

110TH CONGRESS
2D SESSION

H. R. 5740

To amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 9, 2008

Mr. MITCHELL (for himself, Mr. SCOTT of Virginia, Ms. GINNY BROWN-WAITE of Florida, Mr. KING of New York, Mr. CARNEY, Mr. BOUCHER, Mr. MORAN of Virginia, Mr. SALAZAR, Mr. BISHOP of Georgia, Mr. HOLT, Mr. COURTNEY, Ms. BERKLEY, Mr. ELLISON, Mr. WALZ of Minnesota, Ms. MATSUI, Mr. DINGELL, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. BARTLETT of Maryland, Mr. SESTAK, Mr. YOUNG of Alaska, Mrs. MALONEY of New York, Mr. UDALL of Colorado, Mr. JEFFERSON, Mrs. NAPOLITANO, Mr. MOLLOHAN, Ms. SHEA-PORTER, Mr. MCNERNEY, Mr. BUCHANAN, Mr. MCHENRY, Mrs. TAUSCHER, Mr. PASCRELL, Ms. BORDALLO, Ms. HERSETH SANDLIN, Mr. SAXTON, Mr. JONES of North Carolina, Ms. KAPTUR, Ms. SUTTON, Mr. KENNEDY, Mr. SERRANO, Ms. JACKSON-LEE of Texas, Mr. BILIRAKIS, Mr. WEINER, Mr. HINOJOSA, Ms. ESHOO, Mr. RODRIGUEZ, Mr. WALDEN of Oregon, Mr. KLEIN of Florida, Mr. ORTIZ, Mr. TIM MURPHY of Pennsylvania, Ms. WOOLSEY, Mr. HOLDEN, Mr. LARSON of Connecticut, Ms. MOORE of Wisconsin, Mr. MCGOVERN, Mr. MURPHY of Connecticut, Ms. DELAURO, Mr. COSTELLO, Mrs. CHRISTENSEN, Mrs. CAPPS, Mr. SHAYS, Ms. MCCOLLUM of Minnesota, Mr. TOWNS, Mr. DEFazio, Mr. GRIJALVA, Mr. HONDA, Mr. WATT, Mr. ETHERIDGE, Mr. ROTHMAN, Mr. MAHONEY of Florida, Mr. LEWIS of Georgia, Mrs. MYRICK, Mr. DELAHUNT, Mr. HARE, Mr. SARBANES, Mr. RYAN of Ohio, Mrs. DRAKE, Mr. SCHIFF, Mr. CLEAVER, Mr. HINCHEY, Mr. UDALL of New Mexico, Ms. ROYBAL-ALLARD, Mrs. BOYDA of Kansas, Mr. BOSWELL, Mrs. MCCARTHY of New York, Mr. LATHAM, Mr. HALL of New York, Mr. CROWLEY, Mr. LOEBSACK, Mr. MILLER of North Carolina, Ms. TSONGAS, Mr. MICHAUD, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Alabama, Mr. YOUNG of Florida, Mr. REICHERT, Mr. KUHL of New York, Mr. ROGERS of Michigan, Mr. WEXLER, Mr. BUTTERFIELD, Mrs. CAPITO, Mr. ELLSWORTH, Mr. PORTER, Mr. ALTMIRE, Mr. SPACE, Mrs. DAVIS of California, Mr. HAYES, Mr. ROSKAM, Mr. DAVID DAVIS of Tennessee, Mrs. SCHMIDT, Mr. REYNOLDS, Mr. FOSSELLA, Mr. CASTLE, Mrs. MUSGRAVE, Mr. SALI, Ms. WASSERMAN SCHULTZ, Mr. BERRY, Mr. CARNAHAN, Mr. TIERNEY,

