

Calendar No. 222

106TH CONGRESS
1ST Session

S. 1402

[Report No. 106-114]

A BILL

To amend title 38, United States Code, to enhance programs providing education benefits for veterans, and for other purposes.

JULY 20, 1999

Read twice and placed and the calendar

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To amend title 38, United States Code, to enhance programs providing education benefits for veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 20, 1999

Mr. SPECTER, from the Committee on Veterans' Affairs, reported the following original bill; which was read twice and placed on the calendar

A BILL

To amend title 38, United States Code, to enhance programs providing education benefits for veterans, 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 “All-Volunteer Force
5 Educational Assistance Programs Improvements Act of
6 1999”.

1 **SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

2 Except as otherwise expressly provided, whenever in
 3 this Act an amendment or repeal is expressed in terms
 4 of an amendment to, or repeal of, a section or other provi-
 5 sion, the reference shall be considered to be made to a
 6 section or other provision of title 38, United States Code.

7 **SEC. 3. AVAILABILITY OF MONTGOMERY GI BILL BENEFITS**
 8 **FOR PREPARATORY COURSES FOR COLLEGE**
 9 **AND GRADUATE SCHOOL ENTRANCE EXAMS.**

10 Section 3002(3) is amended—

11 (1) in subparagraph (A), by striking “and” at
 12 the end;

13 (2) by redesignating subparagraph (B) as sub-
 14 paragraph (C); and

15 (3) by inserting after subparagraph (A) the fol-
 16 lowing new subparagraph (B):

17 “(B) includes—

18 “(i) a preparatory course for a test that is
 19 required or utilized for admission to an institu-
 20 tion of higher education; and

21 “(ii) a preparatory course for a test that is
 22 required or utilized for admission to a graduate
 23 school; and”.

1 **SEC. 4. INCREASE IN BASIC BENEFIT OF ACTIVE DUTY EDU-**
 2 **CATIONAL ASSISTANCE.**

3 (a) INCREASE IN BASIC BENEFIT.—Section 3015 is
 4 amended—

5 (1) in subsection (a)(1), by striking “\$528” and
 6 inserting “\$600”; and

7 (2) in subsection (b)(1), by striking “\$429”
 8 and inserting “\$488”.

9 (b) EFFECTIVE DATE.—The amendments made by
 10 subsection (a) shall take effect on October 1, 1999, and
 11 shall apply with respect to educational assistance allow-
 12 ances paid for months after September 1999. However,
 13 no adjustment in rates of educational assistance shall be
 14 made under section 3015(g) of title 38, United States
 15 Code, for fiscal year 2000.

16 **SEC. 5. INCREASE IN RATES OF SURVIVORS AND DEPEND-**
 17 **ENTS EDUCATIONAL ASSISTANCE.**

18 (a) SURVIVORS AND DEPENDENTS EDUCATIONAL
 19 ASSISTANCE.—Section 3532 is amended—

20 (1) in subsection (a)(1)—

21 (A) by striking “\$485” and inserting
 22 “\$550”;

23 (B) by striking “\$365” and inserting
 24 “\$414”; and

25 (C) by striking “\$242” and inserting
 26 “\$274”;

1 (2) in subsection (a)(2), by striking “\$485” and
 2 inserting “\$550”;

3 (3) in subsection (b), by striking “\$485” and
 4 inserting “\$550”; and

5 (4) in subsection (c)(2)—

6 (A) by striking “\$392” and inserting
 7 “\$445”;

8 (B) by striking “\$294” and inserting
 9 “\$333”; and

10 (C) by striking “\$196” and inserting
 11 “\$222”.

12 (b) CORRESPONDENCE COURSE.—Section 3534(b) is
 13 amended by striking “\$485” and inserting “\$550”.

14 (c) SPECIAL RESTORATIVE TRAINING.—Section
 15 3542(a) is amended—

16 (1) by striking “\$485” and inserting “\$550”;

17 (2) by striking “\$152” each place it appears
 18 and inserting “\$172”; and

19 (3) by striking “\$16.16” and inserting
 20 “\$18.35”.

21 (d) APPRENTICESHIP TRAINING.—Section
 22 3687(b)(2) is amended—

23 (1) by striking “\$353” and inserting “\$401”;

24 (2) by striking “\$264” and inserting “\$299”;

1 (3) by striking “\$175” and inserting “\$198”;

2 and

3 (4) by striking “\$88” and inserting “\$99”.

4 (e) EFFECTIVE DATE.—The amendments made by
5 this section shall take effect on October 1, 1999, and shall
6 apply with respect to educational assistance paid for
7 months after September 1999.

