI Bill, as originally enacted. Some deemed it inequitable that individuals on active duty could receive up to full tuition and fees at the most expensive private IHLs.
- An individual was not eligible to receive reimbursement for more than one approved licensing or certification test under the Post-9/11 GI Bill, as originally enacted. The other GI Bills place no limit on the number of tests.
- Commissioned officers of the Public Health Service (PHS) and National Oceanic and Atmospheric Administration (NOAA) were excluded from transferring their Post-9/11 GI Bill benefits to their dependents under the Post-9/11 GI Bill, as originally enacted. This was considered inequitable by some, including the Commissioned Officers Association of the U.S. Public Health Service.⁸
- Individuals in the Vocational Rehabilitation and Employment Program (VR&E; 38 U.S.C., Chapter 31) were not eligible while participating in vocational rehabilitation training for a subsistence allowance comparable to the housing allowance offered under the Post-9/11 GI Bill. The VR&E subsistence allowance was lower than that under the Post-9/11 GI Bill.
- The activities to approve programs of education by the VA for the GI Bills and by the U.S. Department of Education (ED) for Title IV assistance programs overlap.⁹ This overlap was highlighted as a potential opportunity to reduce duplicative efforts in a 2007 report by the Government Accountability Office (GAO).¹⁰

⁷ See, for example, The American Legion, Fiscal Year 2010 National Commander's Testimony for the Department of Veteran's Affairs, September 10, 2009, p. 25.

⁸ Captain Gerard M. Farrell, USN (Ret.), *Implementation of the Post9/11 GI Bill*, Commissioned Officers Association of the U.S. Public Health Service (COA), For the hearing record Committee On Veterans Affairs, United States Senate, Landover, MD, April 21, 2010, <http://www.coausphs.org/documents/2010.04.20COATestimonyfor04.21.10.pdf>.

⁹ Title IV of the Higher Education Act of 1965, as amended, authorizes several student aid programs: the Pell Grant program, William D. Ford Federal Direct Loan (DL) Program, American Competitiveness Grant program, National Science and Mathematics Access to Retain Talent (SMART) Grant program, Federal Supplemental Educational Opportunity Grant (FSEOG) program, Leveraging Educational Assistance Partnership (LEAP) program, Federal Work-Study (FWS) program, Federal Perkins Loan program, and Grants for Access and Persistence (GAP) program. For detailed information on these programs, see CRS Report R41437, *Federal Pell Grant Program of the Higher Education Act: Background, Recent Changes, and Current Legislative Issues*, by Shannon M. Mahan; CRS Report R40122, *Federal Student Loans Made Under the Federal Family Education Loan Program and the William D. Ford Federal Direct Loan Program: Terms and Conditions for Borrowers*, by David P. Smole; and CRS Report RL31618, *Campus-Based Student Financial Aid Programs Under the Higher Education Act*, by David P. Smole.

¹⁰ U.S. Government Accountability Office (GAO), *VA Student Financial Aid: Actions Needed to Reduce Overlap in Approval Activities*, GAO-07-775T, April 19, 2007, <http://www.gao.gov/new.items/d07775t.pdf>.

- The fees provided to training and educational institutions for administering the various GI Bills had been deemed inadequate by stakeholders, including the National Association of Veterans' Program Administrators.¹¹ The fees have not changed since the GI Bill Improvement Act of 1977 (P.L. 95-202).

Since enactment of the Improvements Act, some Post-9/11 GI Bill participants and stakeholders have indicated disapproval of some of the amendments that reduce benefit amounts. The Restoring GI Bill Fairness Act of 2011 (P.L. 112-26) was enacted on August 3, 2011, to temporarily grandfather in some individuals attending foreign or private IHLs in seven states at the previous benefit amounts for tuition and fees.

This report identifies and examines selected changes that the Improvements Act makes to the Post-9/11 GI Bill and other GI Bills.¹² The **Appendix** presents a summary of some of the key changes made by the Improvements Act. Each of these changes, as well as other changes, is discussed in detail in the subsequent sections of this report.

Amendments to the Post-9/11 GI Bill

Eligible Individuals

Title 32 Service Eligibility

Prior to the Improvements Act, only a call or order to active duty under Sections 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of Title 10 U.S.C. was included in the active duty service eligibility period required of Reservists, including National Guard members. The Improvements Act allows National Guard members to include full-time duty under a Title 32 call to order toward their Post-9/11 GI Bill-qualifying active duty service effective August 1, 2009. Specifically, the Improvements Act allows members of the National Guard to include full-time duty for service in the Active Guard and Reserve (AGR) program or on full-time duty under Title 32 U.S.C. Section 502(f) for service in support of domestic emergencies, such as the airport security mission, responding to hurricanes Katrina and Rita, and conducting the southwest border security mission. AGR personnel are members of a reserve component who are placed on active duty or full-time National Guard duty orders for a period of at least 180 consecutive days for the purpose of “organizing, administering, recruiting, instructing, or training the reserve components.”¹³ Note that members of the federal reserves (Army Reserve, Navy Reserve, Air Force Reserve, etc.) who volunteer to serve in the AGR program are activated under Section 12301(d) of Title 10. Members of the National Guard who volunteer for the National Guard AGR program, however, are activated under Section 502(f) of Title 32. If National Guard AGR personnel were called into federal service to serve in Iraq or Afghanistan, however, they would

¹¹ Faith DesLauriers and David Guzman, *Veterans' Education Programs Issues and Legislative Agenda*, National Association of Veterans' Program Administrators, Washington, DC, p. 7, <http://www.navpa.org/2010%20Issues%20and%20Legislative%20Agenda.pdf>.

¹² For a comprehensive description of the Post-9/11 GI Bill and for other veterans educational assistance benefits, see CRS Report R40723, *Educational Assistance Programs Administered by the U.S. Department of Veterans Affairs*, by Cassandra Dortch.

¹³ 10 U.S.C. §101(d)(6)(A).

typically be mobilized under 10 U.S.C. Section 12302. Benefit payments on behalf of eligible individuals will be issued after September 30, 2011.

As amended by the Improvements Act, eligible qualifying active duty service for the Post-9/11 GI Bill includes

- full-time duty for the regular components of the Armed Forces;
- full-time duty for a commissioned officer of the regular or Reserve Corps of the Public Health Service (PHS);
- full-time duty as a commissioned officer of the National Oceanic and Atmospheric Administration (NOAA);
- service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of Title 10 for the reserve components of the Armed Forces;
- full-time service in the National Guard for the purpose of organizing, administering, recruiting, instructing, or training the National Guard; and
- full-time service in the National Guard under Title 32 U.S.C. Section 502(f) 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.

Definition of Entry-Level and Skill Training

Under the Post-9/11 GI Bill, qualifying active duty service includes service on active duty in entry-level and skill training if the total active duty service period is at least 24 months.¹⁴ Prior to the Improvements Act, the law defined Basic Combat Training and Advanced Individual Training as entry-level and skill training for the Army and defined Basic Training as entry-level and skill training for the Coast Guard.

The Improvements Act further specifies that entry-level and skill training includes one station unit training (OSUT) for members of the Army and Skill Training (or so-called “A’ school”) for members of the Coast Guard. OSUT refers to the combination of Army basic and advanced training without a break, relocation, or change in unit. OSUT training qualifies as entry-level and skill training upon enactment (January 4, 2011) of the Improvements Act. “A” school provides entry-level rate-specific skills for Petty Officers. Members of the Coast Guard may enter “C” school after “A” school for advanced Petty Officer skills. “A” school qualifies as entry-level and skill training upon enactment (January 4, 2011) of the Improvements Act for those individuals entering service on or after that date.

¹⁴ If the period of active duty service including entry level and skill training is at least 24 months but the period of active duty service excluding entry level and skill training is less than 18 months, the applicable active duty period is 18 months.

Covered Discharges or Releases

Prior to the Improvements Act, individuals discharged or released from active duty for certain medical conditions, hardship, or certain physical or mental conditions were eligible for the Post-9/11 GI Bill regardless of whether their active duty service was characterized as honorable, dishonorable, or otherwise. All other discharges and releases must be characterized as honorable. The Improvements Act requires that the active duty service of individuals discharged or released from active duty for certain medical conditions, hardship, or certain physical or mental conditions be characterized as honorable service for the individuals to be eligible for the Post-9/11 GI Bill. This provision became effective upon enactment (January 4, 2011) of the Improvements Act for those individuals discharged or released on or after that date.

Service Obligation from the U.S. Coast Guard Academy

Prior to the Improvements Act, active duty service periods required to meet an obligation for education at the U.S. Military Academy (USMA), the U.S. Naval Academy (USNA), the U.S. Air Force Academy (USFA), or the Reserve Officer Training Corps (ROTC) were excluded from the Post-9/11 GI Bill qualifying active duty service period. Of the five U.S. service academies, the U.S. Coast Guard Academy (USCGA) and U.S. Merchant Marine Academy (USMMA) were not included in the original law. The Improvements Act excludes the active duty service obligation for accepting an appointment at the USCGA from the Post-9/11 GI Bill qualifying active duty service period for those individuals entering into agreements for the service in the Coast Guard on or after enactment (January 4, 2011) of the Improvements Act. Graduates of the USCGA are generally required to fulfill an active duty service obligation in the Coast Guard.¹⁵ Graduates of the USMMA are required to apply for, and accept if tendered, a six-year appointment in one of the reserve components.¹⁶

Benefit Availability and Duration

The Improvements Act establishes rules limiting the duplication and concurrent receipt of benefits among the GI Bills and for individuals eligible for the same GI Bill through more than one method. The Improvements Act also grants an extension of the benefit availability period to certain individuals under certain circumstances.¹⁷ These amendments become effective August 1, 2011.

