

VETERANS APPRENTICESHIP AND LABOR OPPORTUNITY REFORM ACT

NOVEMBER 7, 2017.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. ROE of Tennessee, from the Committee on Veterans’ Affairs,
submitted the following

R E P O R T

[To accompany H.R. 3949]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans’ Affairs, to whom was referred the bill (H.R. 3949) to amend title 38, United States Code, to provide for the designation of State approving agencies for multi-State apprenticeship programs for purposes of the educational assistance programs of the Department of Veterans Affairs, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans Apprenticeship and Labor Opportunity Reform Act” or the “VALOR Act”.

SEC. 2. DESIGNATION OF STATE APPROVING AGENCIES FOR MULTI-STATE APPRENTICESHIP PROGRAMS.

Paragraph (1) of subsection (c) of section 3672 of title 38, United States Code, is amended to read as follows:

“(1)(A) The State approving agency for a multi-State apprenticeship program is—
 “(i) for purposes of approval of the program, the State approving agency for the State in which the headquarters of the apprenticeship program is located; and
 “(ii) for all other purposes, the State approving agency for the State in which the apprenticeship program takes place.
 “(B) In this paragraph, the term ‘multi-State apprenticeship program’ means a non-Federal apprenticeship program operating in more than one State that meets the minimum national program standards, as developed by the Department of Labor.”.

SEC. 3. ELIMINATION OF CERTAIN CERTIFICATION REQUIREMENT FOR ASSISTANCE FOR APPRENTICESHIP AND OTHER ON-JOB TRAINING.

Section 3680(c) of title 38, United States Code, is amended by striking “shall have received—” and all that follows through “person’s certificate,” and inserting “receives from the training establishment a certification”.

PURPOSE AND SUMMARY

H.R. 3949, the “Veterans Apprenticeship and Labor Opportunity Reform Act” or the “VALOR Act,” was introduced by Representative Ro Khanna of California on October 4, 2017. H.R. 3949, as amended, would ease the approval process for on-the-job training and apprenticeship programs under the GI Bill while still maintaining proper oversight of individual apprenticeship programs in each state.

BACKGROUND AND NEED FOR LEGISLATION

Section 2. Designation of state approving agencies for multi-State apprenticeship programs

The Post-9/11 GI Bill was enacted and went into effect on August 1, 2009, after the passage of Public Law (P.L.) 110–252. Under the Post-9/11 GI Bill, eligible veterans, servicemembers, dependents, and survivors receive educational assistance, which covers tuition and fees, provides a monthly housing allowance, and provides an annual stipend for books-and-supplies.

Primarily, eligible recipients of Post-9/11 GI Bill benefits attend institutions of higher learning (IHL). However, individuals are also able to use their benefits for approved apprenticeship and on-the-job training (OJT) programs. The Committee believes that while apprenticeship and OJT programs are underutilized programs of the Post-9/11 GI Bill, veterans should be encouraged to consider these programs as they actually lead veterans to a career, as they allow veterans to learn a trade or skill while also receiving a paycheck.

Title 38, United States Code (U.S.C.), requires that an apprenticeship program be approved in each state that it is located by the State Approving Agency (SAA) in order to be approved for GI Bill benefits. This applies to institutions of higher learning as well as for apprenticeship and on-the-job training programs. The SAAs cer-

tify each approval with VA so both the program and the veteran can be properly paid benefits under the GI Bill. The SAAs work with the VA to ensure that quality programs are approved for GI Bill benefits as well as to audit schools so that institutions are not inappropriately taking advantage of the GI Bill program and veterans.

Currently, non-Federal apprenticeship programs, with a location in multiple states, must go through the approval process with the SAA in each state to be approved for GI Bill benefits in that state. The Committee has learned that some nationwide apprenticeship programs do not seek GI Bill approval in multiple states due to the burdens in place to get approved in each state. This redundant approval process can be lengthy and may dissuade apprenticeship programs from seeking approval under the GI Bill. At the October 11, 2017 Subcommittee on Economic Opportunity legislative hearing on several bills, including H.R. 3949, John Kamin, the Assistant Director for Veteran Education and Employment at The American Legion emphasized this concern and the need for a legislative fix:

[H.R. 3949] is an important first step to addressing the problems with Post-9/11 GI Bill Apprenticeship program, by streamlining approval for organizations with multi-state apprenticeship programs. Under current law, Registered Apprenticeship programs must be approved by all of the State Approving Agencies they are operating in order to be deemed eligible for GI bill use. This extra step in the process clouds the use of these funds for Registered Apprenticeship programs. Companies operating in several states can be vulnerable to these different interpretations, adding opportunity costs, and financial uncertainty. Through designating the state approving agency in which the headquarters of the apprenticeship program is located the authority for approving all state locations, this effort can be streamlined.

