

Calendar No. 105112TH CONGRESS
1ST SESSION**S. 745**

To amend title 38, United States Code, to protect certain veterans who would otherwise be subject to a reduction in educational assistance benefits, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 6 (legislative day, APRIL 5), 2011

Mr. SCHUMER (for himself, Mr. BLUMENTHAL, Mr. MERKLEY, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

JULY 19, 2011

Reported by Mrs. MURRAY, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To amend title 38, United States Code, to protect certain veterans who would otherwise be subject to a reduction in educational assistance benefits, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. PROTECTION FOR CERTAIN VETERANS OTHER-**
 2 **WISE SUBJECT TO REDUCTION IN EDU-**
 3 **CATIONAL ASSISTANCE BENEFITS.**

4 (a) IN GENERAL.—Notwithstanding paragraph
 5 (1)(A)(ii) of section 3313(e) of title 38, United States
 6 Code (as amended by the Post-9/11 Veterans Educational
 7 Assistance Improvements Act of 2010 (Public Law 111–
 8 377)); the amount payable under that paragraph (or as
 9 appropriately adjusted under paragraphs (2) through (7)
 10 of that section) for tuition and fees for pursuit by an indi-
 11 vidual described in subsection (b) of an approved program
 12 of education at a non-public institution of higher learning
 13 during the period beginning on August 1, 2011, and end-
 14 ing on December 31, 2014, shall be the lesser of—

15 (1) the established charges for the program of
 16 education; or

17 (2) an amount equal to—

18 (A) for the academic year beginning on
 19 August 1, 2011, the established charges payable
 20 for the program of education determined uti-
 21 lizing the table of the Department of Veterans
 22 Affairs entitled “Post-9/11 GI Bill 2010–2011
 23 Tuition and Fee In-State Maximums”, pub-
 24 lished October 27, 2010 (75 Fed. Reg. 66193),
 25 as if that table applied to the pursuit of the

1 program of education by that individual during
2 that period; or

3 ~~(B)~~ for an academic year beginning on any
4 subsequent August 1, the amount for the pre-
5 vious academic year beginning on August 1
6 under this paragraph, as increased by the per-
7 centage increase equal to the most recent per-
8 centage increase determined under section
9 3015(h) of such title.

10 (b) COVERED INDIVIDUALS.—An individual described
11 in this subsection is an individual entitled to educational
12 assistance under chapter 33 of title 38, United States
13 Code, who, on or before January 4, 2011, was enrolled
14 in a non-public institution of higher learning in a State
15 in which the maximum amount of tuition per credit in the
16 2010–2011 academic year, as determined pursuant to the
17 table referred to in subsection (a)(2), exceeded \$700.

18 (c) DEFINITIONS.—In this section:

19 (1) APPROVED PROGRAM OF EDUCATION.—The
20 term “approved program of education” has the
21 meaning given that term in section 3313(b) of title
22 38, United States Code.

23 (2) ESTABLISHED CHARGES.—

24 (A) IN GENERAL.—The term “established
25 charges”, with respect to a program of edu-

1 education, means the actual charges (as determined
2 pursuant to regulations prescribed by the Sec-
3 retary of Veterans Affairs) for tuition and fees
4 which similarly circumstanced nonveterans en-
5 rolled in the program of education would be re-
6 quired to pay.

7 (B) BASIS OF DETERMINATION.—Estab-
8 lished charges shall be determined for purposes
9 of this paragraph on the following basis:

10 (i) In the case of an individual en-
11 rolled in a program of education offered on
12 a term, quarter, or semester basis, the tui-
13 tion and fees charged the individual for the
14 term, quarter, or semester.

15 (ii) In the case of an individual en-
16 rolled in a program of education not of-
17 fered on a term, quarter, or semester
18 basis, the tuition and fees charged the in-
19 dividual for the entire program of edu-
20 cation.

21 (3) INSTITUTION OF HIGHER LEARNING.—The
22 term “institution of higher learning” has the mean-
23 ing given that term in section 3452(f) of title 38,
24 United States Code.

