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# **The Post-9/11 Veterans' Educational Assistance Act of 2008 (Post-9/11 GI Bill): A Primer**

**(name redacted)**

Specialist in Education Policy

September 16, 2016

**Congressional Research Service**

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[www.crs.gov](http://www.crs.gov)

R42755

## Summary

The Department of Veterans' Affairs (VA) administers several educational assistance programs (GI Bills<sup>®</sup>) that provide funds to or on behalf of veterans and servicemembers and their family members to facilitate their enrollment in and pursuit of approved programs of education. Participation and spending for the Post-9/11 GI Bill has represented approximately 80% or more of total GI Bill participation and spending in each year since FY2013. In FY2017, the program is estimated to benefit almost 900,000 individuals and expend over \$13 billion. For a description of the other GI Bills, see CRS Report R42785, *GI Bills Enacted Prior to 2008 and Related Veterans' Educational Assistance Programs: A Primer*, by (name redacted) .

The Post-9/11 Veterans' Educational Assistance Act of 2008 (Post-9/11 GI Bill)—enacted as Title V of the Supplemental Appropriations Act, 2008 (P.L. 110-252) on June 30, 2008—is the newest GI Bill and went into effect on August 1, 2009. There were four main drivers for the Post-9/11 GI Bill: (1) providing parity of benefits for reservists and members of the regular Armed Forces, (2) ensuring comprehensive educational benefits, (3) meeting military recruiting goals, and (4) improving military retention through transferability of benefits.

The Post-9/11 GI Bill provides benefits to veterans and servicemembers and their family members. Veterans and servicemembers who serve an aggregate minimum of 90 days on active duty after September 10, 2001, and continue serving or are discharged honorably may be eligible. In addition, individuals who have been discharged or released for a service-connected disability after serving a minimum of 30 continuous days on active duty after September 10, 2001, may be eligible. There are two mechanisms by which dependents of individuals with military service may be eligible for Post-9/11 GI Bill benefits. Transferred Post-9/11 GI Bill benefits may be available to the dependents of servicemembers who serve for at least 10 years. Also, the Post-9/11 GI Bill Marine Gunnery Sergeant John David Fry Scholarship Program may be available to the spouse and children of servicemembers who die while serving on active duty in the line of duty.

Participants may be eligible for payments to cover tuition and fees, housing, books and supplies, tutorial and relocation assistance, and testing and certification fees. Individuals who serve on active duty for 36 months after September 10, 2001, may receive a tuition and fees benefit of up to the amount of in-state tuition and fees charged when enrolled in public institutions of higher learning (IHLs), or up to \$21,970.46 when enrolled in private IHLs in academic year 2016-2017. In general, the monthly housing allowance is based on the Department of Defense (DOD)-determined monthly basic allowance for housing (BAH) for a member of the Armed Forces with dependents in pay grade E-5 and varies depending on location. Benefit payments vary depending on the participant's active duty status, length of qualifying active duty, rate of pursuit, and program of education.

## Contents

Background .....	1
Eligible Individuals .....	3
Entitlement and Delimiting Date.....	5
Eligible Programs of Education.....	5
Benefit Payments.....	7
Tuition and Fees, Housing, and Books and Supplies .....	7
Non-active Duty Individuals Enrolled More than Half-Time in Programs of Education Leading to a Degree.....	9
Active Duty Individuals Enrolled More than Half-Time in Programs of Education Leading to a Degree .....	10
Individuals Pursuing Apprenticeship or On-the-Job Training More than Half-Time.....	11
Flight Trainees Enrolled More than Half-Time .....	12
Correspondence Trainees Enrolled More than Half-Time .....	12
Individuals Enrolled More than Half-Time in Programs of Education Not Leading to a Degree .....	13
Individuals Enrolled Half-Time or Less .....	13
Yellow Ribbon GI Education Enhancement Program Payments .....	14
Tutorial Assistance .....	15
Licensing and Certification Test Fees .....	15
National Tests.....	15
Relocation and Travel Assistance.....	15
Advance Payments .....	15
Supplemental Assistance .....	16
Tuition Assistance “Top-Up” Program.....	16
Unused MGIB-AD Contributions .....	16
MGIB-AD Buy Up Program.....	17
Marine Gunnery Sergeant John David Fry Scholarship Program .....	17
Transferability to Dependents .....	17
Relationship to Other Veterans’ Educational Assistance Programs.....	18
Relationship to the Vocational Rehabilitation and Employment Program (VR&E).....	19
Participation and Cost .....	19

## Tables

Table 1. Maximum Payments for Tuition and Fees, Housing, and Books and Supplies: Academic Year 2016-2017 .....	8
Table 2. Percentage of Maximum Post-9/11 GI Bill Benefits Based on Aggregate Length of Active Duty Service .....	9
Table 3. Post-9/11 GI Bill Obligations, Participation, and Benefit Amount per Participant: FY2009-FY2015 .....	20

## **Contacts**

Author Contact Information ..... 20

## Background

The U.S. Department of Veterans Affairs (VA), previously named the Veterans Administration, has been providing veterans educational assistance (GI Bill<sup>®</sup>)<sup>1</sup> benefits since 1944. The benefits have been intended, at various times, to compensate for compulsory service, encourage voluntary service, prevent unemployment, provide equitable benefits to all who served, and promote military retention. In general, the benefits provide grant aid to eligible individuals enrolled in approved educational and training programs. The newest GI Bill was enacted on June 30, 2008, as the Post-9/11 Veterans' Educational Assistance Act of 2008 (Post-9/11 GI Bill), Title V of the Supplemental Appropriations Act, 2008 (P.L. 110-252). Although the VA still provides benefits under several older GI Bills, participation and spending for the Post-9/11 GI Bill has represented approximately 80% or more of total GI Bill participation and spending in each year since FY2013.<sup>2</sup> In FY2017, the program is estimated to benefit almost 900,000 individuals and expend over \$13 billion.<sup>3</sup>

Congress passed the Post-9/11 GI Bill in response to findings that “service on active duty in the Armed Forces [had] been especially arduous for the members of the Armed Forces since September 11, 2001,” and that there was a need for an educational assistance program that provided “enhanced educational assistance benefits ... worthy of such service.”<sup>4</sup> The benefits were designed to meet four main objectives:

1. provide reservists benefits equivalent to members of the regular Armed Forces for equivalent, though often not continuous, active duty service;
2. ensure comprehensive educational benefits;
3. meet military recruiting goals; and
4. improve military retention through transferability of benefits.

It was recognized that veterans and servicemembers would be eligible for U.S. Department of Education (ED) student financial aid benefits such as Pell Grants and Stafford Loans;<sup>5</sup> U.S. Department of Defense (DOD) educational assistance; and various state, local, and other federal benefits in addition to the basic Post-9/11 GI Bill benefits. Members of Congress hoped that a benefit that exceeded that available under the other active GI Bills would ameliorate military recruiting challenges and reduce the higher unemployment rate among veterans compared with non-veterans of the same age group.<sup>6</sup>

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<sup>1</sup> GI Bill<sup>®</sup> is a registered trademark of the U.S. Department of Veterans Affairs (VA).

<sup>2</sup> For a description of the other GI Bills, see CRS Report R42785, *GI Bills Enacted Prior to 2008 and Related Veterans' Educational Assistance Programs: A Primer*, by (name redacted) .

<sup>3</sup> President's budget submission, FY2017.

<sup>4</sup> P.L. 110-252.

