

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 33 - POST-9/11 EDUCATIONAL ASSISTANCE

SUBCHAPTER I - DEFINITIONS

Sec. 3301. Definitions

In this chapter:

- (1) The term “active duty” has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b)):
 - (A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A).
 - (B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.
 - (C) *In the case of a member of the Army National Guard of the United States or Air National Guard of the United States, in addition to service described in subparagraph (B), full-time service—*
 - (i) *in the National Guard of a State for the purpose of organizing, administering, recruiting, instructing, or training the National Guard; or*
 - (ii) *in the National Guard under section 502(f) of title 32 when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.*
- (2) The term “entry level and skill training” means the following:
 - (A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training *or One Station Unit Training*.
 - (B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called “A” School).
 - (C) In the case of members of the Air Force, Basic Military Training and Technical Training.
 - (D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).
 - (E) In the case of members of the Coast Guard, Basic Training *and Skill Training (or so-called “A” School)*.
- (3) The term “program of education” has the meaning given such term in section 3002, except to the extent otherwise provided in section 3313.

- (4) The term “Secretary of Defense” means the Secretary of Defense, except that the term means the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy.

Sec. 3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001:
entitlement

- (a) Entitlement. Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

- (b) Covered Individuals. An individual described in this subsection is any individual as follows:

- (1) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty; or

(ii) is discharged or released from active duty as described in subsection (c).

- (2) An individual who—

(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

- (3) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

(i) continues on active duty for an aggregate of less than 36 months; or

(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

- (4) An individual who—
- (A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and
 - (B) after completion of service described in subparagraph (A)—
 - (i) continues on active duty for an aggregate of less than 30 months; or
 - (ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).
- (5) An individual who—
- (A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and
 - (B) after completion of service described in subparagraph (A)—
 - (i) continues on active duty for an aggregate of less than 24 months; or
 - (ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).
- (6) An individual who—
- (A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and
 - (B) after completion of service described in subparagraph (A)—
 - (i) continues on active duty for an aggregate of less than 18 months; or
 - (ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).
- (7) An individual who—
- (A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

- (i) continues on active duty for an aggregate of less than 12 months; or
- (ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

(8) An individual who—

(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

(B) after completion of service described in subparagraph (A)—

- (i) continues on active duty for an aggregate of less than 6 months; or
- (ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

(9) An individual who is the child of a person who, on or after September 11, 2001, dies in line of duty while serving on active duty as a member of the Armed Forces.

(C) Covered Discharges and Releases. A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

(1) A discharge from active duty in the Armed Forces with an honorable discharge.

(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

(4) ~~A discharge or release from active duty in the Armed Forces~~ *A discharge or release from active duty in the Armed Forces after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service* for—

(A) a medical condition which preexisted the service of the individual as described in the applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

(B) hardship; or

- (C) a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.
- (d) Prohibition on Treatment of Certain Service as Period of Active Duty. The following periods of service shall not be considered a part of the period of active duty on which an individual's entitlement to educational assistance under this chapter is based:
 - (1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.
 - (2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10 *or section 182 of title 14*.
 - (3) A period of service that is terminated because of a defective enlistment and induction based on—
 - (A) the individual's being a minor for purposes of service in the Armed Forces;
 - (B) an erroneous enlistment or induction; or
 - (C) a defective enlistment agreement.
- (e) Treatment of Individuals Entitled Under Multiple Provisions. In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of subsection (b).
- (f) Marine Gunnery Sergeant John David Fry Scholarship. —
 - (1) In general. — Educational assistance payable by reason of paragraph (9) of subsection (b) shall be known as the "Marine Gunnery Sergeant John David Fry Scholarship".
 - (2) Definition of child. — For purposes of that paragraph, the term "child" includes a married individual or an individual who is above the age of twenty-three years.

Sec. 3312. Educational assistance: duration

- (a) In General. Subject to section 3695 and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 equal to 36 months.
- (b) Continuing Receipt. The receipt of educational assistance under section 3313 by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2).

(c) Discontinuation of Education for Active Duty.—

(1) In general. Any payment of educational assistance described in paragraph (2) shall not—

- (A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or
- (B) be counted against the aggregate period for which section 3695 limits the individual's receipt of educational assistance under this chapter.

(2) Description of payment of educational assistance. Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

(A)

- (i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or
- (ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

(B) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual's course pursuit.

(3) Period for which payment not charged. The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

Sec. 3313. Educational assistance: amount; payment.

