

115TH CONGRESS
1ST SESSION

S. 473

To amend title 38, United States Code, to make qualification requirements for entitlement to Post-9/11 Education Assistance more equitable, to improve support of veterans receiving such educational assistance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 28, 2017

Mr. TESTER (for himself, Mr. FRANKEN, Mr. VAN HOLLEN, Ms. HASSAN, and Ms. KLOBUCHAR) 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 make qualification requirements for entitlement to Post-9/11 Education Assistance more equitable, to improve support of veterans receiving such educational assistance, 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. SHORT TITLE.**

4 This Act may be cited as the “Educational Develop-
5 ment for Troops and Veterans Act of 2017”.

1 **SEC. 2. ELIGIBILITY OF RESERVE COMPONENT MEMBERS**
 2 **FOR POST-9/11 EDUCATIONAL ASSISTANCE.**

3 Section 3301(1)(B) of title 38, United States Code,
 4 is amended by striking “or 12304” and inserting “12304,
 5 12304a, or 12304b”.

6 **SEC. 3. ELIGIBILITY OF RESERVE COMPONENT MEMBERS**
 7 **FOR NONREDUCTION IN PAY WHILE SERVING**
 8 **IN THE UNIFORMED SERVICES OR NATIONAL**
 9 **GUARD.**

10 Section 5538(a) of title 5, United States Code, is
 11 amended in the matter preceding paragraph (1) by insert-
 12 ing after “under” the following: “section 12301(d), section
 13 12304b, or”.

14 **SEC. 4. MODIFICATION OF TIME LIMITATION FOR TRAIN-**
 15 **ING AND REHABILITATION FOR VETERANS**
 16 **WITH SERVICE-CONNECTED DISABILITIES.**

17 Section 3103(f) of title 38, United States Code, is
 18 amended by striking “or 12304” and inserting “12304,
 19 12304a, or 12304b”.

20 **SEC. 5. DEFERRAL OF STUDENTS LOANS FOR CERTAIN PE-**
 21 **RIOD IN CONNECTION WITH RECEIPT OF OR-**
 22 **DERS FOR MOBILIZATION FOR WAR OR NA-**
 23 **TIONAL EMERGENCY.**

24 (a) FEDERAL FAMILY EDUCATION LOANS.—Section
 25 428(b)(1)(M) of the Higher Education Act of 1965 (20
 26 U.S.C. 1078(b)(1)(M)) is amended—

1 (1) in the matter preceding clause (i), by strik-
2 ing “, during any period”;

3 (2) in clause (i), by striking “during which”
4 and inserting “during any period during which”;

5 (3) in clause (ii), by striking “during which”
6 and inserting “during any period during which”;

7 (4) in clause (iii)—

8 (A) by striking “during which” and insert-
9 ing “during any period during which”; and

10 (B) in the matter following subclause (II),
11 by striking “or” after the semicolon;

12 (5) by redesignating clause (iv) as clause (vi);

13 (6) by inserting after clause (iii) the following:

14 “(iv) in the case of any borrower who
15 has received a call or order to duty de-
16 scribed in subclause (I) or (II) of clause
17 (iii), during the shorter of—

18 “(I) the period beginning on the
19 date such call or order to duty is re-
20 ceived by the borrower and ending on
21 the first day of the service described
22 in subclause (I) or (II) of clause (iii);
23 and

24 “(II) the 180-day period pre-
25 ceding the first day of such service;

1 “(v) notwithstanding clause (iv)—

2 “(I) in the case of any borrower
3 described in such clause whose call or
4 order to duty is cancelled before the
5 first day of the service described in
6 subclause (I) or (II) of clause (iii) be-
7 cause of a personal injury in connec-
8 tion with training to prepare for such
9 service, during the period described in
10 clause (iv) and during an additional
11 period equal to the duration of such
12 service, as specified by or otherwise
13 determined in the original call or
14 order to duty; and

15 “(II) in the case of any borrower
16 whose call or order to duty is can-
17 celled before the first day of such
18 service for a reason other than an in-
19 jury described in subclause (I), during
20 the period beginning on the date the
21 call or order to duty is received by the
22 borrower and ending on the date that
23 is 14 days after such call or order to
24 duty is cancelled; and”;

1 (7) in clause (vi) (as redesignated by paragraph
2 (5)), by striking “not in excess” and inserting “dur-
3 ing any period not in excess”.