Mr. BERMAN, Mr. WELCH of Vermont, Ms. GIFFORDS, Mr. PETERSON of Minnesota, Mr. PALLONE, Mr. PAYNE, Mr. RUSH, Mr. CHABOT, Mr. LAMPSON, Mr. JACKSON of Illinois, Mr. MARIO DIAZ-BALART of Florida, Mr. YARMUTH, Mr. CARDOZA, Mr. ALLEN, Mr. LOBIONDO, Ms. HOOLEY, Mr. RANGEL, Mr. KIND, Ms. SCHAKOWSKY, Mr. BRADY of Pennsylvania, Mr. SHULER, Mr. REYES, Mr. ENGEL, Mr. HIGGINS, Mr. KNOLLENBERG, Mr. PLATTS, Mr. KAGEN, Mr. MCINTYRE, Mr. CRAMER, Mr. VIS-CLOSKY, Mr. BLUMENAUER, Mr. COHEN, Ms. ZOE LOFGREN of California, Mr. KILDEE, Mr. MCCOTTER, Mr. MILLER of Florida, Mr. GILCHREST, Mr. ENGLISH of Pennsylvania, Ms. HIRONO, Ms. LEE, Mr. SHUSTER, Mr. HERGER, Mr. BRALEY of Iowa, Ms. ROS-LEHTINEN, Mr. LAHOOD, Mr. THOMPSON of California, Mr. COSTA, Mr. OBERSTAR, Mr. CAPUANO, Mr. EDWARDS, Mr. SOUDER, Mr. MICA, and Mr. DAVIS of Illinois) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Post-9/11 Veterans
 5 Educational Assistance Act of 2008”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) On September 11, 2001, terrorists attacked
 9 the United States, and the brave members of the
 10 Armed Forces of the United States were called to
 11 the defense of the Nation.

1 (2) Service on active duty in the Armed Forces
2 has been especially arduous for the members of the
3 Armed Forces since September 11, 2001.

4 (3) The United States has a proud history of
5 offering educational assistance to millions of vet-
6 erans, as demonstrated by the many “G.I. Bills” en-
7 acted since World War II. Educational assistance for
8 veterans helps reduce the costs of war, assist vet-
9 erans in readjusting to civilian life after wartime
10 service, and boost the United States economy, and
11 has a positive effect on recruitment for the Armed
12 Forces.

13 (4) The current educational assistance program
14 for veterans is outmoded and designed for peacetime
15 service in the Armed Forces.

16 (5) The people of the United States greatly
17 value military service and recognize the difficult
18 challenges involved in readjusting to civilian life
19 after wartime service in the Armed Forces.

20 (6) It is in the national interest for the United
21 States to provide veterans who served on active duty
22 in the Armed Forces after September 11, 2001, with
23 enhanced educational assistance benefits that are
24 worthy of such service and are commensurate with

1 the educational assistance benefits provided by a
2 grateful Nation to veterans of World War II.

3 **SEC. 3. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE**
4 **ARMED FORCES WHO SERVE AFTER SEP-**
5 **TEMBER 11, 2001.**

6 (a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

7 (1) IN GENERAL.—Part III of title 38, United
8 States Code, is amended by inserting after chapter
9 32 the following new chapter:

10 **“CHAPTER 33—POST-9/11 EDUCATIONAL**
11 **ASSISTANCE**

“SUBCHAPTER I—DEFINITIONS

“Sec.

“3301. Definitions.

“SUBCHAPTER II—EDUCATIONAL ASSISTANCE

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

“3312. Educational assistance: duration.

“3313. Educational assistance: amount; payment.

“3314. Tutorial assistance.

“3315. Licensure and certification tests.

“3316. Supplemental educational assistance for additional service.

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

“SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

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

“3322. Bar to duplication of educational assistance benefits.

“3323. Administration.

“3324. Allocation of administration and costs.

12 “SUBCHAPTER I—DEFINITIONS

13 **“§ 3301. Definitions**

14 “In this chapter:

1 “(1) The term ‘active duty’ has the meanings
2 as follows (subject to the limitations specified in sec-
3 tions 3002(6) and 3311(b) of this title):

4 “(A) In the case of members of the regular
5 components of the Armed Forces, the meaning
6 given such term in section 101(21)(A) of this
7 title.

8 “(B) In the case of members of the reserve
9 components of the Armed Forces, service on ac-
10 tive duty under a call or order to active duty
11 under section 688, 12301(a), 12301(d),
12 12301(g), 12302, or 12304 of title 10.