(a) Payment. The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) and (f)) the amounts specified in subsection (c) to meet the expenses of such individual's subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

(b) Approved Programs of Education. A program of education is an approved program of education for purposes of this chapter if the program of education *is offered by an institution of higher learning (as that term is defined in section 3452(f))* and is approved for purposes of chapter 30 (including approval by the State approving agency concerned).

(c) *Amount of Educational Assistance: Programs of Education Leading to a Degree Pursued at Institutions of Higher Learning on More than Half-time Basis.*— The amounts payable under this subsection for pursuit of an approved program of education leading to a degree at an institution of higher learning (as that term is defined in section 3452(f)) are amounts as follows:

(1) In the case of an individual entitled to educational assistance under this chapter by reason of paragraph (1), (2), or (9) of section 3311(b), amounts as follows:

(A) ~~An amount equal to the established charges for the program of education, except that the amount payable under this subparagraph may not exceed the maximum amount of established charges regularly charged in-State students for full-time pursuit of approved programs of education for undergraduates by the public institution of higher education offering approved programs of education for undergraduates in the State in which the individual is enrolled that has the highest rate of regularly-charged established charges for such programs of education among all public institutions of higher education in such State offering such programs of education. An amount equal to the following:~~

(i) ~~In the case of a program of education pursued at a public institution of higher learning, the actual net cost for in-State tuition and fees assessed by the institution for the program of education after the application of—~~

~~(I) any waiver of, or reduction in, tuition and fees; and~~

~~(II) any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a)) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees.~~

(ii) ~~In the case of a program of education pursued at a non-public or foreign institution of higher learning, the lesser of—~~

~~(I) the actual net cost for tuition and fees assessed by the institution for the program of education after the application of—~~

~~(aa) any waiver of, or reduction in, tuition and fees; and~~

~~(bb) any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees; or~~

~~(II) the amount equal to—~~

~~(aa) for the academic year beginning on August 1, 2011, \$17,500; or~~

~~(bb) for an academic year beginning on any subsequent August 1, the amount for the~~

previous academic year beginning on August 1 under this subclause, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h).

(B) A monthly stipend in an amount as follows:

- (i) ~~*For each month the individual pursues the program of education (other than, in the case of assistance under this section only, a program of education offered through distance learning), a monthly housing stipend amount equal to the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled. Except as provided in clauses (ii) and (iii), for each month an individual pursues a program of education on more than a half-time basis, a monthly housing stipend equal to the product of—*~~
 - (I) *the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher learning at which the individual is enrolled, multiplied by*
 - (II) *the lesser of—*
 - (aa) *1.0; or*
 - (bb) *the number of course hours borne by the individual in pursuit of the program of education, divided by the minimum number of course hours required for full-time pursuit of the program of education, rounded to the nearest multiple of 10.*
- (ii) ~~*In the case of an individual pursuing a program of education at a foreign institution of higher learning on more than a half-time basis, for each month the individual pursues the program of education, a monthly housing stipend equal to the product of—*~~
 - (I) *the national average of the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5, multiplied by*
 - (II) *the lesser of—*
 - (aa) *1.0; or*
 - (bb) *the number of course hours borne by the individual in pursuit of the program of education, divided by the minimum number of course hours required for full-time pursuit of the program of education, rounded to the nearest multiple of 10.*

(iii) In the case of an individual pursuing a program of education solely through distance learning on more than a half-time basis, a monthly housing stipend equal to 50 percent of the amount payable under clause (ii) if the individual were otherwise entitled to a monthly housing stipend under that clause for pursuit of the program of education.

(iv) For the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

(I) \$1,000, multiplied by

(II) the fraction which is the portion of a complete academic year under the program of education that such quarter, semester, or term constitutes.

(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3), amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4), amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5), amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6), amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7), amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8), amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

(d) Frequency of Payment.—

- (1) Quarter, semester, or term payments. Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.
- (2) Monthly payments. Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis.
- (3) Regulations. The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance **under** this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (2) for pursuit of a program of education on a quarter, semester, term, or other basis.

