

110TH CONGRESS
1ST SESSION

S. 698

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

FEBRUARY 27, 2007

Mr. DURBIN (for himself, Mr. HAGEL, and Mr. WARNER) 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. SHORT TITLE.**

4 This Act may be cited as the “Veterans’ Survivors
5 Education Enhancement Act of 2007”.

1 **SEC. 2. EXPANSION AND ENHANCEMENT OF EDUCATIONAL**
2 **ASSISTANCE FOR SURVIVORS AND DEPEND-**
3 **ENTS OF VETERANS.**

4 (a) **TERMINATION OF DURATIONAL LIMITATION ON**
5 **USE OF EDUCATIONAL ASSISTANCE AND RESTATEMENT**
6 **OF CONTINUING REQUIREMENTS.—**

7 (1) **IN GENERAL.—**Subsection (a) of section
8 3511 of title 38, United States Code, is amended to
9 read as follows:

10 “(a)(1) Notwithstanding any other provision of this
11 chapter or chapter 36 of this title, any payment of edu-
12 cational assistance described in paragraph (2) shall not
13 be charged against the entitlement of any individual under
14 this chapter.

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

19 “(A) had to discontinue such course pursuit as
20 a result of being ordered to serve on active duty
21 under section 688, 12301(a), 12301(d), 12301(g),
22 12302, or 12304 of title 10 or of being involuntarily
23 ordered to full-time National Guard duty under sec-
24 tion 502(f) of title 32; and

25 “(B) failed to receive credit or training time to-
26 ward completion of the individual’s approved edu-

1 cational, professional, or vocational objective as a re-
2 sult of having to discontinue, as described in sub-
3 paragraph (A), the course pursuit.”.

4 (2) CONFORMING AMENDMENTS.—Such title 38
5 is further amended as follows:

6 (A) In section 3511, by amending the
7 heading to read as follows:

8 **“§ 3511. Treatment of certain interruptions in pursuit**
9 **of programs of education”.**

10 (B) In section 3532(g)—

11 (i) in paragraph (1), by striking
12 “paragraph (3)” and inserting “paragraph
13 (2)”;

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

15 (iii) by redesignating paragraph (3) as
16 paragraph (2).

17 (C) By striking section 3541 and inserting
18 the following new section:

19 **“§ 3541. Special restorative training**

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

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

1 “(2) if such need is found to exist, prescribe a
2 course that is suitable to accomplish the purposes of
3 this chapter.

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

8 (D) In section 3695(a)(4), by striking
9 “35,”.

10 (b) EXTENSION OF DELIMITING AGE OF ELIGIBILITY
11 FOR DEPENDENTS.—Section 3512(a) of such title, is
12 amended by striking “twenty-sixth birthday” each place
13 it appears and inserting “thirtieth birthday”.

14 (c) AMOUNT OF EDUCATIONAL ASSISTANCE.—

15 (1) IN GENERAL.—Section 3532 of such title is
16 amended to read as follows:

17 **“§ 3532. Amount of educational assistance**

18 “(a) The aggregate amount of educational assistance
19 to which an eligible person is entitled under this chapter
20 is \$80,000, as increased from time to time under section
21 3564 of this title.

22 “(b) Within the aggregate amount provided for in
23 subsection (a), educational assistance under this chapter
24 may be paid for any purpose, and in any amount, as fol-
25 lows:

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

3 “(2) A full-time program of education that con-
4 sists of institutional courses and alternate phases of
5 training in a business or industrial establishment
6 with the training in the business or industrial estab-
7 lishment being strictly supplemental to the institu-
8 tional portion.

9 “(3) A farm cooperative program consisting of
10 institutional agricultural courses prescheduled to fall
11 within 44 weeks of any period of 12 consecutive
12 months that is pursued by an eligible person who is
13 concurrently engaged in agricultural employment
14 that is relevant to such institutional agricultural
15 courses as determined under standards prescribed by
16 the Secretary.

17 “(4) A course or courses or other program of
18 special educational assistance as provided in section
19 3491(a) of this title.

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

23 “(6) In the case of an eligible spouse or sur-
24 viving spouse, a program of education exclusively by

1 correspondence as provided in section 3686 of this
2 title.