13 “(2) The term ‘entry level and skill training’
14 means the following:

15 “(A) In the case of members of the Army,
16 Basic Combat Training and Advanced Indi-
17 vidual Training.

18 “(B) In the case of members of the Navy,
19 Recruit Training (or Boot Camp) and Skill
20 Training (or so-called ‘A’ School).

21 “(C) In the case of members of the Air
22 Force, Basic Military Training and Technical
23 Training.

1 “(D) In the case of members of the Marine
2 Corps, Recruit Training and Marine Corps
3 Training (or School of Infantry Training).

4 “(E) In the case of members of the Coast
5 Guard, Basic Training.

6 “(3) The terms ‘program of education’ and
7 ‘Secretary of Defense’ have the meaning given such
8 terms in section 3002 of this title.

9 “SUBCHAPTER II—EDUCATIONAL ASSISTANCE

10 “§ 3311. **Educational assistance for service in the**
11 **Armed Forces commencing on or after**
12 **September 11, 2001: entitlement**

13 “(a) ENTITLEMENT.—Subject to subsections (d) and
14 (e), each individual described in subsection (b) is entitled
15 to educational assistance under this chapter.

16 “(b) COVERED INDIVIDUALS.—An individual de-
17 scribed in this subsection is any individual as follows:

18 “(1) An individual (including an individual as a
19 Reserve) who—

20 “(A) commencing on or after September
21 11, 2001, serves an aggregate of at least 36
22 months on active duty in the Armed Forces (in-
23 cluding service on active duty in entry level and
24 skill training); and

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

3 “(i) continues on active duty; or

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

6 “(2) An individual who—

7 “(A) commencing on or after September
8 11, 2001, serves at least 30 continuous days on
9 active duty in the Armed Forces; and

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

14 “(3) An individual who—

15 “(A) commencing on or after September
16 11, 2001, serves an aggregate of at least 30
17 months, but less than 36 months, on active
18 duty in the Armed Forces (including service on
19 active duty in entry level and skill training);
20 and

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

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

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

5 “(4) An individual who—

6 “(A) commencing on or after September
7 11, 2001, serves an aggregate of at least 24
8 months, but less than 30 months, on active
9 duty in the Armed Forces (including service on
10 active duty in entry level and skill training);
11 and

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

14 “(i) continues on active duty for an
15 aggregate of less than 30 months; or

16 “(ii) before completion of service on
17 active duty of an aggregate of 30 months,
18 is discharged or released from active duty
19 as described in subsection (c).

20 “(5) An individual who—

21 “(A) commencing on or after September
22 11, 2001, serves an aggregate of at least 18
23 months, but less than 24 months, on active
24 duty in the Armed Forces (excluding service on

1 active duty in entry level and skill training);
2 and

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

5 “(i) continues on active duty for an
6 aggregate of less than 24 months; or

7 “(ii) before completion of service on
8 active duty of an aggregate of 24 months,
9 is discharged or released from active duty
10 as described in subsection (c).

11 “(6) An individual who—

12 “(A) commencing on or after September
13 11, 2001, serves an aggregate of at least 12
14 months, but less than 18 months, on active
15 duty in the Armed Forces (excluding service on
16 active duty in entry level and skill training);
17 and

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

20 “(i) continues on active duty for an
21 aggregate of less than 18 months; or

22 “(ii) before completion of service on
23 active duty of an aggregate of 18 months,
24 is discharged or released from active duty
25 as described in subsection (c).

1 “(7) An individual who—

2 “(A) commencing on or after September
3 11, 2001, serves an aggregate of at least 6
4 months, but less than 12 months, on active
5 duty in the Armed Forces (excluding service on
6 active duty in entry level and skill training);
7 and

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

10 “(i) continues on active duty for an
11 aggregate of less than 12 months; or

12 “(ii) before completion of service on
13 active duty of an aggregate of 12 months,
14 is discharged or released from active duty
15 as described in subsection (c).

16 “(8) An individual who—

17 “(A) commencing on or after September
18 11, 2001, serves an aggregate of at least 90
19 days, but less than 6 months, on active duty in
20 the Armed Forces (excluding service on active
21 duty in entry level and skill training); and

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

24 “(i) continues on active duty for an
25 aggregate of less than 6 months; or

1 “(ii) before completion of service on
2 active duty of an aggregate of 6 months, is
3 discharged or released from active duty as
4 described in subsection (c).