4 (b) DIRECT LOANS.—Section 455(f)(2) of the Higher
5 Education Act of 1965 (20 U.S.C. 1087e(f)(2)) is amend-
6 ed—

7 (1) in the matter preceding subparagraph (A),
8 by striking “during any period”;

9 (2) in subparagraph (A), by striking “during
10 which” and inserting “during any period during
11 which”;

12 (3) in subparagraph (B), by striking “not in ex-
13 cess” and inserting “during any period not in ex-
14 cess”;

15 (4) in subparagraph (C)—

16 (A) by striking “during which” and insert-
17 ing “during any period during which”; and

18 (B) in the matter following clause (ii), by
19 striking “or” after the semicolon;

20 (5) by redesignating subparagraph (D) as sub-
21 paragraph (F);

22 (6) by inserting after subparagraph (C) the fol-
23 lowing:

24 “(D) in the case of any borrower who has
25 received a call or order to duty described in

1 clause (i) or (ii) of subparagraph (C), during
2 the shorter of—

3 “(i) the period beginning on the date
4 such call or order to duty is received by
5 the borrower and ending on the first day
6 of the service described in clause (i) or (ii)
7 of subparagraph (C); and

8 “(ii) the 180-day period preceding the
9 first day of such service;

10 “(E) notwithstanding subparagraph (D)—

11 “(i) in the case of any borrower de-
12 scribed in such subparagraph whose call or
13 order to duty is cancelled before the first
14 day of the service described in clause (i) or
15 (ii) of subparagraph (C) because of a per-
16 sonal injury in connection with training to
17 prepare for such service, during the period
18 described in subparagraph (D) and during
19 an additional period equal to the duration
20 of such service, as specified by or otherwise
21 determined in the original call or order to
22 duty; and

23 “(ii) in the case of any borrower
24 whose call or order to duty is cancelled be-
25 fore the first day of such service for a rea-

1 son other than an injury described in
2 clause (i), during the period beginning on
3 the date the call or order to duty is re-
4 ceived by the borrower and ending on the
5 date that is 14 days after such call or
6 order to duty is cancelled; and”;

7 (7) in subparagraph (F) (as redesignated by
8 paragraph (5)), by striking “not in excess” and in-
9 serting “during any period not in excess”.

10 (c) PERKINS LOANS.—Section 464(c)(2)(A) of the
11 Higher Education Act of 1965 (20 U.S.C.
12 1087dd(c)(2)(A)) is amended—

13 (1) in the matter preceding clause (i), by strik-
14 ing “during any period”;

15 (2) in clause (i), by striking “during which”
16 and inserting “during any period during which”;

17 (3) in clause (ii), by striking “not in excess”
18 and inserting “during any period not in excess”;

19 (4) in clause (iii), by striking “during which”
20 and inserting “during any period during which”;

21 (5) by redesignating clauses (iv) and (v) as
22 clauses (vi) and (vii), respectively;

23 (6) by inserting after clause (iii) the following:

24 “(iv) in the case of any borrower who has
25 received a call or order to duty described in

1 subclause (I) or (II) of clause (iii), during the
2 shorter of—

3 “(I) the period beginning on the date
4 such call or order to duty is received by
5 the borrower and ending on the first day
6 of the service described in subclause (I) or
7 (II) of clause (iii); and

8 “(II) the 180-day period preceding
9 the first day of such service;

10 “(v) notwithstanding clause (iv)—

11 “(I) in the case of any borrower de-
12 scribed in such clause whose call or order
13 to duty is cancelled before the first day of
14 the service described in subclause (I) or
15 (II) of clause (iii) because of a personal in-
16 jury in connection with training to prepare
17 for such service, during the period de-
18 scribed in clause (iv) and during an addi-
19 tional period equal to the duration of such
20 service, as specified by or otherwise deter-
21 mined in the original call or order to duty;
22 and

23 “(II) in the case of any borrower
24 whose call or order to duty is cancelled be-
25 fore the first day of such service for a rea-

1 son other than an injury described in sub-
2 clause (I), during the period beginning on
3 the date the call or order to duty is re-
4 ceived by the borrower and ending on the
5 date that is 14 days after such call or
6 order to duty is cancelled;”;

7 (7) in clause (vi) (as redesignated by paragraph
8 (5)), by striking “not in excess” and inserting “dur-
9 ing any period not in excess”; and

10 (8) in clause (vii) (as redesignated by para-
11 graph (5)), by striking “during which” and inserting
12 “during any period during which”.