(e) ~~Programs of Education Pursued on Active Duty. Programs of Education Leading to a Degree Pursued on Active Duty on More than Half-time Basis.~~—

- (1) In general. Educational assistance is payable under this chapter for pursuit of an approved program of education *leading to a degree* while on active duty.
- (2) Amount of assistance. The amounts of educational assistance payable under this chapter to an individual pursuing a program of education *leading to a degree* while on active duty ~~is the lesser of~~ *are as follows:*

(A) ~~Subject to subparagraph (C), an amount equal to the lesser of—~~

- (i) ~~the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or in the case of a program of education pursued at a public institution of higher learning, the actual net cost for in-State tuition and fees assessed by the institution for the program of education after the application of—~~
 - (I) ~~any waiver of, or reduction in, tuition and fees; and~~
 - (II) ~~any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a)) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees;~~
- (ii) ~~in the case of a program of education pursued at a non-public or foreign institution of higher learning, the lesser of—~~
 - (I) ~~the actual net cost for tuition and fees assessed by the institution for the program of education after the application of—~~
 - (aa) ~~any waiver of, or reduction in, tuition and fees; and~~

(bb) any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees; or

(II) the amount equal to—

(aa) for the academic year beginning on August 1, 2011, \$17,500; or

(bb) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subclause, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h); or

(iii) the amount of the charges of the educational institution as elected by the individual in the manner specified in section 3014(b)(1).

(B) Subject to subparagraph (C), for the first month of each quarter, semester, or term, as applicable, of the program of education pursued by the individual, a lump sum amount for books, supplies, equipment, and other educational costs with respect to such quarter, semester, or term in the amount equal to—

(i) \$1,000, multiplied by

(ii) the fraction of a complete academic year under the program of education that such quarter, semester, or term constitutes.

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

(3) Quarter, semester, or term payments. Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

(4) Monthly payments. For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

(f) Programs of Education Pursued on Half-Time Basis or Less.—

(1) In general. Educational assistance is payable under this chapter for pursuit of an approved program of education on halftime basis or less *whether a program of education pursued on active duty, a program of education leading to a degree, or a program of education other than a program of education leading to*

a degree.

(2) Amount of assistance. The educational assistance payable under this chapter to an individual pursuing a program of education *covered by this subsection* on half-time basis or less is the amounts as follows:

(A) The amount equal to the lesser of—

(i) ~~*the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or the actual net cost for in-State tuition and fees assessed by the institution of higher learning for the program of education after the application of—*~~

(I) any waiver of, or reduction in, tuition and fees; and

(II) any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a)) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees; or

(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

(B) A stipend in an amount equal to the amount of the appropriately reduced amount of the lump sum amount for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

(3) Quarter, term, or semester payments. Payment of the amounts payable to an individual under paragraph (2) for pursuit of a program of education on half-time basis or less shall be made for the entire quarter, semester, or term, as applicable, of the program of education.

(4) Monthly payments. For each month (as determined pursuant to the methods prescribed under subsection (d)(3)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at a percentage of a month equal to—

(A) the number of course hours borne by the individual in pursuit of the program of education involved, divided by (B) the number of course hours for full-time pursuit of such program of education.

(g) Programs of Education Other than Programs of Education Leading to a Degree.—

(1) In General.— Educational assistance is payable under this chapter for pursuit of an approved program of education other than a program of education leading to a degree at an institution other than an institution of higher learning (as that term is defined in section 3452(f)).

- (2) *Pursuit on Half-time Basis or Less.*— *The payment of educational assistance under this chapter for pursuit of a program of education otherwise described in paragraph (1) on a half-time basis or less is governed by subsection (f).*
- (3) *Amount of Assistance.*— *The amounts of educational assistance payable under this chapter to an individual entitled to educational assistance under this chapter who is pursuing an approved program of education covered by this subsection are as follows:*
- (A) *In the case of an individual enrolled in a program of education (other than a program described in subparagraphs (B) through (D)) in pursuit of a certificate or other non-college degree, the following:*
- (i) *Subject to clause (iv), an amount equal to the lesser of—*
- (I) *the actual net cost for in-State tuition and fees assessed by the institution concerned for the program of education after the application of—*
- (aa) *any waiver of, or reduction in, tuition and fees; and*
- (bb) *any scholarship, or other Federal, State, institutional, or employer-based aid or assistance (other than loans and any funds provided under section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a)) that is provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees; or*
- (II) *the amount equal to—*
- (aa) *for the academic year beginning on August 1, 2011, \$17,500; or*
- (bb) *for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subclause, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h).*
- (ii) *Except in the case of an individual pursuing a program of education on a half-time or less basis and subject to clause (iv), a monthly housing stipend equal to the product—*
- (I) *of—*
- (aa) *in the case of an individual pursuing resident training, the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution at which the individual is enrolled; or*

(bb) in the case of an individual pursuing a program of education through distance learning, a monthly amount equal to 50 percent of the amount payable under item (aa), multiplied by

(II) the lesser of—

(aa) 1.0; or

(bb) the number of course hours borne by the individual in pursuit of the program of education involved, divided by the minimum number of course hours required for full-time pursuit of such program of education, rounded to the nearest multiple of 10.

