

111TH CONGRESS
1ST SESSION

H. R. 4279

To amend titles 38 and 10, United States Code, to authorize accelerated payments of educational assistance to certain veterans and members of the reserve components of the Armed Forces.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 2009

Mr. QUIGLEY introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend titles 38 and 10, United States Code, to authorize accelerated payments of educational assistance to certain veterans and members of the reserve components of the Armed Forces.

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 TUITION.**

4 (a) CHAPTER 33 OF TITLE 38.—

5 (1) IN GENERAL.—Chapter 33 of title 38,
6 United States Code, is amended by adding at the
7 end the following new section:

1 **“§ 3325. Accelerated payment of educational assist-**
2 **ance**

3 “(a) PAYMENT ON ACCELERATED BASIS.—The edu-
4 cational assistance allowance payable under this chapter
5 with respect to an eligible individual described in sub-
6 section (b) may, upon the election of such eligible person,
7 be paid on an accelerated basis in accordance with this
8 section.

9 “(b) ELIGIBLE INDIVIDUAL.—An eligible individual
10 described in this subsection is an individual entitled to
11 educational assistance under this chapter if—

12 “(1) the individual is enrolled in an approved
13 program of education under this chapter;

14 “(2) the Secretary has not directly paid the es-
15 tablished charges to the institution of higher learn-
16 ing under section 3313(g) of this title by the date
17 that is seven days after the date on which the quar-
18 ter, semester, or term (as applicable) of the program
19 of education begins; and

20 “(3) such failure to pay the established charges
21 is through no fault of the individual.

22 “(c) AMOUNT OF ACCELERATED PAYMENT.—(1) The
23 amount of the accelerated payment of educational assist-
24 ance payable with respect to an eligible individual making
25 an election under subsection (a) for a program of edu-

1 cation shall be the amount equal to the established charges
2 for the program of education.

3 “(2) In this subsection, the term ‘established charges’
4 has the meaning given the term in section 3313(h) of this
5 title.

6 “(3) The institution of higher learning providing the
7 program of education for which an accelerated payment
8 of educational assistance allowance is elected by an eligible
9 individual under subsection (a) shall certify to the Sec-
10 retary of Veterans Affairs the amount of the established
11 charges for the program of education.

12 “(d) TIME OF PAYMENT.—An accelerated payment
13 of educational assistance allowance made with respect to
14 an eligible individual under this section for a program of
15 education shall be made not later than 14 days after the
16 date on which the Secretary of Veterans Affairs receives
17 a certification from the educational institution regard-
18 ing—

19 “(1) the individual’s enrollment in and pursuit
20 of the program of education; and

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

23 “(e) CHARGE AGAINST ENTITLEMENT.—For each
24 accelerated payment of educational assistance allowance
25 made with respect to an eligible individual under this sec-

1 tion, the individual's entitlement to educational assistance
2 under this chapter shall be charged the amount otherwise
3 payable with respect to the individual under section
4 3313(c)(1)(A) of this title (and of similar amounts payable
5 under paragraphs (2) through (7) of subsection (c) of such
6 section) as of the beginning date of the enrollment period
7 for the program of education for which the accelerated
8 payment is made.

9 “(f) STATUS OF VETERAN.—(1) A program of edu-
10 cation may not be approved by a State approving agency
11 for purposes of this chapter unless the institution of high-
12 er learning—

13 “(A) allows an eligible individual to enroll in
14 the program of education and attend classes during
15 the period preceding the date on which an accel-
16 erated payment is made under subsection (a); and

17 “(B) does not assess late fees or other charges
18 for the period preceding the date on which an accel-
19 erated payment is made under subsection (a).

20 “(2) Paragraph (1) may not be construed to prohibit
21 an institution of higher learning from withholding any
22 grades, transfer credits, or degrees earned by an eligible
23 individual before the established charges are paid.

24 “(g) REGULATIONS.—The Secretary shall prescribe
25 regulations to carry out this section. The regulations shall

1 include requirements, conditions, and methods for the re-
2 quest, issuance, delivery, certification of receipt and use,
3 and recovery of overpayment of an accelerated payment
4 of educational assistance allowance under this section. The
5 regulations may include such elements of the regulations
6 prescribed under section 3014A of this title as the Sec-
7 retary considers appropriate for purposes of this section.”.