5 “(c) COVERED DISCHARGES AND RELEASES.—A dis-
6 charge or release from active duty of an individual de-
7 scribed in this subsection is a discharge or release as fol-
8 lows:

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

11 “(2) A release after service on active duty in
12 the Armed Forces characterized by the Secretary
13 concerned as honorable service and placement on the
14 retired list, transfer to the Fleet Reserve or Fleet
15 Marine Corps Reserve, or placement on the tem-
16 porary disability retired list.

17 “(3) A release from active duty in the Armed
18 Forces for further service in a reserve component of
19 the Armed Forces after service on active duty char-
20 acterized by the Secretary concerned as honorable
21 service.

22 “(4) A discharge or release from active duty in
23 the Armed Forces for—

24 “(A) a medical condition which preexisted
25 the service of the individual as described in the

1 applicable paragraph of subsection (b) and
2 which the Secretary determines is not service-
3 connected;

4 “(B) hardship; or

5 “(C) a physical or mental condition that
6 was not characterized as a disability and did
7 not result from the individual’s own willful mis-
8 conduct but did interfere with the individual’s
9 performance of duty, as determined by the Sec-
10 retary concerned in accordance with regulations
11 prescribed by the Secretary of Defense.

12 “(d) PROHIBITION ON TREATMENT OF CERTAIN
13 SERVICE AS PERIOD OF ACTIVE DUTY.—The following
14 periods of service shall not be considered a part of the
15 period of active duty on which an individual’s entitlement
16 to educational assistance under this chapter is based:

17 “(1) A period of service on active duty of an of-
18 ficer pursuant to an agreement under section
19 2107(b) of title 10.

20 “(2) A period of service on active duty of an of-
21 ficer pursuant to an agreement under section 4348,
22 6959, or 9348 of title 10.

23 “(3) A period of service that is terminated be-
24 cause of a defective enlistment and induction based
25 on—

1 “(A) the individual’s being a minor for
2 purposes of service in the Armed Forces;

3 “(B) an erroneous enlistment or induction;

4 or

5 “(C) a defective enlistment agreement.

6 “(e) TREATMENT OF INDIVIDUALS ENTITLED
7 UNDER MULTIPLE PROVISIONS.—In the event an indi-
8 vidual entitled to educational assistance under this chapter
9 is entitled by reason of both paragraphs (4) and (5) of
10 subsection (b), the individual shall be treated as being en-
11 titled to educational assistance under this chapter by rea-
12 son of paragraph (5) of such subsection.

13 **“§ 3312. Educational assistance: duration**

14 “(a) IN GENERAL.—Subject to section 3695 of this
15 title and except as provided in subsections (b) and (c),
16 an individual entitled to educational assistance under this
17 chapter is entitled to a number of months of educational
18 assistance under section 3313 of this title equal to 36
19 months, which is the equivalent of four academic years.

20 “(b) CONTINUING RECEIPT.—The receipt of edu-
21 cational assistance under section 3313 of this title by an
22 individual entitled to educational assistance under this
23 chapter is subject to the provisions of section 3321(b)(2)
24 of this title.

1 “(c) DISCONTINUATION OF EDUCATION FOR ACTIVE
2 DUTY.—(1) Any payment of educational assistance de-
3 scribed in paragraph (2) shall not—

4 “(A) be charged against any entitlement to edu-
5 cational assistance of the individual concerned under
6 this chapter; or

7 “(B) be counted against the aggregate period
8 for which section 3695 of this title limits the individ-
9 ual’s receipt of educational assistance under this
10 chapter.