No Concurrent Receipt of Fry Scholarship and Transferred Benefits

Prior to the Improvements Act, statute did not prevent individuals who are eligible for the Fry Scholarship and who are eligible to use transferred Post-9/11 GI Bill benefits from receiving assistance under both programs concurrently. The Fry Scholarship program is available to the children of individuals who, on or after September 11, 2001, die in the line of duty while serving

¹⁵ If an appointment as a commissioned officer of the Coast Guard is not tendered, the graduate must accept an appointment as a commissioned officer in the Coast Guard Reserve.

¹⁶ 46 U.S.C. §51306.

¹⁷ The benefit availability period refers to the period during which an eligible individual must use their educational assistance benefits. For example, by law, educational benefits under the Post-9/11 GI Bill can generally be paid only within 15 years of discharge or release from active duty.

on active duty as a member of the Armed Forces. The Improvements Act prevents individuals who are eligible for both benefits from receiving assistance under both programs concurrently. It does not appear that this provision prevents individuals from combining the Fry Scholarship and transferred Post-9/11 GI Bill benefit to provide up to 48 months of total benefits.

In most instances, the Fry Scholarship provides a more generous benefit to the child. The Fry Scholarship provides a child with 36 months of benefits, whereas transferred Post-9/11 GI Bill benefits are limited to the number of months transferred. The Fry Scholarship may be used from age 18 until the child's 33rd birthday, whereas transferred Post-9/11 GI Bill benefits may be used by the child after achieving a high school diploma or its equivalent or reaching age 18 and before reaching age 26. The Fry Scholarship may be used after the parent dies in the line of duty while serving on active duty, whereas transferred Post-9/11 GI Bill benefits can only be used by a child after the servicemember completes at least 10 years of service.

In at least two instances, transferred Post-9/11 GI Bill benefits provide a more generous benefit. A child on active duty while receiving the Fry Scholarship will not receive the monthly housing allowance, whereas a child on active duty while receiving transferred Post-9/11 GI Bill benefits will receive the monthly housing allowance, if otherwise eligible. Recipients of the Fry Scholarship are not eligible for Yellow Ribbon payments, but individuals using transferred Post-9/11 GI Bill benefits are. In cases in which an IHL's tuition and fees are not fully covered by the tuition and fees payment benefits, the IHL may voluntarily enter into a Yellow Ribbon Program agreement with the VA to match an equal percentage of some portion of the remaining tuition and fees.

Ineligibility for Compensation, DIC, and Pension and Fry Scholarship

Prior to the Improvements Act, statute did not prevent an individual from accepting veterans' dependency and indemnity compensation (DIC) or pension and the Fry Scholarship. Certain surviving children of servicemembers killed while on active military duty may receive the monthly DIC cash payment while under the age of 18, or between 18 and 23 while a student.¹⁸ Certain low-income dependent children of certain veterans may be eligible to receive a pension.¹⁹ Disability compensation provides a monthly cash benefit to certain veterans who are at least 10% disabled from a service-connected disability.²⁰ The Improvements Act bars an individual from accepting veterans' dependency and indemnity compensation (DIC) or pension and the Fry Scholarship. The Improvements Act also prevents a child over age 18 who begins receiving the Fry Scholarship from being eligible to receive payment or increased rates, or additional amounts of veterans' compensation, DIC, or pension based on school attendance.

The amendments of the Improvements Act almost parallel provisions under the Survivors' and Dependents' Educational Assistance Program (DEA; Title 38 U.S.C., Chapter 35). Under the current DEA law, a child over age 18 who may also be eligible for compensation, DIC, or pension is barred from accepting compensation, DIC, or pension and educational assistance from the

¹⁸ For more information on Dependency and Indemnity Compensation, see CRS Report R40757, *Veterans' Benefits: Dependency and Indemnity Compensation (DIC) for Survivors*, by Christine Scott.

¹⁹ For more information on pension benefit programs, see CRS Report RS22804, *Veterans' Benefits: Pension Benefit Programs*, by Christine Scott and Carol D. Davis.

²⁰ For more information on the disability compensation program, see CRS Report RL33323, *Veterans Affairs: Benefits for Service-Connected Disabilities*, by Douglas Reid Weimer.

DEA, unless the child is helpless.²¹ Also, under current law, once a child over age 18 begins receiving DEA educational assistance, the child can no longer receive payment or increased rates, or additional amounts of compensation, DIC, or pension based on school attendance.²² The difference between the Improvements Act provisions and the related DEA provisions is that the Improvements Act does not prevent Fry Scholarship recipients from receiving compensation, if eligible.

No Concurrent Receipt of Transferred Benefits

Prior to the Improvements Act, statute did not prevent an individual from using Post-9/11 GI Bill benefits transferred from more than one servicemember concurrently. The Improvements Act prevents concurrent use of transferred benefits. It does not appear that this provision prevents individuals from combining Post-9/11 GI Bill benefits transferred from more than one servicemember to provide up to 48 months of total benefits.

Election of Fry Scholarship or DEA

The Improvements Act amendments also require an individual who is eligible for both the Fry Scholarship and DEA benefits based on the death of the same parent to elect the program from which to receive benefits.

Extension of Delimiting Dates for Primary Caregivers

Prior to the Improvements Act, children were eligible to use their transferred Post-9/11 GI Bill benefits after achieving a high school diploma or its equivalent, or after reaching age 18 but before reaching age 26. The Improvements Act grants an extension of the entitlement period to children to whom Post-9/11 GI Bill benefits are transferred and who are incapable of pursuing their chosen program of education before age 26 as a result of being the primary caregiver. To be granted an extension, the individual has to be the primary caregiver according to the family caregiver assistance program (38 U.S.C. §1720G(a)) as enacted by the Caregivers and Veterans Omnibus Health Services Act of 2010 (P.L. 111-163).

The Improvements Act amendments permit children to receive transferred Post-9/11 GI Bill benefits at the later of age 26, once their primary caregiver responsibilities end, or once it is feasible in accordance with VA regulations. Under the Improvements Act amendments, the child's entitlement period is equal to the period of incapacity—the time between starting and ending their primary caregiver responsibilities or the time between starting their primary caregiver responsibilities and being capable of pursuing education, whichever is greater. An individual whose designation as a primary caregiver is revoked for failing to meet the responsibilities of the family caregiver assistance program will not be eligible for an entitlement period extension. The amendment becomes effective for individuals who begin a period of incapacity or suspension on or after August 1, 2011.

²¹ 38 C.F.R. §21.3023.

²² 38 U.S.C. §3562.

Eligible Programs of Education

Prior to the Improvements Act, programs of education approved for the Post-9/11 GI Bill were limited to courses offered by an IHL. The Improvements Act expands the approved programs of education to include all of those approved under the MGIB-AD. Examples of such programs are preparatory courses for admissions tests to IHLs; apprenticeship or on-the-job training; cooperative programs; and courses or subjects, pursued by an eligible veteran at an educational institution, required by the Administrator of the Small Business Administration (SBA) 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)). Providing benefits for additional programs of education under the Post-9/11 GI Bill may increase the program's cost, but it may also decrease the costs of the other GI Bills if individuals elect to receive benefits under the Post-9/11 GI Bill. The amendment becomes effective on October 1, 2011, for pursuit of programs of education on or after that date.

Benefit Payments

Prior to the Improvements Act, several different benefit payments were variously available to individuals under the Post-9/11 GI Bill, including tuition, fees, housing allowance, books and supplies stipends, tutorial assistance, testing and certification fees, relocation and travel assistance, Yellow Ribbon Program payments, advance payments, supplemental assistance for additional years of service, Kickers,²³ and Tuition Assistance Top-Up.²⁴ As described below, the Improvements Act amends some of the existing payments and establishes payments for the expanded types of approved programs of education. Payments and eligibility for tutorial assistance, relocation and travel assistance, Yellow Ribbon Program payments, advance payments, and Tuition Assistance Top-Up were not modified.

The following sections will explain changes to benefits amounts made under the Improvements Act. The first section describes the amendment for annual adjustments to the monthly housing allowance for all individuals eligible for a Post-9/11 GI Bill housing allowance. The next several sections describe tuition, fees, housing allowance, and books and supplies stipends for individuals organized according to the type of training, active duty status, and enrollment rate. The final sections describe changes to the testing and certification fees, the addition of national test fees, and changes to Kickers.

Annual Adjustment of the Monthly Housing Allowance

Prior to the Improvements Act, the Post-9/11 GI Bill monthly housing allowance was determined based on the E-5 with dependents BAH.²⁵ The VA adjusted the housing allowance to coincide

²³ To improve and target recruitment and retention, each military branch is authorized to provide a College Fund/Kicker at recruitment, which increases the monthly allowance for individuals with critical skills, a specialty in which there is a critical shortage, or a specialty for which it is difficult to recruit or, in the case of critical units, retain.

²⁴ The Tuition Assistance "Top-Up" program was established under the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (P.L. 106-398) to promote retention. Through Tuition Assistance programs, military service branches may pay tuition and expenses for the education and training of active duty personnel. Under Tuition Assistance Top-Up, eligible service members may elect to receive GI Bill benefits to pay for education and training expenses above the amount paid by their military service branch.