8 (2) CLERICAL AMENDMENT.—The table of sec-
9 tions at the beginning of such chapter is amended
10 by inserting after the item relating to section 3324
11 the following new item:

“3325. Accelerated payment of educational assistance.”.

12 (b) CHAPTER 30 OF TITLE 38.—

13 (1) IN GENERAL.—Section 3014A of such title
14 is amended—

15 (A) by striking subsection (b) and insert-
16 ing the following new subsection (b):

17 “(b) An individual described in this subsection is one
18 of the following:

19 “(1) An individual who is—

20 “(A) enrolled in an approved program of
21 education that leads to employment in a high
22 technology occupation in a high technology in-
23 dustry (as determined pursuant to regulations
24 prescribed by the Secretary); and

1 “(B) charged tuition and fees for the pro-
2 gram of education that, when divided by the
3 number of months (and fractions thereof) in the
4 enrollment period, exceeds the amount equal to
5 200 percent of the monthly rate of basic edu-
6 cational assistance allowance otherwise payable
7 to the individual under section 3015 of this
8 title.

9 “(2) An individual who is entitled to basic edu-
10 cational assistance under this subchapter if—

11 “(A) the individual is enrolled in an ap-
12 proved program of education;

13 “(B) the Secretary has not paid to the in-
14 dividual the basic educational assistance allow-
15 ance otherwise payable to the individual under
16 section 3015 of this title by the date that is
17 seven days after the date on which the quarter,
18 semester, or term (as applicable) of the pro-
19 gram of education begins; and

20 “(C) such failure to pay the allowance is
21 through no fault of the individual.”;

22 (B) by redesignating subsection (g) as sub-
23 section (h); and

24 (C) by inserting after subsection (f) the
25 following new subsection (g):

1 “(g)(1) A program of education may not be approved
 2 by a State approving agency for purposes of this chapter
 3 unless the educational institution—

4 “(A) allows an eligible individual to enroll in
 5 the program of education and attend classes during
 6 the period preceding the date on which an acceler-
 7 ated payment is made under subsection (a); and

8 “(B) does not assess late fees or other charges
 9 for the period preceding the date on which an accel-
 10 erated payment is made under subsection (a).

11 “(2) Paragraph (1) may not be construed to prohibit
 12 an educational institution from withholding any grades,
 13 transfer credits, or degrees earned by an eligible individual
 14 before the individual pays the established charges.”.

15 (2) CLERICAL AMENDMENTS.—

16 (A) The section heading for such section is
 17 amended by striking “**for education lead-**
 18 **ing to employment in high technology**
 19 **occupation in high technology indus-**
 20 **try”**.

21 (B) The table of sections at the beginning
 22 of chapter 30 of title 38, United States Code,
 23 is amended by striking the item relating to sec-
 24 tion 3014A and inserting the following new
 25 item:

“3014A. Accelerated payment of basic educational assistance.”.

1 (c) CHAPTER 32 OF TITLE 38.—

2 (1) IN GENERAL.—Subchapter III of chapter
3 32 of such title is amended by adding at the end the
4 following new section:

5 **“§ 3235. Accelerated payment of educational assist-**
6 **ance**

7 “(a) PAYMENT ON ACCELERATED BASIS.—An indi-
8 vidual described in subsection (b) who is entitled to basic
9 educational assistance under this subchapter may elect to
10 receive an accelerated payment of the basic educational
11 assistance allowance otherwise payable to the individual
12 under section 3231 of this title.

13 “(b) ELIGIBLE INDIVIDUAL.—An eligible individual
14 described in this subsection is an individual entitled to
15 educational assistance under this chapter if—

16 “(1) the individual is enrolled in an approved
17 program of education;

18 “(2) the Secretary has not paid to the indi-
19 vidual the educational assistance monthly benefit
20 payments otherwise payable to the individual under
21 section 3231 of this title by the date that is seven
22 days after the date on which the quarter, semester,
23 or term (as applicable) of the program of education
24 begins; and

1 “(3) such failure to pay the allowance is
2 through no fault of the individual.

3 “(c) AMOUNT OF ACCELERATED PAYMENT.—(1) The
4 amount of the accelerated payment of basic educational
5 assistance made to an individual making an election under
6 subsection (a) for a program of education shall be the less-
7 er of—

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

10 “(B) the aggregate amount of basic educational
11 assistance to which the individual remains entitled
12 under this chapter at the time of the payment.