11 “(2) Subject to paragraph (3), the payment of edu-
12 cational assistance described in this paragraph is the pay-
13 ment of such assistance to an individual for pursuit of a
14 course or courses under this chapter if the Secretary finds
15 that the individual—

16 “(A)(i) in the case of an individual not serving
17 on active duty, had to discontinue such course pur-
18 suit as a result of being called or ordered to serve
19 on active duty under section 688, 12301(a),
20 12301(d), 12301(g), 12302, or 12304 of title 10; or

21 “(ii) in the case of an individual serving on ac-
22 tive duty, had to discontinue such course pursuit as
23 a result of being ordered to a new duty location or
24 assignment or to perform an increased amount of
25 work; and

1 “(B) failed to receive credit or lost training
2 time toward completion of the individual’s approved
3 education, professional, or vocational objective as a
4 result of having to discontinue, as described in sub-
5 paragraph (A), the individual’s course pursuit.

6 “(3) The period for which, by reason of this sub-
7 section, educational assistance is not charged against enti-
8 tlement or counted toward the applicable aggregate period
9 under section 3695 of this title shall not exceed the por-
10 tion of the period of enrollment in the course or courses
11 from which the individual failed to receive credit or with
12 respect to which the individual lost training time, as deter-
13 mined under paragraph (2)(B).

14 **“§ 3313. Educational assistance: amount; payment**

15 “(a) PAYMENT.—The Secretary shall pay to each in-
16 dividual entitled to educational assistance under this chap-
17 ter who is pursuing an approved program of education
18 (other than a program covered by subsections (e) through
19 (i)) the amounts specified in subsection (c) to meet the
20 expenses of such individual’s subsistence, tuition, fees, and
21 other educational costs for pursuit of such program of
22 education.

23 “(b) APPROVED PROGRAMS OF EDUCATION.—Except
24 as provided in subsections (g) through (i), a program of
25 education is an approved program of education for pur-

1 poses of this chapter if the program of education is ap-
2 proved for purposes of chapter 30 of this title.

3 “(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The
4 amounts payable under this subsection for pursuit of an
5 approved program of education are amounts as follows:

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

10 “(A) An amount equal to the established
11 charges for the program of education, except
12 that the amount payable under this subpara-
13 graph may not exceed the maximum amount of
14 established charges regularly charged in-State
15 students for full-time pursuit of programs of
16 education by the public institution of higher
17 education in the State in which the individual
18 is enrolled that has the highest rate of regu-
19 larly-charged established charges for programs
20 of education among all public institutions of
21 higher education in such State.

22 “(B) A monthly housing stipend in an
23 amount equal to the monthly amount of the
24 basic allowance for housing payable under sec-
25 tion 403 of title 37 for a member with depend-

1 ents in pay grade E-5 residing in the military
2 housing area that encompasses all or the major-
3 ity portion of the ZIP code area in which is lo-
4 cated the institution of higher education at
5 which the individual is enrolled.

6 “(C) A yearly stipend for books, supplies,
7 equipment, and other educational costs in the
8 amount of \$1,000.

9 “(2) In the case of an individual entitled to
10 educational assistance under this chapter by reason
11 of section 3311(b)(3) of this title, amounts equal to
12 90 percent of the amounts that would be payable to
13 the individual under paragraph (1) for the program
14 of education if the individual were entitled to
15 amounts for the program of education under para-
16 graph (1) rather than this paragraph.

17 “(3) In the case of an individual entitled to
18 educational assistance under this chapter by reason
19 of section 3311(b)(4) of this title, amounts equal to
20 80 percent of the amounts that would be payable to
21 the individual under paragraph (1) for the program
22 of education if the individual were entitled to
23 amounts for the program of education under para-
24 graph (1) rather than this paragraph.

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

9 “(5) In the case of an individual entitled to
10 educational assistance under this chapter by reason
11 of section 3311(b)(6) of this title, amounts equal to
12 60 percent of the amounts that would be payable to
13 the individual under paragraph (1) for the program
14 of education if the individual were entitled to
15 amounts for the program of education under para-
16 graph (1) rather than this paragraph.

17 “(6) In the case of an individual entitled to
18 educational assistance under this chapter by reason
19 of section 3311(b)(7) of this title, amounts equal to
20 50 percent of the amounts that would be payable to
21 the individual under paragraph (1) for the program
22 of education if the individual were entitled to
23 amounts for the program of education under para-
24 graph (1) rather than this paragraph.

