

110TH CONGRESS
1ST SESSION

S. 1293

To amend titles 10 and 38, United States Code, to improve educational assistance for members and former members of the Armed Forces, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 3, 2007

Mr. CRAIG introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend titles 10 and 38, United States Code, to improve educational assistance for members and former members of the Armed Forces, 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’ Education
5 and Vocational Benefits Improvement Act of 2007”.

1 **SEC. 2. TEMPORARY EXPANSION OF COURSES FOR WHICH**
 2 **ACCELERATED PAYMENT OF EDUCATIONAL**
 3 **ASSISTANCE MAY BE MADE.**

4 (a) ACCELERATED PAYMENT UNDER MONTGOMERY
 5 GI BILL FOR CERTAIN SHORT-TERM PROGRAMS.—

6 (1) IN GENERAL.—Section 3014A of title 38,
 7 United States Code, is amended—

8 (A) in subsection (b)—

9 (i) by striking “who is—” and insert-
 10 ing “who—”;

11 (ii) by striking paragraph (1) and in-
 12 serting the following new paragraph (1):

13 “(1)(A) is enrolled in an approved program of
 14 education that leads to employment in a high tech-
 15 nology occupation in a high technology industry (as
 16 determined pursuant to regulations prescribed by
 17 the Secretary); or

18 “(B) during the period beginning on October 1,
 19 2008, and ending on September 30, 2012, first en-
 20 rolls in any other approved program of education not
 21 exceeding two years in duration and not leading to
 22 an associate, bachelors, masters, or other degree,
 23 subject to subsection (h); and”;

24 (iii) in paragraph (2), by inserting
 25 “is” before “charged”; and

1 (B) by adding at the end the following new
2 subsection:

3 “(h) The aggregate amount of basic educational as-
4 sistance payable under this section in any fiscal year for
5 enrollments covered by subsection (b)(1)(B) may not ex-
6 ceed \$3,000,000.”.

7 (2) CONFORMING AMENDMENT.—Such section
8 is further amended in the heading by striking
9 **“leading to employment in high tech-
10 nology occupation in high technology in-
11 dustry”**.

12 (3) CLERICAL AMENDMENT.—The table of sec-
13 tions at the beginning of chapter 30 of such title is
14 amended in the item relating to section 3014A by
15 striking “leading to employment in high technology
16 occupation in high technology industry”.

17 (b) ACCELERATED PAYMENT OF SURVIVORS’ AND
18 DEPENDENTS’ EDUCATIONAL ASSISTANCE.—

19 (1) IN GENERAL.—Subchapter IV of chapter 35
20 of such title is amended by inserting after section
21 3532 the following new section:

22 **“§ 3532A. Accelerated payment of educational assist-
23 ance allowance**

24 “(a) The educational assistance allowance payable
25 under section 3531 of this title with respect to an eligible

1 person described in subsection (b) may, upon the election
2 of such eligible person, be paid on an accelerated basis
3 in accordance with this section.

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

6 “(1) during the period beginning on October 1,
7 2008, and ending on September 30, 2012, first en-
8 rolls in an approved program of education not ex-
9 ceeding two years in duration and not leading to an
10 associate, bachelors, masters, or other degree, sub-
11 ject to subsection (h); and

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

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

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

1 “(B) the aggregate amount of educational as-
2 sistance allowance to which the individual remains
3 entitled under this chapter at the time of the pay-
4 ment.

5 “(2) In this subsection, the term ‘established
6 charges’, in the case of a program of education, means
7 the actual charges (as determined pursuant to regulations
8 prescribed by the Secretary) for tuition and fees which
9 similarly circumstanced individuals who are not eligible for
10 benefits under this chapter and who are enrolled in the
11 program of education would be required to pay. Estab-
12 lished charges shall be determined on the following basis:

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

17 “(B) In the case of an individual enrolled in a
18 program of education not offered on a term, quarter,
19 or semester basis, the tuition and fees charged the
20 individual for the entire program of education.

21 “(3) The educational institution providing the pro-
22 gram of education for which an accelerated payment of
23 educational assistance allowance is elected by an eligible
24 person under subsection (a) shall certify to the Secretary

1 the amount of the established charges for the program of
2 education.