The Committee agrees that the approval process for multi-state apprenticeship programs should be streamlined. Section two of H.R. 3949, as amended, therefore would allow the SAA in the state where a multi-state apprenticeship program is headquartered to determine approval for the whole program, including the program's apprenticeships located in other states. This change is intended to allow multi-state apprenticeship programs to obtain approval faster without any erosion of the safeguards that SAA's provide regarding the quality of the programs. For all other non-approval purposes, such as designating a certifying official for each state's apprenticeship, the relevant SAA would continue to be the authority in the state in which the apprenticeship is located, regardless of where the program is headquartered.

Section 3. Elimination of certain certification requirement for assistance for apprenticeship and other on-job training

Under current law, both an apprenticeship program sponsor and its GI Bill beneficiaries have to separately certify the beneficiary's attendance in the apprenticeship prior to benefits being disbursed to the beneficiary. In the Committee's review of this program, it

has been brought to our attention that this unnecessary two-layered signature from both the veteran and the apprenticeship program has led to a delay in both parties receiving funding from VA. Section 3 of H.R. 3949, as amended, therefore, would eliminate the requirement that GI Bill beneficiaries certify their attendance so that only the apprenticeship program certifies a beneficiary's attendance. The Committee believes that this change would reduce the administrative burden on veterans while maintaining attendance certification by the program, which is important to ensure GI Bill benefits are only paid to individuals who are abiding by the benefit requirements.

HEARINGS

On October 11, 2017, the Subcommittee on Economic Opportunity held a legislative hearing on several bills pending before the Subcommittee including H.R. 3949, as introduced. The following witnesses testified:

The Honorable John H. Rutherford, U.S. House of Representatives, 4th District of Florida; The Honorable James A. Himes, U.S. House of Representatives, 4th District of Connecticut; The Honorable Martha McSally, U.S. House of Representatives, 2nd District of Arizona; The Honorable Ro Khanna, U.S. House of Representatives, 17th District of California; MG Robert M. Worley II USAF (Ret.), Director of the Education Service, Veterans Benefit Administration of the U.S. Department of Veterans Affairs who was accompanied by Mr. Jeffrey London, Director of the Loan Guaranty Service, Veterans Benefits Administration of the U.S. Department of Veterans Affairs; Mr. John Kamin, Assistant Director of Veteran Employment and Education, The American Legion; and Mr. William Hubbard, Vice President of Government Affairs, Student Veterans of America.

The following organizations submitted statements for the record: The Honorable Lee M. Zeldin, U.S. House of Representatives, 1st District of New York; and Helicopter Association International.

SUBCOMMITTEE CONSIDERATION

On October 25, 2017, the Subcommittee on Economic Opportunity met in open markup session, a quorum being present and favorably forwarded H.R. 3949, as amended, to the full Committee. During consideration of the bills, the following amendments were considered and agreed to by voice vote:

An amendment in the nature of a substitute offered by Mr. O'Rourke of Texas, which made technical and conforming changes that were suggested by VA during the October 11, 2017 Subcommittee on Economic Opportunity legislative hearing; and

An amendment to the amendment in the nature of a substitute offered by Mr. Banks of Indiana, which removed the requirement in section 3680(c) of title 38, U.S.C., that both the individual in an apprenticeship program and the training establishment had to certify to the Secretary that the individual

completed lessons at the institution before payments could be made by VA.

COMMITTEE CONSIDERATION

On November 2, 2017 the full Committee met in open markup session, a quorum being present, and ordered H.R. 3949, as amended, be reported favorably to the House of Representatives by voice vote.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, no recorded votes were taken on amendments or in connection with ordering H.R. 3949, as amended, reported to the House.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives of H.R. 3949, as amended, are to improve and streamline the approval process for multi-state apprenticeship programs so that eligible beneficiaries receive their GI Bill benefits in an efficient manner.

EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 3949, as amended, does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

COMMITTEE COST ESTIMATE

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs that would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. The Committee adopts as its own the cost estimate on H.R. 3949, as amended, prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements

of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the following is the cost estimate for H.R. 3949, as amended, is provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 6, 2017.

Hon. PHIL ROE, M.D.,
Chairman, Committee on Veterans' Affairs,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3949, the Veterans Apprenticeship and Labor Opportunity Reform Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is David Newman.

