**S. \_\_\_\_,**

**The Harry W. Colmery Veterans Educational Assistance Act of 2017**

To amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs, and for other purposes.

TITLE I—POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM

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

Under current law (38 U.S.C. 3301), the term “active duty” is defined to include certain service in the reserve components, if the reservist was under a call or order to active duty under specific provisions of titles 10 and 14. Under current law (10 U.S.C. 12301(h)), the Secretary of a military department may order a reservist to active duty “to receive authorized medical care”; “to be medically evaluated for disability”; or “to complete a required Department of Defense health care study.” Currently, that service does not count as active duty for purposes of the Post-9/11 G.I. Bill.

Section 101 would count reservists’ service under section 12301(h) any time on or after September 11, 2001 as active duty for purposes of the Post-9/11 G.I. Bill. New benefit entitlement due to this amendment would be payable for academic terms beginning on or after August 1, 2018.

SECTION 102- CONSOLIDATION OF CERTAIN ELIGIBILITY TIERS UNDER POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS

Section 102 of the bill amends section 3311 of title 38, U.S.C., to consolidate qualifying service periods of 6 months to 12 months into a new category of 6 months to 18 months of service. This provides an increase from 50% to 60% eligibility for those who have between 6 and 12 months of qualifying service, and an increase from 40% to 50% eligibility for those who have between 90 days and 6 months of service. Section 1 also makes numerous conforming amendments in sections 3311, 3313, 3316, 3322, and 3679 of title 38, U.S.C. This section would take effect on August 1, 2018.

SECTION 103- EDUCATIONAL ASSISTANCE UNDER POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM FOR MEMBERS OF THE ARMED FORCES AWARDED THE PURPLE HEART

Section 103 would amend title 38, U.S.C., section 3311(b), to allow an individual who is awarded the Purple Heart for service in the Armed Forces occurring on or after September 11, 2001 to be eligible for the maximum amount of educational assistance under the Post-9/11 Educational Assistance Program. Section 103 would also amend section 3317(a) to allow a Purple Heart recipient to participate in the Yellow Ribbon G.I. Education Enhancement Program.

SECTION 104- ELIGIBILITY FOR POST-9/11 EDUCATIONAL ASSISTANCE FOR CERTAIN MEMBERS OF RESERVE COMPONENTS OF ARMED FORCES WHO LOST ENTITLEMENT TO EDUCATIONAL ASSISTANCE UNDER RESERVE EDUCATIONAL ASSISTANCE PROGRAM

Section 104 amends section 16167 of title 10 by adding new subsection (c) allowing an individual who lost eligibility for the Reserve Educational Assistance Program (REAP) due to enactment of subsection (b) of that section to credit their previous service towards their eligibility for the Post-9/11 GI Bill. This section also clarifies that qualifying service for and entitlement to the Post-9/11 GI Bill includes the individual and his/her service who previously qualified for REAP, when that individual lost eligibility for that benefit under section 16167(b). Entitlement to Post-9/11 GI Bill benefits resulting from a transfer of creditable service under REAP is limited to the number of months of REAP benefits that were unused.

SECTION 105- CALCULATION OF MONTHLY HOUSING STIPEND UNDER POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM BASED ON LOCATION OF CAMPUS WHERE CLASSES ARE ATTENDED

Section 105 would amend section 3313(c)(1)(B)(i)(I) of title 38, U.S.C., to specify that the housing stipend must be paid based on the ZIP code where the majority of classes are taken. This change would apply only to initial enrollments in a program of education on or after August 1, 2018.

SECTION 106- CHARGE TO ENTITLEMENT FOR CERTAIN LICENSURE AND CERTIFICATION TESTS AND NATIONAL TESTS UNDER DEPARTMENT OF VETERANS AFFAIRS POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM

Under current law, an individual eligible for Post- 9/11 educational assistance may be reimbursed for licensing or certification tests and their entitlement is charged at the rate of one month for each payment made.