(iii) Subject to clause (iv), a monthly stipend in an amount equal to \$83 for each month (or pro rata amount for a partial month) of training pursued for books supplies, equipment, and other educational costs.

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

(B) In the case of an individual pursuing a full-time program of apprenticeship or other on-job training, amounts as follows:

(i) Subject to clauses (iii) and (iv), for each month the individual pursues the program of education, a monthly housing stipend equal to—

(I) during the first six-month period of the program, the monthly amount of the basic allowance for housing payable under section 403 of title 37 for a member with dependents in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the employer at which the individual pursues such program;

(II) during the second six-month period of the program, 80 percent of the monthly amount of the basic allowance for housing payable as described in subclause (I);

(III) during the third six-month period of the program, 60 percent of the monthly amount of the basic allowance for housing payable as described in subclause (I);

(IV) during the fourth six-month period of such program, 40 percent of the monthly amount of the basic allowance for housing payable as described in subclause (I); and

(V) during any month after the first 24 months of such program, 20 percent of the monthly amount of the basic allowance for housing payable as described in subclause (I).

(B) *Monthly Payments.*— *Payment of the amounts payable under paragraphs (3)(A)(ii) and (3)(B)(i) for pursuit of a program of education shall be made on a monthly basis.*

(C) *Lump Sum Payments.*—

(i) *Payment for the amount payable under paragraphs (3)(A)(iii) and (3)(B)(ii) shall be paid to the individual for the first month of each quarter, semester, or term, as applicable, of the program education pursued by the individual.*

(ii) *Payment of the amount payable under paragraph (3)(C) for pursuit of a program of education shall be made upon receipt of certification for training completed by the individual and serviced by the training facility.*

(D) *Quarterly Payments.*— *Payment of the amounts payable under paragraph (3)(D) for pursuit of a program of education shall be made quarterly on a pro rata basis for the lessons completed by the individual and serviced by the institution.*

(5) *Charge Against Entitlement for Certificate and Other Non-college Degree Programs.*—

(A) *In General.*— *In the case of amounts paid under paragraph (3)(A)(i) for pursuit of a program of education, the charge against entitlement to educational assistance under this chapter of the individual for whom such payment is made shall be one month for each of—*

(i) *the amount so paid, divided by*

(ii) *subject to subparagraph (B), the amount equal to one-twelfth of the amount applicable in the academic year in which the payment is made under paragraph (3)(A)(i)(II).*

(B) *Pro Rata Adjustment Based on Certain Eligibility.*— *If the amount otherwise payable with respect to an individual under paragraph (3)(A)(i) is subject to a percentage adjustment under paragraph (3)(A)(iv), the amount applicable with respect to the individual under subparagraph (A)(ii) shall be the amount otherwise determined pursuant to such subparagraph subject to a percentage adjustment equal to the percentage adjustment applicable with respect to the individual under paragraph (3)(A)(iv).*

(h) *Payment of Established Charges to Educational Institutions.* Amounts payable under subsections (c)(1)(A) (and of similar amounts payable under paragraphs (2) through (7) of subsection (c)), (e)(2), and (f)(2)(A) , *and under subparagraphs (A)(i), (C), and (D) of subsection (g)(3), shall be paid directly to the educational institution concerned.*

~~(h) Established Charges Defined.—~~

~~(1) In general. In this section, the term “established charges”, in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.~~

~~(2) Basis of determination. Established charges shall be determined for purposes of this subsection on the following basis:~~

~~(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.~~

~~(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.~~

~~(i) Determination of Housing Stipend Payments for Academic Years.— Any monthly housing stipend payable under this section during the academic year beginning on August 1 of a calendar year shall be determined utilizing rates for basic allowances for housing payable under section 403 of title 37 in effect as of January 1 of such calendar year.~~

Sec. 3314. Tutorial assistance

(a) In General. Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492.

(b) Conditions. —

(1) In general. The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492.