<sup>5</sup> Title IV of the Higher Education Act of 1965, as amended, authorizes several student aid programs: 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. See CRS Report R42446, *Federal Pell Grant Program of the Higher Education Act: How the Program Works and Recent Legislative Changes*, by (name redacted) ; CRS Report RL31618, *Campus-Based Student Financial Aid Programs Under the Higher Education Act*, by (name redacted) and (name redacted); and 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 (name redacted)

<sup>6</sup> U.S. Congress, House Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, *Pending* (continued...)

There was some discussion about whether increasing the monthly benefit might result in lower retention in the Armed Forces. Some DOD research suggested that education is not a very important factor in the decision to stay in or leave the military, while other evidence suggested that very high education benefits would encourage discharge. DOD considered the ability to transfer benefits to dependents critical to retention.<sup>7</sup> The Administration was interested in transferability as well, and President George W. Bush advocated for transferability in a State of the Union address.<sup>8</sup>

The Post-9/11 GI Bill is codified under Title 38 U.S.C., Chapter 33. The stated purpose is to reward members of the Armed Forces for service on active duty since September 11, 2001; maintain a history of offering educational assistance to veterans; respond to the needs of the Armed Forces when not at peace; demonstrate the high esteem with which military service is held; recognize the difficult challenges involved in readjusting to civilian life after serving; and enhance the educational assistance benefits to those who serve on active duty after September 10, 2001. The Post-9/11 GI Bill provides aid payments to or on behalf of participants pursuing approved programs of education for tuition and fees, housing, books and supplies, and other education-related expenditures. The program became effective August 1, 2009. The program is permanently authorized and supported through mandatory funds.

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. Several laws have been passed to amend programmatic aspects of the Post-9/11 GI Bill:

- The Supplemental Appropriations Act, 2009 (P.L. 111-32), enacted on June 24, 2009, created the Marine Gunnery Sergeant John David Fry Scholarship.
- The Post-9/11 Veterans' Educational Assistance Improvements Act of 2010 (Improvements Act; P.L. 111-377), enacted on January 4, 2011, made several amendments to the Post-9/11 GI Bill and other veterans' educational assistance programs.
- The Restoring GI Bill Fairness Act of 2011 (P.L. 112-26), enacted on August 3, 2011, temporarily reverses one amendment of the Improvements Act for some individuals attending private institutions of higher learning (IHLs) in seven states.<sup>9</sup>
- The Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (P.L. 112-154), enacted on August 6, 2012, requires annual reports to Congress on the Post-9/11 GI Bill and the Survivors' and Dependents' Educational Assistance program (DEA; 38 U.S.C., Chapter 35).<sup>10</sup>

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*Montgomery GI Bill Legislation*, 110<sup>th</sup> Cong., 2<sup>nd</sup> sess., January 17, 2008, HRG-2008-VAH-0003 (Washington: GPO, 2008), pp. 3, 6, 9, 10, 14; and U.S. Congress, Senate Committee on Veterans' Affairs, *Hearing on Pending Benefits Legislation*, 110<sup>th</sup> Cong., 2<sup>nd</sup> sess., May 7, 2008, S. Hrg. 110-675 (Washington: GPO, 2008), pp. 15, 21, 34, 49.

<sup>7</sup> 32 C.F.R. §65.4(b).

<sup>8</sup> U.S. Congress, House Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, *Pending Montgomery GI Bill Legislation*, 110<sup>th</sup> Cong., 2<sup>nd</sup> sess., January 17, 2008, HRG-2008-VAH-0003 (Washington: GPO, 2008), pp. 3, 6, 9, 10, 14; and U.S. Congress, Senate Committee on Veterans' Affairs, *Hearing on Pending Benefits Legislation*, 110<sup>th</sup> Cong., 2<sup>nd</sup> sess., May 7, 2008, S. Hrg. 110-675 (Washington: GPO, 2008), pp. 15, 21, 34, 49.

<sup>9</sup> Until passage of P.L. 112-26, some individuals in the seven states would have had larger out-of-pocket costs in academic year 2011-2012 than in the prior academic year, 2010-2011.

<sup>10</sup> For more information, see CRS Report R42810, *Veterans' Benefits: Honoring America's Veterans and Caring for* (continued...)

- The National Defense Authorization Act for Fiscal Year 2013 (P.L. 112-239), enacted on January 2, 2013, expands eligibility to certain members of the Coast Guard Reserve.
- The Veterans' Access to Care through Choice, Accountability, and Transparency Act of 2014 (Veterans' Access to Care Act; P.L. 113-146), enacted on August 7, 2014, expands eligibility and reduced tuition and fee charges for some participants.<sup>11</sup>

The amendments will be noted in this report, as applicable.

This report provides a detailed description of the Post-9/11 GI Bill. The first section describes participant eligibility criteria. The second section indicates a participant's entitlement to benefits and the period during which the benefits must be used. The third section describes the eligible programs of education. The subsequent section explains the eligible benefit payments. This is followed by descriptions of the two Post-9/11 GI Bill provisions for dependents—the Marine Gunnery Sergeant John David Fry Scholarship Program and the transferability option. The final sections illustrate key links to other programs administered by the U.S. Department of Veterans' Affairs (VA) and current data on obligations and participation.

## Eligible Individuals

Under the Post-9/11 GI Bill, veterans and servicemembers of the Army, Navy, Marine Corps, Air Force, and Coast Guard, including the reserve components, and commissioned officers of the Public Health Service (PHS) and the National Oceanic and Atmospheric Association (NOAA), may be eligible. Individuals must serve an aggregate minimum of 90 days on active duty after September 10, 2001, or individuals must have been discharged or released for a service-connected disability after serving a minimum of 30 continuous days on active duty after September 10, 2001. For reservists, qualifying active duty means a call or order to active duty under Title 10 U.S.C. Sections 688, 12301(a), 12301(d), 12301(g), 12302, and 12304; and Title 14 U.S.C. Section 712.<sup>12</sup> For National Guard members, qualifying active duty is the same as for reservists but also includes 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.<sup>13</sup>

The active duty service period includes service on active duty in entry-level and skill training<sup>14</sup> if the total active duty service period is at least 24 months.<sup>15</sup> The Post-9/11 GI Bill qualifying active

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*Camp Lejeune Families Act of 2012 (P.L. 112-154)*, coordinated by (name redacted)

<sup>11</sup> For more information, see CRS Report R43704, *Veterans Access, Choice, and Accountability Act of 2014 (H.R. 3230; P.L. 113-146)*, by (name redacted) et al.

<sup>12</sup> The National Defense Authorization Act for Fiscal Year 2013 (P.L. 112-239) expanded the qualifying active duty service periods to include short-term disaster response activation of the Coast Guard Reserve under Title 14 on or after December 31, 2011, to ensure parity between the Coast Guard Reserve and other reserves.

<sup>13</sup> The Post-9/11 Veterans Educational Assistance Improvements Act of 2010 (Improvements Act) expanded the qualifying active duty service periods to include full-time duty under a Title 32 call to order for National Guard members effective on August 1, 2009, and payable after September 30, 2011.

<sup>14</sup> Entry-level and skill training is defined as basic combat training, advanced individual training, and one station unit training (OSUT) in the Army; recruit training (or boot camp) and skill training (or so-called 'A' school) in the Navy; (continued...)

duty service period excludes time assigned to a civilian institution for an education or training program similar to those offered to civilians, excludes time spent as a cadet or midshipman at one of the service academies, excludes other active duty service periods required to meet a service academy or Reserve Officer Training Corps (ROTC) obligation, excludes service that is terminated because of a defective enlistment and induction, and excludes active duty service periods required to meet a student loan repayment obligation (10 U.S.C., Chapter 109).