13 (d) RULE OF CONSTRUCTION.—Nothing in the
14 amendments made by this section shall be construed to
15 authorize any refunding of any repayment of a loan.

16 (e) APPLICABILITY.—The amendments made by this
17 section shall apply with respect to all loans made, insured,
18 or guaranteed under title IV of the Higher Education Act
19 of 1965 (20 U.S.C. 1070 et seq.).

20 (f) CONFORMING AMENDMENTS.—Title IV of the
21 Higher Education Act of 1965 (20 U.S.C. 1070 et seq.)
22 is further amended—

23 (1) in section 428B(d)(1)(A)(ii) (20 U.S.C.
24 1078–2(d)(1)(A)(ii)), by striking

1 “428(b)(1)(M)(i)(I)” and inserting “or clause (i)(I),
2 (iv), or (v) of section 428(b)(1)(M)”;

3 (2) in section 493D(a) (20 U.S.C. 1098f(a)), by
4 striking “section 428(b)(1)(M)(iii), 455(f)(2)(C), or
5 464(c)(2)(A)(iii)” and inserting “clause (iii) or (iv)
6 of section 428(b)(1)(M), subparagraph (C) or (D) of
7 section 455(f)(2), or clause (iii) or (iv) of section
8 464(c)(2)(A)”.

9 **SEC. 6. GRANT PROGRAM TO ESTABLISH, MAINTAIN, AND**
10 **IMPROVE VETERAN STUDENT CENTERS.**

11 (a) IN GENERAL.—Part T of title VIII of the Higher
12 Education Act of 1965 (20 U.S.C. 1161t) is amended to
13 read as follows:

14 **“PART T—GRANTS FOR VETERAN STUDENT**
15 **CENTERS**

16 **“SEC. 873. GRANTS FOR VETERAN STUDENT CENTERS.**

17 “(a) GRANTS AUTHORIZED.—Subject to the avail-
18 ability of appropriations under subsection (i), the Sec-
19 retary shall award grants to institutions of higher edu-
20 cation or consortia of institutions of higher education to
21 assist in the establishment, maintenance, improvement,
22 and operation of Veteran Student Centers. The Secretary
23 shall award not more than 30 grants under this sub-
24 section.

25 “(b) ELIGIBILITY.—

1 “(1) APPLICATION.—An institution or consor-
2 tium seeking a grant under subsection (a) shall sub-
3 mit to the Secretary an application at such time, in
4 such manner, and containing such information as
5 the Secretary may require.

6 “(2) CRITERIA.—The Secretary may award a
7 grant under subsection (a) to an institution or a
8 consortium if the institution or consortium meets
9 each of the following criteria:

10 “(A) The institution or consortium enrolls
11 in undergraduate or graduate courses—

12 “(i) a significant number of veteran
13 students, members of the Armed Forces
14 serving on active duty, and members of a
15 reserve component of the Armed Forces; or

16 “(ii) a significant percentage of vet-
17 eran students, as measured by comparing
18 the overall enrollment of the institution or
19 consortium to the number, for the most re-
20 cent academic year for which data are
21 available, of veteran students, members of
22 the Armed Forces serving on active duty,
23 and members of a reserve component of
24 the Armed Forces who are enrolled in un-

1 dergraduate or graduate courses at the in-
2 stitution or consortium.

3 “(B) The institution or consortium pre-
4 sents a sustainability plan to demonstrate that
5 its Veteran Student Center will be maintained
6 and will continue to operate after the grant pe-
7 riod of the grant received under subsection (a)
8 has ended.

9 “(3) ADDITIONAL CRITERIA.—In awarding
10 grants under subsection (a), the Secretary—

11 “(A) shall consider institutions or con-
12 sortia representing a broad spectrum of sectors
13 and sizes, including institutions or consortia
14 from urban, suburban, and rural regions of the
15 United States; and

16 “(B) may provide consideration to institu-
17 tions or consortia that meet 1 or more of the
18 following criteria:

19 “(i) The institution or consortium is
20 located in a region or community that has
21 a significant population of veterans.

22 “(ii) The institution or consortium
23 carries out programs or activities that as-
24 sist veterans in the local community and
25 the spouses of veteran students.

1 “(iii) The institution or consortium
2 partners in its veteran-specific program-
3 ming with nonprofit veteran service organi-
4 zations, local workforce development orga-
5 nizations, or institutions of higher edu-
6 cation.