1 “(7) In the case of an individual entitled to
2 educational assistance under this chapter by reason
3 of section 3311(b)(8) of this title, amounts equal to
4 40 percent of the amounts that would be payable to
5 the individual under paragraph (1) for the program
6 of education if the individual were entitled to
7 amounts for the program of education under para-
8 graph (1) rather than this paragraph.

9 “(d) FREQUENCY OF PAYMENT.—(1) Payment of the
10 amounts payable under subsection (c)(1)(A), and of simi-
11 lar amounts payable under paragraphs (2) through (7) of
12 subsection (c), for pursuit of a program of education shall
13 be made in a lump-sum amount for the entire quarter,
14 semester, or term, as applicable, of the program of edu-
15 cation before the commencement of such quarter, semes-
16 ter, or term.

17 “(2) Payment of the amount payable under sub-
18 section (c)(1)(B), and of similar amounts payable under
19 paragraphs (2) through (7) of subsection (c), for pursuit
20 of a program of education shall be made on a monthly
21 basis while enrolled full-time in a program of education.

22 “(3) The amount payable under subsection (c)(1)(C),
23 and similar amounts payable under paragraphs (2)
24 through (7) of subsection (c), for pursuit of a program
25 of education shall be payable in equal installments for the

1 quarter, semester, or term, as applicable, falling within the
2 year concerned. Payment of such amounts shall be made
3 in a lump-sum amount for the entire quarter, semester,
4 or term, as the case may be, of the program of education
5 before the commencement of such quarter, semester, or
6 term.

7 “(4) The Secretary shall prescribe in regulations
8 methods for determining the number of months (including
9 fractions thereof) of entitlement of an individual to edu-
10 cational assistance this chapter that are chargeable under
11 this chapter for an advance payment of amounts under
12 paragraphs (1) and (3) for pursuit of a program of edu-
13 cation on a quarter, semester, term, or other basis.

14 “(e) PROGRAMS OF EDUCATION PURSUED ON AC-
15 TIVE DUTY.—(1) Educational assistance is payable under
16 this chapter for pursuit of an approved program of edu-
17 cation while on active duty.

18 “(2) The amount of educational assistance payable
19 under this chapter to an individual pursuing a program
20 of education while on active duty is the lesser of—

21 “(A) the established charges which similarly
22 circumstanced nonveterans enrolled in the program
23 of education involved would be required to pay; or

24 “(B) the amount of the charges of the edu-
25 cational institution as elected by the individual in

1 the manner specified in section 3014(b)(1) of this
2 title.

3 “(3) Payment of the amount payable under para-
4 graph (2) for pursuit of a program of education shall be
5 made in a lump-sum amount for the entire quarter, semes-
6 ter, or term, as applicable, of the program of education
7 before the commencement of such quarter, semester, or
8 term.

9 “(4) For each month (as determined pursuant to the
10 methods prescribed under subsection (d)(4)) for which
11 amounts are paid an individual under this subsection, the
12 entitlement of the individual to educational assistance
13 under this chapter shall be charged at the rate of one
14 month for each such month.

15 “(f) PROGRAMS OF EDUCATION PURSUED ON LESS
16 THAN HALF-TIME BASIS.—(1) Educational assistance is
17 payable under this chapter for pursuit of an approved pro-
18 gram of education on less than half-time basis.

19 “(2) The educational assistance payable under this
20 chapter to an individual pursuing a program of education
21 on less than half-time basis is the amounts as follows:

22 “(A) The amount equal to the lesser of—

23 “(i) the established charges which similarly
24 circumstanced nonveterans enrolled in the pro-

1 gram of education involved would be required to
2 pay; or

3 “(ii) the maximum amount that would be
4 payable to the individual for the program of
5 education under paragraph (1)(A) of subsection
6 (c), or under the provisions of paragraphs (2)
7 through (7) of subsection (c) applicable to the
8 individual, for the program of education if the
9 individual were entitled to amounts for the pro-
10 gram of education under subsection (c) rather
11 than this subsection.

12 “(B) A housing stipend in an amount equal to
13 the amount of the appropriately reduced amount of
14 monthly stipend for housing otherwise payable to the
15 individual under subsection (c).