3 “(d) An accelerated payment of educational assist-
4 ance allowance made with respect to an eligible person
5 under this section for a program of education shall be
6 made not later than the last day of the month immediately
7 following the month in which the Secretary receives a cer-
8 tification from the educational institution regarding—

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

11 “(2) the amount of the established charges for
12 the program of education.

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

1 “(2) If the monthly rate of educational assistance al-
2 lowance otherwise payable with respect to an eligible per-
3 son under section 3531 of this title increases during the
4 enrollment period of a program of education for which an
5 accelerated payment of educational assistance allowance is
6 made under this section, the charge to the person’s entitle-
7 ment to educational assistance under this chapter shall be
8 determined by prorating the entitlement chargeable, in the
9 manner provided for under paragraph (1), for the periods
10 covered by the initial rate and increased rate, respectively,
11 in accordance with regulations prescribed by the Sec-
12 retary.

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

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

1 scribed under section 3014A of this title as the Secretary
2 considers appropriate for purposes of this section.

3 “(h) The aggregate amount of educational assistance
4 payable under this section in any fiscal year for enroll-
5 ments covered by subsection (b)(1) may not exceed
6 \$1,000,000.”.

7 (2) CLERICAL AMENDMENT.—The table of sec-
8 tions at the beginning of chapter 35 of such title is
9 amended by inserting after the item relating to sec-
10 tion 3532 the following new item:

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

11 (c) ACCELERATED PAYMENT OF EDUCATIONAL AS-
12 SISTANCE FOR MEMBERS OF THE SELECTED RESERVE.—

13 (1) IN GENERAL.—Chapter 1606 of title 10,
14 United States Code, is amended by inserting after
15 section 16131 the following new section:

16 “§ 16131A. Accelerated payment of educational assist-
17 **ance**

18 “(a) The educational assistance allowance payable
19 under section 16131 of this title with respect to an eligible
20 person described in subsection (b) may, upon the election
21 of such eligible person, be paid on an accelerated basis
22 in accordance with this section.

23 “(b) An eligible person described in this subsection
24 is a person entitled to educational assistance under this
25 chapter who—

1 “(1) during the period beginning on October 1,
2 2008, and ending on September 30, 2012, first en-
3 rolls in an approved program of education not ex-
4 ceeding two years in duration and not leading to an
5 associate, bachelors, masters, or other degree, sub-
6 ject to subsection (g); and

7 “(2) is charged tuition and fees for the program
8 of education that, when divided by the number of
9 months (and fractions thereof) in the enrollment pe-
10 riod, exceeds the amount equal to 200 percent of the
11 monthly rate of educational assistance allowance
12 otherwise payable with respect to the person under
13 section 16131 of this title.

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

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

20 “(B) the aggregate amount of educational as-
21 sistance allowance to which the person remains enti-
22 tled under this chapter at the time of the payment.

23 “(2) In this subsection, the term ‘established
24 charges’, in the case of a program of education, means
25 the actual charges (as determined pursuant to regulations

1 prescribed by the Secretary of Veterans Affairs) for tui-
2 tion and fees which similarly circumstanced individuals
3 who are not eligible for benefits under this chapter and
4 who are enrolled in the program of education would be
5 required to pay. Established charges shall be determined
6 on the following basis:

7 “(A) In the case of a person enrolled in a pro-
8 gram of education offered on a term, quarter, or se-
9 mester basis, the tuition and fees charged the indi-
10 vidual for the term, quarter, or semester.

11 “(B) In the case of a person enrolled in a pro-
12 gram of education not offered on a term, quarter, or
13 semester basis, the tuition and fees charged the indi-
14 vidual for the entire program of education.

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

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

1 Affairs receives a certification from the educational insti-
2 tution 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 educational assistance under
11 this chapter shall be charged the number of months (and
12 any fraction thereof) determined by dividing the amount
13 of the accelerated payment by the full-time monthly rate
14 of educational assistance allowance otherwise payable with
15 respect to the person under section 16131 of this title as
16 of the beginning date of the enrollment period for the pro-
17 gram of education for which the accelerated payment is
18 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 16131 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 Secretary
5 of Veterans Affairs.