Section 106 of this bill would amend title 38, U.S.C., section 3315 to charge against an individual’s entitlement to Post- 9/11 educational assistance for payments for licensing or certification tests at a pro-rated rate based on the actual amount of the fee charged for the test.

Section 106 would also amend section 3452 to add to the definition of “program of education” to include “national tests that evaluate prior learning and knowledge and provides an opportunity for course credit at an institution of higher learning.” The changes would be effective August 1, 2018.

SECTION 107- RESTORATION OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE AND OTHER RELIEF FOR VETERANS AFFECTED BY SCHOOL CLOSURE OR DISAPPROVAL

Section 107 would amend section 3699 to title 38, U.S.C., to provide the following:

If VA finds that an individual was forced to discontinue pursuit of a course or courses as a result of permanent closure of an educational institution or the disapproval of a course or courses and did not receive credit or lost training time toward completion of the program for that course or courses, any payment of educational assistance to the individual for pursuit of such course or courses under chapters 30, 32, 33, or 35 of title 38, U.S.C., will not be charged against the individual’s entitlement to educational assistance nor counted against the aggregate period for which section 3695 of title 38, U.S.C., limits the individual’s receipt of educational assistance.

The period for which educational assistance will not be charged against entitlement or counted toward the aggregate period will not exceed the aggregate of the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time and the period by which the monthly stipend is extended.

This new subsection would apply with respect to courses and programs of education discontinued or disapproved after January 1, 2015.

Section 107 of the bill would also amend section 3680(a) of title 38 to provide that VA may continue to pay the Post-9/11 G.I. Bill housing allowance during periods following a permanent closure of an educational institution. These payments may be continued only until the earlier of the date of the end of the term during which the closure occurred or the date 120 days after the school closure.

SECTION 108- INCLUSION OF FRY SCHOLARSHIP RECIPIENTS IN YELLOW RIBBON G.I. EDUCATION ENHANCEMENT PROGRAM

Under the Yellow Ribbon G.I. Education Enhancement Program (38 U.S.C. 3317), if the amount provided by the Post-9/11 G.I. Bill for tuition/fees for pursuit of a full-time degree does not cover the full cost for tuition/fees, colleges may voluntarily enter into an agreement with VA to cover a portion of the remaining charges. VA will then match those contributions. This program is only available to individuals who are eligible for the 100% level because they served 3 years on active duty or were discharged for disability and to their dependents if the benefits were transferred.

The “Fry Scholarship” (38 U.S.C. 3311) extends eligibility for the Post-9/11 G.I. Bill to the children or spouses of servicemembers who die in the line of duty after Sept. 10, 2001. Those children may be eligible for up to 36 months of Post-9/11 education benefits (paid at the highest rate available under the Post-9/11 G.I. Bill), including tuition/fees, a housing allowance, and a book stipend.

Section 108 would amend title 38, U.S.C., section 3317, to allow for Fry Scholarship recipients to participate in the Yellow Ribbon Program.

SECTION 109- ADDITIONAL AUTHORIZED TRANSFER OF UNUSED ENTITLEMENT TO POST-9/11 EDUCATIONAL ASSISTANCE TO DEPENDENTS UPON DEATH OF ORIGINALLY DESIGNATED DEPENDENT

Section 109 would amend title 38, U.S.C., section 3319, to allow for the individual who is entitled to educational assistance to make an additional transfer of assistance to a designated dependent if the dependent to whom the assistance was originally transferred dies before using all of such assistance, notwithstanding whether the individual is serving in the Armed Forces.

Section 109 would also add a new subsection under section 3319 of title 38, U.S.C., allowing dependents who have received transferred months of benefits to transfer some or all of those benefits to other transferees if the transferor dies.

The changes made by section 109 would be retroactive to apply to deaths occurring on or after August 1, 2009.