Sincerely,

KEITH HALL
Director.

Enclosure.

H.R. 3949—Veterans Apprenticeship and Labor Opportunity Reform Act

The Department of Veterans Affairs (VA) provides educational benefits for eligible veterans, military personnel, and their spouses and children who are enrolled in approved programs of education. Those programs must be approved by the State Approving Agency (SAA) in the state where they are offered.

Under current law, programs that are offered in more than one state must be approved by the SAA in every state in which they operate. H.R. 3949 would allow the SAA in the state in which a multistate apprenticeship program is headquartered to approve a program for nationwide use as long as it meets the minimum standards for such programs established by the Department of Labor.

VA subsidizes the SAAs' costs of approving programs from mandatory appropriations; that funding is capped at \$21 million in 2018 and is adjusted annually for inflation. Because the agencies indicate that VA funding does not cover all the costs of approving education programs, CBO expects that any savings from reducing the number of approvals for multistate apprenticeship programs would be used to cover other unreimbursed expenses. Thus, implementing H.R. 3949 would have no net effect on direct spending.

Enacting H.R. 3949 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 3949 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 3949 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is David Newman. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

FEDERAL MANDATES STATEMENT

With respect to the requirements of Section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded Mandate Reform Act, P.L. 104–4), the Committee adopts as its own the estimate of Federal mandates regarding H.R. 3939, as amended, prepared by the Director of the Congressional Budget Office.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 3949, as amended.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to Article I, section 8 of the United States Constitution, H.R. 3949, as amended, is authorized by Congress’ power to “provide for the common Defense and general Welfare of the United States.”

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that H.R. 3949, as amended, does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

STATEMENT ON DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 3949, as amended, establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

DISCLOSURE OF DIRECTED RULEMAKING

Pursuant to section 3(i) of H. Res. 5, 115th Cong. (2017), H.R. 3949, as amended, contains no direct rule making.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

Section 1 cites the short title of H.R. 3949, as amended, as the “Veterans Apprenticeship and Labor Opportunity Reform Act” or the “VALOR Act.”

Section 2. Designation of state approving agencies for multi-state apprenticeship programs

Section 2 would amend paragraph (1) of section 3672(c) of title 38, U.S.C., to read as follows: “(1)(A) The State approving agency for a multi-State apprenticeship program is—“(i) for purposes of approval of the program, the State approving agency for the State in which the headquarters of the apprenticeship program is located;

and “(ii) for all other purposes the State approving agency for the State in which the apprenticeship program takes place.”

Section 2 would also define “multi-State apprenticeship program” as a non-Federal apprenticeship program operating in more than one state that meets the minimum national program standards as developed by the Department of Labor.

Section 3. Elimination of certain certification requirement for assistance for apprenticeship and other on-job training

Section 3 would amend section 3680(c) of title 38, U.S.C., by striking “shall have received—” and all that follows through “person’s certificate,” and inserting receives from the training establishment a certification.”

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

Pursuant to clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

TITLE 38, UNITED STATES CODE

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PART III—READJUSTMENT AND RELATED BENEFITS

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CHAPTER 36—ADMINISTRATION OF EDUCATIONAL BENEFITS

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SUBCHAPTER I—STATE APPROVING AGENCIES

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§ 3672. Approval of courses

(a) An eligible person or veteran shall receive the benefits of this chapter and chapters 34 and 35 of this title while enrolled in a course of education offered by an educational institution only if (1) such course is approved as provided in this chapter and chapters 34 and 35 of this title by the State approving agency for the State where such educational institution is located, or by the Secretary, or (2) such course is approved (A) for the enrollment of the particular individual under the provisions of section 3536 of this title

or (B) for special restorative training under subchapter V of chapter 35 of this title. Approval of courses by State approving agencies shall be in accordance with the provisions of this chapter and chapters 34 and 35 of this title and such other regulations and policies as the State approving agency may adopt. Each State approving agency shall furnish the Secretary with a current list of educational institutions specifying courses which it has approved, and, in addition to such list, it shall furnish such other information to the Secretary as it and the Secretary may determine to be necessary to carry out the purposes of this chapter and chapters 34 and 35 of this title. Each State approving agency shall notify the Secretary of the disapproval of any course previously approved and shall set forth the reasons for such disapproval.

(b)(1) The Secretary shall be responsible for the approval of courses of education offered by any agency of the Federal Government authorized under other laws to supervise such education. The Secretary may approve any course in any other educational institution in accordance with the provisions of this chapter and chapters 34 and 35 of this title.