(2) Certification. In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that —

(A) such benefits are essential to correct a deficiency of the individual in such course; and

(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

(c) Amount. —

(1) In general. The amount of benefits described in subsection (a) that are payable under this section may not exceed \$100 per month, for a maximum of 12 months, or until a maximum of \$1,200 is utilized.

(2) As additional assistance. The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313.

(d) No Charge Against Entitlement. Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

Sec. 3315. Licensure and certification tests

(a) In General. An individual entitled to educational assistance under this chapter shall also be entitled to payment for ~~one licensing or certification test~~ *licensing or certification tests* described in section 3452(b).

(b) Limitation on Amount. The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of —

(1) \$2,000; ~~or~~

(2) the fee charged for the test; *or*

(3) the amount of entitlement available to the individual under this chapter at the time of payment for the test under this section.

(c) ~~No Charge Against Entitlement. Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter. Charge Against Entitlement.— The charge against an individual's entitlement under this chapter for payment for a licensing or certification test shall be determined at the rate of one month (rounded to the nearest whole month) for each amount paid that equals—~~

(1) for the academic year beginning on August 1, 2011, \$1,460; or

(2) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subsection, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h).

Sec. 3315A. National tests

(a) In General.— *An individual entitled to educational assistance under this chapter shall also be entitled to educational assistance for the following:*

(1) A national test for admission to an institution of higher learning as described in the last sentence of section 3452(b).

(2) A national test providing an opportunity for course credit at an institution of higher learning as so described.

(b) Amount.— The amount of educational assistance payable under this chapter for a test described in subsection (a) is the lesser of—

(1) the fee charged for the test; or

(2) the amount of entitlement available to the individual under this chapter at the time of payment for the test under this section.

(c) Charge Against Entitlement.— The number of months of entitlement charged an individual under this chapter for a test described in subsection (a) shall be determined at the rate of one month (rounded to the nearest whole month) for each amount paid that equals—

(1) for the academic year beginning on August 1, 2011, \$1,460; or

(2) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subsection, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h).

Sec. 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

(a) Increased Assistance for Members With Critical Skills or Specialty. —

(1) In general. In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c), or under paragraphs (2) through (7) of such section (as applicable).

(2) Maximum amount of increase in assistance. The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) at the time of the increase under paragraph (1).

(b) Supplemental Assistance for Additional Service. —

(1) In general. The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c), or under paragraphs (2) through (7) of such section (as applicable).

(2) Eligibility. Eligibility for supplement[al] educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

(3) Amount. The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational [assistance] payable under section 3022.

(c) Continuation of Increased Educational Assistance.—

(1) In General.— An individual who made an election to receive educational assistance under this chapter pursuant to section 5003(c)(1)(A) of the Post-9/11 Veterans Educational Assistance Act of 2008 (38 U.S.C. 3301 note) and who, at the time of the election, was entitled to increased educational assistance under section 3015(d) or section 16131(i) of title 10 shall remain entitled to increased educational assistance in the utilization of the individual's entitlement to educational assistance under this chapter.

(2) Rate.— The monthly rate of increased educational assistance payable to an individual under paragraph (1) shall be—

(A) the rate of educational assistance otherwise payable to the individual under section 3015(d) or section 16131(i) of title 10, as the case may be, had the individual not made the election described in paragraph (1), multiplied by

(B) the lesser of—

(i) 1.0; or

(ii) the number of course hours borne by the individual in pursuit of the program of education involved divided by the minimum number of course hours required for full-time pursuit of the program of education, rounded to the nearest multiple of 10.

(3) Frequency of Payment.— Payment of the amounts payable under paragraph (1) during pursuit of a program of education shall be made on a monthly basis.

(d) Funding.— Payments for increased educational assistance under this section shall be made from the Department of Defense Education Benefits Fund under section 2006 of title 10 or from appropriations available to the Department of Homeland Security for that purpose, as applicable.

(e) Regulations. The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

Sec. 3317. Public-private contributions for additional educational assistance

(a) Establishment of Program. In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313), the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of those established charges not otherwise covered under section 3313(c)(1)(A), which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1) and (2) of section 3311(b).