Once the active duty service period is met, individuals must either continue on active duty or be discharged or released from active duty in one of the following manners:

- with an honorable discharge;
- with active duty characterized as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list;
- with active duty characterized as honorable service and further service in a reserve component; or
- with active duty characterized as honorable service as a result of a medical condition which preceded active duty and is not service-connected, a hardship, or a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty.<sup>16</sup>

Many Post-9/11 GI Bill-eligible individuals are also eligible for another veterans' educational assistance program such as the Montgomery GI Bill-Active Duty (MGIB-AD; 38 U.S.C., Chapter 30), the Montgomery GI Bill-Selected Reserve (MGIB-SR; 10 U.S.C., Chapter 1606), Reserves Educational Assistance Program (REAP; 10 U.S.C., Chapter 1607), or Chapter 107 of Title 10 U.S.C. (professional military education). Individuals with a single qualifying active duty service period must make an *irrevocable* election to give up benefits under one other program to receive benefits under the Post-9/11 GI Bill. The individuals must be otherwise eligible for the Post-9/11 GI Bill.

Post-9/11 GI Bill-eligible individuals may also be eligible to receive Unemployment Compensation for Ex-Servicemembers (UCX), which provides income support to former active duty military personnel or reservists, who were recently released from active duty, while they search for work. Individuals receiving a Post-9/11 GI Bill allowance are prohibited from receiving UCX, unless the individuals are otherwise entitled to UCX; are receiving Post-9/11 GI Bill benefits based on their own service or through the Fry Scholarship; are not receiving Title 10 retired pay; and were discharged from the Armed Forces or Commissioned Corps of NOAA under honorable conditions, but did not voluntarily separate.<sup>17</sup>

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basic military training and technical training in the Air Force, recruit training and Marine Corps training (or school of infantry training) in the Marine Corps; and basic training and skill training (or so-called 'A' school) in the Coast Guard.

<sup>15</sup> 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.

<sup>16</sup> The Improvements Act required that, effective January 4, 2011, discharge or release as a result of a medical condition, hardship, or physical or mental condition qualify for Post-9/11 GI Bill benefits only if the active duty was characterized as honorable service.

<sup>17</sup> Section 560 of the National Defense Authorization Act for Fiscal Year 2016 (P.L. 114-92).



## Entitlement and Delimiting Date

The Post-9/11 GI Bill provides eligible persons an *entitlement* to educational assistance. This entitlement is measured in time—months and days. The entitlement period is 36 months (or its equivalent in part-time educational assistance). Generally, receipt of educational assistance payments for one day of full-time pursuit reduces the entitlement period by one day or a proportional percentage of a day for less-than-full-time pursuit. However, certain educational assistance payments reduce the entitlement period depending on the amount of the payment, as highlighted in the section on benefit payments.

In some instances, the entitlement period may be extended. The entitlement period is not reduced for individuals who must discontinue a course(s) and fail to receive credit or training time as a result of certain service obligations. For Reservists, a call to active duty under Section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of Title 10 U.S.C. qualifies. For active duty servicemembers, assignment to a new duty location or an increased amount of work qualifies. In general, once the entitlement period is exhausted, veterans and servicemembers may continue receiving educational assistance through the end of the academic term if more than halfway through, or a 12-week period if not on an academic term schedule.<sup>18</sup>

If individuals make an irrevocable election for the Post-9/11 GI Bill after using some entitlement under the MGIB-AD, MGIB-SR, or REAP, the Post-9/11 GI Bill entitlement is equal to the remaining months of entitlement under the other program. If individuals make an irrevocable election for the Post-9/11 GI Bill after exhausting their entitlement under the MGIB-AD, MGIB-SR, or REAP, the Post-9/11 GI Bill entitlement may be equal to 12 months.

By law, no educational benefits under the Post-9/11 GI Bill can be paid after the delimiting date—15 years or more after discharge or release from active duty.<sup>19</sup>

## Eligible Programs of Education

Like most veterans' educational assistance benefits, Post-9/11 GI Bill benefits can be used to support students pursuing approved programs of education at a variety of training establishments and educational institutions, including institutions of higher learning (IHLs).<sup>20</sup> The eligible programs may include the following:

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<sup>18</sup> Dependents with transferred benefits are not similarly eligible for continued benefits, according to (name redacted), Dwayne M. Wright, and Jon Sperl, et al., *H.R. 475, GI Bill Processing Improvement and Quality Enhancement Act of 2015*, Congressional Budget Office, As ordered reported by the House Committee on Veterans' Affairs on May 21, 2015, August 26, 2015, p. 7.

<sup>19</sup> The 15-year limitation does not include periods when individuals were ineligible for the program but their discharge status was later amended to make them eligible for the program, and periods when individuals were detained by a foreign government or power and any related recovery period in a hospital. Individuals incapable of beginning education as a result of a physical or mental disability can be granted an extension for the period of incapacity.

<sup>20</sup> An institution of higher learning (IHL) is an institution offering postsecondary level academic instruction that leads to an associate's or higher degree if the school is empowered by the appropriate state education authority under state law to grant an associate's 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. A standard college degree is an associate's 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 (continued...)

- courses at an *educational institution* (see text box) that lead to a predetermined educational, vocational, or professional objective or objectives if related to the same career (this includes traditional undergraduate and graduate programs);

### **Educational Institution**

Educational institutions include public or private elementary or secondary schools; vocational, correspondence, business or professional schools; colleges or universities; scientific or technical institutions; other institutions offering education for adults; state-approved alternative teacher certification providers; private entities that offer courses toward the attainment of a license or certificate generally recognized as necessary for a profession or vocation in a high-technology occupation; and qualified providers of entrepreneurship courses.

- courses required by the Administrator of the Small Business Administration (SBA) as a condition for obtaining financial assistance under the provisions of Section 7(i)(1) of the Small Business Act (15 U.S.C. 636(i)(1));
- licensing or certification tests for a predetermined vocation or profession, provided such tests and the licensing or credentialing organizations or entities that offer such tests are approved;
- courses offered by a qualified provider of entrepreneurship courses;
- national tests for admission to IHLs or graduate schools (such as the Scholastic Aptitude Test (SAT));
- national tests providing an opportunity for course credit at IHLs (such as the Advanced Placement (AP) exam);
- a preparatory course for a test that is required or used for admission to an institution of higher education or a graduate school;
- full-time programs of apprentice or other on-the-job training at a *training establishment* (see text box), for individuals not on active duty;

### **Training Establishment**

A training establishment is an establishment providing apprentice or other on-the-job training; an establishment providing self-employment on-the-job training consisting of full-time training for a period of less than six months that is needed or accepted for purposes of obtaining licensure to engage in a self-employment occupation or required for ownership and operation of a franchise that is the objective of the training; a state board of vocational education; a federal or state apprenticeship registration agency; the sponsor of a program of apprenticeship; or an agency of the federal government authorized to supervise such training.

- cooperative programs<sup>21</sup> for individuals not on active duty;
- refresher, remedial, or deficiency courses;<sup>22</sup>

(...continued)

regional or national accrediting agencies; or (3) an IHL upon completion of a course that is accredited by an agency recognized to accredit specialized degree-level programs.

<sup>21</sup> A cooperative program is a full-time program of education, which consists of institutional courses and alternate phases of training in a business or industrial establishment with the training in a business or industrial establishment being strictly supplemental.

<sup>22</sup> A refresher course is a course at the elementary or secondary level that reviews or updates material previously covered in a course that has been satisfactorily completed, or a course which permits an individual to update knowledge and skills or be instructed in the technological advances which have occurred in the individual's field of employment during and since the period of the individual's active military service. A remedial course is a course designed to overcome a deficiency at the elementary or secondary level in a particular area of study, or a handicap, such as in speech. A deficiency course is any secondary level course or subject not previously completed satisfactorily, which is (continued...)