(2)(A) Subject to sections 3675(b)(1) and (b)(2), 3680A, 3684, and 3696 of this title, a program of education is deemed to be approved for purposes of this chapter if a State approving agency, or the Secretary when acting in the role of a State approving agency, determines that the program is one of the following programs:

(i) Except as provided in subparagraph (C), an accredited standard college degree program offered at a public or not-for-profit proprietary educational institution that is accredited by an agency or association recognized for that purpose by the Secretary of Education.

(ii) A flight training course approved by the Federal Aviation Administration that is offered by a certified pilot school that possesses a valid Federal Aviation Administration pilot school certificate.

(iii) An apprenticeship program registered with the Office of Apprenticeship (OA) of the Employment Training Administration of the Department of Labor or a State apprenticeship agency recognized by the Office of Apprenticeship pursuant to the Act of August 16, 1937 (popularly known as the "National Apprenticeship Act"; 29 U.S.C. 50 et seq.).

(iv) A program leading to a secondary school diploma offered by a secondary school approved in the State in which it is operating.

(B) A licensure test offered by a Federal, State, or local government is deemed to be approved for purposes of this chapter.

(C) A course that is described in both subparagraph (A)(i) of this paragraph and in paragraph (14) or (15) of section 3676(c) of this title shall not be deemed to be approved for purposes of this chapter unless—

(i) a State approving agency, or the Secretary when acting in the role of a State approving agency, determines that the course meets the applicable criteria in such paragraphs; or

(ii) the Secretary issues a waiver for such course under section 3676(f)(1) of this title.

(c) (1) In the case of programs of apprenticeship where—

[(A) the apprenticeship standards have been approved by the Secretary of Labor pursuant to section 2 of the Act of August 16, 1937 (popularly known as the “National Apprenticeship Act”) (29 U.S.C. 50a), as a national apprenticeship program for operation in more than one State, and

[(B) the training establishment is a carrier directly engaged in interstate commerce which provides such training in more than one State,

the Secretary shall act as a “State approving agency” as such term is used in section 3687(a)(1) of this title and shall be responsible for the approval of all such programs.】

(1)(A) *The State approving agency for a multi-State apprenticeship program is—*

(i) for purposes of approval of the program, the State approving agency for the State in which the headquarters of the apprenticeship program is located; and

(ii) for all other purposes, the State approving agency for the State in which the apprenticeship program takes place.

(B) *In this paragraph, the term “multi-State apprenticeship program” means a non-Federal apprenticeship program operating in more than one State that meets the minimum national program standards, as developed by the Department of Labor.*

(2) The period of a program of apprenticeship may be determined based upon a specific period of time (commonly referred to as a “time-based program”), based upon the demonstration of successful mastery of skills (commonly referred to as a “competency-based program”), or based upon a combination thereof.

(3)(A) In the case of a competency-based program of apprenticeship, State approving agencies shall determine the period for which payment may be made for such a program under chapters 30 and 35 of this title and chapter 1606 of title 10. In determining the period of such a program, State approving agencies shall take into consideration the approximate term of the program recommended in registered apprenticeship program standards recognized by the Secretary of Labor.

(B) The sponsor of a competency-based program of apprenticeship shall provide notice to the State approving agency involved of any such standards that may apply to the program and the proposed approximate period of training under the program.

(4) The sponsor of a competency-based program of apprenticeship shall notify the Secretary upon the successful completion of a program of apprenticeship by an individual under chapter 30 or 35 of this title, or chapter 1606 of title 10, as the case may be.

(d)(1) Pursuant to regulations prescribed by the Secretary in consultation with the Secretary of Labor, the Secretary and State approving agencies shall actively promote the development of apprenticeship and on the job training programs for the purposes of sections 3677 and 3687 of this title and shall utilize the services of disabled veterans’ outreach program specialists under section 4103A of this title to promote the development of such programs. The Secretary of Labor shall provide assistance and services to the Secretary, and to State approving agencies, to increase the use of apprenticeships.

(2) In conjunction with outreach services provided by the Secretary under chapter 77 of this title for education and training ben-

efits, each State approving agency shall conduct outreach programs and provide outreach services to eligible persons and veterans about education and training benefits available under applicable Federal and State law.