²⁵ The E-5 with dependents BAH is a monthly basic allowance for housing (BAH) for a member of the Armed Forces (continued...)

with DOD adjustments, which generally occur January 1 of each year. The Improvements Act sets the housing allowance for an academic year based on the E-5 with dependents BAH of the preceding January. For instance, the monthly housing allowance under the Post-9/11 GI Bill for academic year (AY) 2011-2012 will be based on the calendar year 2011 E-5 with dependents BAH. This change will reduce the cost of the Post-9/11 GI Bill because the payments would not adjust upward in the middle of the academic year. The section becomes effective on August 1, 2011.

Degree-Seeking, Non-Active Duty Individuals Enrolled More than Half-Time

The Improvements Act revises the benefit payments for tuition, fees, and the monthly housing allowance for eligible individuals who are not on active duty, are pursuing a program of education leading to a degree (degree-seeking individuals) at an IHL,²⁶ and are enrolled more than half-time. Under the Restoring GI Bill Fairness Act of 2011, some individuals attending private or foreign IHLs in seven states will temporarily receive a modified tuition and fees benefit (described at the end of the next subsection). Individuals who are not on active duty, are enrolled more than half-time, and are pursuing programs of education at an IHL that lead to certificates (including teaching certificates) or that are for continuing education units are not specifically eligible for Post-9/11 GI Bill benefits as amended by the Improvements Act.²⁷

Tuition and Fees Benefit Amounts

Prior to the Improvements Act, degree-seeking and non-degree-seeking individuals attending public, private, and foreign IHLs were eligible for a percentage of the established charges for the program of education or a percentage of the maximum amount of undergraduate in-state tuition charged for the same number of credit hours at the most expensive public institution in the state in which the individual is enrolled, whichever is less. The percentage is determined by the length of qualifying active duty service (**Table 1**).

(...continued)

with dependents in pay grade E-5 in the military housing area for a certain location. BAH is a DOD benefit to uniformed service members to provide housing compensation when government quarters are not provided. The amount is based on housing costs in local civilian housing markets and is payable based on geographic duty location, pay grade, and dependency status.

²⁶ An “institution of higher learning,” as defined in Title 38 U.S.C. §3452(f), is an institution 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, or in the absence of a state education authority, if the school is accredited for degree programs by a recognized accrediting agency. Institutions of higher learning are also hospitals offering educational programs at the postsecondary level and foreign educational institutions that offer courses leading to a standard college degree, or the equivalent, and that are recognized as such by the secretary of education (or a comparable official) of the country or other jurisdiction in which the institution is located.

²⁷ Section 102 of the Improvements Act specifies benefits for degree-seeking individuals who are not on active duty and who are enrolled more than half-time at an IHL. Section 104 of the Improvements Act specifies benefits for degree-seeking and non-degree-seeking individuals who are enrolled half-time or less regardless of the type of educational institution or training establishment. Section 105 of the Improvements Act specifies benefits for non-degree-seeking individuals who are not on active duty and who are enrolled half-time or less at an IHL.

Table I. Percentage of Maximum Post-9/11 GI Bill Tuition, Fees, Housing Allowance, and Books and Supplies Benefits Based on Aggregate Length of Active Duty Service

Aggregate Time Served on Qualifying Active Duty Since 9/11/2001	Percentage of Maximum Benefit Payable
At least 36 months	100
At least 30 continuous days on active duty and 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

Source: Prepared by CRS based on Title 38 U.S.C. Section 3313 and information available from the U.S. Department of Veterans Affairs (VA).

With the exception of the changes enacted by the Restoring GI Bill Fairness Act (described at the end of this section), the Improvements Act amends the tuition and fees benefit for degree-seeking individuals who are enrolled at an IHL, are enrolled more than half-time, and are not on active duty. Individuals attending public IHLs will be eligible for a percentage of the “actual net cost for in-state tuition and fees” for the program of education less certain waivers, reductions, scholarships, and assistance. Individuals attending private or foreign IHLs will be eligible for a percentage of the lesser of \$17,500²⁸ or the “actual net cost for tuition and fees” for the program of education less certain waivers, reductions, scholarships, and assistance. The amendments become effective August 1, 2011, for pursuit of programs of education on or after that date.

The Improvements Act does not specify the period for which the maximum of \$17,500 applies. For instance, the \$17,500 could represent the maximum cumulative payment over a 12-month period, in which case individuals in accelerated programs and individuals who choose to graduate early by enrolling full-time for four consecutive quarters or three consecutive semesters may receive benefits at a lower rate.

The “actual net cost for tuition and fees” is also not defined. The law currently uses the term “established charges” to define the lesser of the amounts charged for the course(s) determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State Approving Agency, or the tuition and fees or charges that similarly circumstanced nonveterans enrolled in the same course(s) are required to pay.²⁹ Section 105 of the Improvements Act strikes the definition of established charges.³⁰

²⁸ The maximum of \$17,500 for the academic year beginning August 1, 2011, increases annually thereafter according to the average increase in undergraduate tuition in the United States as determined by the U.S. Department of Education (ED).

²⁹ 38 U.S.C. §3313(h).

³⁰ Section 105 of the Improvements Act strikes the definition of established charges from current law, but will not delete all references to the term (i.e., §3313(g) and §3317(a)).

The applicable waivers and reductions used to offset the “actual net cost for in-state tuition and fees” may include state tuition waivers or reductions based on state priorities and policies. For instance, some states provide tuition waivers to members of the National Guard attending some public institutions.

Applicable scholarships and sources of assistance used to offset the “actual net cost for in-state tuition and fees” are those from the federal or state government, the IHL, or an employer provided directly to the IHL for the sole purpose of defraying tuition and fees. The applicable scholarships and assistance will specifically exclude loans and Pell Grants.³¹ The Improvements Act does not specify which loans: loans authorized under Title IV, Part D of the Higher Education Act of 1965, as amended;³² private student loans; credit card charges; or home equity lines of credit. Since many scholarships and most loans may be applied to tuition, fees, books, and other living expenses, they will be excluded from the applicable scholarships and assistance. Few scholarships and forms of assistance are provided to the IHL solely for tuition and fees, reducing the potential cost savings of this provision.

These amendments will not likely address the confusion caused by multiple in-state tuition and fees charges. As amended by the Improvements Act, the VA still needs to establish the “net cost for in-state tuition and fees” for each state separately and for undergraduate, graduate, and professional students separately to apply to students charged out-of-state tuition and fees.

The Improvements Act may increase the basic tuition and fees benefit (excluding Yellow Ribbon program payments) above the amounts currently provided for individuals enrolled more than half-time in graduate and professional programs at public IHLs. In FY2009, almost 5% of MGIB-AD new beneficiaries were enrolled in graduate and professional programs.³³ ED estimates for the AY2008-AY2009 that the average in-state tuition and required fees at all public degree-granting institutions was \$4,544 for full-time undergraduate students, \$7,914 for full-time graduate students, and between \$14,476 and \$24,787 for full-time first-professional students, depending on the first-professional field of study.³⁴ The Improvements Act will provide a percentage of full tuition and fees for undergraduate, graduate, and professional students attending public IHLs.

The Improvements Act may, on average, increase the basic tuition and fees benefit (excluding Yellow Ribbon program payments) above amounts currently provided for degree-seeking individuals attending private and foreign IHLs more than half-time. An individual at the maximum benefit level (see **Table 1**) enrolled full-time over an academic year (24 credit hours) is eligible for between \$2,160 and \$37,176 in tuition for AY2010-AY2011 depending on the state or

³¹ Pell Grants are authorized by section 401(b) of the Higher Education Act of 1965, as amended. For more information on Pell Grants, see CRS Report R41437, *Federal Pell Grant Program of the Higher Education Act: Background, Recent Changes, and Current Legislative Issues*, by Shannon M. Mahan.

³² For more information on the Direct Loan program authorized under Title IV, Part C of the HEA, see CRS Report R40122, *Federal Student Loans Made Under the Federal Family Education Loan Program and the William D. Ford Federal Direct Loan Program: Terms and Conditions for Borrowers*, by David P. Smole. Please note that the Federal Family Education Loan Program is no longer applicable. For more information on the Perkins Loan program authorized under Title IV, Part D of the HEA, see CRS Report RL31618, *Campus-Based Student Financial Aid Programs Under the Higher Education Act*, by David P. Smole, pp. 10-15.

³³ U.S. Department of Veterans Affairs (VA), Veterans Benefit Administration, *Annual Benefits Report: Fiscal Year 2009*, p. 33.

³⁴ T.D. Snyder and S.A. Dillow, *Digest of Education Statistics 2009* (NCES 2010-013), National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education (ED), Washington, DC, 2010, Tables 334 and 337.

territory, according to the maximum undergraduate in-state charges per credit hour reported by the VA.³⁵ Seven states—Arizona, Michigan, New Hampshire, New York, Pennsylvania, South Carolina, and Texas—exceed \$17,500. Individuals in foreign IHLs are eligible for up to \$10,553 in tuition for 24 credit hours for AY2010-AY2011. The Improvements Act will make degree-seeking individuals attending private and foreign IHLs more than half-time eligible for a percentage of the lesser of \$17,500³⁶ or the “actual net cost for tuition and fees” for the program of education less certain waivers, reductions, scholarships, and assistance.