SECTION 110- EDITH NOURSE ROGERS STEM SCHOLARSHIP

Section 110 adds a new section 3320 to title 38, U.S.C., to provide a one-time, lump sum payment equivalent to 9 months of educational assistance, up to a maximum of $30,000, to an eligible individual enrolled in a post-secondary degree program for a science, technology, engineering, or math (STEM) field, or for a teaching certification following completion of such a post-secondary degree. An eligible individual is one who was eligible for Post-9/11 G.I. Bill benefits and has exhausted those benefits while completing at least 60 semester hours or 90 quarter hours towards a degree requiring more than 128 semester hours or 192 quarter hours. This added benefit would be limited to no more than $100 million in total expenditures per fiscal year. Additional assistance under this section would be available for terms beginning on or after August 1, 2018.

SECTION 111- HONORING THE NATIONAL SERVICE OF MEMBERS OF THE ARMED FORCES BY ELIMINATION OF TIME LIMITATION FOR USE OF ENTITLEMENT

Section 111 amends section 3321 of title 38, U.S.C., to eliminate the 15-year delimiting date for the use of educational assistance under the Post-9/11 G.I. Bill and the Fry Scholarship for individuals who first become entitled to those benefits on or after January 1, 2018. For those individuals who become entitled to educational assistance under those programs on or after January 1, 2018, their months of benefits will not expire and can be used at any point thereafter.

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

Section 112 amends section 3313 of title 38, U.S.C., to require VA to pay monthly housing allowance under the Post-9/11 G.I. Bill on a prorated basis to a reservist who is on active duty for part of the month during which they are entitled to such stipend. This will prevent reservists from losing a whole month of housing allowance if they have to mobilize for part of a month in which they are attending school. This change in calculation for monthly housing allowance will take effect beginning on August 1, 2018.

SECTION 113- IMPROVEMENT OF INFORMATION TECHNOLOGY OF THE VETERANS BENEFITS ADMINISTRATION OF THE DEPARTMENT OF VETERANS AFFAIRS

Section 113 directs VA to complete work on their Post-9/11 G.I. Bill processing system in order to automate original and supplemental claims for education benefits. This section also directs VA to submit an implementation plan 180 days after enactment and a report on implementation one year after enactment. Appropriations of $30 million for this purpose are authorized for fiscal years 2018 and 2019.

SECTION 112- DEPARTMENT OF VETERANS AFFAIRS HIGH TECHNOLOGY PILOT PROGRAM

Section 112 would require VA to conduct a pilot program to provide veterans who are eligible for educational assistance training in the areas of computer programming, computer software, media application, data processing, and information sciences. As part of the pilot program, the VA would have to consult with State approving agencies to develop program approval criteria for non-college degree programs offered by qualified providers of such training programs. Payment for training would be provided in installments of 25 percent upon the start of training, 25 percent upon completion of training, and 50 percent upon employment of the veteran in the field of study after the veteran completes the training program.

Section 112 would also require VA to submit a report to Congress after the first year of the pilot program and require the Government Accountability Office to submit reports after three years of the pilot and after completion of the five-year pilot program. Funding for the pilot program would be limited to no more than $15 million per year for each of the five years of the program, to be paid out of the Readjustment Benefits Account of the Department of Veterans Affairs.

TITLE II—OTHER EDUCATIONAL ASSISTANCE PROGRAMS

SECTION 201- WORK-STUDY ALLOWANCE

Section 201 amends section 3485(a)(4) of title 38, U.S.C., to eliminate the sunset date for including as qualifying work study activities work at a State approving agency, a State veterans home, a national cemetery, or a State veterans cemetery.

SECTION 202- DURATION OF EDUCATIONAL ASSISTANCE UNDER SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM

Section 202 amends section 3511 of title 38, U.S.C., to change the duration of entitlement to educational assistance for recipients of the Survivors' and Dependents' Educational Assistance Program. The duration of entitlement would change from 45 months of benefits for individuals who first use their benefits before August 1, 2018, to 36 months of benefits for individuals who first use benefits on or after August 1, 2018. Section 202, in combination with section 203 of this bill, seek to better align benefits under this program to the benefits provided to veterans under the Montgomery G.I. Bill. The Montgomery G.I. Bill provides a higher monthly benefit, but for only 36 months of full time enrollment instead of 45 months of full time enrollment.