- preparatory or special education or training courses necessary to enable the individual to pursue another approved program of education; and
- a course for which the individual is receiving Tuition Assistance from DOD (see the section entitled “Tuition Assistance “Top-Up” Program”).<sup>23</sup>

The eligible programs of education must be approved by a state approving agency (SAA) or the VA, or must be deemed approved by statutory provisions. SAAs are federally authorized state entities that approve programs of education for the GI Bills. The VA provides some cost reimbursement of salaries and travel for the SAAs.

## Benefit Payments

Under the Post-9/11 GI Bill, several types of benefit payments are available, including payments for tuition and fees, Yellow Ribbon payments,<sup>24</sup> housing allowance, books and supplies stipend, tutorial assistance, test fees, and relocation and travel assistance. The following describes the various payments and the criteria for determining the amount of each payment for which participants may be eligible.

In addition to benefit payments, qualifying Post-9/11 GI Bill participants must be charged no more than in-state tuition and fees when attending public IHLs. Qualifying Post-9/11 GI Bill participants are those who were discharged or released from a period of not fewer than 90 days of service in the active military, naval, or air service less than three years before the date of enrollment in said course, and their Post-9/11 GI Bill-eligible dependents and survivors. The public IHL may require the qualifying participant to demonstrate intent to establish residency, by a means other than physical presence, in order to qualify for in-state tuition.<sup>25</sup>

## Tuition and Fees, Housing, and Books and Supplies

The maximum payment levels for tuition and fees, housing, and books and supplies are summarized in **Table 1** by program of education. Many individuals will receive payments that are lower than these maximum payments as a result of the length of their qualifying active duty service (see **Table 2**), their enrollment rate or rate of pursuit, actual charges, active duty status, being enrolled exclusively through distance learning, and receipt of DOD Tuition Assistance (TA). Through TA, military service branches pay a certain amount of tuition and expenses for education and training to servicemembers.<sup>26</sup>

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specifically required for pursuit of a postsecondary program of education.

<sup>23</sup> The Improvements Act expanded the eligible programs of education beyond courses offered by an IHL, effective October 1, 2011.

<sup>24</sup> Yellow Ribbon payments (see section entitled Yellow Ribbon G.I. Education Enhancement Program Payments) cover a portion of the tuition and fees that exceed the Post-9/11 GI Bill payments for tuition and fees.

<sup>25</sup> Section 702 of the Veterans' Access to Care Act, as amended by Section 409(i) of the Department of Veterans Affairs Expiring Authorities Act of 2014 (P.L. 113-175).

<sup>26</sup> 10 U.S.C. §§2005 and 2007.

**Table I. Maximum Payments for Tuition and Fees, Housing, and Books and Supplies: Academic Year 2016-2017**

Type of Education/Training	Tuition and Fees	Monthly Housing Allowance	Books and Supplies Stipend
<i>More than half-time enrollment</i>			
Non-active duty individuals in programs of education leading to a degree	At a public IHL, <sup>a</sup> "actual net cost for in-state tuition and fees" less certain student aid <sup>b</sup> At a private or foreign IHL, <sup>a</sup> up to \$21,970.46; <sup>c</sup>	E-5 with dependents BAH <sup>d</sup> in the military housing area in which the IHL is located	\$1,000 per year
Active duty individuals in programs of education leading to a degree	At a public IHL, <sup>a</sup> "actual net cost for in-state tuition and fees" less certain student aid <sup>b</sup> At a private or foreign IHL, <sup>a</sup> \$21,970.46 <sup>c</sup>	None	\$1,000 per year
Apprenticeship or on-the-job training	None	E-5 with dependents BAH <sup>d</sup> where the employer is located	\$83 per month
Flight training	\$12,554.54 <sup>c</sup>	None	None
Correspondence training	\$10,671.35 <sup>c</sup>	None	None
Individuals in programs of education not leading to a degree	\$21,970.46 <sup>c</sup>	E-5 with dependents BAH <sup>d</sup> where the educational institution is located	\$83 per month
<i>Half-time or less enrollment</i>			
Individuals enrolled half-time or less	At a public IHL, <sup>a</sup> "actual net cost for in-state tuition and fees" less certain student aid <sup>b</sup> At a private or foreign IHL, <sup>a</sup> \$21,970.46 <sup>c</sup>	None	\$1,000 per year

**Source:** Table prepared by CRS based on 38 U.S.C., Chapter 33.

**Notes:** Payments for many individuals will be lower than the maximum payments shown above based on the individual's length of qualifying active duty service, enrollment rate or rate of pursuit, active duty status, actual charges, being enrolled exclusively through distance learning, and receipt of U.S. Department of Defense (DOD) Tuition Assistance (TA). Under TA, military service branches may pay a certain amount of tuition and expenses for the education and training of servicemembers.

- a. IHL is an institution of higher learning.
- b. The forms of student aid that may be used to offset the "actual net cost for in-state tuition and fees" are certain waivers, reductions, scholarships, and assistance. The applicable scholarships and sources of assistance used to offset the actual tuition and fees are those provided directly to the IHL for the sole purpose of defraying tuition and fees. Loans and Pell Grants are specifically excluded from being used to offset the tuition and fees. 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 R42446, *Federal Pell Grant Program of the Higher Education Act: How the Program Works and Recent Legislative Changes*, by (name redacted).
- c. Amounts shown are those in effect for academic year 2016-2017, based on amounts originally established for the academic year that began August 1, 2011, increased annually thereafter according to the average increase in undergraduate tuition in the United States as determined by the U.S. Department of Education (ED).
- d. The E-5 with dependents BAH is the monthly basic allowance for housing for a member of the Armed Forces with dependents in pay grade E-5.

**Table 2. Percentage of Maximum Post-9/11 GI Bill Benefits Based on Aggregate Length of Active Duty Service**

Aggregate Time Served on 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. §3313 and data available from the U.S. Department of Veterans' Affairs.

### Non-active Duty Individuals Enrolled More than Half-Time in Programs of Education Leading to a Degree

Eligible individuals who are not on active duty, are pursuing a program of education in residence or online leading to a degree at an IHL, and are enrolled more than half-time may receive the following payments for tuition and fees, housing, and books and supplies:

- *Tuition and fees.* Individuals attending public IHLs in programs of education leading to a degree are eligible to receive payments equal to the “actual net cost for in-state tuition and fees” for the program of education, reduced according to the length of time served on active duty (**Table 2**) and less certain waivers, reductions, scholarships, and assistance.<sup>27</sup> For academic year (AY) 2016-2017, individuals attending private or foreign IHLs in programs of education leading to a degree are eligible to receive the lesser of \$21,970.46,<sup>28</sup> reduced according to the length of time served on active duty (**Table 2**), or the “actual net cost for tuition and fees” for the program of education less certain waivers, reductions, scholarships, and assistance and reduced according to the length of time served on active duty (**Table 2**). The applicable scholarships and sources of assistance used to offset the “actual net cost for tuition and fees” are those provided directly to the IHL for the sole purpose of defraying tuition and fees. The applicable scholarships and assistance specifically exclude loans and Pell Grants.<sup>29</sup> The tuition and fees benefit is paid directly to the IHL for each academic term.

<sup>27</sup> The “actual net cost for tuition and fees” is not defined.

<sup>28</sup> 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).

<sup>29</sup> 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 R42446, *Federal Pell Grant Program of the Higher Education Act: How the Program Works and Recent Legislative Changes*, by (name redacted) .

