

112TH 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 introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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,*

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

6 (a) IN GENERAL.—Notwithstanding paragraph
7 (1)(A)(ii) of section 3313(c) of title 38, United States
8 Code (as amended by the Post-9/11 Veterans Educational

1 Assistance Improvements Act of 2010 (Public Law 111–
2 377)), the amount payable under that paragraph (or as
3 appropriately adjusted under paragraphs (2) through (7)
4 of that section) for tuition and fees for pursuit by an indi-
5 vidual described in subsection (b) of an approved program
6 of education at a non-public institution of higher learning
7 during the period beginning on August 1, 2011, and end-
8 ing on December 31, 2014, shall be the lesser of—

9 (1) the established charges for the program of
10 education; or

11 (2) an amount equal to—

12 (A) for the academic year beginning on
13 August 1, 2011, the established charges payable
14 for the program of education determined uti-
15 lizing the table of the Department of Veterans
16 Affairs entitled “Post-9/11 GI Bill 2010–2011
17 Tuition and Fee In-State Maximums”, pub-
18 lished October 27, 2010 (75 Fed. Reg. 66193),
19 as if that table applied to the pursuit of the
20 program of education by that individual during
21 that period; or

22 (B) for an academic year beginning on any
23 subsequent August 1, the amount for the pre-
24 vious academic year beginning on August 1
25 under this paragraph, as increased by the per-

1 percentage increase equal to the most recent per-
2 centage increase determined under section
3 3015(h) of such title.

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

12 (c) DEFINITIONS.—In this section:

13 (1) APPROVED PROGRAM OF EDUCATION.—The
14 term “approved program of education” has the
15 meaning given that term in section 3313(b) of title
16 38, United States Code.

17 (2) ESTABLISHED CHARGES.—

18 (A) IN GENERAL.—The term “established
19 charges”, with respect to a program of edu-
20 cation, means the actual charges (as determined
21 pursuant to regulations prescribed by the Sec-
22 retary of Veterans Affairs) for tuition and fees
23 which similarly circumstanced nonveterans en-
24 rolled in the program of education would be re-
25 quired to pay.

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

4 (i) In the case of an individual en-
5 rolled in a program of education offered on
6 a term, quarter, or semester basis, the tui-
7 tion and fees charged the individual for the
8 term, quarter, or semester.

9 (ii) In the case of an individual en-
10 rolled in a program of education not of-
11 fered on a term, quarter, or semester
12 basis, the tuition and fees charged the in-
13 dividual for the entire program of edu-
14 cation.

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

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