SECTION 203- OLIN E. TEAGUE INCREASE IN AMOUNTS OF EDUCATIONAL ASSISTANCE PAYABLE UNDER SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL ASSISTANCE PROGRAM OF DEPARTMENT OF VETERANS AFFAIRS

Under the Survivors’ and Dependents’ Educational Assistance Program, a monthly education benefit is paid to dependents of totally disabled veterans and to survivors of deceased veterans and servicemembers. The monthly rate for full time attendance is $1,024 in FY2017. The last time rates were significantly increased was in 2004 when the full time rate was increased from $695 per month to $788 per month. Rates have increased annually according to the Consumer Price Index changes, but have not kept pace with the rate of growth in education costs as determined by the National Center for Education Statistics, which is the basis for annual increases in Montgomery G.I. Bill and Post-9/11 G.I. Bill payment rates.

Section 203 increases the rates of monthly benefits for Survivors’ and Dependents’ Educational Assistance by $200 for each category of full time, three-quarter time, half time, or less-than-half time. This change would be effective on August 1, 2018.

TITLE III—ADMINISTRATION OF EDUCATIONAL ASSISTANCE PROGRAMS

SECTION 301- STATE APPROVING AGENCY FUNDING

Section 301 would increase the annual amount available for contracting with State approving agencies to conduct school approvals and other functions related to administration of veterans educational assistance from $19 million to $21 million per year. It would also authorize VA to use up to $3 million per year from appropriated funds to pay for State approving agency services. The $21 million payable from the Department of Veterans Affairs readjustment benefits account would also be tied to any annual cost of living adjustment made to Social Security benefits under 42 U.S.C. 415(i).

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

Current law prohibits VA from paying educational assistance for courses pursued via independent study, unless the course is part of a standard college degree program or part of a certificate program offered at an institution of higher learning. The VA definition of independent study includes courses provided online or through distance education. Certain vocational and technical training programs that include both in person and distance learning formats are ineligible for VA education benefits since they are considered independent study and are not offered by an institution of higher learning.

Section 302 would amend section 3680A to allow payment of veterans educational assistance by VA for independent study programs offered by area career and technical education schools and by postsecondary vocational institutions.

SECTION 303- PROVISION OF INFORMATION ON PRIORITY ENROLLMENT FOR VETERANS IN CERTAIN COURSES OF EDUCATION

Section 303 would amend section 3698(c)(1)(C) of title 38, U.S.C., to require the Department of Veterans Affairs to include information on priority enrollment policies for veterans at a postsecondary educational institution when it provides outreach and information to veterans and members of the Armed Forces. Information on postsecondary institutions is provided publicly to veterans and other beneficiaries through the VA’s G.I. Bill Comparison Tool. The intent of section 303 is for VA to add information regarding any priority enrollment for veterans or G.I. Bill beneficiaries to that Comparison Tool.

SECTION 304- LIMITATION ON USE OF REPORTING FEES PAYABLE TO EDUCATIONAL INSTITUTIONS AND SPONSORS OF PROGRAMS OF APPRENTICESHIP

Section 304 amends section 3684 of title 38, U.S.C., to prohibit institutions with 100 or more G.I. Bill students from directing the reporting fees they receive for such students into their general fund. The fees could only be used for certifying enrollments of G.I. Bill students or for other programs supporting veterans.

Section 304 also increases the amounts of the reporting fee from $7 and $12 to a single rate of $16 per student. This change would take effect on August 1, 2018.

SECTION 305- TRAINING FOR SCHOOL CERTIFYING OFFICIALS

Section 305 requires VA to establish training requirements, in consultation with State approving agencies, for school certifying officials as a condition of approval for that school. This would only apply to schools that enroll 20 or more VA students.

SECTION 306- EXTENSION OF AUTHORITY FOR ADVISORY COMMITTEE ON EDUCATION

Section 306 extends the authorization for the Veterans’ Advisory Committee on Education to December 31, 2022. This authority is regularly extended for one- to four-year periods.