13 “(2) In this subsection, the term ‘established
14 charges’, in the case of a program of education, means
15 the actual charges (as determined pursuant to regulations
16 prescribed by the Secretary) for tuition and fees which
17 similarly circumstanced nonveterans enrolled in the pro-
18 gram of education would be required to pay. Established
19 charges shall be determined on the following basis:

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

24 “(B) In the case of an individual enrolled in a
25 program of education not offered on a term, quarter,

1 or semester basis, the tuition and fees charged the
2 individual for the entire program of education.

3 “(3) The educational institution providing the pro-
4 gram of education for which an accelerated payment of
5 educational assistance allowance is elected by an eligible
6 individual under subsection (a) shall certify to the Sec-
7 retary of Veterans Affairs the amount of the established
8 charges for the program of education.

9 “(d) TIME OF PAYMENT.—An accelerated payment
10 of educational assistance allowance made with respect to
11 an eligible individual under this section for a program of
12 education shall be made not later than 14 days after the
13 date on which the Secretary of Veterans Affairs receives
14 a certification from the educational institution regard-
15 ing—

16 “(1) the individual’s enrollment in and pursuit
17 of the program of education; and

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

20 “(e) CHARGE AGAINST ENTITLEMENT.—(1) Except
21 as provided in paragraph (2), for each accelerated pay-
22 ment of basic educational assistance made to an individual
23 under this section, the individual’s entitlement to basic
24 educational assistance under this chapter shall be charged
25 the number of months (and any fraction thereof) deter-

1 mined by dividing the amount of the accelerated payment
2 by the full-time monthly rate of basic educational assist-
3 ance allowance otherwise payable to the individual under
4 section 3231 of this title as of the beginning date of the
5 enrollment period for the program of education for which
6 the accelerated payment is made.

7 “(2) If the monthly rate of basic educational assist-
8 ance allowance otherwise payable to an individual under
9 section 3231 of this title increases during the enrollment
10 period of a program of education for which an accelerated
11 payment of basic educational assistance is made under
12 this section, the charge to the individual’s entitlement to
13 basic educational assistance under this chapter shall be
14 determined by prorating the entitlement chargeable, in the
15 matter provided for under paragraph (1), for the periods
16 covered by the initial rate and increased rate, respectively,
17 in accordance with regulations prescribed by the Sec-
18 retary.

19 “(f) STATUS OF VETERAN.—(1) A program of edu-
20 cation may not be approved by a State approving agency
21 for purposes of this chapter unless the educational institu-
22 tion—

23 “(A) allows an eligible individual to enroll in
24 the program of education and attend classes during

1 the period preceding the date on which an acceler-
2 ated payment is made under subsection (a); and

3 “(B) does not assess late fees or other charges
4 for the period preceding the date on which an accel-
5 erated payment is made under subsection (a).

6 “(2) Paragraph (1) may not be construed to prohibit
7 an educational institution from withholding any grades,
8 transfer credits, or degrees earned by an eligible individual
9 before the individual pays the established charges.

10 “(g) **ADVANCED PAYMENTS.**—The Secretary may not
11 make an accelerated payment under this section for a pro-
12 gram of education to an individual who has received an
13 advance payment under section 3680(d) of this title for
14 the same enrollment period.

15 “(h) **REGULATIONS.**—The Secretary shall prescribe
16 regulations to carry out this section. The regulations shall
17 include requirements, conditions, and methods for the re-
18 quest, issuance, delivery, certification of receipt and use,
19 and recovery of overpayment of an accelerated payment
20 of educational assistance allowance under this section. The
21 regulations may include such elements of the regulations
22 prescribed under section 3014A of this title as the Sec-
23 retary of Veterans Affairs considers appropriate for pur-
24 poses of this section.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of such chapter is amended
3 by inserting after the item relating to section 3234
4 the following new item:

“3235. Accelerated payment of educational assistance.”.