- *Housing Allowance.* The housing allowance is based on the DOD-determined monthly basic allowance for housing (BAH) for a member of the Armed Forces with dependents in pay grade E-5 (hereinafter referred to as the *E-5 with dependents BAH*).<sup>30</sup> For individuals not enrolled exclusively through distance learning,<sup>31</sup> the monthly housing allowance equals the E-5 with dependents BAH in the military housing area in which the IHL is located, reduced according to the length of time served on active duty (**Table 2**) and the individual's enrollment rate (rounded to the nearest multiple of 10). For example, an individual enrolled in 10 credit hours, assuming 12 credit hours as full-time, receives 80% of the E-5 with dependents BAH where the IHL is located, reduced according to the length of time served on active duty (**Table 2**). The monthly housing allowance for attendance at foreign institutions equals the national average of the E-5 with dependents BAH. For individuals enrolled exclusively through distance learning, the monthly housing allowance is 50% of the national average of the E-5 with dependents BAH, reduced according to the length of time served on active duty (**Table 2**) and the individual's enrollment rate.<sup>32</sup> The housing allowance is paid directly to eligible individuals monthly.
- *Books and Supplies Stipend.* Individuals also receive a maximum stipend of \$1,000 per year for books and required educational expenses. The stipend is paid monthly directly to eligible individuals based on the number of credit hours, or their equivalent, in which individuals are enrolled each term. Each credit hour, or its equivalent, is worth \$41.67, reduced according to the length of time served on active duty (**Table 2**).<sup>33</sup> This stipend does not reduce the entitlement period and does not reduce other benefit payments.

### Active Duty Individuals Enrolled More than Half-Time in Programs of Education Leading to a Degree

Individuals serving on active duty while enrolled more than half-time in programs of education leading to a degree may receive the following payments for tuition and fees, housing, and books and supplies:

- *Tuition and fees.* The tuition and fees benefit is paid directly to the IHL on behalf of eligible individuals for each academic term. The benefit amount is the lesser of
  - at a public IHL, the “actual net cost for in-state tuition and fees” for the program of education, reduced according to the length of time served on active duty (**Table 2**) and less certain waivers, reductions, scholarships, and assistance;

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<sup>30</sup> BAH is a DOD benefit to uniformed servicemembers to provide housing compensation when government quarters are not provided. The amount is based on a survey of actual median current market rent, average utilities (including electricity, heat, and water/sewer), and average renter's insurance in local civilian housing markets and is payable based on geographic duty location, pay grade, and dependency status.

<sup>31</sup> Distance education is not defined, but is primarily comprised of online education.

<sup>32</sup> Individuals in a program offered exclusively through distance learning were not eligible for a Post-9/11 GI Bill housing allowance until September 30, 2011, as a result of the Improvements Act.

<sup>33</sup> The VA has determined in 38 C.F.R. 21.9640 that a lump sum books and supplies stipend for each academic term equals \$41.67 multiplied by the number of credit hours enrolled and multiplied by the ratio of the number of credit hours enrolled to the number of credit hours required for full-time pursuit.

- at a private or foreign IHL for AY2016-2017, the lesser of \$21,970.46, reduced according to the length of time served on active duty (**Table 2**), or the “actual net cost for tuition and fees” for the program of education, reduced according to the length of time served on active duty (**Table 2**) and less certain waivers, reductions, scholarships, and assistance; or
- the amount allowable under the Tuition Assistance “Top-Up” Program (see the subsequent section entitled Tuition Assistance “Top-Up” Program).<sup>34</sup>
- *Housing Allowance*. Individuals who are in programs of education leading to a degree and serving on active duty are ineligible to receive a Post-9/11 GI Bill housing allowance.
- *Books and Supplies Stipend*. Individuals enrolled more than half-time in programs of education leading to a degree while on active duty receive for each academic term a lump sum stipend for books and supplies in the amount of \$1,000, reduced according to the length of time served on active duty (**Table 2**) and according to the proportion of a complete academic year that such academic term constitutes.<sup>35</sup>

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

Individuals pursuing apprenticeship or on-the-job training more than half-time may receive the following payments for tuition and fees, housing, and books and supplies:<sup>36</sup>

- *Tuition and fees*. Individuals pursuing apprenticeship or on-the-job training more than half-time are ineligible to receive a tuition and fees benefit.
- *Housing Allowance*. Individuals pursuing apprenticeship or on-the-job training more than half-time receive a monthly housing allowance 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 2**) and by the proportion of working/training hours completed each month that is below 120.
- *Books and Supplies Stipend*. Individuals pursuing apprenticeship or on-the-job training more than half-time receive a books and supplies stipend each academic term in the amount of \$83 per month, reduced according to the length of time served on active duty (**Table 2**).

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<sup>34</sup> Prior to an Improvements Act amendment, which went into effect March 5, 2011, individuals on active duty received (payable to the IHL) the amount of tuition and fees charged by the IHL, as long as the amount did not duplicate any amounts received through a DOD Tuition Assistance Program. This amount could exceed amounts charged by the most expensive public institution in the state. The entitlement period was reduced one month for each month enrolled.

<sup>35</sup> Prior to an Improvements Act amendment, which went into effect October 1, 2011, individuals on active duty did not receive a books and supplies stipend.

<sup>36</sup> The Improvements Act expanded the eligible programs of education to include apprenticeship and on-the-job training effective October 1, 2011.

## Flight Trainees Enrolled More than Half-Time

Individuals enrolled more than half-time in programs of education consisting of flight training that is not at an IHL and that does not lead to a degree may receive the following payments for tuition and fees, housing, and books and supplies.<sup>37</sup>

- *Tuition and fees.* For AY2016-2017, individuals enrolled more than half-time in flight training receive a tuition and fees benefit equal to the lesser of \$12,554.54,<sup>38</sup> reduced according to the length of time served on qualifying active duty (see **Table 2**), or the “actual net cost for in-state tuition and fees” for the program of education, less certain waivers, reductions, scholarships, and assistance. The tuition and fees benefit is paid to the educational institution after individuals complete the training.
- *Housing Allowance.* Individuals pursuing flight training are ineligible to receive a housing allowance.
- *Books and Supplies Stipend.* Individuals pursuing flight training are ineligible to receive a books and supplies stipend.

## Correspondence Trainees Enrolled More than Half-Time

Correspondence training differs from distance learning or online education in 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. Individuals enrolled more than half-time exclusively in correspondence training programs, regardless of the type of institution, may receive the following payments for tuition and fees, housing, and books and supplies:<sup>39</sup>

- *Tuition and fees.* For AY2016-2017, individuals enrolled exclusively in correspondence training more than half-time receive a tuition and fees benefit equal to the lesser of \$10,671.35,<sup>40</sup> reduced according to the length of time served on qualifying active duty (see **Table 2**), or the “actual net cost for tuition and fees” for the program of education less certain waivers, reductions, scholarships, and assistance. The tuition and fees benefit is paid to the educational institution after the individuals complete the training.
- *Housing Allowance.* Individuals pursuing correspondence training exclusively are ineligible to receive a housing allowance.
- *Books and Supplies Stipend.* Individuals pursuing correspondence training exclusively are ineligible to receive a books and supplies stipend.

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<sup>37</sup> The Improvements Act expanded the eligible programs of education to include flight training from non-IHLs effective October 1, 2011. Statute establishes the payment amounts for “flight training (regardless of the institution providing such program of education),” but the VA has indicated that it is not implementing the described payment amounts for degree programs that consist of flight training at IHLs ([http://gibill.va.gov/resources/education\\_resources/programs/flight\\_training.html](http://gibill.va.gov/resources/education_resources/programs/flight_training.html)).