Since the basic tuition and fees benefit may increase, the Improvements Act may, on average, decrease the Yellow Ribbon program payments below amounts currently provided for degree-seeking individuals attending private and foreign IHLs more than half-time. This may encourage more schools to enter into Yellow Ribbon program agreements, increase the number of eligible students covered by the agreement, or increase the dollar amount the school is willing to contribute for each student.

The Restoring GI Bill Fairness Act provides a temporary exception to the tuition and fees benefit for certain individuals. To be eligible, the individual must have been enrolled in the same private or foreign IHL since January 4, 2011, in a state in which the Post-9/11 GI Bill maximum in-state tuition per credit hour exceeded \$700 in AY2010-AY2011 and the combined amount of tuition and fees for full-time attendance in the program of education in AY2010-AY2011 exceeded \$17,500. Through July 31, 2014, the excepted individuals will be eligible for the greater of \$17,500, reduced according to the length of time served on active duty (**Table 1**), or the amount the individual would have been entitled in AY2010-AY2011 before the Improvements Act became effective.³⁷

Monthly Housing Allowance

Prior to the Improvements Act, degree-seeking and non-degree-seeking individuals enrolled more than half-time received a percentage of the BAH without adjustment for their enrollment rate. However, degree-seeking and non-degree-seeking individuals enrolled in a program of education offered through distance learning were not eligible for the housing allowance. The VA interpreted the statute in regulations that disallow only individuals enrolled *exclusively* through distance learning from the housing allowance.

For individuals not enrolled *exclusively* through distance learning, the Improvements Act reduces the monthly housing allowance received by degree-seeking individuals who are not on active duty and who are attending IHLs less than full-time but more than half-time based on the number of credit hours, or their equivalent, in which the individual is enrolled. For example, an individual enrolled in 10 credit hours, assuming 12 credit hours as full-time, will receive a percentage of 0.83, rounded to the nearest *multiple of 10*,³⁸ of the E-5 with dependents BAH where the IHL is

³⁵ See the maximum in-state tuition and fees as determined by the VA at http://www.gibill.va.gov/gi_bill_info/ch33/tuition_and_fees.htm, last accessed on December 20, 2010.

³⁶ The maximum of \$17,500 for the academic year beginning August 1, 2011, increases annually thereafter according to the average increase in undergraduate tuition in the United States as determined by the U.S. Department of Education (ED).

³⁷ The benefit amount for excepted individuals does not increase annually based on an inflation index.

³⁸ The Improvements Act indicates that the quotient of the number of course hours borne by the individual divided by the minimum number of course hours required for full-time pursuit of the program of education should be rounded to the nearest multiple of 10, but it is likely that the intention was to round the quotient, which will be less than one, to the (continued...)

located. The percentage of the E-5 with dependents BAH is determined by the length of qualifying active duty service (**Table 1**). The Improvements Act will also put into statute the VA regulation that sets the BAH for attendance at foreign institutions equal to the national average of the E-5 with dependents BAH. This change is similar to the other GI Bills that pay a reduced monthly subsistence allowance to individuals enrolled less than full-time at an IHL. For example, the MGIB-AD provides 75% of the maximum monthly subsistence allowance to individuals enrolled less than full-time but at least three-quarter time. According to the VA Annual Benefits Report: Fiscal Year 2009, 14% of MGIB-AD beneficiaries who began receiving education benefits during FY2009 trained less than full-time but at least three-quarter time. The amendments become effective August 1, 2011, for pursuit of programs of education on or after that date.

Exclusive Distance Learning

For individuals enrolled *exclusively* through distance learning, the Improvements Act provides a monthly housing allowance to degree-seeking individuals enrolled in a program of education at an IHL on more than a half-time basis.³⁹ The allowance is a percentage of one-half of the national average of the E-5 with dependents BAH, reduced for the individual's enrollment rate. The percentage of the E-5 with dependents BAH is determined by the length of qualifying active duty service (**Table 1**). This change will increase the Post-9/11 GI Bill's cost. It is unclear how, if at all, the housing allowance will be adjusted for individuals who take longer than a regular academic term to complete distance learning courses. The new housing allowance becomes effective October 1, 2011, for pursuit of programs of education on or after that date.

Degree-Seeking, Active Duty Individuals Enrolled More than Half-Time

The Improvements Act amends the benefit payments for tuition, fees, and the books and supplies stipend for degree-seeking individuals serving on active duty while enrolled more than half-time. Because the amendments are for active duty personnel enrolled more than half-time, they may be more applicable to spouses to whom benefits are transferred than active duty personnel who may not have the capacity to enroll more than half-time. Degree-seeking individuals serving on active duty and the degree-seeking spouses to whom they have transferred benefits continue to be ineligible to receive the housing allowance while enrolled more than half-time. However, it appears that non-degree-seeking individuals serving on active duty and the non-degree-seeking spouses to whom they have transferred benefits may be eligible for a housing allowance while enrolled more than half-time (see the section on "Non-Degree-Seeking Individuals Enrolled More than Half-Time").

(...continued)

nearest tenth.

³⁹ Distance learning is defined in Title 20 U.S.C. §1003. It consists of interaction between the student and the instructor (who is physically separated from the student) through the use of communications technology instead of regularly scheduled, conventional classroom or laboratory sessions. Communications technology includes mail, telephone, audio or videoconferencing, computer technology (online internet courses or email), or other electronic means such as one-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices.

Tuition and Fees Benefit Amounts

Prior to the Improvements Act, degree-seeking and non-degree-seeking individuals on active duty, regardless of their enrollment rate for each academic term, were eligible for the amount of tuition and fees charged by the public, private, or foreign IHL, but the amount could not duplicate any amounts received through a DOD Tuition Assistance Program.⁴⁰ The entitlement period was reduced one month for each month so enrolled.

The Improvements Act amends the tuition and fees benefit available under the Post-9/11 GI Bill for degree-seeking individuals on active duty who are enrolled more than half-time to the lesser of

- at a public IHL, a percentage of the “actual net cost for in-state tuition and fees” for the program of education less certain waivers, reductions, scholarships, and assistance;
- at a private or foreign IHL, a percentage of the lesser of \$17,500⁴¹ or the “actual net cost for tuition and fees” for the program of education less certain waivers, reductions, scholarships, and assistance; or
- the tuition and fees for the program of education that are not paid by the DOD Tuition Assistance Program. Please note that there is not a provision to reduce this amount according to the individuals length of qualifying active duty service or by certain waivers, reductions, scholarships, and assistance.

The percentage is determined by the length of qualifying active duty service (**Table 1**). The Improvements Act does not specify for what period the maximum of \$17,500 would apply. As discussed earlier, the confusion related to multiple in-state tuition and fee rates may be magnified since states set different in-state tuition rates for undergraduate, graduate, and professional students. The Improvements Act may reduce the tuition and fees benefit for some active duty individuals at high-cost private and foreign IHLs because it will be capped at a percentage of \$17,500 rather than actual charges. The tuition and fees benefit payments as amended by the Improvements Act become effective 60 days after enactment (January 4, 2011) of the Improvements Act for pursuit of programs of education on or after that date.

Books and Supplies Stipend

Prior to the Improvements Act, individuals on active duty did not receive the books and supplies stipend. Under the Improvements Act, a degree-seeking individual enrolled more than half-time while on active duty will receive for each academic term a lump sum stipend for books and supplies in the amount of a percentage of \$1,000 multiplied by the fraction of a complete academic year that such quarter, semester, or term constitutes. The percentage of the stipend is determined by the length of time served on qualifying active duty (**Table 1**). The books and supplies stipend for individuals on active duty provided by the Improvements Act differs from

⁴⁰ Through DOD Tuition Assistance programs, military service branches may pay tuition and expenses for the education and training of active duty personnel.

⁴¹ The maximum of \$17,500 for the academic year beginning August 1, 2011, increases annually thereafter according to the average increase in undergraduate tuition in the United States as determined by the U.S. Department of Education (ED).

that provided to individuals enrolled more than half-time who are not on active duty because it is not reduced in proportion to the enrollment rate. This provision will increase the cost of the Post-9/11 GI Bill. As amended by the Improvements Act, the books and supplies stipend becomes effective October 1, 2011, for pursuit of programs of education on or after that date.

Individuals Pursuing Apprenticeship or On-the-Job Training More than Half-Time

Prior to the Improvements Act, individuals in on-the-job and apprenticeship training programs were not eligible for Post-9/11 GI Bill benefits. The Improvements Act provides two benefit payments to individuals pursuing apprenticeship or on-the-job training more than half-time. The first payment is a monthly housing allowance paid to the individual equal to 100%, 80%, 60%, 40%, and 20% of the E-5 with dependents BAH where the employer is located for the first six months, second six months, third six months, fourth six months, and thereafter, respectively. The housing allowance is further reduced depending on the length of time served on qualifying active duty (**Table 1**) and by the proportion of working/training hours completed each month that is below 120. The second payment is the books and supplies stipend in the amount of a percentage of \$83 per month paid to the individual each academic term. The percentage is determined by the length of time served on qualifying active duty (**Table 1**). The Improvements Act does not specify the entitlement charge for on-the-job and apprenticeship training.⁴² The section becomes effective on October 1, 2011, for pursuit of programs of education on or after that date.