8 **SEC. 6. INCREASED ACTIVE DUTY EDUCATIONAL ASSIST-**
9 **ANCE BENEFIT FOR CONTRIBUTING MEM-**
10 **BERS.**

11 (a) AUTHORITY TO MAKE CONTRIBUTIONS FOR IN-
12 CREASED ASSISTANCE AMOUNT.—(1) Section 3011 is
13 amended—

14 (A) by redesignating subsection (i) as sub-
15 section (j); and

16 (B) by inserting after subsection (h) the fol-
17 lowing new subsection (i):

18 “(i)(1) Any individual eligible for educational assist-
19 ance under this section who does not make an election
20 under subsection (c)(1) may contribute amounts for pur-
21 poses of receiving an increased amount of basic edu-
22 cational assistance as provided for under section 3015(g)
23 of this title. Such contributions shall be in addition to any
24 reductions in the basic pay of such individual under sub-
25 section (b).

1 “(2) An individual covered by paragraph (1) may
 2 make the contributions authorized by that paragraph at
 3 any time while on active duty.

4 “(3) The total amount of the contributions made by
 5 an individual under paragraph (1) may not exceed \$600.
 6 Such contributions shall be made in multiples of \$4.

7 “(4) Contributions under this subsection shall be
 8 made to the Secretary. The Secretary shall deposit any
 9 amounts received by the Secretary as contributions under
 10 this subsection into the Treasury as miscellaneous re-
 11 ceipts.”.

12 (2) Section 3012 is amended—

13 (A) by redesignating subsection (g) as sub-
 14 section (h); and

15 (B) by inserting after subsection (f) the fol-
 16 lowing new subsection (g):

17 “(g)(1) Any individual eligible for educational assist-
 18 ance under this section who does not make an election
 19 under subsection (d)(1) may contribute amounts for pur-
 20 poses of receiving an increased amount of basic edu-
 21 cational assistance as provided for under section 3015(g)
 22 of this title. Such contributions shall be in addition to any
 23 reductions in the basic pay of such individual under sub-
 24 section (c).

1 “(2) An individual covered by paragraph (1) may
 2 make the contributions authorized by that paragraph at
 3 any time while on active duty.

4 “(3) The total amount of the contributions made by
 5 an individual under paragraph (1) may not exceed \$600.
 6 Such contributions shall be made in multiples of \$4.

7 “(4) Contributions under this subsection shall be
 8 made to the Secretary. The Secretary shall deposit any
 9 amounts received by the Secretary as contributions under
 10 this subsection into the Treasury as miscellaneous re-
 11 ceipts.”.

12 (b) INCREASED ASSISTANCE AMOUNT.—Section
 13 3015, as amended by section 4 of this Act, is further
 14 amended—

15 (1) by striking “subsection (g)” each place it
 16 appears in subsections (a)(1) and (b)(1) and insert-
 17 ing “subsection (h)”;

18 (2) by redesignating subsection (g) as sub-
 19 section (h); and

20 (3) by inserting after subsection (f) the fol-
 21 lowing new subsection (g):

22 “(g) In the case of an individual who has made con-
 23 tributions authorized by section 3011(i) or 3012(g) of this
 24 title, the monthly amount of basic educational assistance
 25 allowance applicable to such individual under subsection

1 (a), (b), or (c) shall be the monthly rate otherwise pro-
 2 vided for under the applicable subsection increased by—

3 “(1) an amount equal to \$1 for each \$4 con-
 4 tributed by such individual under section 3011(i) or
 5 3012(g), as the case may be, for an approved pro-
 6 gram of education pursued on a full-time basis; or

7 “(2) an appropriately reduced amount based on
 8 the amount so contributed, as determined under reg-
 9 ulations which the Secretary shall prescribe, for an
 10 approved program of education pursued on less than
 11 a full-time basis.”.

12 (c) EFFECTIVE DATE.—The amendments made by
 13 this section shall take effect on January 1, 2000.

14 **SEC. 7. CONTINUING ELIGIBILITY FOR EDUCATIONAL AS-**
 15 **SISTANCE OF MEMBERS OF THE ARMED**
 16 **FORCES ATTENDING OFFICER TRAINING**
 17 **SCHOOL.**

18 Section 3011(a)(1) is amended—

19 (1) in subparagraph (A)(ii)—

20 (A) by striking “or (III)” and inserting
 21 “(III)”; and

22 (B) by inserting before the semicolon at
 23 the end the following: “or (IV) for immediate
 24 reenlistment to accept a commission as an offi-
 25 cer and subsequently completes the resulting

1 obligated period of active duty service as a com-
 2 missioned officer”; and

3 (2) in subparagraph (B)(ii)—

4 (A) by striking “, or (III)” and inserting
 5 “; (III)”; and

6 (B) by inserting before the semicolon at
 7 the end the following: “or (IV) for immediate
 8 reenlistment to accept a commission as an offi-
 9 cer and subsequently completes the resulting
 10 obligated period of active duty service as a com-
 11 missioned officer”.