- (b) Designation of Program. The program under this section shall be known as the “Yellow Ribbon G.I. Education Enhancement Program”.
- (c) Agreements. The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:
 - (1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions to be made by the college or university concerned.
 - (2) The maximum amount of the contribution to be made by the college or university concerned with respect to any particular individual in any given academic year.
 - (3) The maximum number of individuals for whom the college or university concerned will make contributions in any given academic year.
 - (4) Such other matters as the Secretary and the college or university concerned jointly consider appropriate.
- (d) Matching Contributions. —
 - (1) In general. In instances where the educational assistance provided an individual under section 3313(c)(1)(A) does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.
 - (2) Use of appropriated funds. Amounts available to the Secretary under section 3324(b) for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).
- (e) Outreach. The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

Sec. 3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education

- (a) Additional Assistance. Each individual described in subsection (b) shall be paid additional assistance under this section in the amount of \$500.
- (b) Covered Individuals. An individual described in this subsection is any individual entitled to educational assistance under this chapter —
 - (1) who resides in a county (or similar entity utilized by the Bureau of the Census) with less than seven persons per square mile, according to the most recent decennial Census; and

(2) who —

(A) physically relocates a distance of at least 500 miles in order to pursue a program of education for which the individual utilizes educational assistance under this chapter; or

(B) travels by air to physically attend an institution of higher education for pursuit of such a program of education because the individual cannot travel to such institution by automobile or other established form of transportation due to an absence of road or other infrastructure.

(c) Proof of Residence. For purposes of subsection (b)(1), an individual may demonstrate the individual's place of residence utilizing any of the following:

(1) DD Form 214, Certification of Release or Discharge from Active Duty.

(2) The most recent Federal income tax return.

(3) Such other evidence as the Secretary shall prescribe for purposes of this section.

(d) Single Payment of Assistance. An individual is entitled to only one payment of additional assistance under this section.

(e) No Charge Against Entitlement. Any amount paid an individual under this section is in addition to any other educational assistance benefits provided the individual under this chapter.

Sec. 3319. Authority to transfer unused education benefits to family members

(a) In General. ~~*Subject to the provisions of this section, the Secretary of Defense may authorize the Secretary concerned, to promote recruitment and retention of members of the Armed Forces, to permit*~~

(1) Subject to the provisions of this section, the Secretary concerned may permit an individual described in subsection (b) who is entitled to educational assistance under this chapter to elect to transfer to one or more of the dependents specified in subsection (c) a portion of such individual's entitlement to such assistance, subject to the limitation under subsection (d).

(2) The purpose of the authority in paragraph (1) is to promote recruitment and retention in the uniformed services. The Secretary concerned may exercise the authority for that purpose when authorized by the Secretary of Defense in the national security interests of the United States.

(b) Eligible Individuals. An individual referred to in subsection (a) is any member of the *Armed Forces uniformed services* who, at the time of the approval of the individual's request to transfer entitlement to educational assistance under this section, has completed at least —

(1) six years of service in the *armed forces uniformed services* and enters into an agreement to serve at least four more years as a member of the ~~Armed Forces uniformed services~~; or

- (2) the years of service as determined in regulations pursuant to section ~~(i)~~(j).
- (c) Eligible Dependents. An individual approved to transfer an entitlement to educational assistance under this section may transfer the individual's entitlement as follows:
- (1) To the individual's spouse.
 - (2) To one or more of the individual's children.
 - (3) To a combination of the individuals referred to in paragraphs (1) and (2).
- (d) Limitation on Months of Transfer. The total number of months of entitlement transferred by a individual under this section may not exceed 36 months. The Secretary of Defense may prescribe regulations that would limit the months of entitlement that may be transferred under this section to no less than 18 months.
- (e) Designation of Transferee. An individual transferring an entitlement to educational assistance under this section shall —
- (1) designate the dependent or dependents to whom such entitlement is being transferred;
 - (2) designate the number of months of such entitlement to be transferred to each such dependent; and
 - (3) specify the period for which the transfer shall be effective for each dependent designated under paragraph (1).
- (f) Time for Transfer; Revocation and Modification. —
- (1) Time for transfer. Subject to the time limitation for use of entitlement under section 3321 an individual approved to transfer entitlement to educational assistance under this section may transfer such entitlement only while serving as a member of the *armed forces uniformed services* when the transfer is executed.
 - (2) Modification or revocation. —
 - (A) In general. An individual transferring entitlement under this section may modify or revoke at any time the transfer of any unused portion of the entitlement so transferred.
 - (B) Notice. The modification or revocation of the transfer of entitlement under this paragraph shall be made by the submittal of written notice of the action to both the Secretary concerned and the Secretary of Veterans Affairs.
 - (3) Prohibition on treatment of transferred entitlement as marital property. Entitlement transferred under this section may not be treated as marital property, or the asset of a marital estate, subject to division in a divorce or other civil proceeding.
- (g) Commencement of Use. A dependent to whom entitlement to educational assistance is transferred under this section may not commence the use of the transferred entitlement until —