6 “(f) The Secretary of Veterans Affairs shall prescribe
7 regulations to carry out this section. The regulations shall
8 include requirements, conditions, and methods for the re-
9 quest, issuance, delivery, certification of receipt and use,
10 and recovery of overpayment of an accelerated payment
11 of educational assistance allowance under this section. The
12 regulations may include such elements of the regulations
13 prescribed under section 3014A of title 38 as the Sec-
14 retary of Veterans Affairs considers appropriate for pur-
15 poses of this section.

16 “(g) The aggregate amount of educational assistance
17 payable under this section in any fiscal year for enroll-
18 ments covered by subsection (b)(1) may not exceed
19 \$2,000,000.”.

20 (2) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of chapter 1606 of such title
22 is amended by inserting after the item relating to
23 section 16131 the following new item:

“16131A. Accelerated payment of educational assistance.”.

24 (d) ACCELERATED PAYMENT OF EDUCATIONAL AS-
25 SISTANCE FOR RESERVE COMPONENT MEMBERS SUP-

1 PORTING CONTINGENCY OPERATIONS AND OTHER OPER-
2 ATIONS.—

3 (1) IN GENERAL.—Chapter 1607 of title 10,
4 United States Code, is amended by inserting after
5 section 16162 the following new section:

6 **“§ 16162A. Accelerated payment of educational assist-**
7 **ance**

8 “(a) The educational assistance allowance payable
9 under section 16162 of this title with respect to an eligible
10 member described in subsection (b) may, upon the election
11 of such eligible member, be paid on an accelerated basis
12 in accordance with this section.

13 “(b) An eligible member described in this subsection
14 is a member of a reserve component entitled to educational
15 assistance under this chapter who—

16 “(1) during the period beginning on October 1,
17 2008, and ending on September 30, 2012, first en-
18 rolls in an approved program of education not ex-
19 ceeding two years in duration and not leading to an
20 associate, bachelors, masters, or other degree, sub-
21 ject to subsection (g); and

22 “(2) is charged tuition and fees for the program
23 of education that, when divided by the number of
24 months (and fractions thereof) in the enrollment pe-
25 riod, exceeds the amount equal to 200 percent of the

1 monthly rate of educational assistance allowance
2 otherwise payable with respect to the member under
3 section 16162 of this title.

4 “(c)(1) The amount of the accelerated payment of
5 educational assistance payable with respect to an eligible
6 member making an election under subsection (a) for a pro-
7 gram of education shall be the lesser of—

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

10 “(B) the aggregate amount of educational as-
11 sistance allowance to which the member remains en-
12 titled under this chapter at the time of the payment.

13 “(2) In this subsection, the term ‘established
14 charges’, in the case of a program of education, means
15 the actual charges (as determined pursuant to regulations
16 prescribed by the Secretary of Veterans Affairs) for tui-
17 tion and fees which similarly circumstanced individuals
18 who are not eligible for benefits under this chapter and
19 who are enrolled in the program of education would be
20 required to pay. Established charges shall be determined
21 on the following basis:

22 “(A) In the case of a member enrolled in a pro-
23 gram of education offered on a term, quarter, or se-
24 mester basis, the tuition and fees charged the mem-
25 ber for the term, quarter, or semester.

1 “(B) In the case of a member enrolled in a pro-
2 gram of education not offered on a term, quarter, or
3 semester basis, the tuition and fees charged the
4 member for the entire program of education.

5 “(3) The educational institution providing the pro-
6 gram of education for which an accelerated payment of
7 educational assistance allowance is elected by an eligible
8 member under subsection (a) shall certify to the Secretary
9 of Veterans Affairs the amount of the established charges
10 for the program of education.

11 “(d) An accelerated payment of educational assist-
12 ance allowance made with respect to an eligible member
13 under this section for a program of education shall be
14 made not later than the last day of the month immediately
15 following the month in which the Secretary of Veterans
16 Affairs receives a certification from the educational insti-
17 tution regarding—

18 “(1) the member’s enrollment in and pursuit of
19 the program of education; and

20 “(2) the amount of the established charges for
21 the program of education.

22 “(e)(1) Except as provided in paragraph (2), for each
23 accelerated payment of educational assistance allowance
24 made with respect to an eligible member under this sec-
25 tion, the member’s entitlement to educational assistance

1 under this chapter shall be charged the number of months
2 (and any fraction thereof) determined by dividing the
3 amount of the accelerated payment by the full-time
4 monthly rate of educational assistance allowance otherwise
5 payable with respect to the member under section 16162
6 of this title as of the beginning date of the enrollment pe-
7 riod for the program of education for which the acceler-
8 ated payment is made.