1 **SECTION 1. PROTECTION FOR CERTAIN VETERANS OTHER-**
2 **WISE SUBJECT TO REDUCTION IN EDU-**
3 **CATIONAL ASSISTANCE BENEFITS.**

4 (a) *IN GENERAL.*—Notwithstanding paragraph
5 (1)(A)(ii) of section 3313(c) of title 38, United States Code
6 (as amended by the Post-9/11 Veterans Educational Assist-
7 ance Improvements Act of 2010 (Public Law 111–377)), the
8 amount payable under that paragraph (or as appropriately
9 adjusted under paragraphs (2) through (7) of that section)
10 for pursuit by a covered individual of an approved program
11 of education at a non-public institution of higher learning
12 during the period beginning on August 1, 2011, and ending
13 on December 31, 2014, shall be the lesser of—

14 (1) the established charges for the program of
15 education; or

16 (2) an amount equal to—

17 (A) for the academic year beginning on Au-
18 gust 1, 2011, the established charges payable for
19 the program of education determined utilizing
20 the table of the Department of Veterans Affairs
21 entitled “Post-9/11 GI Bill 2010–2011 Tuition
22 and Fee In-State Maximums”, published October
23 27, 2010 (75 Fed. Reg. 66193), as if that table
24 applied to the pursuit of the program of edu-
25 cation by that individual during that period; or

1 (B) for an academic year beginning on any
2 subsequent August 1, the amount for the previous
3 academic year beginning on August 1 under this
4 paragraph, as increased by the percentage in-
5 crease equal to the most recent percentage in-
6 crease determined under section 3015(h) of such
7 title.

8 (b) *COVERED INDIVIDUALS.*—For purposes of this sec-
9 tion, a covered individual is an individual who—

10 (1) is entitled to educational assistance under
11 chapter 33 of title 38, United States Code;

12 (2) on or before January 4, 2011, was enrolled
13 in a non-public institution of higher learning in a
14 State in which the maximum amount of tuition per
15 credit in the 2010–2011 academic year, as determined
16 pursuant to the table referred to in subsection (a)(2),
17 exceeded \$700; and

18 (3) has been enrolled in an approved program of
19 education at the same institution since such date.

20 (c) *DEFINITIONS.*—In this section:

21 (1) *APPROVED PROGRAM OF EDUCATION.*—The
22 term “approved program of education” has the mean-
23 ing given that term in section 3313(b) of title 38,
24 United States Code.

25 (2) *ESTABLISHED CHARGES.*—

1 (A) *IN GENERAL.*—*The term “established*
2 *charges”, with respect to a program of education,*
3 *means the actual charges (as determined pursu-*
4 *ant to regulations prescribed by the Secretary of*
5 *Veterans Affairs) for tuition and fees which simi-*
6 *larly circumstanced nonveterans enrolled in the*
7 *program of education would be required to pay,*
8 *after the application of—*

9 (i) *any waiver of, or reduction in, tui-*
10 *tion and fees; and*

11 (ii) *any scholarship, or other Federal,*
12 *State, institutional, or employer-based aid*
13 *or assistance (other than loans and any*
14 *funds provided under section 401(b) of the*
15 *Higher Education Act of 1965 (20 U.S.C.*
16 *1070a)) that is provided directly to the in-*
17 *stitution and specifically designed for the*
18 *sole purpose of defraying tuition and fees.*

19 (B) *BASIS OF DETERMINATION.*—*Estab-*
20 *lished charges shall be determined for purposes of*
21 *this paragraph on the following basis:*

22 (i) *In the case of an individual en-*
23 *rolled in a program of education offered on*
24 *a term, quarter, or semester basis, the tui-*

1 *tion and fees charged the individual for the*
2 *term, quarter, or semester.*

3 *(ii) In the case of an individual en-*
4 *rolled in a program of education not offered*
5 *on a term, quarter, or semester basis, the*
6 *tuition and fees charged the individual for*
7 *the entire program of education.*

8 *(3) INSTITUTION OF HIGHER LEARNING.—The*
9 *term “institution of higher learning” has the meaning*
10 *given that term in section 3452(f) of title 38, United*
11 *States Code.*

12 **SEC. 2. MODIFICATION OF CERTAIN HOUSING LOAN FEES.**

13 *Section 3729(b)(2) of title 38, United States Code, is*
14 *amended—*

15 *(1) in subparagraph (C), by striking “October 1,*
16 *2011” both places it appears and inserting “October*
17 *1, 2014”; and*

18 *(2) in subparagraph (D), by striking “October 1,*
19 *2011” both places it appears and inserting “October*
20 *1, 2012”.*

Calendar No. 105

112TH CONGRESS
1ST Session
S. 745

A BILL

To amend title 38, United States Code, to protect certain veterans who would otherwise be subject to a reduction in educational assistance benefits, and for other purposes.

JULY 19, 2011

Reported with an amendment