(e) A program of education exclusively by correspondence, and the correspondence portion of a combination correspondence-residence course leading to a vocational objective, that is offered by an educational institution (as defined in section 3452(c) of this title) may be approved only if (1) the educational institution is accredited by an entity recognized by the Secretary of Education, and (2) at least 50 percent of those pursuing such a program or course require six months or more to complete the program or course.

* * * * *

SUBCHAPTER II—MISCELLANEOUS PROVISIONS

§ 3680. Payment of educational assistance or subsistence allowances

(a) PERIOD FOR WHICH PAYMENT MAY BE MADE.—Payment of educational assistance or subsistence allowances to eligible veterans or eligible persons pursuing a program of education or training, other than a program by correspondence, in an educational institution under chapter 31, 34, or 35 of this title shall be paid as provided in this section and, as applicable, in section 3108, 3482, 3491, or 3532 of this title. Such payments shall be paid only for the period of such veterans' or persons' enrollment in, and pursuit of, such program, but no amount shall be paid—

(1) to any eligible veteran or eligible person for any period when such veteran or person is not pursuing such veteran's or person's course in accordance with the regularly established policies and regulations of the educational institution, with the provisions of such regulations as may be prescribed by the Secretary pursuant to subsection (g) of this section, and with the requirements of this chapter or of chapter 34 or 35 of this title, but payment may be made for an actual period of pursuit of one or more unit subjects pursued for a period of time shorter than the enrollment period at the educational institution;

(2) to any eligible veteran or person for auditing a course; or

(3) to any eligible veteran or person for a course for which the grade assigned is not used in computing the requirements for graduation including a course from which the student withdraws unless—

(A) the eligible veteran or person withdraws because he or she is ordered to active duty; or

(B) the Secretary finds there are mitigating circumstances, except that, in the first instance of withdrawal (without regard to withdrawals described in subclause (A) of this clause) by the eligible veteran or person from a course or courses with respect to which the veteran or person has been paid assistance under this title, mitigating circumstances shall be considered to exist with respect to courses totaling not more than six semester hours or the equivalent thereof.

Notwithstanding the foregoing, the Secretary may, subject to such regulations as the Secretary shall prescribe, continue to pay allow-

ances to eligible veterans and eligible persons enrolled in courses set forth in clause (1) of this subsection during periods when schools are temporarily closed under an established policy based on an Executive order of the President or due to an emergency situation. However, the total number of weeks for which allowances may continue to be so payable in any 12-month period may not exceed 4 weeks.

(b) CORRESPONDENCE TRAINING CERTIFICATIONS.—No educational assistance allowance shall be paid to an eligible veteran or spouse or surviving spouse enrolled in and pursuing a program of education exclusively by correspondence until the Secretary shall have received—

(1) from the eligible veteran or spouse or surviving spouse a certificate as to the number of lessons actually completed by the veteran or spouse or surviving spouse and serviced by the educational institution; and

(2) from the training establishment a certification or an endorsement on the veteran's or spouse's or surviving spouse's certificate, as to the number of lessons completed by the veteran or spouse or surviving spouse and serviced by the institution.

(c) APPRENTICESHIP AND OTHER ON-JOB TRAINING.—No training assistance allowance shall be paid to an eligible veteran or eligible person enrolled in and pursuing a program of apprenticeship or other on-job training until the Secretary [shall have received—]

[(1) from such veteran or person a certification as to such veteran's or person's actual attendance during such period; and]

[(2) from the training establishment a certification, or an endorsement on the veteran's or person's certificate,] *receives from the training establishment a certification that such veteran or person was enrolled in and pursuing a program of apprenticeship or other on-job training during such period.*

(d) ADVANCE PAYMENT OF INITIAL EDUCATIONAL ASSISTANCE OR SUBSISTENCE ALLOWANCE.—(1) The educational assistance or subsistence allowance advance payment provided for in this subsection is based upon a finding by the Congress that eligible veterans and eligible persons may need additional funds at the beginning of a school term to meet the expenses of books, travel, deposits, and payment for living quarters, the initial installment of tuition, and the other special expenses which are concentrated at the beginning of a school term.