<sup>38</sup> The maximum of \$10,000 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 ED.

<sup>39</sup> The Improvements Act expanded the eligible programs of education to include correspondence training effective October 1, 2011.

<sup>40</sup> The maximum of \$8,500 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 ED.



## Individuals Enrolled More than Half-Time in Programs of Education Not Leading to a Degree

Active duty and non-active duty individuals who are enrolled more than half-time at a non-college degree granting institution, referred to by statute as a certificate or non-college degree program at an institution or establishment other than an IHL that is not on-the-job, apprenticeship, flight, or correspondence training, may receive the following payments for tuition and fees, housing, and books and supplies:<sup>41</sup>

- *Tuition and fees.* Individuals enrolled more than half-time in programs of education not leading to a degree receive a tuition and fees benefit equal to the lesser of \$21,970.46, reduced according to the length of time served on qualifying active duty (see **Table 2**), or the “actual net cost for in-state tuition and fees” less certain waivers, reductions, scholarships, and assistance. The tuition and fees benefit is paid to the educational institution each academic term.
- *Housing Allowance.* For individuals pursuing a program of education in-residence, the monthly housing allowance is equal to the E-5 with dependents BAH where the educational institution is located, reduced according to the length of time served on qualifying active duty (see **Table 2**) and in proportion to the enrollment rate. Individuals pursuing a program of education through distance learning receive 50% of the amount received by individuals pursuing a program of education in-residence.
- *Books and Supplies Stipend.* Individuals enrolled more than half-time in programs of education not leading to a degree receive a books and supplies stipend in the amount of \$83 per month paid to the individuals for each academic term, reduced according to the length of time served on qualifying active duty (see **Table 2**).

## Individuals Enrolled Half-Time or Less

Individuals enrolled half-time or less in any program of education and regardless of the active duty status may receive the following payments for tuition and fees, housing, and books and supplies:

- *Tuition and fees.* Individuals enrolled half-time or less are eligible for a tuition and fees benefit of 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 individuals would have been eligible if enrolled more than half-time in a program of education leading to a degree at an IHL.<sup>42</sup>
- *Housing Allowance.* Individuals enrolled half-time or less are ineligible to receive a housing allowance.

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<sup>41</sup> The Improvements Act expanded the eligible programs of education to include certificate and non-college degree programs at non-IHLs, effective October 1, 2011.

<sup>42</sup> Prior to an Improvements Act amendment, which went into effect August 1, 2011, individuals enrolled half-time or less received (payable to the IHL) the amount charged by the IHL, but not more than the amount the individual would have been eligible to receive if enrolled full-time.

- *Books and Supplies Stipend.* Individuals enrolled half-time or less may receive a books and supplies stipend that is a percentage of the maximum stipend of \$1,000 per year, reduced in proportion to their enrollment rate. The percentage of the stipend is determined by the length of time served on active duty (**Table 2**).

## Yellow Ribbon GI Education Enhancement Program Payments

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. Yellow Ribbon Program agreements benefit participants enrolled in private IHLs and charged as out-of-state students at public IHLs.

The Yellow Ribbon Program covers a portion of the tuition and fees that exceed the base Post-9/11 GI Bill tuition and fees benefit. The Yellow Ribbon Program payment is paid equally by the IHL and the VA. The program allows IHLs to enter into agreements with the VA to match a certain amount of the tuition and fees not already covered by the basic Post-9/11 GI Bill. Each IHL must establish the number of eligible individuals it is willing to support and how much it is willing to contribute for each individual. VA regulations allow IHLs to specify their support by each sub-element: college or professional school; and by student status: undergraduate, graduate, or doctoral. Several IHLs have variously agreed to support between one and an unlimited number of eligible students for an amount from \$50 per semester to the maximum amount needed by the student (see box below for an example of how the Yellow Ribbon program works).

The program is only available to veterans and servicemembers at the 100% benefit level and the dependents to whom they have transferred benefits.<sup>43</sup> As long as the IHL remains in the Yellow Ribbon Program, individuals admitted under the program who maintain satisfactory progress will continue to be supported under the program.

### Example of Yellow Ribbon Program Payments

Participant: A Post-9/11 GI Bill eligible veteran with 36 months of qualifying active duty service may choose to enroll as a full-time law student at the private ABC University in Washington.

University charges: ABC University defines full-time attendance as 30 credit hours and charges \$35,987.00 (\$1,177.00 per credit hour for tuition \* 30 credits for full-time attendance + \$677.00 per year in fees) in AY2016-2017.

Base Post-9/11 GI Bill tuition and fees benefit: For individuals at the 100% benefit level attending private IHLs in programs of education leading to a degree, the tuition and fees benefit is the lesser of \$21,970.46 or the "actual net cost for tuition and fees" for the program of education less certain waivers, reductions, scholarships, and assistance. Assuming the Post-9/11 GI Bill eligible veteran does not receive waivers, reductions, scholarships, or assistance, the base Post-9/11 GI Bill tuition and fees benefit is \$21,970.46 (the lesser of \$21,970.46 and \$35,987.00).

Unpaid balance: \$14,016.54 (\$35,987.00 - \$21,970.46)

ABC Yellow Ribbon Program Agreement: Maximum of \$6,000.00 per law student per year for seven law students.

Yellow Ribbon Program Payments: If the veteran in this example is one of the seven students eligible for the Yellow Ribbon program at ABC's law school, the VA will match the university's payment up to \$6,000 per year for a total maximum benefit of \$12,000.00 (\$6,000.00 \* 2). Since the maximum benefit is less than the unpaid balance, the VA will make a Yellow Ribbon payment of \$6,000.00 and ABC will make a Yellow Ribbon payment of \$6,000.00.

Out-of-pocket cost: \$2,016.54 (\$14,016.54 - \$12,000.00)

Total Post-9/11 GI Bill benefits: The VA will have paid \$27,970.46 (\$21,970.46 in basic tuition and fees benefit + \$6,000.00 in Yellow Ribbon payments) on behalf of the veteran. Post-9/11 GI Bill benefits will provide the veteran a total of \$33,970.46 (\$27,970.46 from the VA + \$6,000.00 from the university) for tuition and fees.

<sup>43</sup> Recipients of the Marine Gunnery Sergeant John David Fry Scholarship Program are not eligible.

## **Tutorial Assistance**

Individuals are entitled to payment, not to exceed \$100 monthly and up to a maximum of \$1,200 over the course of the entitlement period, for tutorial assistance provided the IHL certifies that the individuals need tutoring to pass a course(s) required for the approved program of education. The maximum tutorial assistance is not reduced depending on the length of qualifying active duty service. Tutorial assistance does not reduce the entitlement period and does not reduce other benefit payments.

## **Licensing and Certification Test Fees**

A fee of up to \$2,000 may be reimbursed for each approved licensing or certification test as long as the payment does not exceed the individual's remaining Post-9/11 GI Bill entitlement.<sup>44</sup> The benefit is available regardless of whether individuals pass the test. For AY2016-2017, the entitlement charge is one month (rounded to the nearest whole non-zero month) for each payment that equals \$1,832.96.<sup>45</sup> Therefore, each test reduces an individual's entitlement by a minimum of one month. Neither the benefit nor the entitlement charge will depend on the length of qualifying active duty service.

## **National Tests**

Individuals may receive reimbursement for a national test for admission to an IHL and a national test providing an opportunity for course credit at an IHL.<sup>46</sup> The maximum benefit for a test will be the individual's remaining Post-9/11 GI Bill entitlement. For AY2016-2017, the entitlement charge is one month (rounded to the nearest whole non-zero month) for each payment that equals \$1,832.96.<sup>47</sup> Therefore, each test reduces an individual's entitlement by a minimum of one month.