SECTION 307- DEPARTMENT OF VETERANS AFFAIRS PROVISION OF ON-CAMPUS EDUCATIONAL AND VOCATIONAL COUNSELING FOR VETERANS

Under section 3679A of title 38, U.S.C., VA provides educational and vocational counseling to eligible individuals. VA provides some of these services on-campus at institutions of higher learning through its Veterans Success on Campus (VSOC) program.

Section 307 would add a new section 3679B to title 38, U.S.C., directing VA to provide educational and vocational counseling services on campuses that provide an appropriate space for such counseling and are campuses where the maximum number of veterans would be served. VA would have to submit an annual report to Congress on the average ratio of counselors to veterans, a description of services provided, and recommendations to improve the services.

SECTION 308- PROVISION OF INFORMATION REGARDING VETERAN ENTITLEMENT TO EDUCATIONAL ASSISTANCE

Section 308 adds section 3699A to title 38, U.S.C., requiring VA to provide to school officials information on the amount of remaining educational assistance available to beneficiaries enrolled in that school. This information would have to be provided electronically and be regularly updated. A veterans or other beneficiary would be able to elect not to have VA share this information with their school. This section would take effect August 1, 2018.

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

Section 309 would add a paragraph to section 3684(a) of title 38, U.S.C., to treat a course that begins within the first seven days of an academic term as beginning on the first day of the academic term for purposes of reporting to VA a student’s enrollment dates.

TITLE IV—RESERVE COMPONENT BENEFITS

SECTION 401- ELIGIBILITY OF RESERVE COMPONENT MEMBERS FOR POST-9/11 EDUCATIONAL ASSISTANCE

Section 401 amends section 3301 of title 38, U.S.C., to include military service under the authority of sections 12304a and 12304b of title 10, U.S.C., in the definition of active duty for purposes of the Post-9/11 G.I. Bill.

SECTION 402- TIME LIMITATION FOR TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES

Section 402 amends section 3103 of title 38, U.S.C., to add military service under the authority of sections 12304a and 12304b of title 10, U.S.C., as a period of active duty that does not count against a veteran’s time in which they can use vocational rehabilitation and employment benefits.

TITLE V—OTHER MATTERS

SECTION 501- REPEAL INAPPLICABILITY OF MODIFICATION OF BASIC ALLOWANCE FOR HOUSING TO BENEFITS UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS

Section 501 would realign the housing allowance provided to VA beneficiaries using Post-9/11 G.I. Bill benefits so it is paid at the same rate as the Basic Allowance for Housing provided to active duty military personnel in pay grade E-5 at the “with dependents” rate. Section 501 would take effect on January 1, 2018.

SECTION 502- RECONSIDERATION OF CLAIMS FOR DISABILITY COMPENSATION FOR VETERANS WHO WERE THE SUBJECTS OF MUSTARD GAS OR LEWISITE EXPERIMENTS DURING WORLD WAR II

Section 502 would require the Secretary of Veterans Affairs to reconsider all claims for compensation in connection with exposure to mustard gas or lewisite during active military service during World War II that were previously denied.

Veterans will be presumed to have experienced full-body exposure to mustard gas or lewisite, unless proven otherwise. The determination of a veteran having not experienced fully-body exposure to mustard gas or lewisite will not be able to be solely determined by information from the DoD and VA Chemical Biological Warfare Database or any list of known testing sites for mustard gas or lewisite.

Not later than one year after enactment of this provision, the Secretary of Veterans Affairs and the Secretary of Defense would have to jointly establish a policy for processing future claims for compensation in connection with exposure to mustard gas and lewisite.

The Secretary of Defense would be required to investigate and report to Congress whether new sites where the Army Corps of Engineers has uncovered evidence of mustard gas or lewisite or where more than two veterans have submitted claims in connection with exposure should be added to the DoD database.

The Secretary of Veterans Affairs would be required to investigate and report to Congress the actions taken by the Secretary to reach out to individuals exposed to mustard gas or lewisite and the claims for disability in connection to exposure.