In general, on-the-job and apprenticeship training programs increase the trainees' and apprentices' wages as their skill level increases. Starting pay in on-the-job training programs is at least 50% of the wages paid for the job for which the veteran is to be trained. On-the-job training programs administered by the government do not need to abide by the same wage increase requirements, but the starting wage for the veteran trainee must still be 50% of the wage paid to non-veterans.⁴³ Apprenticeship training is a combination of on-the-job training and supplemental instruction. Depending on the sponsoring organization, apprentices may be required to pay for the classroom instruction. The Improvements Act does not specify how the VA would reconcile Post-9/11 GI Bill benefits for students in apprenticeship programs who are taking classes that lead to an associate's degree at an IHL as part of the apprenticeship program, since apprenticeship programs and degree programs at IHLs have different benefit payments.

In comparison to the benefits previously and currently available under the other GI Bills, an individual in apprenticeship or on-the-job training under the MGIB-AD may receive a monthly allowance of 75%, 55%, and 35% of the monthly benefit otherwise payable to that individual for the first six months, second six months, and thereafter, respectively. An individual's entitlement period is respectively reduced at 0.75, 0.55, or 0.35 months for each month of educational assistance received, depending on the payment. Individuals working/training fewer than 120 hours monthly have their payment and entitlement period usage proportionately reduced. The maximum basic benefit for apprenticeship and on-the-job training under the MGIB-AD as of October 1, 2010, is \$1,070 for the first six months of training.

⁴² The entitlement charge is the amount by which an individual's entitlement period is reduced as a result of receiving an educational assistance payment. The Post-9/11 GI Bill provides eligible individuals an entitlement period of 36 months in which to receive educational assistance.

⁴³ 38 U.S.C. §3677(b)(2).

Flight Trainees Enrolled More than Half-Time

Prior to the Improvements Act, individuals in flight training programs at institutions other than IHLs were not eligible for Post-9/11 GI Bill benefits. The Improvements Act provides a tuition and fees benefit to individuals enrolled more than half-time in programs of education consisting of flight training, regardless of the type of institution. The Improvements Act does not provide a monthly housing allowance or books and supplies stipend to individuals in programs of education consisting of flight training. The Improvements Act does not specify the entitlement charge for flight training. The tuition and fees benefit is paid to the educational institution after the individual completes the training. The benefit is equal to the lesser of \$10,000,⁴⁴ reduced by the length of time served on qualifying active duty (see **Table 1**), or the “actual net cost for in-state tuition and fees” for the program of education less certain waivers, reductions, scholarships, and assistance. The Improvements Act does not specify for what period the maximum of \$10,000 would apply. The section becomes effective on October 1, 2011, for pursuit of programs of education on or after that date.

In comparison to the benefits previously and currently available under the other GI Bills, individuals pursuing education consisting exclusively of flight training under the MGIB-AD may receive 60% of the institution’s established charges for completed courses, and the individual’s entitlement period is reduced one month for each amount paid that is equal to the monthly benefit otherwise payable to such individual.

Correspondence Trainees Enrolled More than Half-Time

Prior to the Improvements Act, individuals in correspondence training programs were not eligible for Post-9/11 GI Bill benefits. The Improvements Act provides a tuition and fees benefit to individuals enrolled more than half-time in programs of education consisting exclusively of correspondence courses, regardless of the type of institution. The Improvements Act does not provide a monthly housing allowance or books and supplies stipend to individuals in programs of education consisting exclusively of correspondence courses. The tuition and fees benefit is paid to the educational institution after the individual completes the training. The benefit is equal to the lesser of \$8,500,⁴⁵ reduced by the length of time served on qualifying active duty (see **Table 1**), or the “actual net cost for tuition and fees” for the program of education less certain waivers, reductions, scholarships, and assistance. The Improvements Act does not specify for what period the maximum of \$8,500 would apply. The section becomes effective on October 1, 2011, for pursuit of programs of education on or after that date.

In comparison to the benefits previously and currently available under the other GI Bills, individuals pursuing education exclusively by correspondence under the MGIB-AD may receive 55% of the institution’s established charges for completed courses, and the individual’s entitlement period is reduced one month for each amount paid that is equal to the monthly benefit otherwise payable to such individual. Correspondence training differs from distance learning in

⁴⁴ The maximum of \$10,000 for the academic year beginning August 1, 2011, will increase annually thereafter according to the average increase in undergraduate tuition in the United States as determined by the U.S. Department of Education (ED).

⁴⁵ The maximum of \$8,500 for the academic year beginning August 1, 2011, will increase annually thereafter according to the average increase in undergraduate tuition in the United States as determined by the U.S. Department of Education (ED).

that individuals in correspondence training usually receive lessons in the mail and have a certain amount of time to complete and return them for a grade.

Non-Degree-Seeking Individuals Enrolled More than Half-Time

Prior to the Improvements Act, non-degree-seeking individuals enrolled more than half-time in IHLs were eligible for Post-9/11 GI Bill tuition, fees, housing allowance, and books and supplies stipend benefits according to their active duty status and enrollment rate, but individuals enrolled in non-IHLs were not eligible for Post-9/11 GI Bill benefits. The Improvements Act amends the Post-9/11 GI Bill to provide three benefit payments on behalf of active duty and non-active duty individuals who are enrolled more than half-time in pursuit of a certificate or non-college degree at an institution or establishment other than an IHL and who are not in on-the-job and apprenticeship, flight, or correspondence training.

Tuition and Fees Benefit Amounts

The first payment for tuition and fees is equal to a percentage of the lesser of \$17,500⁴⁶ or the “actual net cost for in-state tuition and fees” less certain waivers, reductions, scholarships, and assistance and will be paid directly to the educational institution each academic term. The percentage is determined by the length of time served on qualifying active duty (**Table 1**). The Improvements Act does not specify for what period the maximum of \$17,500 would apply. It appears that the Improvements Act intends to charge each individual’s entitlement at the rate of one month for each payment of tuition and fees that is equal to a percentage of \$1,458 (\$17,500 divided by 12),⁴⁷ where the percentage is determined by the length of time served on qualifying active duty (**Table 1**). The section becomes effective on October 1, 2011, for pursuit of programs of education on or after that date.

Monthly Housing Allowance

The second payment provided directly to the individual is a monthly housing allowance. For individuals pursuing a program of education in-residence, the monthly housing allowance will be equal to a percentage of the E-5 with dependents BAH where the educational institution is located, reduced in proportion to the enrollment rate (rounded to the nearest *multiple of 10*).⁴⁸ The percentage is determined by the length of time served on qualifying active duty (**Table 1**). For individuals pursuing a program of education through distance learning, the monthly housing allowance will be one-half of the amount calculated for similarly circumstanced individuals pursuing a program of education in-residence.

⁴⁶ The maximum of \$17,500 for the academic year beginning August 1, 2011, will increase annually thereafter according to the average increase in undergraduate tuition in the United States as determined by the U.S. Department of Education (ED).

⁴⁷ The maximum of \$17,500 for the academic year beginning August 1, 2011, will increase annually thereafter according to the average increase in undergraduate tuition in the United States as determined by the U.S. Department of Education (ED).

⁴⁸ The Improvements Act indicates that the quotient of the number of course hours borne by the individual divided by the minimum number of course hours required for full-time pursuit of the program of education should be rounded to the nearest multiple of 10, but it is likely that the intention was to round to the nearest tenth.

The VA may determine how to combine the two applicable housing stipends for individuals in both distance learning and courses in-residence. Also of note is the fact that the housing allowance for individuals in distance learning who are enrolled more than half-time at an IHL is based on one-half of the national average of the E-5 with dependents BAH, whereas for individuals in distance learning who are enrolled more than half-time at a non-IHL, the housing allowance is based on one-half of the E-5 with dependents BAH where the institution is located. This may result in different housing allowances for the two groups.

Books and Supplies Stipend

The third payment is a books and supplies stipend in the amount of \$83 per month paid to the individual for each academic term, reduced according to the length of time served on qualifying active duty (**Table 1**). The payment of \$83 over 12 months would provide a total benefit of \$996, which is slightly lower than the \$1,000 maximum books and supplies stipend given to individuals attending IHLs. However, an individual at the 100% benefit level (see **Table 1**) attending an IHL full-time or enrolled in 24 credits over two semesters will receive the maximum stipend over a nine-month period. Also, the books and supplies stipend for individuals in pursuit of a certificate or non-college degree more than half-time is not reduced by the enrollment rate, as it is for degree-seeking individuals attending IHLs more than half-time (section 102 of the Improvements Act).

Individuals Enrolled Half-Time or Less

Prior to the Improvements Act, individuals enrolled half-time or less were eligible for a tuition and fees benefit for each academic term equal to the established charges charged by the IHL, but not more than the amount for which the individual would have been eligible if enrolled more than half-time. Individuals enrolled half-time or less did not receive the housing allowance, but they did receive a books and supplies stipend reduced in proportion to the attendance rate.

The Improvements Act amends the benefit payments for tuition and fees for eligible individuals enrolled half-time or less in any program of education and regardless of the active duty status. The benefit payments apply to programs of education at an IHL, apprenticeships, correspondence programs, and all other approved programs of education. Individuals enrolled half-time or less will be eligible for the “actual net cost for in-state tuition and fees” assessed by the IHL less certain waivers, reductions, scholarships, and assistance, but not more than the amount for which the individual would have been eligible if enrolled more than half-time in a program of education leading to a degree at an IHL. Because the Improvements Act calculates the tuition and fees benefit based on the charges assessed by the IHL, it may not technically apply to individuals in less-than-two-year schools, correspondence schools, or flight schools because they are not IHLs. The amendment becomes effective August 1, 2011, for pursuit of programs of education on or after that date.