9 “(2) If the monthly rate of educational assistance al-
10 lowance otherwise payable with respect to an eligible mem-
11 ber under section 16162 of this title increases during the
12 enrollment period of a program of education for which an
13 accelerated payment of educational assistance allowance is
14 made under this section, the charge to the member’s enti-
15 tlement to educational assistance under this chapter shall
16 be determined by prorating the entitlement chargeable, in
17 the manner provided for under paragraph (1), for the peri-
18 ods covered by the initial rate and increased rate, respec-
19 tively, in accordance with regulations prescribed by the
20 Secretary of Veterans Affairs.

21 “(f) The Secretary of Veterans Affairs shall prescribe
22 regulations to carry out this section. The regulations shall
23 include requirements, conditions, and methods for the re-
24 quest, issuance, delivery, certification of receipt and use,
25 and recovery of overpayment of an accelerated payment

1 of educational assistance allowance under this section. The
 2 regulations may include such elements of the regulations
 3 prescribed under section 3014A of title 38 as the Sec-
 4 retary of Veterans Affairs considers appropriate for pur-
 5 poses of this section.

6 “(g) The aggregate amount of educational assistance
 7 payable under this section in any fiscal year for enroll-
 8 ments covered by subsection (b)(1) may not exceed
 9 \$1,000,000.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
 11 tions at the beginning of chapter 1607 of such title
 12 is amended by inserting after the item relating to
 13 section 16162 the following new item:

“16162A. Accelerated payment of educational assistance.”.

14 (e) EFFECTIVE DATE.—The amendments made by
 15 this section shall take effect on October 1, 2008.

16 **SEC. 3. ENHANCEMENT OF EDUCATIONAL ASSISTANCE FOR**
 17 **RESERVE COMPONENT MEMBERS SUP-**
 18 **PORTING CONTINGENCY OPERATIONS AND**
 19 **OTHER OPERATIONS.**

20 (a) ASSISTANCE FOR THREE YEARS CUMULATIVE
 21 SERVICE.—Subsection (e)(4)(C) of section 16162 of title
 22 10, United States Code, is amended by striking “for two
 23 continuous years or more.” and inserting “for—

24 “(i) two continuous years or more; or

1 “(ii) an aggregate of three years or
2 more.”.

3 (b) CONTRIBUTIONS FOR INCREASED AMOUNT OF
4 EDUCATIONAL ASSISTANCE.—

5 (1) IN GENERAL.—Such section is further
6 amended by adding at the end the following new
7 subsection:

8 “(f) CONTRIBUTIONS FOR INCREASED AMOUNT OF
9 EDUCATIONAL ASSISTANCE.—(1)(A) Any individual eligi-
10 ble for educational assistance under this section may con-
11 tribute amounts for purposes of receiving an increased
12 amount of educational assistance as provided for in para-
13 graph (2).

14 “(B) An individual covered by subparagraph (A) may
15 make the contributions authorized by that subparagraph
16 at any time while a member of a reserve component, but
17 not more frequently than monthly.

18 “(C) The total amount of the contributions made by
19 an individual under subparagraph (A) may not exceed
20 \$600. Such contributions shall be made in multiples of
21 \$20.

22 “(D) Contributions under this subsection shall be
23 made to the Secretary concerned. Such Secretary shall de-
24 posit any amounts received as contributions under this
25 subsection into the Treasury as miscellaneous receipts.

1 “(2) Effective as of the first day of the enrollment
2 period following the enrollment period in which an indi-
3 vidual makes contributions under paragraph (1), the
4 monthly amount of educational assistance allowance appli-
5 cable to such individual under this section shall be the
6 monthly rate otherwise provided for under subsection (c)
7 increased by—

8 “(A) an amount equal to \$5 for each \$20 con-
9 tributed by such individual under paragraph (1) for
10 an approved program of education pursued on a full-
11 time basis; or

12 “(B) an appropriately reduced amount based on
13 the amount so contributed as determined under reg-
14 ulations that the Secretary of Veterans Affairs shall
15 prescribe, for an approved program of education
16 pursued on less than a full-time basis.”.

○