12 **SEC. 8. ELIGIBILITY OF MEMBERS OF THE ARMED FORCES**
 13 **TO WITHDRAW ELECTIONS NOT TO RECEIVE**
 14 **MONTGOMERY GI BILL BASIC EDUCATIONAL**
 15 **ASSISTANCE.**

16 (a) MEMBERS ON ACTIVE DUTY.—Section 3011(c) is
 17 amended by adding at the end the following:

18 “(4)(A) An individual who makes an election under
 19 paragraph (1) may withdraw the election at any time be-
 20 fore the discharge or release of the individual from active
 21 duty in the Armed Forces. An individual who withdraws
 22 such an election may become entitled to basic educational
 23 assistance under this chapter.

24 “(B) The withdrawal of an election under this para-
 25 graph shall be made in accordance with regulations pre-

1 scribed by the Secretary of Defense or by the Secretary
2 of Transportation with respect to the Coast Guard when
3 it is not operating as a service in the Navy.

4 “(C)(i) In the case of an individual who withdraws
5 an election under this paragraph—

6 “(I) the basic pay of the individual shall be re-
7 duced by \$100 for each month after the month in
8 which the election is made until the total amount of
9 such reductions equals \$1,500; or

10 “(II) to the extent that basic pay is not so re-
11 duced before the individual’s discharge or release
12 from active duty in the Armed Forces, the Sec-
13 retary, before authorizing the payment of edu-
14 cational assistance under this chapter, shall ensure
15 that an amount equal to the difference between
16 \$1,500 and the total amount of reductions under
17 subclause (I) was paid before the discharge or re-
18 lease of the individual from active duty in the Armed
19 Forces.

20 “(ii) An individual described in clause (i) may pay
21 the Secretary at any time before discharge or release from
22 active duty in the Armed Forces an amount equal to the
23 total amount of the reduction in basic pay otherwise re-
24 quired with respect to the individual under that clause
25 minus the total amount of reductions of basic pay of the

1 individual under that clause at the time of the payment
2 under this clause.

3 “(iii) The second sentence of subsection (b) shall
4 apply to any reductions in basic pay under clause (i)(I).

5 “(iv) Amounts paid under clauses (i)(II) and (ii) shall
6 be deposited into the Treasury as miscellaneous receipts.

7 “(D) The withdrawal of an election under this para-
8 graph is irrevocable.”.

9 (b) MEMBERS OF SELECTED RESERVE.—Section
10 3012(d) is amended by adding at the end the following:

11 “(4)(A) An individual who makes an election under
12 paragraph (1) may withdraw the election at any time be-
13 fore the discharge or release of the individual from the
14 Armed Forces. An individual who withdraws such an elec-
15 tion may become entitled to basic educational assistance
16 under this chapter.

17 “(B) The withdrawal of an election under this para-
18 graph shall be made in accordance with regulations pre-
19 scribed by the Secretary of Defense or by the Secretary
20 of Transportation with respect to the Coast Guard when
21 it is not operating as a service in the Navy.

22 “(C)(i) In the case of an individual who withdraws
23 an election under this paragraph—

24 “(I) the basic pay or compensation of the indi-
25 vidual shall be reduced by \$100 for each month

1 after the month in which the election is made until
2 the total amount of such reductions equals \$1,500;
3 or

4 “(II) to the extent that basic pay or compensa-
5 tion is not so reduced before the individual’s dis-
6 charge or release from the Armed Forces, the Sec-
7 retary, before authorizing the payment of edu-
8 cational assistance under this chapter, shall ensure
9 that an amount equal to the difference between
10 \$1,500 and the total amount of reductions under
11 subclause (I) was paid before the discharge or re-
12 lease of the individual from the Armed Forces.

13 “(ii) An individual described in clause (i) may pay
14 the Secretary at any time before discharge or release from
15 the Armed Forces an amount equal to the total amount
16 of the reduction in basic pay or compensation otherwise
17 required with respect to the individual under that clause
18 minus the total amount of reductions of basic pay or com-
19 pensation of the individual under that clause at the time
20 of the payment under this clause.

21 “(iii) The second sentence of subsection (c) shall
22 apply to any reductions in basic pay or compensation
23 under clause (i)(I).

24 “(iv) Amounts paid under clauses (i)(II) and (ii) shall
25 be deposited into the Treasury as miscellaneous receipts.

1 “(D) The withdrawal of an election under this para-
2 graph is irrevocable.”.

3 **SEC. 9. ACCELERATED PAYMENTS OF BASIC EDUCATIONAL**
4 **ASSISTANCE.**

5 Section 3014 is amended—

6 (1) by inserting “(a)” before “The Secretary”;
7 and

8 (2) by adding at the end the following new sub-
9 section:

10 “(b)(1) The Secretary may make payments of basic
11 educational assistance under this subchapter on an accel-
12 erated basis.