## **Relocation and Travel Assistance**

Individuals who reside in rural counties and who either relocate a distance of at least 500 miles to pursue a program of education or must travel by air to attend an IHL are entitled to a single payment of up to \$500. The relocation assistance does not reduce the entitlement period, does not reduce other benefit payments, and is not reduced depending on the length of qualifying active duty service.

## **Advance Payments**

An advance payment is the first partial and first full month of the housing allowance and is available to individuals who are planning to enroll more than half-time and who have not received educational assistance benefits in 30 days or more. Advance payments are sent to the

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<sup>44</sup> Prior to an Improvements Act amendment, which went into effect August 1, 2011, individuals were eligible for a fee of up to \$2,000 for *one* approved licensing or certification test. The maximum fee was not reduced depending on the length of active duty service. The fee did not reduce the entitlement period and did not reduce other benefit payments under the Post-9/11 GI Bill.

<sup>45</sup> The equivalent entitlement charge of \$1,460 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 ED.

<sup>46</sup> The Improvements Act allowed reimbursement for national tests effective August 1, 2011.

<sup>47</sup> The equivalent entitlement charge of \$1,460 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 ED.

educational institution for disbursement to the student within 30 days of the start of the academic term. Although regulations clarify the eligibility requirements for advance payments of the monthly housing allowance, VA guidance and policy documents indicate that advance payments are not available under the Post-9/11 GI Bill.<sup>48</sup>

## **Supplemental Assistance**

Military service branches may provide various incentives to recruit and retain high quality individuals in the Armed Forces. Eligible recruits and servicemembers may be given a choice of one of several incentives such as cash bonuses. Enlistment kickers, affiliation kickers, and reenlistment kickers are based on the criticality of skill and/or unit or the length of service commitment and are realized when the individuals use their GI Bill benefit.<sup>49</sup> The expected benefit amount is deposited into the DOD Educational Benefits Trust Fund until the individuals take advantage of the benefit, at which time the benefit amount is transferred to the VA for payment.<sup>50</sup> The additional assistance, \$150–\$950, is added to the individuals' monthly housing allowance. As a result, individuals who enroll half-time or less or who are serving on active duty are not eligible because they are not eligible to receive a housing allowance.<sup>51</sup> The amount may be reduced depending on the individuals' time served on active duty and, for 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, in proportion to the enrollment rate.<sup>52</sup>

## **Tuition Assistance “Top-Up” Program**

The Tuition Assistance (TA) “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. Under Tuition Assistance Top-Up, Post-9/11 GI Bill-eligible servicemembers receiving TA benefits on active duty may elect to receive Post-9/11 GI Bill benefits to pay tuition and fees charges above the amount paid by TA. Individuals may not receive more Post-9/11 GI Bill benefits than the individuals would have otherwise been eligible. The amount of Top-Up is not reduced by the length of time served on qualifying active duty. Entitlement is charged one month for each month enrolled full-time and proportionally reduced based on the enrollment rate.

## **Unused MGIB-AD Contributions**

Individuals are generally required to make a \$1,200 contribution to be eligible for MGIB-AD benefits. For individuals who make an irrevocable election to receive Post-9/11 GI Bill benefits in lieu of MGIB-AD benefits, their unused MGIB-AD contributions are refunded as an addition to the last Post-9/11 GI Bill monthly housing allowance once the entitlement period is exhausted. If individuals are not eligible for the monthly housing allowance or fail to exhaust the entitlement period, the unused MGIB-AD contributions are not refunded.

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<sup>48</sup> 38 C.F.R. §21.9680(b)(2); U.S. Department of Veterans' Affairs, *School Certifying Official Handbook*, 5<sup>th</sup> Edition, Revision 5.0: 09/18/2015, p. 64; and U.S. Department of Veterans' Affairs, “Am I eligible for an advance payment of my education benefits?” Frequently Asked Questions, August 19, 2014, <https://gibill.custhelp.com/app/answers/list>.

<sup>49</sup> 32 C.F.R. § 65.6(b).

<sup>50</sup> Funding may also be paid from Department of Homeland Security (DHS) appropriations.

<sup>51</sup> Office of the Under Secretary of Defense, *Directive-Type Memorandum (DTM) 09-003: Post-9/11 GI Bill*, June 22, 2009, Incorporating Change 2, September 14, 2011.

<sup>52</sup> The Improvements Act reduced the supplemental assistance in proportion to the enrollment rate, effective August 1, 2011.

## **MGIB-AD Buy Up Program**

Under the MGIB-AD \$600 Buy-Up program, servicemembers may contribute up to \$600 to the military service branch in multiples of \$20 and receive for every \$20 contributed up to an additional \$5 every month (up to \$5,400 total) during which the individuals receive MGIB-AD benefits. Individuals in the Post-9/11 GI Bill forfeit any contributions to the \$600 MGIB-AD Buy Up program.

## **Marine Gunnery Sergeant John David Fry Scholarship Program**

The Marine Gunnery Sergeant John David Fry Scholarship Program authorizes the spouse and 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 to be eligible for the Post-9/11 GI Bill.<sup>53</sup> The Armed Forces include the Reserves and National Guard, but exclude the Public Health Service (PHS) and National Oceanic and Atmospheric Administration (NOAA). Scholarship recipients are eligible to receive all applicable Post-9/11 GI Bill benefits, except Yellow Ribbon payments, for 36 months at the maximum 100% rate. The benefit is available to children up to age 33 and to spouses until the earlier of 15 years following the servicemember's death or remarriage.

Children are unmarried or married persons and unmarried persons who became permanently incapable of self-support before the age of 18. Children include children born outside of marriage and acknowledged, legally adopted children, and stepchildren who are members of the households of eligible individuals. Children who are serving on active duty will receive benefits like other servicemembers on active duty.<sup>54</sup>

## **Transferability to Dependents**

The DOD allows the transfer of benefits from individuals eligible for the Post-9/11 GI Bill (qualifying individuals) to certain family members. In order to designate to whom qualifying individuals want to transfer benefits, qualifying individuals must be currently members of the Armed Forces (active duty or Selected Reserve) or active duty members of the Commissioned Corps of the PHS and NOAA.<sup>55</sup> In other words, qualifying individuals who have retired or been separated are no longer eligible to designate a transferee.

Qualifying individuals may designate to whom they are transferring some or all of their benefits. Qualifying individuals must have completed at least six years of service (active duty or Selected Reserve) and agree to serve four additional years.

Qualifying individuals can transfer up to 36 months of benefits to their child, to their spouse, or to some combination of children and spouse. The family members must be enrolled in the DOD

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<sup>53</sup> The Supplemental Appropriations Act of 2009 (P.L. 111-32) amended the Post-9/11 GI Bill to create the Marine Gunnery Sergeant John David Fry Scholarship for dependent children, effective August 1, 2010, including retroactive payments to August 1, 2009. The Veterans' Access to Care Act (P.L. 113-146) extended the scholarship to spouses, effective for terms beginning after December 31, 2014.

<sup>54</sup> U.S. Department of Veterans Affairs, "Post-9/11 GI Bill: Marine Gunnery Sergeant John David Fry Scholarship," press release, [http://www.gibill.va.gov/documents/Fry\\_Scholarship.pdf](http://www.gibill.va.gov/documents/Fry_Scholarship.pdf).

<sup>55</sup> The Improvements Act extended transferability to the Commissioned Corps of the PHS and NOAA, as of August 1, 2011, and September 1, 2011, respectively.

