

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.

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## 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

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## 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-

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

“(f) STATUS OF VETERAN.—(1) A program of education may not be approved by a State approving agency for purposes of this chapter unless the institution of higher learning—

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

“(B) does not assess late fees or other charges for the period preceding the date on which an accelerated payment is made under subsection (a).

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

“(g) REGULATIONS.—The Secretary shall prescribe 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                  subsections (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                  subsection (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.

○