

109TH CONGRESS
1ST SESSION

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To amend title 38, United States Code, to expand and enhance educational assistance for survivors and dependents of veterans.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2005

Mr. DEWINE (for himself, Mr. DURBIN, and Mr. SCHUMER) 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 and enhance educational assistance for survivors and dependents of veterans.

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. EXPANSION AND ENHANCEMENT OF EDU-**
4 **CATIONAL ASSISTANCE FOR SURVIVORS AND**
5 **DEPENDENTS OF VETERANS.**

6 (a) **TERMINATION OF DURATIONAL LIMITATION ON**
7 **USE OF EDUCATIONAL ASSISTANCE.—**

8 (1) **TERMINATION OF LIMITATION AND RE-**
9 **STATEMENT OF CONTINUING REQUIREMENTS.—Sub-**

1 section (a) of section 3511 of title 38, United States
2 Code, is amended to read as follows:

3 “(a)(1) Notwithstanding any other provision of this
4 chapter or chapter 36 of this title, any payment of edu-
5 cational assistance described in paragraph (2) shall not
6 be charged against the entitlement of any individual under
7 this chapter.

8 “(2) The payment of educational assistance referred
9 to in paragraph (1) is the payment of such assistance to
10 an individual for pursuit of a course or courses under this
11 chapter if the Secretary finds that the individual—

12 “(A) had to discontinue such course pursuit as
13 a result of being ordered to serve on active duty
14 under section 688, 12301(a), 12301(d), 12301(g),
15 12302, or 12304 of title 10; and

16 “(B) failed to receive credit or training time to-
17 ward completion of the individual’s approved edu-
18 cational, professional, or vocational objective as a re-
19 sult of having to discontinue, as described in sub-
20 paragraph (A), the course pursuit.”.

21 (2) CONFORMING AMENDMENTS.—(A) The
22 heading of section 3511 of such title is amended to
23 read as follows:

1 **“§ 3511. Treatment of certain interruptions in pursuit**
 2 **of programs of education”.**

3 (B) Section 3532(g) of such title is amended—

4 (i) by striking paragraph (2); and

5 (ii) by redesignating paragraph (3) as
 6 paragraph (2).

7 (C) Section 3541 of such title is amended to
 8 read as follows:

9 **“§ 3541. Special restorative training**

10 “(a) The Secretary may, at the request of an eligible
 11 person—

12 “(1) determine whether such person is in need
 13 of special restorative training; and

14 “(2) if such need is found to exist, prescribe a
 15 course which is suitable to accomplish the purposes
 16 of this chapter.

17 “(b) A course of special restorative training under
 18 subsection (a) may, at the discretion of the Secretary, con-
 19 tain elements that would contribute toward an ultimate
 20 objective of a program of education.”.

21 (D) Section 3695(a)(4) of such title is amended
 22 by striking “35,”.

23 (b) EXTENSION OF DELIMITING AGE OF ELIGIBILITY
 24 FOR DEPENDENTS.—Section 3512(a) of title 38, United
 25 States Code, is amended by striking “twenty-sixth birth-

1 day” each place it appears and inserting “thirtieth birth-
2 day”.

3 (c) AMOUNT OF EDUCATIONAL ASSISTANCE.—

4 (1) IN GENERAL.—Section 3532 of title 38,
5 United States Code, is amended to read as follows:

6 **“§ 3532. Amount of educational assistance**

7 “(a) The aggregate amount of educational assistance
8 to which an eligible person is entitled under this chapter
9 is \$80,000, as increased from time to time under section
10 3564 of this title.

11 “(b) Within the aggregate amount provided for in
12 subsection (a), educational assistance under this chapter
13 may be paid for any purpose, and in any amount, as fol-
14 lows:

15 “(1) A program of education consisting of insti-
16 tutional courses.

17 “(2) A full-time program of education that con-
18 sists of institutional courses and alternate phases of
19 training in a business or industrial establishment
20 with the training in the business or industrial estab-
21 lishment being strictly supplemental to the institu-
22 tional portion.

23 “(3) A farm cooperative program consisting of
24 institutional agricultural courses prescheduled to fall
25 within forty-four weeks of any period of twelve con-

1 secutive months that is pursued by an eligible person
2 who is concurrently engaged in agricultural employ-
3 ment which is relevant to such institutional agricul-
4 tural courses as determined under standards pre-
5 scribed by the Secretary.

6 “(4) A course or courses or other program of
7 special educational assistance as provided in section
8 3491(a) of this title.

9 “(5) A program of apprenticeship or other on-
10 job training pursued in a State as provided in sec-
11 tion 3687(a) of this title.

12 “(6) In the case of an eligible spouse or sur-
13 viving spouse, a program of education exclusively by
14 correspondence as provided in section 3686 of this
15 title.

16 “(7) A special training allowance for special re-
17 storative training as provided in section 3542 of this
18 title.