Licensing and Certification Tests

Prior to the Improvements Act, the Post-9/11 GI Bill reimbursed an individual up to \$2,000 for *one* approved licensing or certification test without a charge to entitlement. The other GI Bills place no limit on the number of tests, which may be reimbursed as long as each payment for each test does not exceed \$2,000, but the entitlement period is reduced by the number of months equaling the proportion that the assistance is to the regular full-time monthly allowance.

The Improvements Act removes the limit on the number of licensing and certification tests, which may be reimbursed as long as each payment for each test does not exceed \$2,000 or the individual's remaining Post-9/11 GI Bill entitlement. Entitlement will be charged at the rate of one month of entitlement for each amount equal to \$1,460.⁴⁹ The amount of \$1,460 is approximately equal to the quotient of \$17,500 (the maximum tuition and fees benefit at private or foreign IHLs under the Improvements Act) divided by 12. Neither the benefit nor the entitlement charge will depend on the length of qualifying active duty service. The section will become effective August 1, 2011, for licensing and certification tests taken on or after that date.

National Tests

Prior to the Improvements Act, national tests were not eligible for reimbursement under the Post-9/11 GI Bill. The other GI Bills allow reimbursement for a national test for admissions to an IHL (such as the Scholastic Aptitude Test (SAT)) and a national test providing an opportunity for course credit at an IHL (such as an Advanced Placement (AP) exam). The entitlement period is reduced by the number of months equaling the proportion that the assistance is to the regular full-time monthly allowance.

The Improvements Act allows eligible individuals to receive reimbursement for a national test for admissions to an IHL and a national test providing an opportunity for course credit at an IHL. It appears that the Improvements Act may limit eligible individuals to reimbursement for one of each national test. The maximum benefit for a test will be the individual's remaining Post-9/11 GI Bill entitlement. Entitlement will be charged at the rate of one month of entitlement for each amount equal to \$1,460.⁵⁰ Neither the benefit nor the entitlement charge will depend on the length of qualifying active duty service. The amendment will become effective August 1, 2011, for national tests taken on or after that date.

Additional Educational Assistance for Critical Skills or Specialty

Under current Post-9/11 GI Bill regulations as established prior to passage of the Improvements Act, an individual who makes an irrevocable election to relinquish eligibility under the MGIB-AD or Montgomery GI Bill-Selected Reserve (MGIB-SR; 10 U.S.C., Chapter 1606) for Post-9/11 GI Bill benefits is entitled to maintain supplemental educational assistance ("Kicker") for a critical skill.⁵¹ The regulations specify that the additional assistance is reduced depending on the individual's enrollment rate and paid for each academic term.

The Improvements Act allows individuals who make an irrevocable election to receive Post-9/11 GI Bill benefits in lieu of benefits under the MGIB-AD or MGIB-SR to transfer their additional educational assistance for critical skills or specialties to the Post-9/11 GI Bill. The additional assistance will be reduced in proportion to the enrollment rate (rounded to the nearest *multiple of*

⁴⁹ The equivalent entitlement charge of \$1,460 for the academic year beginning August 1, 2011, will increase annually thereafter according to the average increase in undergraduate tuition in the United States as determined by the U.S. Department of Education (ED).

⁵⁰ The equivalent entitlement charge of \$1,460 for the academic year beginning August 1, 2011, will increase annually thereafter according to the average increase in undergraduate tuition in the United States as determined by the U.S. Department of Education (ED).

⁵¹ 38 C.F.R. §21.9650(b) and (c).

10)⁵² and paid to the individual monthly. The Improvements Act also requires that funding for the additional educational assistance for critical skills or specialties come from the DOD Education Benefits Fund (10 U.S.C. §2006) or from the Department of Homeland Security (DHS) appropriations. The amendment becomes effective August 1, 2011.

Transferability to Dependents

Prior to the Improvements Act, only the Secretaries of the Army, the Navy, the Air Force, Homeland Security, and Defense with respect to matters concerning the Coast Guard were permitted to allow the transfer of benefits to dependents as a recruitment and retention tool. The DOD was required to prescribe regulations for the transfer of benefits. The Improvements Act also allows commissioned officers of the Public Health Service (PHS) and National Oceanic and Atmospheric Administration (NOAA) to transfer Post-9/11 GI Bill benefits to dependents when authorized by the Secretary of Defense in the national security interests of the United States.⁵³ The amendment becomes effective August 1, 2011.

Amendments to the Montgomery GI Bill-Active Duty

The Montgomery GI Bill-Active Duty (MGIB-AD; Title 38 U.S.C., Chapter 30) provides educational assistance benefits to certain servicemembers and veterans who entered active duty for the first time after June 30, 1985, and to a few other groups of individuals. Prior to the Improvements Act, no educational benefits under the MGIB-AD, except in certain circumstances, were paid more than 10 years after discharge or release from active duty, or in the case of a Reservist, more than 10 years after completing the required four-year Selected Reserve duty.⁵⁴ One exception allowed individuals who were incapable of pursuing education as a result of their own physical or mental disability to be granted an extension of their MGIB-AD benefit availability period for as long as the period of incapacity, providing they notified the VA within a specified time period.

The Improvements Act amends the MGIB-AD to allow individuals an extension of the 10-year period of benefit availability for as long as they were incapable of pursuing their chosen program of education as a result of being the primary caregiver. The Improvements Act also eliminates the statutory time period in which individuals are required to notify the VA in cases involving their

⁵² The Improvements Act indicates that the quotient of the number of course hours borne by the individual divided by the minimum number of course hours required for full-time pursuit of the program of education should be rounded to the nearest multiple of 10, but it is likely that the intention was to round to the nearest tenth.

⁵³ H.R. 3657 also proposed to make commissioned officers in the PHS and NOAA eligible to transfer benefits to dependents.

⁵⁴ Veterans who were ineligible for the program on discharge or release but whose discharge status was later amended to make them eligible for the program are allowed benefits for up to 10 years after the discharge status was amended. The 10-year period excludes periods of detainment by a foreign government or power and any recovery period in a hospital. The 10-year period is reduced for individuals eligible for the Post-Korean Conflict GI Bill by the length of time not on active duty service between January 1, 1977, and October 18, 1984. Also, the 10-year period begins after discharge or release from active duty or on January 1, 1990, whichever is later, for Post-Korean Conflict GI Bill participants who were on active duty after October 18, 1984. For Post-Korean Conflict GI Bill participants who were not on active duty on October 19, 1984, the 10-year period begins on December 27, 2001.

own physical or mental disability. To be granted an extension, the individual has to be the primary caregiver according to the family caregiver assistance program (38 U.S.C. §1720G(a)) as enacted by the Caregivers and Veterans Omnibus Health Services Act of 2010 (P.L. 111-163). An individual whose designation as a primary caregiver is revoked for failing to meet the responsibilities of the family caregiver assistance program would not be eligible for an extension of his or her entitlement period. The amendment becomes effective for individuals who begin a period of incapacity or suspension on or after August 1, 2011.

Amendments to the Survivors' and Dependents' Educational Assistance Program

The Survivors' and Dependents' Educational Assistance Program (DEA; Title 38 U.S.C., Chapter 35) provides educational assistance benefits to allow eligible individuals to attain the education or maintain the standard of living they would have if the servicemember had not become disabled, been delayed,⁵⁵ or died as a result of military service. Prior to the Improvements Act, DEA educational benefits were paid to children only after they achieved a high school diploma or its equivalent, or after they reached age 18 but before they reached age 26, except in certain circumstances.⁵⁶ One exception to a child's general entitlement period allowed a child who suspended a program of education due to conditions beyond the child's control to extend the entitlement period for as long as the suspension. Examples of conditions beyond the child's control were the death or illness of immediate family members and immediate family or financial obligations that required an individual to suspend a program of education.⁵⁷

The Improvements Act amends the DEA to allow a child who suspends a program of education or who is unable to complete the program during the entitlement period because the child acted as a primary caregiver to extend the child's entitlement period for as long as the suspension or until age 31, whichever is earlier. To be granted an extension, the individual has to be the primary caregiver according to the family caregiver assistance program (38 U.S.C. §1720G(a)) as enacted by the Caregivers and Veterans Omnibus Health Services Act of 2010 (P.L. 111-163). An individual whose designation as a primary caregiver is revoked for failing to meet the responsibilities of the family caregiver assistance program would not be eligible for an extension of their entitlement period.

⁵⁵ A servicemember is delayed if the person is listed as missing in action, captured in the line of duty, or forcibly detained as a result of active duty service.

⁵⁶ There are allowable exceptions. The VA may make an exception for a child who is under age 18 and whose parent dies or has a total permanent disability as a result of a service-connected disability or has been delayed. The VA may allow eight years of eligibility to a child whose parent dies or has a total permanent disability as a result of a service-connected disability; may allow eight years of eligibility up to age 31 to a child whose parent has been delayed or after his/her own discharge or release from the Armed Forces; and may allow completion of a program of education suspended due to conditions beyond the child's control.

⁵⁷ U.S. Department of Veterans Affairs (VA), *Dependents' Educational Assistance Program*, VA Pamphlet 22-73-3, Revised, Washington, DC, January 2005, p. 3.