- (1) in the case of entitlement transferred to a spouse, the completion by the individual making the transfer of at least —
- (A) six years of service in the *armed forces uniformed services*; or
 - (B) the years of service as determined in regulations pursuant to subsection (j); or

(2) in the case of entitlement transferred to a child, both —

- (A) the completion by the individual making the transfer of at least —
 - (i) ten years of service in the *armed forces uniformed services*; or
 - (ii) the years of service as determined in regulations pursuant to subsection (j); and
- (B) either —
 - (i) the completion by the child of the requirements of a secondary school diploma (or equivalency certificate); or
 - (ii) the attainment by the child of 18 years of age.

(h) Additional Administrative Matters. —

- (1) Use. The use of any entitlement to educational assistance transferred under this section shall be charged against the entitlement of the individual making the transfer at the rate of one month for each month of transferred entitlement that is used.
- (2) Nature of transferred entitlement. Except as provided under subsection (e)(2) and subject to paragraphs (5) and (6) (A) in the case of entitlement transferred to a spouse under this section, the spouse is entitled to educational assistance under this chapter in the same manner as the individual from whom the entitlement was transferred; or (B) in the case of entitlement transferred to a child under this section, the child is entitled to educational assistance under this chapter in the same manner as the individual from whom the entitlement was transferred as if the individual were not on active duty.
- (3) Rate of payment. The monthly rate of educational assistance payable to a dependent to whom entitlement referred to in paragraph (2) is transferred under this section shall be payable —
 - (A) in the case of a spouse, at the same rate as such entitlement would otherwise be payable under this chapter to the individual making the transfer; or
 - (B) in the case of a child, at the same rate as such entitlement would otherwise be payable under this chapter to the individual making the transfer as if the individual were not on active duty.
- (4) Death of transferor. The death of an individual transferring an entitlement under this section shall not affect the use of the entitlement by the dependent to whom the entitlement is transferred.

- (5) Limitation on age of use by child transferees. A child to whom entitlement is transferred under this section may use the benefit without regard to the 15-year delimiting date, but may not use any entitlement so transferred after attaining the age of 26 years.
- (6) Scope of use by transferees. The purposes for which a dependent to whom entitlement is transferred under this section may use such entitlement shall include the pursuit and completion of the requirements of a secondary school diploma (or equivalency certificate).
- (7) Additional administrative provisions. The administrative provisions of this chapter shall apply to the use of entitlement transferred under this section, except that the dependent to whom the entitlement is transferred shall be treated as the eligible individual for purposes of such provisions.

(i) Overpayment. —

- (1) Joint and several liability. In the event of an overpayment of educational assistance with respect to a dependent to whom entitlement is transferred under this section, the dependent and the individual making the transfer shall be jointly and severally liable to the United States for the amount of the overpayment for purposes of section 3685.

(2) Failure to complete service agreement. —

(A) In general. Except as provided in subparagraph (B), if an individual transferring entitlement under this section fails to complete the service agreed to by the individual under subsection (b)(1) in accordance with the terms of the agreement of the individual under that subsection, the amount of any transferred entitlement under this section that is used by a dependent of the individual as of the date of such failure shall be treated as an overpayment of educational assistance under paragraph (1).

(B) Exception. Subparagraph (A) shall not apply in the case of an individual who fails to complete service agreed to by the individual —

- (i) by reason of the death of the individual; or
- (ii) for a reason referred to in section 3311(c)(4).

(j) Regulations. —

- (1) The Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall prescribe regulations for purposes of this section.

(2) Such regulations shall specify —

- (A) the manner of authorizing the transfer of entitlements under this section;
- (B) the eligibility criteria in accordance with subsection (b); and
- (C) the manner and effect of an election to modify or revoke a transfer of entitlement under subsection (f)(2).

