

110TH CONGRESS
1ST SESSION

S. 1278

To amend title 38, United States Code, to expand the scope of programs of education for which accelerated payments of educational assistance under the Montgomery GI Bill may be used, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 3, 2007

Mr. HAGEL (for himself and Mr. REED) 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 expand the scope of programs of education for which accelerated payments of educational assistance under the Montgomery GI Bill may be used, 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 “Veterans and Survivors
5 Employment and Training Act of 2007”.

1 **SEC. 2. EXPANSION OF EDUCATION PROGRAMS ELIGIBLE**
2 **FOR ACCELERATED PAYMENT OF EDU-**
3 **CATIONAL ASSISTANCE UNDER THE MONT-**
4 **GOMERY GI BILL.**

5 (a) IN GENERAL.—Subsection (b) of section 3014A
6 of title 38, United States Code, is amended by striking
7 paragraph (1) and inserting the following new paragraph
8 (1):

9 “(1) enrolled in either—

10 “(A) an approved program of education
11 that leads to employment in a high technology
12 occupation in a high technology industry (as de-
13 termined pursuant to regulations prescribed by
14 the Secretary); or

15 “(B) an approved program of education
16 lasting less than two years that leads to em-
17 ployment in a sector of the economy, as identi-
18 fied by the Department of Labor, that—

19 “(i) is projected to—

20 “(I) experience a substantial in-
21 crease in the number of jobs; or

22 “(II) positively affect the growth
23 of another sector of the economy; or

24 “(ii) consists of existing or emerging
25 businesses that are being transformed by

1 technology and innovation and require new
2 skills for workers; and”.

3 (b) CONFORMING EXPANSION OF PROGRAM OF EDU-
4 CATION.—Such section is further amended—

5 (1) by redesignating subsection (g) as sub-
6 section (h); and

7 (2) by inserting after subsection (f) the fol-
8 lowing new subsection (g):

9 “(g) For purposes of this section, a program of edu-
10 cation includes a program of education (as defined in sec-
11 tion 3002(3) of this title) pursued at a tribally controlled
12 college or university (as such term is defined in section
13 2 of the Tribally Controlled College or University Assist-
14 ance Act of 1978 (25 U.S.C. 1801)).”.

15 (c) CONFORMING AMENDMENTS.—

16 (1) HEADING AMENDMENT.—The heading of
17 such section is amended to read as follows:

18 “§ 3014A. Accelerated payment of basic educational
19 **assistance”.**

20 (2) CLERICAL AMENDMENT.—The item relating
21 to such section in the table of sections at the begin-
22 ning of chapter 30 of such title is amended to read
23 as follows:

“3014A. Accelerated payment of basic educational assistance.”.

1 **SEC. 3. ACCELERATED PAYMENT OF SURVIVORS' AND DE-**
 2 **PENDENTS' EDUCATIONAL ASSISTANCE FOR**
 3 **CERTAIN PROGRAMS OF EDUCATION.**

4 (a) IN GENERAL.—Subchapter IV of chapter 35 of
 5 title 38, United States Code, is amended by inserting after
 6 section 3532 the following new section:

7 **“§ 3532A. Accelerated payment of educational assist-**
 8 **ance allowance**

9 “(a) The educational assistance allowance payable
 10 under section 3531 of this title with respect to an eligible
 11 person described in subsection (b) may, upon the election
 12 of such eligible person, be paid on accelerated basis in ac-
 13 cordance with this section.

14 “(b) An eligible person described in this subsection
 15 is an individual who is—

16 “(1) enrolled in either—

17 “(A) an approved program of education
 18 that leads to employment in a high technology
 19 occupation in a high technology industry (as de-
 20 termined pursuant to regulations prescribed by
 21 the Secretary); or

22 “(B) an approved program of education
 23 lasting less than two years that leads to em-
 24 ployment in a sector of the economy, as identi-
 25 fied by the Department of Labor, that—

26 “(i) is projected to—

1 “(I) experience a substantial in-
2 crease in the number of jobs; or

3 “(II) positively affect the growth
4 of another sector of the economy; or

5 “(ii) consists of existing or emerging
6 businesses that are being transformed by
7 technology and innovation and require new
8 skills for workers; and

9 “(2) charged tuition and fees for the program
10 of education that, when divided by the number of
11 months (and fractions thereof) in the enrollment pe-
12 riod, exceeds the amount equal to 200 percent of the
13 monthly rate of educational assistance allowance
14 otherwise payable with respect to the individual
15 under section 3531 of this title.