16 “(C) A stipend in an amount equal to the
17 amount of the appropriately reduced amount of the
18 yearly stipend for books, supplies, equipment, and
19 other educational costs otherwise payable to the indi-
20 vidual under subsection (c).

21 “(3)(A) Payment of the amounts payable to an indi-
22 vidual under subparagraphs (A) and (C) of paragraph (2)
23 for pursuit of a program of education on less than half-
24 time basis shall be made in a lump-sum, and shall be made
25 not later than the last day of the month immediately fol-

1 lowing the month in which certification is received from
2 the educational institution involved that the individual has
3 enrolled in and is pursuing a program of education at the
4 institution.

5 “(B) Payments of the amounts payable to an indi-
6 vidual under subparagraph (B) of paragraph (2) shall be
7 made on a monthly basis.

8 “(4) For each month (as determined pursuant to the
9 methods prescribed under subsection (d)(4)) for which
10 amounts are paid an individual under this subsection, the
11 entitlement of the individual to educational assistance
12 under this chapter shall be charged at a percentage of a
13 month equal to—

14 “(A) the number of course hours borne by the
15 individual in pursuit of the program of education in-
16 volved, divided by

17 “(B) the number of course hours for full-time
18 pursuit of such program of education.

19 “(g) APPRENTICESHIP OR OTHER ON-JOB TRAIN-
20 ING.—(1) Educational assistance is payable under this
21 chapter for full-time pursuit of a program of apprentice-
22 ship or other on-job training described in paragraphs (1)
23 and (2) of section 3687(a) of this title.

24 “(2) The educational assistance payable under this
25 chapter to an individual for pursuit of a program of ap-

1 prenticeship or training referred to in paragraph (1) is
2 the amounts as follows:

3 “(A) The amount equal to the lesser of—

4 “(i) the established charge which similarly
5 circumstances nonveterans enrolled in the pro-
6 gram would be required to pay; or

7 “(ii) the maximum amount that would be
8 payable to the individual for the program of
9 education under paragraph (1)(A) of subsection
10 (c), or under the provisions of paragraphs (2)
11 through (7) of subsection (c) applicable to the
12 individual, for the program of education if the
13 individual were entitled to amounts for the pro-
14 gram of education under subsection (c) rather
15 than this subsection.

16 “(B) A housing stipend in an amount equal to
17 the amount of the appropriately reduced amount of
18 monthly stipend for housing otherwise payable to the
19 individual under subsection (c).

20 “(C) A stipend in an amount equal to the
21 amount of the appropriately reduced amount of the
22 yearly stipend for books, supplies, equipment, and
23 other educational costs otherwise payable to the indi-
24 vidual under subsection (c).

1 “(3) The nature and amount of the tuition, fees, and
2 other expenses constituting the established charge for a
3 program of apprenticeship or training under this sub-
4 section shall be determined in accordance with regulations
5 prescribed by the Secretary.

6 “(4)(A) Payment of the amounts payable under sub-
7 paragraphs (A) and (C) of paragraph (2) for pursuit of
8 a program of apprenticeship or training shall be made,
9 at the election of the Secretary—

10 “(i) in a lump sum for such period of the pro-
11 gram as the Secretary shall determine before the
12 commencement of such period of the program; or

13 “(ii) on a monthly basis.

14 “(B) Payments of the amounts payable under sub-
15 paragraph (B) of paragraph (2) shall be made on a
16 monthly basis.

17 “(5) For each month (as determined pursuant to the
18 methods prescribed under subsection (d)(4)) for which
19 amounts are paid an individual under this subsection, the
20 entitlement of the individual to educational assistance
21 under this chapter shall be charged at the rate of one
22 month for each such month.

23 “(h) PROGRAMS OF EDUCATION BY CORRESPOND-
24 ENCE.—(1) Educational assistance is payable under this

1 chapter for pursuit of a program of education exclusively
2 by correspondence.