~~(k) Secretary Concerned Defined. Notwithstanding section 101(25), in this section, the term “Secretary concerned” means—~~

~~(1) the Secretary of the Army with respect to matters concerning the Army;~~

~~(2) the Secretary of the Navy with respect to matters concerning the Navy or the Marine Corps;~~

~~(3) the Secretary of the Air Force with respect to matters concerning the Air Force; and~~

~~(4) the Secretary of Defense with respect to matters concerning the Coast Guard, or the Secretary of Homeland Security when it is not operating as a service in the Navy.~~

Sec. 3321. Time limitation for use of and eligibility for entitlement

(a) In General. Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual’s entitlement expires at the end of the 15-year period beginning on the date of such individual’s last discharge or release from active duty.

(b) Exceptions. —

(1) Applicability of section 3031 to running of period. Subsections (b), (c), and (d) of section 3031 shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 with respect to the running of the 10-year period described in section 3031(a).

(2) Applicability of section 3031 to termination. Section 3031(f) shall apply with respect to the termination of an individual’s entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual’s entitlement to educational assistance under chapter 30, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 shall be deemed to be a reference to 3312.

(3) Determination of last discharge or release. For purposes of subsection (a), an individual’s last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2).

Sec. 3322. Bar to duplication of educational assistance benefits

(a) In General. An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96-449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

- (b) Inapplicability of Service Treated Under Educational Loan Repayment Programs. A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.
- (c) Service in Selected Reserve. An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.
- (d) Additional Coordination Matters. In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section 5003(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.
- (e) Bar to Concurrent Receipt of Transfer Education Benefits and Marine Gunnery Sergeant John David Fry Scholarship Assistance.—

An individual entitled to educational assistance under both sections 3311(b)(9) and 3319 may not receive assistance under both provisions concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which provision to receive educational assistance.

- (f) *Bar to Receipt of Compensation and Pension and Marine Gunnery Sergeant John David Fry Scholarship Assistance.— The commencement of a program of education under section 3311(b)(9) shall be a bar to the following:*
 - (1) *Subsequent payments of dependency and indemnity compensation or pension based on the death of a parent to an eligible person over the age of 18 years by reason of pursuing a course in an educational institution.*
 - (2) *Increased rates, or additional amounts, of compensation, dependency and indemnity compensation, or pension because of such a person, whether eligibility is based upon the death of the parent.*
- (g) *Bar to Concurrent Receipt of Transferred Education Benefits.— A spouse or child who is entitled to educational assistance under this chapter based on a transfer of entitlement from more than one individual under section 3319 may not receive assistance based on transfers from more than one such individual concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which source to utilize such assistance at any one time.*
- (h) *Bar to Duplication of Eligibility Based on a Single Event or Period of Service.—*
 - (1) *Active-duty Service.— An individual with qualifying service in the Armed Forces that establishes eligibility on the part of such individual for educational assistance under this chapter, chapter 30 or 32 of this title, and chapter 1606 or 1607 of title 10, shall elect (in such form and manner as the Secretary may prescribe) under which authority such service is to be credited.*

(2) Eligibility for Educational Assistance Based on Parent's Service.— A child of a member of the Armed Forces who, on or after September 11, 2001, dies in the line of duty while serving on active duty, who is eligible for educational assistance under either section 3311(b)(9) or chapter 35 of this title based on the parent's death may not receive such assistance under both this chapter and chapter 35 of this title, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter to receive such assistance.

Sec. 3323. Administration

(a) In General. —

- (1) In general. Except as otherwise provided in this chapter, the provisions specified in *section 3034(a)(1)* *sections 3034(a)(1) and 3680(c)* shall apply to the provision of educational assistance under this chapter.
- (2) Special rule. In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term “eligible veteran” shall be deemed to refer to an individual entitled to educational assistance under this chapter.
- (3) Rule for applying section 3474. In applying section 3474 to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term “educational assistance allowance” shall be deemed to refer to educational assistance payable under section 3313.
- (4) Rule for applying section 3482. In applying section 3482(g) to an individual entitled to educational assistance under this chapter for purposes of this section —
 - (A) the first reference to the term “educational assistance allowance” in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313; and
 - (B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with “equipment”.

(b) Information on Benefits. —

- (1) Timing for providing. The Secretary shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary and the Secretary of Defense shall jointly prescribe in regulations.
- (2) Description of information. The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102.
- (3) To whom provided. The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

(c) Regulations. —

- (1) In general. The Secretary shall prescribe regulations for the administration of this chapter.
- (2) Uniformity. Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

Sec. 3324. Allocation of administration and costs

- (a) Administration. Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.
- (b) Costs. Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department for the payment of readjustment benefits.