13 “(2) The Secretary may pay basic educational assist-
14 ance on an accelerated basis under this subsection only
15 to an individual entitled to payment of such assistance
16 under this subchapter who has made a request for pay-
17 ment of such assistance on an accelerated basis.

18 “(3) In the event an adjustment under section
19 3015(g) of this title in the monthly rate of basic edu-
20 cational assistance will occur during a period for which
21 a payment of such assistance is made on an accelerated
22 basis under this subsection, the Secretary shall pay on an
23 accelerated basis the amount of such assistance otherwise
24 payable under this subchapter for the period without re-
25 gard to the adjustment under that section.

1 “(4) For each accelerated payment made to an indi-
 2 vidual, the individual’s entitlement under this subchapter
 3 shall be charged as if the individual had received a month-
 4 ly educational assistance allowance for the period of edu-
 5 cational pursuit covered by the accelerated payment.

6 “(5) Basic educational assistance shall be paid on an
 7 accelerated basis under this subsection as follows:

8 “(A) In the case of assistance for a course lead-
 9 ing to a standard college degree, at the beginning of
 10 the quarter, semester, or term of the course in a
 11 lump-sum amount equivalent to the aggregate
 12 amount of monthly assistance otherwise payable
 13 under this subchapter for the quarter, semester, or
 14 term, as the case may be, of the course.

15 “(B) In the case of assistance for a course
 16 other than a course referred to in subparagraph
 17 (A)—

18 “(i) at the later of (I) the beginning of the
 19 course, or (II) a reasonable time after the re-
 20 quest for payment by the individual concerned;
 21 and

22 “(ii) in any amount requested by the indi-
 23 vidual concerned within the limit, if any, speci-
 24 fied in the regulations prescribed by the Sec-
 25 retary under paragraph (6), with such limit not

1 to exceed the aggregate amount of monthly as-
2 sistance otherwise payable under this sub-
3 chapter for the period of the course.

4 “(6) The Secretary shall prescribe regulations for
5 purposes of making payments of basic educational assist-
6 ance on an accelerated basis under this subsection. Such
7 regulations shall include requirements relating to the re-
8 quest for, making and delivery of, and receipt and use of
9 such payments and may include a limit on the amount
10 payable for a course under paragraph (5)(B)(ii).”.

11 **SEC. 10. VETERANS EDUCATION AND VOCATIONAL TRAIN-**
12 **ING BENEFITS PROVIDED BY THE STATES.**

13 (a) ANNUAL REPORT.—(1) Not later than six months
14 after the date of the enactment of this Act, and January
15 31 of each year thereafter, the Secretary of Veterans Af-
16 fairs shall, in consultation with the Secretary of Edu-
17 cation, the Secretary of Defense, and the Secretary of
18 Labor, submit to the Committees on Veterans’ Affairs of
19 the Senate and the House of Representatives a report on
20 veterans education and vocational training benefits pro-
21 vided by the States.

22 (2) A report under paragraph (1) shall include, for
23 the one-year period ending on the date of the report, the
24 following:

1 (A) A description of the assistance in securing
 2 post-secondary education and vocational training
 3 provided veterans by each State.

4 (B) A list of the States which provide veterans
 5 full or partial waivers of tuition for attending insti-
 6 tutions of higher education that are State-supported.

7 (C) A description of the actions taken by the
 8 Department of Veterans Affairs, Department of De-
 9 fense, Department of Education, and Department of
 10 Labor to encourage the States to provide benefits
 11 designed to assist veterans in securing post-sec-
 12 ondary education and vocational training.

13 (b) SENSE OF CONGRESS REGARDING STATE VET-
 14 ERANS EDUCATION AND VOCATIONAL TRAINING BENE-
 15 FITS.—(1) Congress makes the following findings:

16 (A) The peace and prosperity of the citizens of
 17 the States are ensured by the voluntary service of
 18 men and women in the Armed Forces.

19 (B) Veterans benefit from the military training
 20 and discipline and the success-oriented attitude that
 21 are inculcated by service in the Armed Forces.

22 (C) It is in the social and economic interests of
 23 the States to take advantage of the positive personal
 24 attributes of veterans which are nurtured through
 25 service in the Armed Forces.

1 (D) A post-secondary education provides vet-
2 erans the means to maximize their contribution to
3 the society and economy of the States.

4 (E) Some States have recognized that it is in
5 their interest to provide veterans post-secondary
6 education on a tuition-free basis.

7 (2) It is the sense of Congress that each of the States
8 should admit qualified veterans to publicly-supported in-
9 stitutions of higher education on a tuition-free basis.

10 (c) STATE DEFINED.—In this section, the term
11 “State” has the meaning given that term in section
12 101(20) of title 38, United States Code.