3 “(7) Special restorative training as provided in
4 section 3542 of this title.

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

10 “(d)(1) Subject to paragraph (2), the amount of edu-
11 cational assistance payable under this chapter for a licens-
12 ing or certification test described in section 3501(a)(5) of
13 this title is the lesser of \$2,000 or the fee charged for
14 the test.

15 “(2) In no event shall payment of educational assist-
16 ance under this subsection for such a test exceed the
17 amount of the available entitlement for the individual
18 under this chapter.”.

19 (2) CONFORMING AMENDMENTS.—Title 38,
20 United States Code, is amended as follows:

21 (A) By striking section 3533 and inserting
22 the following new section:

23 **“§ 3533. Tutorial assistance**

24 “An eligible person shall, without any charge to any
25 entitlement of such person to educational assistance under

1 section 3532(a) of this title, be entitled to the benefits pro-
2 vided an eligible veteran under section 3492 of this title.”.

3 (B) Section 3534 is repealed.

4 (C) In section 3542—

5 (i) in subsection (a), by striking
6 “computed at the basic rate” and all that
7 follows through the end of the subsection
8 and inserting a period; and

9 (ii) in subsection (b), by striking “an
10 educational assistance allowance” and in-
11 serting “educational assistance”.

12 (D) In section 3543(c)—

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

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

16 (iii) by redesignating paragraph (3) as
17 paragraph (2).

18 (E) In section 3564, by striking “rates
19 payable under sections 3532, 3534(b), and
20 3542(a)” and inserting “aggregate amount of
21 educational assistance payable under section
22 3532”.

23 (F) In section 3565(b), by striking para-
24 graph (1) and inserting the following new para-
25 graph (1):

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

6 (G) In section 3687—

7 (i) in subsection (a)—

8 (I) in the matter preceding para-
 9 graph (1), by striking “or an eligible
 10 person (as defined in section 3501(a)
 11 of this title)”;

12 (II) in the flush matter following
 13 paragraph (2), by striking “chapters
 14 34 and 35” and inserting “chapter
 15 34”;

16 (ii) in subsection (c), by striking
 17 “chapters 34 and 35” and inserting “chap-
 18 ter 34”;

19 (iii) in subsection (e), by striking
 20 paragraph (3) and inserting the following
 21 new paragraph (3):

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

1 (d) OTHER CONFORMING AMENDMENTS.—Title 38,
2 United States Code, is further amended as follows:

3 (1) In section 3524, by striking “the edu-
4 cational assistance allowance” each place it appears
5 and inserting “educational assistance”.

6 (2) In section 3531—

7 (A) in the heading, by striking “**allow-**
8 **ance**”;

9 (B) in subsection (a), by striking “an edu-
10 cational assistance allowance” and inserting
11 “educational assistance”; and

12 (C) in subsection (b), by striking “allow-
13 ance”.

14 (3) In section 3537(a), by striking “additional”.

15 (e) CLERICAL AMENDMENTS.—The table of sections
16 at the beginning of chapter 35 of such title is amended
17 as follows:

18 (1) By striking the item relating to section
19 3511 and inserting the following new item:

“3511. Treatment of certain interruptions in pursuit of programs of edu-
cation.”.

20 (2) By striking the items relating to section
21 3531, 3532, and 3533 and inserting the following
22 new items:

“3531. Educational assistance.

“3532. Amount of educational assistance.

“3533. Tutorial assistance.”.

1 (3) By striking the item relating to section
2 3534.

3 (4) By striking the item relating to section
4 3541 and inserting the following new item:

“3541. Special restorative training.”.

5 (f) EFFECTIVE DATE.—

6 (1) IN GENERAL.—The amendments made by
7 this section shall take effect on the date of the en-
8 actment of this Act.

9 (2) ANNUAL ADJUSTMENTS FOR FISCAL YEAR
10 2008.—Notwithstanding the effective date under
11 paragraph (1) of the amendment to section 3564 of
12 title 38, United States Code, made by subsection
13 (c)(2)(E), the Secretary of Veterans Affairs shall
14 make the first increase in the aggregate amount of
15 educational assistance under section 3532 of such
16 title as required by such section 3564 (as so amend-
17 ed) for fiscal year 2008.

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