7 “(iv) The institution or consortium
8 commits to hiring a staff at the Veteran
9 Student Center that includes veterans (in-
10 cluding veteran student volunteers and vet-
11 eran students participating in a Federal
12 work-study program under part C of title
13 IV, a work-study program administered by
14 the Secretary of Veteran Affairs, or a
15 State work-study program).

16 “(v) The institution or consortium is
17 willing to consider providing veteran stu-
18 dents with academic credit for comparable
19 subject-area training received while serving
20 in the Armed Forces and commits to dedi-
21 cating resources to helping its student vet-
22 erans navigate their way through the
23 transfer credit process.

24 “(vi) The institution or consortium
25 commits to using a portion of the grant re-

1 ceived under this section to develop an
2 early warning veteran student retention
3 program carried out by the Veteran Stu-
4 dent Center.

5 “(vii) The institution or consortium
6 commits to providing mental health coun-
7 seling to its veteran students and their
8 spouses.

9 “(c) USE OF FUNDS.—

10 “(1) IN GENERAL.—An institution or consor-
11 tium that is awarded a grant under subsection (a)
12 shall use such grant to establish, maintain, improve,
13 or operate a Veteran Student Center.

14 “(2) OTHER ALLOWABLE USES.—An institution
15 or consortium receiving a grant under subsection (a)
16 may use a portion of such funds to carry out sup-
17 portive instruction services for student veterans, in-
18 cluding—

19 “(A) assistance with special admissions
20 and transfer of credit from previous postsec-
21 ondary education or experience; and

22 “(B) any other support services the insti-
23 tution or consortium determines to be necessary
24 to ensure the success of veterans on campus in
25 achieving education and career goals.

1 “(d) AMOUNTS AWARDED.—

2 “(1) DURATION.—Each grant awarded under
3 subsection (a) shall be for a 4-year period.

4 “(2) TOTAL AMOUNT OF GRANT AND SCHED-
5 ULE.—Each grant awarded under subsection (a)
6 may not exceed a total of \$500,000. The Secretary
7 shall disburse to an institution or consortium the
8 amounts awarded under the grant in such amounts
9 and at such times during the grant period as the
10 Secretary determines appropriate.

11 “(e) REPORT.—From the amounts appropriated to
12 carry out this section, and not later than 3 years after
13 the date on which the first grant is awarded under sub-
14 section (a), the Secretary shall submit to Congress a re-
15 port on the grant program established under subsection
16 (a), including—

17 “(1) the number of grants awarded;

18 “(2) the institutions of higher education and
19 consortia that have received grants;

20 “(3) with respect to each such institution of
21 higher education and consortium—

22 “(A) the amounts awarded;

23 “(B) how such institution or consortium
24 used such amounts;

1 “(C) a description of the students to whom
2 services were offered as a result of the award;
3 and

4 “(D) data enumerating whether the use of
5 the amounts awarded helped veteran students
6 at the institution or consortium toward comple-
7 tion of a degree, certificate, or credential;

8 “(4) best practices for veteran student success,
9 identified by reviewing data provided by institutions
10 and consortia that received a grant under this sec-
11 tion; and

12 “(5) a determination by the Secretary with re-
13 spect to whether the grant program under this sec-
14 tion should be extended or expanded.

15 “(f) TERMINATION.—The authority of the Secretary
16 to carry out the grant program established under sub-
17 section (a) shall terminate on the date that is 4 years after
18 the date on which the first grant is awarded under sub-
19 section (a).

20 “(g) DEPARTMENT OF EDUCATION BEST PRACTICES
21 WEBSITE.—Subject to the availability of appropriations
22 under subsection (i) and not later than 3 years after the
23 date on which the first grant is awarded under subsection
24 (a), the Secretary shall develop and implement a website
25 for veteran student services at institutions of higher edu-

1 cation, which details best practices for serving veteran stu-
2 dents at institutions of higher education.

3 “(h) DEFINITIONS.—In this section:

4 “(1) INSTITUTION OF HIGHER EDUCATION.—
5 The term ‘institution of higher education’ has the
6 meaning given the term in section 101.

7 “(2) VETERAN STUDENT CENTER.—The term
8 ‘Veteran Student Center’ means a dedicated space
9 on a campus of an institution of higher education
10 that provides students who are veterans or members
11 of the Armed Forces with the following:

12 “(A) A lounge or meeting space for such
13 veteran students, their spouses or partners, and
14 veterans in the community.

