

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3363

To amend title 38, United States Code, to provide for accelerated payment of survivors' and dependents' educational assistance for certain programs of education, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 5, 2006

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

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## A BILL

To amend title 38, United States Code, to provide for accelerated payment of survivors' and dependents' educational assistance for certain programs of education, 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. ACCELERATED PAYMENT OF SURVIVORS' AND**  
4 **DEPENDENTS' EDUCATIONAL ASSISTANCE**  
5 **FOR CERTAIN PROGRAMS OF EDUCATION.**

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

1 **“§ 3532A. Accelerated payment of educational assist-**  
2 **ance allowance**

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

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

10 “(1) enrolled in either—

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

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

20 “(i) is projected to—

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

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

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

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

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

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

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

16                         “(B) the aggregate amount of educational as-  
17                         sistance allowance to which the individual remains  
18                         entitled under this chapter at the time of the pay-  
19                         ment.

20                  “(2) In this subsection, the term ‘established  
21                  charges’, in the case of a program of education, means  
22                  the actual charges (as determined pursuant to regulations  
23                  prescribed by the Secretary) for tuition and fees which  
24                  similarly circumstanced nonveterans enrolled in the pro-

1 gram of education would be required to pay. Established  
2 charges shall be determined on the following basis:

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

7           “(B) In the case of an individual enrolled in a  
8 program of education not offered on a term, quarter,  
9 or semester basis, the tuition and fees charged the  
10 individual for the entire program of education.

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

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

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

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

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

15          “(2) If the monthly rate of educational assistance al-  
16          lowance otherwise payable with respect to an eligible per-  
17          son under section 3531 of this title increases during the  
18          enrollment period of a program of education for which an  
19          accelerated payment of educational assistance allowance is  
20          made under this section, the charge to the person’s entitle-  
21          ment to educational assistance under this chapter shall be  
22          determined by prorating the entitlement chargeable, in the  
23          manner provided for under paragraph (1), for the periods  
24          covered by the initial rate and increased rate, respectively,

1 in accordance with regulations prescribed by the Sec-  
2 retary.

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

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

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

23 (b) CLERICAL AMENDMENT.—The table of sections  
24 at the beginning of chapter 35 of such title is amended

- 1 by inserting after the item relating to section 3532 the
- 2 following new item:

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

