

107TH CONGRESS
1ST SESSION

S. 1088

To amend title 38, United States Code, to facilitate the use of educational assistance under the Montgomery GI Bill for education leading to employment in high technology industry, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2001

Mr. ROCKEFELLER (for himself and Mr. SPECTER) 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 facilitate the use of educational assistance under the Montgomery GI Bill for education leading to employment in high technology industry, 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,*

1 **SECTION 1. ACCELERATED PAYMENTS OF EDUCATIONAL**
2 **ASSISTANCE UNDER MONTGOMERY GI BILL**
3 **FOR EDUCATION LEADING TO EMPLOYMENT**
4 **IN HIGH TECHNOLOGY INDUSTRY.**

5 (a) IN GENERAL.—(1) Chapter 30 of title 38, United
6 States Code, is amended by inserting after section 3014
7 the following new section:

8 **“§ 3014A. Accelerated payment of basic educational**
9 **assistance for education leading to em-**
10 **ployment in high technology industry**

11 “(a) An individual described in subsection (b) who
12 is entitled to basic educational assistance under this sub-
13 chapter may elect to receive an accelerated payment of the
14 basic educational assistance allowance otherwise payable
15 to the individual under section 3015 of this title.

16 “(b) An individual described in this subsection is an
17 individual who is—

18 “(1) enrolled in an approved program of edu-
19 cation that leads to employment in a high technology
20 industry (as determined pursuant to regulations pre-
21 scribed by the Secretary); and

22 “(2) 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
26 monthly rate of basic educational assistance allow-

1 ance otherwise payable to the individual under sec-
2 tion 3015 of this title.

3 “(c)(1) The amount of the accelerated payment of
4 basic educational assistance made to an individual making
5 an election under subsection (a) for a program of edu-
6 cation shall be the lesser of—

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

9 “(B) the aggregate amount of basic educational
10 assistance to which the individual remains entitled
11 under this chapter at the time of the payment.

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

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

23 “(B) In the case of an individual enrolled in a
24 program of education not offered on a term, quarter,

1 or semester basis, the tuition and fees charged the
2 individual for the entire program of education.

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

9 “(d) An accelerated payment of basic educational as-
10 sistance made to an individual under this section for a
11 program of education shall be made not later than the last
12 day of the month immediately following the month in
13 which the Secretary receives a certification from the edu-
14 cational institution providing the program of education of
15 the individual’s enrollment in and pursuit of the program
16 of education.

17 “(e)(1) Except as provided in paragraph (2), for each
18 accelerated payment of basic educational assistance made
19 to an individual under this section, the individual’s entitle-
20 ment to basic educational assistance under this chapter
21 shall be charged the number of months (and any fraction
22 thereof) determined by dividing the amount of the acceler-
23 ated payment by the full-time monthly rate of basic edu-
24 cational assistance allowance otherwise payable to the in-
25 dividual under section 3015 of this title as of the begin-

1 ning date of the enrollment period for the program of edu-
2 cation for which the accelerated payment is made.

3 “(2) If the monthly rate of basic educational assist-
4 ance allowance otherwise payable to an individual under
5 section 3015 of this title increases during the enrollment
6 period of a program of education for which an accelerated
7 payment of basic educational assistance is made under
8 this section, the individual’s entitlement to basic edu-
9 cational assistance under this chapter shall be charged the
10 number of months (and any fraction thereof) determined
11 by computing the portion of the accelerated payment at-
12 tributable to each monthly rate that would have payable
13 for the enrollment, dividing each such portion by the appli-
14 cable monthly rate, and adding the results together.

15 “(f) The Secretary may, pursuant to such regulations
16 as the Secretary shall prescribe, recover overpayments of
17 basic educational assistance under this chapter resulting
18 from accelerated payments of basic educational assistance
19 under this section.

20 “(g) The Secretary shall prescribe regulations to
21 carry out this section. The regulations shall include re-
22 quirements, conditions, and methods for electing and
23 using accelerated payments of basic educational assistance
24 under this section and for the recovery of overpayments
25 of basic educational assistance under this chapter result-

1 ing from accelerated payments of basic educational assist-
2 ance under this section.”.

3 (2) The table of sections at the beginning of that
4 chapter is amended by inserting after the item relating
5 to section 3014 the following new item:

“3014A. Accelerated payment of basic educational assistance for education lead-
ing to employment in high technology industry.”.

6 (b) RESTATEMENT AND EXPANSION OF CERTAIN AD-
7 MINISTRATIVE AUTHORITIES.—Subsection (g) of section
8 3680 of title 38, United States Code, is amended to read
9 as follows:

10 “(g)(1) The Secretary may, pursuant to regulations
11 which the Secretary shall prescribe, determine and define
12 with respect to an eligible veteran and eligible person the
13 following:

14 “(A) Enrollment in a course or a program of
15 education or training.

16 “(B) Pursuit of a course or program of edu-
17 cation or training.

18 “(C) Attendance at a course or program of edu-
19 cation and training.

20 “(2) The Secretary may withhold payment of benefits
21 to an eligible veteran or eligible person until the Secretary
22 receives such proof as the Secretary may require of enroll-
23 ment in and satisfactory pursuit of a program of education
24 by the eligible veteran or eligible person. The Secretary

1 shall adjust the payment withheld, when necessary, on the
2 basis of the proof the Secretary receives.

3 “(3) In the case of an individual other than an indi-
4 vidual described in paragraph (4), the Secretary may ac-
5 cept the individual’s monthly certification of enrollment in
6 and satisfactory pursuit of a program of education as suf-
7 ficient proof of the certified matters.

8 “(4) In the case of an individual who has received
9 an accelerated payment of basic educational assistance
10 under section 3014A of this title during an enrollment pe-
11 riod for a program of education, the Secretary may accept
12 the individual’s certification of enrollment in and satisfac-
13 tory pursuit of the program of education as sufficient
14 proof of the certified matters if the certification is sub-
15 mitted after the enrollment period has ended.”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall take effect eight months after the date
18 of the enactment of this Act, and shall apply with respect
19 to enrollments in courses or programs of education or
20 training beginning on or after that date.

21 **SEC. 2. INCLUSION OF CERTAIN PRIVATE TECHNOLOGY EN-**
22 **TITIES IN DEFINITION OF EDUCATIONAL IN-**
23 **STITUTION.**

24 (a) IN GENERAL.—Sections 3452(c) and 3501(a)(6)
25 of title 38, United States Code, are each amended by add-

1 ing at the end the following new sentence: “Such term
2 also includes any private entity (that meets such require-
3 ments as the Secretary may establish) that offers, either
4 directly or under an agreement with another entity (that
5 meets such requirements), a course or courses to fulfill
6 requirements for the attainment of a license or certificate
7 generally recognized as necessary to obtain, maintain, or
8 advance in employment in a profession or vocation in a
9 high technology occupation (as determined by the Sec-
10 retary).”.

11 (b) **EFFECTIVE DATE.**—The amendments made by
12 subsection (a) shall apply to enrollments in courses occur-
13 ring on or after the date of the enactment of this Act.

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