

113TH CONGRESS
1ST SESSION

S. 938

To amend title 38, United States Code, to allow certain veterans to use educational assistance provided by the Department of Veterans Affairs for franchise training, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 14, 2013

Mr. MORAN 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 allow certain veterans to use educational assistance provided by the Department of Veterans Affairs for franchise training, 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 “Franchise Education
5 for Veterans Act of 2013”.

1 **SEC. 2. USE OF EDUCATIONAL ASSISTANCE FURNISHED BY**
 2 **DEPARTMENT OF VETERANS AFFAIRS FOR**
 3 **FRANCHISE TRAINING.**

4 (a) ALL-VOLUNTEER FORCE EDUCATIONAL ASSIST-
 5 ANCE PROGRAM.—

6 (1) PROGRAM OF EDUCATION.—Subparagraph
 7 (C) of section 3002(3) of title 38, United States
 8 Code, is amended to read as follows:

9 “(C) in the case of an individual who is not
 10 serving on active duty, includes—

11 “(i) a full-time program of apprenticeship
 12 or of other on-job training approved as provided
 13 in paragraph (1) or (2), as appropriate, of sec-
 14 tion 3687(a) of this title;

15 “(ii) a cooperative program (as defined in
 16 section 3482(a)(2) of this title); and

17 “(iii) a training program at a training es-
 18 tablishment described in section 3452(e)(2) of
 19 this title that—

20 “(I) is approved for purposes of chap-
 21 ter 32 or 34 of this title; and

22 “(II) is for a franchise (as defined in
 23 section 436.1 of title 16, Code of Federal
 24 Regulations, or successor regulation).”.

25 (2) LIMITATIONS.—Section 3032 of such title is
 26 amended by adding at the end the following:

1 “(h)(1) Subject to paragraphs (3) and (4), the
2 amount of educational assistance payable under this chap-
3 ter for a program of education consisting of a training
4 program at a training establishment described in section
5 3452(e)(2) of this title shall be, with respect to any 12-
6 month period in which such training is pursued, the lesser
7 of the following:

8 “(A) The sum of—

9 “(i) the fees assessed by the training es-
10 tablishment concerned for the training;

11 “(ii) a monthly housing stipend for each
12 month (or pro rata amount for each partial
13 month) of training pursued equal to the month-
14 ly amount of the basic allowance for housing
15 payable under section 403 of title 37 for a
16 member with dependents in pay grade E-5 re-
17 siding in the military housing area that encom-
18 passes all or the majority portion of the ZIP
19 code area in which is located the training estab-
20 lishment; and

21 “(iii) a monthly stipend in an amount
22 equal to \$83 for each month (or pro rata
23 amount for each partial month) of training pur-
24 sued for books, supplies, equipment, and other
25 educational costs.

1 “(B) \$15,000.

2 “(2) The number of months of entitlement charged
3 in the case of any individual for a training program de-
4 scribed in paragraph (1) is equal to the number (including
5 any fraction) determined by dividing the total amount of
6 educational assistance paid such individual for such pro-
7 gram by the full-time monthly institutional rate of edu-
8 cational assistance such individual would otherwise be paid
9 under subsection (a)(1), (b)(1), (d), or (e)(1) of section
10 3015 of this title, as the case may be.

11 “(3)(A) In no event shall payment of educational as-
12 sistance under this subsection for training described in
13 paragraph (1) exceed the amount of the individual’s avail-
14 able entitlement under this chapter.

15 “(B) With respect to an individual entitled to edu-
16 cational assistance under this subsection who is not de-
17 scribed in subsection (a)(1) or (c)(1) of section 3015 of
18 this title, the Secretary shall adjust the amount payable
19 under paragraph (1) by an amount determined by the Sec-
20 retary to reflect the difference in the rate of educational
21 assistance such individual would be paid under such sec-
22 tion as compared to the rate an individual described in
23 subsection (a)(1) or (c)(1) of such section would be paid
24 under such section.

25 “(4) A veteran may not receive—

1 “(A) more than 12 months of educational as-
2 sistance under this subsection; and

3 “(B) a total amount of educational assistance
4 under this subsection that is more than \$15,000.”.

5 (b) POST-9/11 EDUCATIONAL ASSISTANCE.—

6 (1) APPROVED PROGRAMS OF EDUCATION.—

7 Section 3313(b) of such title is amended by striking
8 the period at the end and inserting “, including a
9 training program described in section 3002(3)(C)(iii)
10 of this title.”.

11 (2) FRANCHISE TRAINING.—Section 3313(g)(3)
12 of such title is amended by adding at the end the
13 following new subparagraph:

14 “(E) Subject to clauses (ii) and (iii), in the
15 case of an individual pursuing a program of
16 education consisting of a training program at a
17 training establishment described in section
18 3452(e)(2) of this title, amounts, with respect
19 to any 12-month period in which such training
20 is pursued, as follows:

21 “(i) An amount equal to the lesser
22 of—

23 “(I) the sum of—

1 “(aa) the fees assessed by
2 the training establishment con-
3 cerned for the training;

4 “(bb) a monthly housing sti-
5 pend for each month (or pro rata
6 amount for each partial month)
7 of training pursued equal to the
8 monthly amount of the basic al-
9 lowance for housing payable
10 under section 403 of title 37 for
11 a member with dependents in pay
12 grade E-5 residing in the mili-
13 tary housing area that encom-
14 passes all or the majority portion
15 of the ZIP code area in which is
16 located the training establish-
17 ment; and

18 “(cc) a monthly stipend in
19 an amount equal to \$83 for each
20 month (or pro rata amount for
21 each partial month) of training
22 pursued for books, supplies,
23 equipment, and other educational
24 costs; or

25 “(II) \$15,000.

“(ii) In the case of an individual entitled to educational assistance by reason of paragraphs (3) through (8) of sections 3311(b), the amounts payable pursuant to clause (i) shall be the amounts otherwise determined pursuant to such clause multiplied by the same percentage applicable to the monthly amounts payable to the individual under paragraphs (2) through (7) of subsection (c).

“(iii) A veteran may not receive—

“(I) more than 12 months of educational assistance under this subsection; and

“(II) a total amount of educational assistance under this subsection that is more than \$15,000.”.

(3) PAYMENTS.—Section 3313(g)(4)(C) of such title is amended by adding at the end the following:

“(iii) Payment for the amount payable under paragraph (3)(E) for pursuit of a program of education consisting of a training program at a training establishment described in section 3452(e)(2) of this title shall be paid to the individual upon the

1 Secretary receiving a certification of enroll-
2 ment with respect to the individual made
3 by such establishment.”.

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