(2) Subject to the provisions of this subsection, and under regulations which the Secretary shall prescribe, an eligible veteran or eligible person shall be paid an educational assistance allowance or subsistence allowance, as appropriate, advance payment. Such advance payment shall be made in an amount equivalent to the allowance for the month or fraction thereof in which pursuit of the program will commence, plus the allowance for the succeeding month. In the case of a person on active duty, who is pursuing a program of education, the advance payment shall be in a lump sum based upon the amount payable for the entire quarter, semester, or term, as applicable. In no event shall an advance payment be made under this subsection to a veteran or person intending to pursue a program of education on less than a half-time basis. An advance

payment may not be made under this subsection to any veteran or person unless the veteran or person requests such payment and the Secretary finds that the educational institution at which such veteran or person is accepted or enrolled has agreed to, and can satisfactorily, carry out the provisions of paragraphs (4)(B) and (C) and (5) of this subsection. The application for advance payment, to be made on a form prescribed by the Secretary, shall—

(A) in the case of an initial enrollment of a veteran or person in an educational institution, contain information showing that the veteran or person (i) is eligible for educational benefits, (ii) has been accepted by the institution, and (iii) has notified the institution of such veteran's or person's intention to attend that institution; and

(B) in the case of a re-enrollment of a veteran or person, contain information showing that the veteran or person (i) is eligible to continue such veteran's or person's program of education or training and (ii) intends to re-enroll in the same institution, and, in either case, shall also state the number of semester or clock-hours to be pursued by such veteran or person.

(3) For purposes of the Secretary's determination whether any veteran or person is eligible for an advance payment under this section, the information submitted by the institution, the veteran or person, shall establish such veteran's or person's eligibility unless there is evidence in such veteran's or person's file in the processing office establishing that the veteran or person is not eligible for such advance payment.

(4) The advance payment authorized by paragraph (2) of this subsection shall, in the case of an eligible veteran or eligible person, be (A) drawn in favor of the veteran or person; (B) mailed to the educational institution listed on the application form for temporary care and delivery to the veteran or person by such institution; and (C) delivered to the veteran or person upon such veteran's or person's registration at such institution, but in no event shall such delivery be made earlier than thirty days before the program of education is to commence.

(5) Upon delivery of the advance payment pursuant to paragraph (4) of this subsection, the institution shall submit to the Secretary a certification of such delivery. If such delivery is not effected within thirty days after commencement of the program of education in question, such institution shall return such payment to the Secretary forthwith.

(e) RECOVERY OF ERRONEOUS PAYMENTS.—(1) Subject to paragraph (2), if an eligible veteran or eligible person fails to enroll in or pursue a course for which an educational assistance or subsistence allowance advance payment is made, the amount of such payment and any amount of subsequent payments which, in whole or in part, are due to erroneous information required to be furnished under subsection (d)(2) of this section, shall become an overpayment and shall constitute a liability of such veteran or person to the United States and may be recovered, unless waived pursuant to section 5302 of this title, from any benefit otherwise due such veteran or person under any law administered by the Department of Veterans Affairs or may be recovered in the same manner as any other debt due the United States.

(2) Paragraph (1) shall not apply to the recovery of an overpayment of an educational allowance or subsistence allowance advance payment to an eligible veteran or eligible person who fails to enroll in or pursue a course of education for which the payment is made if such failure is due to the death of the veteran or person.

(f) PAYMENTS FOR LESS THAN HALF-TIME TRAINING.—Payment of educational assistance allowance in the case of any eligible veteran or eligible person pursuing a program of education on less than a half-time basis shall be made in an amount computed for the entire quarter, semester, or term not later than the last day of the month immediately following the month in which certification is received from the educational institution that such veteran or person has enrolled in and is pursuing a program at such institution. Such lump sum payment shall be computed at the rate provided in section 3482(b) or 3532(a)(2) of this title, as applicable.

(g) DETERMINATION OF ENROLLMENT, PURSUIT, AND ATTENDANCE.—(1) The Secretary may, pursuant to regulations which the Secretary shall prescribe, determine and define with respect to an eligible veteran and eligible person the following:

(A) Enrollment in a course or program of education or training.

(B) Pursuit of a course or program of education or training.

(C) Attendance at a course or program of education or training.

(2) The Secretary may withhold payment of benefits to an eligible veteran or eligible person until the Secretary receives such proof as the Secretary may require of enrollment in and satisfactory pursuit of a program of education by the eligible veteran or eligible person. The Secretary shall adjust the payment withheld, when necessary, on the basis of the proof the Secretary receives.

(3) In the case of an individual other than an individual described in paragraph (4), the Secretary may accept the individual's monthly certification of enrollment in and satisfactory pursuit of a program of education as sufficient proof of the certified matters.

(4) In the case of an individual who has received an accelerated payment of basic educational assistance under section 3014A of this title during an enrollment period for a program of education, the Secretary may accept the individual's certification of enrollment in and satisfactory pursuit of the program of education as sufficient proof of the certified matters if the certification is submitted after the enrollment period has ended.

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