15 “(B) A centralized office for veteran serv-
16 ices that—

17 “(i) is a single point of contact to co-
18 ordinate comprehensive support services
19 for veteran students;

20 “(ii) is staffed by trained employees
21 and volunteers, which includes veterans
22 and at least 1 full-time employee or volun-
23 teer who is trained as a veterans’ benefits
24 counselor;

1 “(iii) provides veteran students with
2 assistance relating to—

3 “(I) transitioning from the mili-
4 tary to student life;

5 “(II) transitioning from the mili-
6 tary to the civilian workforce;

7 “(III) networking with other vet-
8 eran students and veterans in the
9 community;

10 “(IV) understanding and obtain-
11 ing benefits provided by the institu-
12 tion of higher education, Federal Gov-
13 ernment, and State for which such
14 students may be eligible;

15 “(V) understanding how to suc-
16 ceed in the institution of higher edu-
17 cation, including by understanding
18 academic policies, the course selection
19 process, and institutional policies and
20 practices related to the transfer of
21 academic credits; and

22 “(VI) understanding their dis-
23 ability-related rights and protections
24 under the Americans with Disabilities
25 Act of 1990 (42 U.S.C. 12101 et seq.)

1 and section 504 of the Rehabilitation
2 Act of 1973 (29 U.S.C. 794); and
3 “(iv) provides comprehensive academic
4 and tutoring services for veteran students,
5 including peer-to-peer tutoring and aca-
6 demic mentorship.

7 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out this part
9 such sums as may be necessary for fiscal year 2017 and
10 each of the 3 succeeding fiscal years.”.

11 (b) CONTINUATION OF AWARDS.—An institution of
12 higher education that received a grant under section 873
13 of the Higher Education Act of 1965 (20 U.S.C. 1161t)
14 before the date of enactment of this Act, as such section
15 873 (20 U.S.C. 1161t) was in effect on the day before
16 the date of enactment of this Act, shall continue to receive
17 funds in accordance with the terms and conditions of such
18 grant.

19 **SEC. 7. MODIFICATION OF BASIS FOR ANNUAL ADJUST-**
20 **MENTS IN AMOUNTS OF EDUCATIONAL AS-**
21 **SISTANCE FOR MEMBERS OF THE SELECTED**
22 **RESERVE.**

23 (a) IN GENERAL.—Section 16131(b)(2) of title 10,
24 United States Code, is amended by striking “equal to”

1 and all that follows and inserting the following: “not less
2 than the percentage by which—

3 “(A) the average cost of undergraduate tuition
4 in the United States, as determined by the National
5 Center for Education Statistics, for the last aca-
6 demic year preceding the beginning of the fiscal year
7 for which the increase is made, exceeds

8 “(B) the average cost of undergraduate tuition
9 in the United States, as so determined, for the aca-
10 demic year preceding the academic year described in
11 subparagraph (A).”.

12 (b) EFFECTIVE DATE.—The amendment made by
13 subsection (a) shall take effect on October 1, 2017, and
14 shall apply to adjustments in amounts of educational as-
15 sistance for members of the Selected Reserve that are
16 made for fiscal years beginning on or after that date.

17 **SEC. 8. MONTHLY STIPEND FOR CERTAIN MEMBERS OF**
18 **THE RESERVE COMPONENTS OF THE ARMED**
19 **FORCES.**

20 (a) IN GENERAL.—Section 3313 of title 38, United
21 States Code, is amended by adding at the end the fol-
22 lowing new subsection:

23 “(j) DETERMINATION OF MONTHLY STIPENDS DUR-
24 ING CERTAIN ACTIVE DUTY SERVICE.—

1 “(1) PRO RATA BASIS.—In any month in which
2 an individual described in paragraph (2) is per-
3 forming active duty service described in section
4 3301(1)(B) of this title, the Secretary shall deter-
5 mine the amount of monthly stipends payable under
6 this section for such month on a pro rata basis for
7 the period of such month in which the covered indi-
8 vidual is not performing such active duty service.

9 “(2) INDIVIDUAL DESCRIBED.—An individual
10 described in this paragraph is an individual who is—

11 “(A) a member of the reserve components
12 of the Armed Forces; and

13 “(B) pursuing a program of education
14 using educational assistance under this chap-
15 ter.”.

16 (b) APPLICATION.—The amendment made by sub-
17 section (a) shall apply with respect to a quarter, semester,
18 or term, as applicable, commencing on or after August 1,
19 2016.

○