5 (d) CHAPTER 1606 OF TITLE 10.—Section 16131a
6 of title 10, United States Code, is amended—

7 (1) by striking subsection (b) and inserting the
8 following new subsection (b):

9 “(b) An eligible person described in this subsection
10 is a person entitled to educational assistance under this
11 chapter who is one of the following:

12 “(1) An individual who is—

13 “(A) enrolled in an approved program of
14 education not exceeding two years in duration
15 and not leading to an associate, bachelors, mas-
16 ters, or other degree, subject to subsection (h);
17 and

18 “(B) charged tuition and fees for the pro-
19 gram of education that, when divided by the
20 number of months (and fractions thereof) in the
21 enrollment period, exceeds the amount equal to
22 200 percent of the monthly rate of educational
23 assistance allowance otherwise payable with re-
24 spect to the member under section 16131 of
25 this title.

1 “(2) An individual who is entitled to basic edu-
2 cational assistance under this chapter if—

3 “(A) the individual is enrolled in an ap-
4 proved program of education;

5 “(B) the Secretary concerned has not paid
6 to the individual the basic educational assist-
7 ance allowance otherwise payable to the indi-
8 vidual under section 16131 of this title by the
9 date that is seven days after the date on which
10 the quarter, semester, or term (as applicable) of
11 the program of education begins; and

12 “(C) such failure to pay the allowance is
13 through no fault of the individual.”;

14 (2) by redesignating subsections (f) and (g) as
15 subsection (g) and (h), respectively; and

16 (3) by inserting after subsection (e) the fol-
17 lowing new subsection (f):

18 “(g)(1) A program of education that is approved by
19 a State approving agency for purposes of chapter 30 of
20 title 38 may not be deemed to be approved for purposes
21 of this chapter unless the educational institution—

22 “(A) allows an eligible person to enroll in the
23 program of education and attend classes during the
24 period preceding the date on which an accelerated
25 payment is made under subsection (a); and

1 “(B) does not assess late fees or other charges
2 for the period preceding the date on which an accel-
3 erated payment is made under subsection (a).

4 “(2) Paragraph (1) may not be construed to prohibit
5 an educational institution from withholding any grades,
6 transfer credits, or degrees earned by an eligible individual
7 before the individual pays the established charges.”.

8 (e) CHAPTER 1607 OF TITLE 10.—Section 16162a
9 of title 10, United States Code, is amended—

10 (1) by striking subsection (b) and inserting the
11 following new subsection (b):

12 “(b) ELIGIBLE MEMBERS.—An eligible member de-
13 scribed in this subsection is a member of a reserve compo-
14 nent entitled to educational assistance under this chapter
15 who is one of the following:

16 “(1) An individual who is—

17 “(A) enrolled in an approved program of
18 education not exceeding two years in duration
19 and not leading to an associate, bachelors, mas-
20 ters, or other degree, subject to subsection (h);
21 and

22 “(B) charged tuition and fees for the pro-
23 gram of education that, when divided by the
24 number of months (and fractions thereof) in the
25 enrollment period, exceeds the amount equal to

1 200 percent of the monthly rate of educational
2 assistance allowance otherwise payable with re-
3 spect to the member under section 16162 of
4 this title.

5 “(2) An individual who is entitled to basic edu-
6 cational assistance under this chapter if—

7 “(A) the individual is enrolled in an ap-
8 proved program of education;

9 “(B) the Secretary concerned has not paid
10 to the individual the basic educational assist-
11 ance allowance otherwise payable to the indi-
12 vidual under section 16162 of this title by the
13 date that is seven days after the date on which
14 the quarter, semester, or term (as applicable) of
15 the program of education begins; and

16 “(C) such failure to pay the allowance is
17 through no fault of the individual.”;

18 (2) by redesignating subsections (f) and (g) as
19 subsections (g) and (h), respectively; and

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

22 “(g) STATUS OF MEMBER.—(1) A program of edu-
23 cation that is approved by a State approving agency for
24 purposes of chapter 30 of title 38 may not be deemed to

1 be approved for purposes of this chapter unless the edu-
2 cational institution—

3 “(A) allows an eligible member to enroll in the
4 program of education and attend classes during the
5 period preceding the date on which an accelerated
6 payment is made under subsection (a); and

7 “(B) does not assess late fees or other charges
8 for the period preceding the date on which an accel-
9 erated payment is made under subsection (a).

10 “(2) Paragraph (1) may not be construed to prohibit
11 an educational institution from withholding any grades,
12 transfer credits, or degrees earned by an eligible individual
13 before the individual pays the established charges.”.

14 (f) EFFECTIVE DATE.—The amendments made by
15 this section shall take effect on the date that is 180 days
16 after the date of the enactment of this Act.

○