Amendments to the Vocational Rehabilitation and Employment Program

The Vocational Rehabilitation and Employment Program (VR&E; 38 U.S.C., Chapter 31) provides comprehensive services and assistance to enable veterans with service-connected disabilities and employment handicaps⁵⁸ to achieve maximum independence in daily living, become employable, and obtain and maintain suitable employment.⁵⁹ Veterans who need additional education or training to become employable are paid a subsistence allowance while they participate in vocational rehabilitation training. As of October 1, 2010, the maximum monthly VR&E subsistence allowance was \$810.13 for individuals with two dependents plus an additional \$59.05 for each additional dependent.⁶⁰ The subsistence allowance is reduced for less than full-time training, fewer dependents, and the type of training.

The Improvements Act amends the VR&E to allow individuals eligible for both VR&E and the Post-9/11 GI Bill to elect to receive the E-5 with dependents BAH for the zip code in which the rehabilitation program is located in lieu of the monthly subsistence allowance otherwise authorized. The E-5 with dependents BAH will be adjusted as DOD increases the BAH rather than at the beginning of the next academic year as specified for the Post-9/11 GI Bill in section 106 of the Improvements Act. This change will increase the cost of the VR&E. The section becomes effective August 1, 2011.

Administration of Veterans Educational Assistance Programs

There are several statutes that apply generally to the VEAP, MGIB-AD, MGIB-SR, REAP, Post-9/11 GI Bill, DEA, and VR&E. The Improvements Act amends several of these statutes.

Ineligibility for Multiple GI Bills Based on Same Service

Prior to the Improvements Act, a servicemember who was eligible for the MGIB-AD and REAP based on the same period of active service was required to make an irrevocable election for the program to which such service was to be credited.⁶¹ Also, prior to the Improvements Act a servicemember who was eligible for the MGIB-AD and MGIB-SR based on the same period of active service was required to elect the program to which such service was to be credited.⁶² Finally, prior to the Improvements Act a Reservist who was eligible for two or more of the

⁵⁸ The term employment handicap is defined by law in 38 U.S.C. §3101.

⁵⁹ For more information on the VR&E program, see CRS Report RL34627, *Veterans' Benefits: The Vocational Rehabilitation and Employment Program*, by Christine Scott and Carol D. Davis.

⁶⁰ For current rates, see the Department of Veterans Affairs rate tables at http://www.vba.va.gov/bln/vre/doc/sa_rates.pdf.

⁶¹ 10 U.S.C. §16163(d).

⁶² 10 U.S.C. §16132(d).

MGIB-AD, MGIB-SR, REAP, or Post-9/11 GI Bill based on the same period of service was required to elect the program to which such service was to be credited.⁶³

The Improvements Act expands the existing restrictions by requiring a servicemember who is eligible for two or more of the VEAP, MGIB-AD, MGIB-SR, REAP, or Post-9/11 GI Bill based on the same period of active duty service to elect the program to which such service is to be credited. The amendment becomes effective August 1, 2011.

No Concurrent Receipt of National Call to Service Benefits

Prior to the Improvements Act, individuals were not permitted to receive educational benefits concurrently under the following programs: Chapters 30, 31, 32, 33, 34, 35, and 36 of Title 38 U.S.C.; Chapters 106, 107, 1606, and 1607 of Title 10 U.S.C.; Section 903 of the Department of Defense Authorization Act, 1981 (P.L. 96-342; 10 U.S.C. 2141 note); the Hostage Relief Act of 1980 (P.L. 96-449; 5 U.S.C. 5561 note); and the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (P.L. 99-399; 22 U.S.C. §§4801 et seq.). The Improvements Act extends these restrictions by adding the National Call to Service Program (Title 10 U.S.C. §510) to the list of programs under which an individual cannot receive concurrent benefits. This change may decrease the overall cost of veterans benefits. The amendment becomes effective August 1, 2011.

Approval of Courses

Prior to the Improvements Act, the State Approving Agencies (SAAs) were required to approve all programs of education and courses for use under the GI Bills. The Improvements Act amends the GI Bills to automatically approve certain courses. These are

- standard college degree programs offered at a public or private not-for-profit institution of higher education that is accredited by an agency or association recognized for that purpose by the Secretary of Education;
- flight training courses approved by the Federal Aviation Administration (FAA) that are offered by a certified pilot school that possesses a valid FAA pilot school certificate;
- apprenticeship programs registered with the Office of Apprenticeship (OA) of the Department of Labor or a state apprenticeship agency recognized by the Office of Apprenticeship;
- programs leading to a secondary school diploma offered by a secondary school approved in the state in which it is operating; and
- licensure tests offered by the federal government or a state or local government.

SAAs will still be required to approve courses at private for-profit institutions of higher education regardless of their accreditation status. SAAs will also still be required to approve other courses that are not automatically approved, including non-college degree programs regardless of their accreditation status. The Improvements Act allows the VA to utilize SAAs in compliance and oversight of approved courses. These amendments become effective August 1, 2011.

⁶³ 38 U.S.C. §3033(c).

Reporting Fees

The Improvements Act increases the reporting fee remitted to educational institutions and training establishments that provide education or training to individuals under one of the GI Bills. The annual fee increases from \$7 to \$12 for each individual enrolled or in training and from \$11 to \$15 for each individual whose advanced payment is directed to the institution or establishment. This change increases the cost of administering the GI Bills. The amendment becomes effective October 1, 2011.

Elimination of Most Interval Payments

Prior to the Improvements Act, the VA paid the GI Bill subsistence allowance to individuals enrolled in educational institutions

- when the school was temporarily closed under an established policy based on an Executive Order of the President or due to an emergency situation;
- between consecutive school terms when an individual transferred between educational institutions if the period between such consecutive terms did not exceed 30 days; or
- between school terms where the educational institution certified the enrollment of the individual on an individual term basis, the period between those terms did not exceed eight weeks, and the terms both preceding and following the period were not shorter in length than the intervening period.

The Improvements Act no longer authorizes the VA to provide a subsistence allowance to individuals under the GI Bills during periods between academic terms. The VA will still be able to continue paying benefits during periods when a school is temporarily closed under an established policy based on an Executive Order of the President or due to an emergency situation, as long as the aggregate periods do not exceed four weeks during a 12-month period. This modification may lower the cost of the Post-9/11 GI Bill and other GI Bills. The amendment becomes effective August 1, 2011.

Appendix. Summary of Key Changes Made by the Post-9/11 Veterans Educational Assistance Improvements Act of 2010

Table A-1. Summary of Key Changes Made by the Post-9/11 Veterans Educational Assistance Improvements Act of 2010

Provision Prior to the Improvements Act Amendments	U.S. Code Citation	Improvements Act Amendments	P.L. 111-377 Section	Effective Date
Post-9/11 GI Bill (Chapter 33)				
<i>Eligible Individuals</i>				
Only a call or order to active duty under certain sections of Title 10 U.S.C. may be included in the active duty service eligibility period required of National Guard members.	38 U.S.C. §3301	Certain full-time duty under Title 32 U.S.C. may also be included in the active duty service eligibility period required of National Guard members.	Sec. 101(a)	Aug. 1, 2009 (Benefit payments issued after Sept. 30, 2011)
The active duty service period excludes active duty service periods required to meet an obligation for attendance at the Army, Navy, and Air Force service academies.	38 U.S.C. §3311	The active duty service period also excludes active duty service periods required to meet an obligation for attendance at the U.S. Coast Guard Academy (USCGA).	Sec. 101(c)	Jan. 4, 2011
<i>Eligible Programs of Education, Institutions, and Establishments</i>				
Only courses offered by an institution of higher learning (IHL) may be approved programs of education.	38 U.S.C. §3313	On-the-job and apprenticeship, flight, and correspondence training and certificate and non-college degree programs may also be approved programs of education.	Sec. 105(a)	Oct. 1, 2011
<i>Benefit Payments—Tuition and Fees</i>				
Individuals who are enrolled more than half-time at an IHL and who are not on active duty are eligible for tuition and fees payments up to the maximum amount of undergraduate in-state tuition and fees charged at the most expensive public institution in the state in which the individual is enrolled.	38 U.S.C. §3313	Degree-seeking individuals who are enrolled more than half-time and who are not on active duty are eligible for a tuition and fees payment up to at a public IHL, in-state tuition and fees less certain waivers, reductions, scholarships, and assistance; at a private or foreign IHL, up to \$17,500; ^a or at a private or foreign IHL for certain prior enrollees through July 31, 2014, the greater of \$17,500 or the benefit as calculated in 2010-2011. ^b	Sec. 102(a)	Aug. 1, 2011

