

111TH CONGRESS
1ST SESSION

H. R. 3657

To amend title 38, United States Code, to provide for members of the United States Public Health Service and National Oceanographic and Atmospheric Administration Corps to transfer unused benefits under Post-9/11 Educational Assistance Program to family members, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2009

Mr. RODRIGUEZ introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide for members of the United States Public Health Service and National Oceanographic and Atmospheric Administration Corps to transfer unused benefits under Post-9/11 Educational Assistance Program to family members, 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,*

1 **SECTION 1. AUTHORITY OF MEMBERS OF THE UNITED**
2 **STATES PUBLIC HEALTH SERVICE AND NA-**
3 **TIONAL OCEANOGRAPHIC AND ATMOS-**
4 **PHERIC ADMINISTRATION CORPS TO TRANS-**
5 **FER UNUSED BENEFITS UNDER POST-9/11**
6 **EDUCATIONAL ASSISTANCE PROGRAM TO**
7 **FAMILY MEMBERS.**

8 (a) IN GENERAL.—Section 3319 of title 38, United
9 States Code, is amended—

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

12 “(a) AUTHORITY TO TRANSFER.—

13 “(1) MEMBERS OF THE ARMED FORCES.—Sub-
14 ject to the provisions of this section, the Secretary
15 of Defense, in order to promote the recruitment and
16 retention of members of the Armed Forces, may au-
17 thorize the Secretary concerned to permit an indi-
18 vidual described in subsection (b)(1) who is entitled
19 to educational assistance under this chapter to elect
20 to transfer to one or more of the dependents speci-
21 fied in subsection (c) a portion of such individual’s
22 entitlement to such assistance, subject to the limita-
23 tion under subsection (d).

24 “(2) MEMBERS OF THE UNITED STATES PUB-
25 LIC HEALTH SERVICE.—Subject to the provisions of
26 this section, in order to promote the recruitment and

1 retention of members of the United States Public
2 Health Service, the Secretary of Health and Human
3 Services may permit an individual described in sub-
4 section (b)(2) who is entitled to educational assist-
5 ance under this chapter to elect to transfer to one
6 or more of the dependents specified in subsection (c)
7 a portion of such individual's entitlement to such as-
8 sistance, subject to the limitation under subsection
9 (d).

10 “(3) MEMBERS OF THE NATIONAL OCEANO-
11 GRAPHIC AND ATMOSPHERIC ADMINISTRATION
12 CORPS.—Subject to the provisions of this section, in
13 order to promote the recruitment and retention of
14 members of the National Oceanographic and Atmos-
15 pheric Administration Corps, the Secretary of Com-
16 merce may permit an individual described in sub-
17 section (b)(3) who is entitled to educational assist-
18 ance under this chapter to elect to transfer to one
19 or more of the dependents specified in subsection (c)
20 a portion of such individual's entitlement to such as-
21 sistance, subject to the limitation under subsection
22 (d).”;

23 (2) by striking subsection (b) and inserting the
24 following new subsection (b):

1 “(b) ELIGIBLE INDIVIDUALS.—For purposes of this
2 section, an eligible individual is any of the following:

3 “(1) A member of the Armed Forces who, at
4 the time of the approval of the individual’s request
5 to transfer entitlement to educational assistance
6 under this section, has completed at least—

7 “(A) six years of service in the Armed
8 Forces and enters into an agreement to serve at
9 least four more years as a member of the
10 Armed Forces; or

11 “(B) the years of service as determined in
12 regulations pursuant to section (k).

13 “(2) A member of the United States Public
14 Health Service who, at the time of the approval of
15 the individual’s request to transfer entitlement to
16 educational assistance under this section, has com-
17 pleted at least—

18 “(A) six years of service in the United
19 States Public Health Service and enters into an
20 agreement to serve at least four more years as
21 a member of the United States Public Health
22 Service; or

23 “(B) the years of service as determined in
24 regulations pursuant to section (k).

1 “(3) A member of the National Oceanographic
2 and Atmospheric Administration Corps who, at the
3 time of the approval of the individual’s request to
4 transfer entitlement to educational assistance under
5 this section, has completed at least—

6 “(A) six years of service in the National
7 Oceanographic and Atmospheric Administration
8 Corps and enters into an agreement to serve at
9 least four more years as a member of the Na-
10 tional Oceanographic and Atmospheric Admin-
11 istration Corps; or

12 “(B) the years of service as determined in
13 regulations pursuant to section (k).”;

14 (3) in the second sentence of subsection (d), by
15 striking “Secretary of Defense” and inserting “, the
16 appropriate Secretary”;

17 (4) in subsection (f)—

18 (A) in paragraph (1), by striking “armed
19 forces” and inserting “Armed Forces, member
20 of the United States Public Health Service, or
21 member of the National Oceanographic and At-
22 mospheric Administration Corps, as the case
23 may be,”; and

1 (B) in paragraph (2), by striking “Sec-
2 retary concerned” and inserting “appropriate
3 Secretary”;

4 (5) in subsection (g)—

5 (A) in paragraph (1)(A), by striking “in
6 the armed forces” and inserting “in the Armed
7 Forces, United States Public Health Service, or
8 National Oceanographic and Atmospheric Ad-
9 ministration Corps, as the case may be,”; and

10 (B) in paragraph (2)(A)(i), by striking “in
11 the armed forces” and inserting “in the Armed
12 Forces, United States Public Health Service, or
13 National Oceanographic and Atmospheric Ad-
14 ministration Corps, as the case may be,”;

15 (6) in subsection (h)—

16 (A) in paragraph (2)(B), by inserting be-
17 fore “as if the individual were not on active
18 duty” the following: “, and in the case of a
19 member of the Armed Forces,”;

20 (B) in paragraph (3)(B), by inserting be-
21 fore “as if the individual were not on active
22 duty” the following: “, and in the case of a
23 member of the Armed Forces,”; and

24 (C) in paragraph (2)(A)(i), by striking “in
25 the armed forces” and inserting “in the Armed

1 Forces, United States Public Health Service, or
2 National Oceanographic and Atmospheric Ad-
3 ministration Corps, as the case may be,”;

4 (7) in subsection (i)(2)(A), by striking “sub-
5 section (b)(1)” and inserting “paragraph (1)(A),
6 (2)(A), or (3)(A) of subsection (b)”;

7 (8) in subsection (j), by striking “Secretary of
8 Defense” the following: “appropriate Secretary”;
9 and

10 (9) by inserting after subsection (k) and insert-
11 ing the following new subsection:

12 “(l) APPROPRIATE SECRETARY DEFINED.—In this
13 section, the term ‘appropriate Secretary’ means—

14 “(1) the Secretary of Defense with respect to
15 matters concerning members of the Armed Forces;

16 “(2) the Secretary of Health and Human Serv-
17 ices with respect to matters concerning the United
18 States Public Health Service; and

19 “(3) the Secretary of Commerce with respect to
20 matters concerning the National Oceanographic and
21 Atmospheric Administration Corps.”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 this Act shall take effect as if included in the enactment

1 of the Post-9/11 Veterans Educational Assistance Act of
2 2008 (title V of Public Law 110–252).

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