Defense Eligibility Enrollment Reporting System (DEERS) and be eligible for benefits at the time the transfer is designated. The qualifying individual can designate the family member, the number of months of the entitlement period, and the period during which it may be used. After retirement or separation, qualifying individuals can only modify the number of months of the transferred entitlement period or revoke the designation. After retirement or separation, qualifying individuals cannot designate new family members. As dependents use the transferred benefit, the remaining entitlement periods of both the dependents and qualifying individual are reduced. The designees can use the benefit for the same purposes as the qualifying individuals and for the completion of a high school diploma or its equivalent.

A spouse can begin using the benefit after the servicemember completes at least six years of service. Spouses who subsequently divorce Post-9/11 GI Bill-eligible individuals are still eligible to use the transferred benefits unless the qualifying individuals revoke the transfer.<sup>56</sup> The spouses receive payments according to the current status of the qualifying individuals. The spouses may use the benefits within 15 years of the qualifying individual's discharge or release from active duty service.

Children have to achieve a high school diploma, achieve the equivalent of a high school diploma, or reach 18 years of age before using the benefit. In addition, the qualifying individual has to complete at least 10 years of service before a designated child can use the benefit. Children receive payments as if the qualifying individuals were not on active duty. Children must use the benefit before reaching 26 years of age.<sup>57</sup>

## **Relationship to Other Veterans' Educational Assistance Programs**

Many servicemembers are eligible for more than one veterans' educational assistance program. Individuals who served on active duty after June 30, 1985, may be eligible for the Montgomery GI Bill-Active Duty (MGIB-AD; 38 U.S.C., Chapter 30); and reservists who served on active duty during the period between September 10, 2001, and November 25, 2015, may be eligible for the Reserves Educational Assistance Program (REAP; 10 U.S.C., Chapter 1607). Individuals who are serving in the Selected Reserve may be eligible for the Montgomery GI Bill-Selected Reserve (MGIB-SR; 10 U.S.C., Chapter 1606). Individuals who have served in the Armed Forces and who are or were the dependents of servicemembers who were disabled, delayed,<sup>58</sup> or died as a result of military service may be eligible for the Survivors' and Dependents' Educational Assistance program (DEA; 38 U.S.C., Chapter 35).<sup>59</sup> Statutory provisions govern how and to what extent benefits from different programs may be used.

In most instances, individuals with a single qualifying active duty service period or event must elect the program to which such service is to be credited. For example, a reservist who served on

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<sup>56</sup> The transferred benefits cannot be considered marital property in divorce proceedings.

<sup>57</sup> Effective August 1, 2011, 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, according to the family caregiver assistance program (38 U.S.C. §1720G(a)).

<sup>58</sup> 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.

<sup>59</sup> For information on DEA, see CRS Report R40723, *Educational Assistance Programs Administered by the U.S. Department of Veterans Affairs*, by (name redacted) (available upon request).

active duty for 36 months starting in 2003 may be eligible for the Post-9/11 GI Bill, MGIB-AD, and REAP, however, the reservist must elect to give up eligibility to one program. Individuals who are eligible for both the Post-9/11 GI Bill Fry Scholarship and DEA benefits based on the death of a spouse or a single parent must elect the program from which to receive benefits.<sup>60</sup> These decisions are generally irrevocable.

With a few exceptions, veterans and servicemembers with more than one qualifying active duty service period or event can generally combine benefit programs administered by the VA to receive no more than 48 months of educational benefits.<sup>61</sup> Individuals eligible for the Post-9/11 GI Bill based on their service and eligible for transferred Post-9/11 GI Bill benefits are not subject to the 48-month limit.<sup>62</sup> Effective October 1, 2013, DEA-eligible individuals who are also eligible for another GI Bill program may combine benefit programs to receive up to 81 months of entitlement.<sup>63</sup> However, benefits under more than one program cannot be received concurrently.

## Relationship to the Vocational Rehabilitation and Employment Program (VR&E)

Post-9/11 GI Bill-eligible individuals who receive benefits from the Vocational Rehabilitation and Employment Program (VR&E) program are eligible for an alternative subsistence allowance.<sup>64</sup> VR&E is an entitlement program that provides job training and related services to veterans with service-connected disabilities. VR&E participants receive a subsistence allowance based on the number of dependents, type of education or training pursued, and rate of attendance. Effective October 1, 2015, the regular subsistence allowance for full-time training at an IHL is \$885.00 monthly for individuals with two dependents. Individuals eligible for both VR&E and the Post-9/11 GI Bill may choose to receive the regular subsistence allowance or the E-5 with dependents BAH for the zip code in which the rehabilitation program is located.<sup>65</sup>

## Participation and Cost

The Post-9/11 GI Bill is an *appropriated entitlement* program, meaning the entitlement spending is funded in annual appropriations acts. While the funding is provided in the annual appropriations acts, the level of spending for appropriated entitlements is not controlled through the annual appropriations process. Instead, the level of spending for appropriated entitlements is

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<sup>60</sup> An Improvements Act amendment established this requirement for children effective August 1, 2011. The Veterans' Access to Care Act established the requirement for spouses effective for terms beginning after December 31, 2014.

<sup>61</sup> Aggregate educational assistance may not exceed 48 months under the following programs: Parts VII or VIII, Veterans Regulation numbered 1(a), as amended; Title II of the Veterans' Readjustment Assistance Act of 1952; the War Orphans' Educational Assistance Act of 1956; Chapters 30, 32, 33, 34, and 36 of Title 38 U.S.C. and the former chapter 33; Chapters 106a, 1606, and 1607 of Title 10 U.S.C.; Section 903 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note); the Hostage Relief Act of 1980 (5 U.S.C. 5561 note); and the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4801).

<sup>62</sup> 38 C.F.R. §21.9750(m).

<sup>63</sup> As enacted by the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 (P.L. 112-154), the allowance of 81 months of entitlement applies only to entitlement that was not exhausted prior to October 1, 2013.

<sup>64</sup> For more detailed information on the VR&E program, see CRS Report RL34627, *Veterans' Benefits: The Vocational Rehabilitation and Employment Program*, by (name redacted) .

<sup>65</sup> This provision went into effect August 1, 2011, as a consequence of the Improvements Act.

based on the benefit and eligibility criteria established in law, and the amount provided in appropriations acts is based on meeting this projected level.

Obligations for the Post-9/11 GI Bill have increased from \$5.5 billion in FY2010, the first full year of implementation, to \$11.2 billion in FY2015 (**Table 3**). Participation has more than doubled from over 350,000 in FY2010 to more than 790,000 in FY2015. In FY2010 and FY2015, participants have received over \$14,000 in benefits, on average. Participation data by program of education is not currently available.

**Table 3. Post-9/11 GI Bill Obligations, Participation, and Benefit Amount per Participant: FY2009-FY2015**

Fiscal Year	Obligations (\$ in thousands)	Participation <sup>a</sup>	Average Benefit per Participant (\$)
2009 <sup>b</sup>	162,053	34,393	4,712
2010	5,542,843	365,640	14,466
2011	7,656,490	555,329	13,871
2012	8,476,227	646,302	13,080
2013	10,184,499	754,529	13,465
2014	10,754,649	790,408	13,606
2015	11,234,014	790,507	14,167

**Source:** President's Budget Submission, FY2011-FY2017.

- a. Participants include veterans, servicemembers, and dependents. Participants may receive benefits in more than one year and from more than one program in the same year.
- b. Since the program went into effect on August 1, 2009, one month before the end of FY2009, the data do not reflect the full year.

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