Provision Prior to the Improvements Act Amendments	U.S. Code Citation	Improvements Act Amendments	P.L. 111-377 Section	Effective Date
Individuals on active duty may receive the amount of tuition and fees charged by the public, private, or foreign IHL, but the amount cannot duplicate any amounts received through a DOD Tuition Assistance Program. ^c	38 U.S.C. §3313	Degree-seeking individuals on active duty who are enrolled more than half-time may receive the lesser of at a public IHL, up to in-state tuition and fees less certain waivers, reductions, scholarships, and assistance; at a private or foreign IHL, up to \$17,500; ^a or the amount not covered by the DOD Tuition Assistance Program. ^c	Sec. 103(a)	Oct. 1, 2011
Individuals in flight training not offered at an IHL are not eligible for Post-9/11 GI Bill benefits.	38 U.S.C. §3313	Individuals in flight training enrolled more than half-time may receive a tuition and fees benefit of up to \$10,000. ^a	Sec. 105(b)	Oct. 1, 2011
Individuals in correspondence training are not eligible for Post-9/11 GI Bill benefits.	38 U.S.C. §3313	Individuals in correspondence training enrolled more than half-time may receive a tuition and fees benefit of up to \$8,500. ^a	Sec. 105(b)	Oct. 1, 2011
Individuals at an institution or establishment other than an IHL are not eligible for Post-9/11 GI Bill benefits.	38 U.S.C. §3313	Individuals who are enrolled more than half-time in pursuit of a certificate or non-college degree at an institution or establishment other than an IHL may receive a tuition and fees benefit of up to \$17,500. ^a	Sec. 105(b)	Oct. 1, 2011
<i>Benefit Payments—Housing Allowance</i>				
Individuals enrolled more than half-time at an IHL who are not on active duty may receive a monthly housing allowance up to the E-5 with dependents BAH ^d where the IHL is located.	38 U.S.C. §3313	Degree-seeking individuals not on active duty enrolled more than half-time at an IHL may receive a monthly housing allowance up to the E-5 with dependents BAH ^d where the IHL is located, reduced according to the enrollment rate.	Sec. 102(b)	Aug. 1, 2011
Individuals not on active duty in a program offered exclusively through distance learning by an IHL are not eligible for the Post-9/11 GI Bill housing allowance.	38 U.S.C. §3313	Degree-seeking individuals not on active duty enrolled more than half-time in a program offered exclusively through distance learning may receive a monthly housing allowance of up to 50% of the E-5 with dependents BAH ^d where the IHL is located, reduced according to the enrollment rate.	Sec. 102(b)	Oct. 1, 2011
Individuals in on-the-job and apprenticeship training are not eligible for Post-9/11 GI Bill benefits.	38 U.S.C. §3313	Individuals pursuing on-the-job and apprenticeship training more than half-time may receive a monthly housing allowance up to the E-5 with dependents BAH ^d where the employer is located, reduced according to the months in training and rate of pursuit.	Section 105(b)	Oct. 1, 2011

Provision Prior to the Improvements Act Amendments	U.S. Code Citation	Improvements Act Amendments	P.L. 111-377 Section	Effective Date
Individuals at an institution or establishment other than an IHL are not eligible for Post-9/11 GI Bill benefits.	38 U.S.C. §3313	Individuals enrolled more than half-time in pursuit of a certificate or non-college degree ^e at an institution or establishment other than an IHL may receive a housing allowance of up to the E-5 with dependents BAH ^d where the institution is located, reduced according to the enrollment rate.	Sec. 105(b)	Oct. 1, 2011
<i>Benefit Payments—Books and Supplies Stipend</i>				
Individuals enrolled at an IHL who are on active duty are not eligible for the Post-9/11 GI Bill books and supplies stipend.	38 U.S.C. §3313	Degree-seeking individuals on active duty who are enrolled more than half-time may receive a books and supplies stipend of up to \$1,000 over the academic year.	Sec. 103(a)	Oct. 1, 2011
Individuals in on-the-job and apprenticeship training are not eligible for Post-9/11 GI Bill benefits.	38 U.S.C. §3313	Individuals pursuing on-the-job and apprenticeship training more than half-time may receive a books and supplies stipend of up to \$83 per month.	Section 105(b)	Oct. 1, 2011
Individuals at an institution or establishment other than an IHL are not eligible for Post-9/11 GI Bill benefits.	38 U.S.C. §3313	Individuals enrolled more than half-time in pursuit of a certificate or non-college degree at an institution or establishment other than an IHL may receive a books and supplies stipend of up to \$83 per month.	Sec. 105(b)	Oct. 1, 2011
<i>Benefit Payments—Licensure and Certification Tests</i>				
A fee of up to \$2,000 for one approved licensing or certification test may be paid to an individual and is not charged against entitlement.	38 U.S.C. §3315	A fee of up to \$2,000 for each approved licensing or certification test may be paid to an individual, but it is charged against entitlement.	Sec. 107	Aug. 1, 2011
<i>Benefit Payments—National Tests</i>				
National tests for admissions to an IHL or for course credit at an IHL are not eligible for Post-9/11 GI Bill benefits.	NA ^f	A national test for admissions to an IHL and a national test for course credit at an IHL may be reimbursed and charged against entitlement.	Sec. 108	Aug. 1, 2011
<i>Transferability to Dependents</i>				
Commissioned officers of the Public Health Service (PHS) and National Oceanic and Atmospheric Administration (NOAA) are not eligible to transfer Post-9/11 GI Bill benefits to dependents.	38 U.S.C. §3319	Commissioned officers of the Public Health Service (PHS) and National Oceanic and Atmospheric Administration (NOAA) may be eligible to transfer Post-9/11 GI Bill benefits to dependents.	Sec. 110	Aug. 1, 2011

Provision Prior to the Improvements Act Amendments	U.S. Code Citation	Improvements Act Amendments	P.L. 111-377 Section	Effective Date
Vocational Rehabilitation and Employment (VR&E) Program (38 U.S.C., Chapter 31)				
Eligible individuals may receive a subsistence allowance that is established based on the enrollment rate, number of dependents, and type of training. The maximum monthly allowance for an individual with two dependents is \$810.13 as of October 1, 2010.	38 U.S.C. §3108	Individuals eligible for both VR&E and the Post-9/11 GI Bill may elect to receive the current allowance or a subsistence allowance equal to the E-5 with dependents BAH ^d where the rehabilitation program is located.	Sec. 205	Aug. 1, 2011
Veterans Educational Assistance Program Administration (38 U.S.C., Chapter 36)				
State Approving Agencies (SAAs) and the U.S. Department of Veterans Affairs (VA) are required to approve all programs of education.	38 U.S.C. §3672	Certain courses that are approved by other federal agencies, such as the U.S. Department of Education (ED), or state and local governments are automatically approved.	Sec. 203	Aug. 1, 2011
Educational institutions and training establishments that provide education or training to individuals in one of the veterans educational assistance programs ^g may receive an annual fee of \$7 for each individual enrolled or in training and \$11 for each individual whose advanced payment is directed to the institution or establishment.	38 U.S.C. §3684	Educational institutions and training establishments that provide education or training to individuals in one of the veterans educational assistance programs ^g may receive an annual fee of \$12 for each individual enrolled or in training and \$15 for each individual whose advanced payment is directed to the institution or establishment.	Sec. 204	Oct. 1, 2011
The VA may pay a subsistence allowance to certain individuals in veterans educational assistance programs ^g between certain academic terms.	38 U.S.C. §3680	The VA may not pay a subsistence allowance to individuals in veterans educational assistance programs ^g between academic terms.	Sec. 206	Aug. 1, 2011

Source: Table prepared by CRS based on the Post-9/11 Veterans Educational Assistance Improvements Act of 2010 (P.L. 111-377), the Restoring GI Bill Fairness Act (P.L. 112-26), and Title 38 statutes as of the day before its passage.

- a. This is the maximum for the academic year beginning August 1, 2011. The amount increases annually thereafter according to the average increase in undergraduate tuition in the United States as determined by the U.S. Department of Education (ED).
- b. The Restoring GI Bill Fairness Act (P.L. 112-26) allows certain individuals through July 31, 2014, to receive a tuition and fees benefit equal to the greater of \$17,500, reduced according to the length of time served on active duty, or the amount the individual would have been entitled in AY2010-AY2011 before the Improvements Act became effective. To be eligible, the individual must have been enrolled in the same private or foreign IHL since January 4, 2011, in a state in which the Post-9/11 GI Bill maximum in-state tuition per credit hour exceeded \$700 in AY2010-AY2011 and the combined amount of tuition and fees for full-time attendance in the program of education in AY2010-AY2011 exceeded \$17,500.
- c. Through U.S. Department of Defense (DOD) Tuition Assistance programs, military service branches may pay tuition and expenses for the education and training of active duty personnel.
- d. The E-5 with dependents BAH is a monthly basic allowance for housing (BAH) for a member of the Armed Forces with dependents in pay grade E-5 in the military housing area for a particular location. BAH is a DOD benefit to uniformed servicemembers to provide housing compensation when government quarters are not provided. The amount is based on housing costs in local civilian housing markets and is payable based on geographic duty location, pay grade, and dependency status.

- e. A non-college degree is not a standard college degree. A standard college degree, as defined in 38 U.S.C. Section 3501(a)(11), is an associate or higher degree awarded by (1) an IHL that is accredited as a collegiate institution by a recognized regional or national accrediting agency; (2) an IHL that is a “candidate” for accreditation, as that term is used by the regional or national accrediting agencies; or (3) an IHL upon completion of a course which is accredited by an agency recognized to accredit specialized degree-level programs.
- f. NA is not applicable.
- g. The veterans educational assistance programs include the Montgomery GI Bill-Active Duty (MGIB-AD; 38 U.S.C., Chapter 30), the Vocational Rehabilitation and Employment Program (VR&E; 38 U.S.C., Chapter 31), the Post-Vietnam Era Veterans Educational Assistance Program (38 U.S.C., Chapter 32), the Post-9/11 GI Bill (38 U.S.C., Chapter 33), the Survivors’ and Dependents’ Educational Assistance Program (DEA; 38 U.S.C., Chapter 35), and the Montgomery GI Bill-Selected Reserve (MGIB-SR; 10 U.S.C., Chapter 1606).

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