19 “(c) If a program of education is pursued by an eligi-
20 ble person at an institution located in the Republic of the
21 Philippines, any educational assistance for such person
22 under this chapter shall be paid at the rate of \$0.50 for
23 each dollar.

24 “(d)(1) Subject to paragraph (2), the amount of edu-
25 cational assistance payable under this chapter for a licens-

1 ing or certification test described in section 3501(a)(5) of
 2 this title is the lesser of \$2,000 or the fee charged for
 3 the test.

4 “(2) In no event shall payment of educational assist-
 5 ance under this subsection for such a test exceed the
 6 amount of the individual’s available entitlement under this
 7 chapter.”.

8 (2) CONFORMING AMENDMENTS.—(A) Section
 9 3533 of such title is amended to read as follows:

10 **“§ 3533. Tutorial assistance**

11 “An eligible person shall, without any charge to any
 12 entitlement of such person to educational assistance under
 13 section 3532(a) of this title be entitled to the benefits pro-
 14 vided an eligible veteran under section 3492 of this title.”.

15 (B) Section 3534 of such title is repealed.

16 (C) Section 3542 of such title is amended—

17 (i) in subsection (a), by striking “com-
 18 puted at the basic rate” and all that follows
 19 through the end of the subsection and inserting
 20 a period; and

21 (ii) in subsection (b), by striking “an edu-
 22 cational assistance allowance” and inserting
 23 “educational assistance”.

24 (D) Section 3543(c) of such title is amended—

1 (i) in paragraph (1), by adding “and” at
 2 the end;

3 (ii) by striking paragraph (2); and

4 (iii) by redesignating paragraph (3) as
 5 paragraph (2).

6 (E) Section 3564 of such title is amended by
 7 striking “rates payable under sections 3532,
 8 3534(b), and 3542(a)” and inserting “aggregate
 9 amount of educational assistance payable under sec-
 10 tion 3532”.

11 (F) Paragraph (1) of section 3565(b) of such
 12 title is amended to read as follows:

13 “(1) educational assistance payable under sec-
 14 tion 3532 of this title, including the special training
 15 allowance referred to in subsection (b)(7) of such
 16 section, shall be paid at the rate of \$0.50 for each
 17 dollar; and”.

18 (G) Section 3687 of such title is amended—

19 (i) in subsection (a)—

20 (I) in the matter preceding paragraph
 21 (1), by striking “or an eligible person (as
 22 defined in section 3501(a) of this title)”;
 23 and

1 (II) in the flush matter following
 2 paragraph (2), by striking “chapters 34
 3 and 35” and inserting “chapter 34”;

4 (ii) in subsection (c), by striking “chapters
 5 34 and 35” and inserting “chapter 34”; and

6 (iii) in subsection (e), by striking para-
 7 graph (3) and inserting the following new para-
 8 graph (3):

9 “(3) In this subsection, the term ‘individual’ means
 10 an eligible veteran who is entitled to monthly educational
 11 assistance allowances payable under section 3015(e) of
 12 this title.”.

13 (d) OTHER CONFORMING AMENDMENTS.—(1) Sec-
 14 tion 3524 of title 38, United States Code, is amended by
 15 striking “allowance” each place it appears.

16 (2)(A) Section 3531 of such title is amended—

17 (i) in subsection (a), by striking “an edu-
 18 cational assistance allowance” and inserting “edu-
 19 cational assistance”; and

20 (ii) in subsection (b), by striking “allowance”.

21 (B) The heading of such section is amended by strik-
 22 ing “**allowance**”.

23 (3) Section 3537(a) of such title is amended by strik-
 24 ing “additional”.

1 (e) CLERICAL AMENDMENTS.—The table of sections
 2 at the beginning of chapter 35 of title 38, United States
 3 Code, is amended—

4 (1) by striking the item relating to section 3511
 5 and inserting the following new item:

“3511. Treatment of certain interruptions in pursuit of programs of education.”;

6 (2) by striking the items relating to section
 7 3531, 3532, and 3533 and inserting the following
 8 new items:

“3531. Educational assistance.

“3532. Amount of educational assistance.

“3533. Tutorial assistance.”;

9 (3) by striking the item relating to section
 10 3534; and

11 (4) by striking the item relating to section 3541
 12 and inserting the following new item:

“3541. Special restorative training.”.

13 (f) EFFECTIVE DATES.—(1) The amendments made
 14 by this section shall take effect on the date of the enact-
 15 ment of this Act.

16 (2) Notwithstanding the effective date under para-
 17 graph (1) of the amendment to section 3564 of title 38,
 18 United States Code, made by subsection (c)(2)(E), the
 19 Secretary of Veterans Affairs shall make the first increase
 20 in the aggregate amount of educational assistance under

- 1 section 3532 of such title as required by such section 3564
- 2 (as so amended) for fiscal year 2006.