16 “(c)(1) The amount of the accelerated payment of
17 educational assistance payable with respect to an eligible
18 person making an election under subsection (a) for a pro-
19 gram of education shall be the lesser of—

20 “(A) the amount equal to 60 percent of the es-
21 tablished charges for the program of education; or

22 “(B) the aggregate amount of educational as-
23 sistance allowance to which the individual remains
24 entitled under this chapter at the time of the pay-
25 ment.

1 “(2) In this subsection, the term ‘established
2 charges’, in the case of a program of education, means
3 the actual charges (as determined pursuant to regulations
4 prescribed by the Secretary) for tuition and fees which
5 similarly circumstanced nonveterans enrolled in the pro-
6 gram of education would be required to pay. Established
7 charges shall be determined on the following basis:

8 “(A) In the case of an individual enrolled in a
9 program of education offered on a term, quarter, or
10 semester basis, the tuition and fees charged the indi-
11 vidual for the term, quarter, or semester.

12 “(B) In the case of an individual enrolled in a
13 program of education not offered on a term, quarter,
14 or semester basis, the tuition and fees charged the
15 individual for the entire program of education.

16 “(3) The educational institution providing the pro-
17 gram of education for which an accelerated payment of
18 educational assistance allowance is elected by an eligible
19 person under subsection (a) shall certify to the Secretary
20 the amount of the established charges for the program of
21 education.

22 “(d) An accelerated payment of educational assist-
23 ance allowance made with respect to an eligible person
24 under this section for a program of education shall be
25 made not later than the last day of the month immediately

1 following the month in which the Secretary receives a cer-
2 tification from the educational institution regarding—

3 “(1) the person’s enrollment in and pursuit of
4 the program of education; and

5 “(2) the amount of the established charges for
6 the program of education.

7 “(e)(1) Except as provided in paragraph (2), for each
8 accelerated payment of educational assistance allowance
9 made with respect to an eligible person under this section,
10 the person’s entitlement to basic educational assistance
11 under this chapter shall be charged the number of months
12 (and any fraction thereof) determined by dividing the
13 amount of the accelerated payment by the full-time
14 monthly rate of educational assistance allowance otherwise
15 payable with respect to the person under section 3531 of
16 this title as of the beginning date of the enrollment period
17 for the program of education for which the accelerated
18 payment is made.

19 “(2) If the monthly rate of educational assistance al-
20 lowance otherwise payable with respect to an eligible per-
21 son under section 3531 of this title increases during the
22 enrollment period of a program of education for which an
23 accelerated payment of educational assistance allowance is
24 made under this section, the charge to the person’s entitle-
25 ment to educational assistance under this chapter shall be

1 determined by prorating the entitlement chargeable, in the
2 manner provided for under paragraph (1), for the periods
3 covered by the initial rate and increased rate, respectively,
4 in accordance with regulations prescribed by the Sec-
5 retary.

6 “(f) The Secretary may not make an accelerated pay-
7 ment of educational assistance allowance under this sec-
8 tion for a program of education with respect to an eligible
9 person who has received an advance payment under sec-
10 tion 3680(d) of this title for the same enrollment period.

11 “(g) For purposes of this section, a program of edu-
12 cation includes a program of education (as defined in sec-
13 tion 3002(3) of this title) pursued at a tribally controlled
14 college or university (as such term is defined in section
15 2 of the Tribally Controlled College or University Assist-
16 ance Act of 1978 (25 U.S.C. 1801)).

17 “(h) The Secretary shall prescribe regulations to
18 carry out this section. The regulations shall include re-
19 quirements, conditions, and methods for the request,
20 issuance, delivery, certification of receipt and use, and re-
21 covery of overpayment of an accelerated payment of edu-
22 cational assistance allowance under this section. The regu-
23 lations may include such elements of the regulations pre-
24 scribed under section 3014A of this title as the Secretary
25 considers appropriate for purposes of this section”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 35 of such title is amended
3 by inserting after the item relating to section 3532 the
4 following new item:

“3532A. Accelerated payment of educational assistance allowance.”.

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