3 “(2) The educational assistance payable under this
4 chapter to an individual who is pursuing a program of
5 education exclusively by correspondence is the amounts as
6 follows:

7 “(A) An amount equal to 55 percent of amount
8 that would be payable to the individual for the pro-
9 gram of education under paragraph (1)(A) of sub-
10 section (c), or under the provisions of paragraphs
11 (2) through (7) of subsection (c) applicable to the
12 individual, for the program of education if the indi-
13 vidual were entitled to amounts for the program of
14 education under subsection (c) rather than this sub-
15 section.

16 “(B) A stipend in an amount equal to the
17 equivalent of 55 percent of the appropriately reduced
18 amount of the yearly stipend for books, supplies,
19 equipment, and other educational costs otherwise
20 payable to the individual under subsection (c).

21 “(3) Payment of the amounts payable under para-
22 graph (2) for pursuit of a program of education by cor-
23 respondence shall be made quarterly on a pro rata basis
24 for the lessons completed by the individual and serviced
25 by the institution involved.

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

7 “(i) FLIGHT TRAINING.—(1) Educational assistance
8 is payable under this chapter for a program of education
9 consisting of flight training as follows:

10 “(A) Courses of flight training approved under
11 section 3860A(b) of this title.

12 “(B) Flight training meeting the requirements
13 of section 3034(d) of this title.

14 “(2) Paragraphs (2) and (4) of section 3032(e) of
15 this title shall apply with respect to the availability of edu-
16 cational assistance under this chapter for pursuit of flight
17 training covered by paragraph (1).

18 “(3) The educational assistance payable under this
19 chapter to an individual for pursuit of a program of edu-
20 cation consisting of flight training covered by paragraph
21 (1) is the amounts as follows:

22 “(A) The amount equal to the lesser of—

23 “(i) the established charge which similarly
24 circumstances nonveterans enrolled in the pro-
25 gram would be required to pay; or

1 “(ii) the maximum amount that would be
2 payable to the individual for the program of
3 education under paragraph (1)(A) of subsection
4 (c), or under the provisions of paragraphs (2)
5 through (7) of subsection (c) applicable to the
6 individual, for the program of education if the
7 individual were entitled to amounts for the pro-
8 gram of education under subsection (c) rather
9 than this subsection.

10 “(B) A housing stipend in an amount equal to
11 the amount of the appropriately reduced amount of
12 monthly stipend for housing otherwise payable to the
13 individual under subsection (c).

14 “(C) A monthly stipend in an amount equal to
15 the monthly equivalent of the appropriately reduced
16 amount of the yearly stipend for books, supplies,
17 equipment, and other educational costs otherwise
18 payable to the individual under subsection (c).

19 “(4) The nature and amount of the tuition, fees, and
20 other expenses constituting the established charge for a
21 program of flight training under this subsection shall be
22 determined in accordance with regulations prescribed by
23 the Secretary.

1 “(5) Payment of the amounts payable under para-
2 graph (3) for pursuit of a program of flight training shall
3 be made on a monthly basis.

4 “(6) For each month for which amounts are paid an
5 individual under this subsection, the entitlement of the in-
6 dividual to educational assistance under this chapter shall
7 be charged at the rate of one month for each such month.

8 “(j) PAYMENT OF CERTAIN AMOUNTS BY VOUCH-
9 ER.—Amounts payable under subsections (c)(1)(A),
10 (e)(2)(A), (f)(2)(A), (g)(2)(A), (h)(2)(A), and (i)(3)(A)
11 shall be paid to the individual concerned in the form of
12 a voucher, or other form of credit specified by the Sec-
13 retary for purposes of this subsection, that is redeemable
14 by the educational institution concerned in such manner
15 as the Secretary shall prescribe.

16 “(k) ESTABLISHED CHARGES DEFINED.—(1) In sub-
17 sections (e), (e), and (f), the term ‘established charges’,
18 in the case of a program of education, means the actual
19 charges (as determined pursuant to regulations prescribed
20 by the Secretary) for tuition and fees which similarly
21 circumstanced nonveterans enrolled in the program of
22 education would be required to pay.

23 “(2) Established charges shall be determined for pur-
24 poses of this subsection on the following basis:

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

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

9 **“§ 3314. Tutorial assistance**

10 “(a) IN GENERAL.—Subject to subsection (b), an in-
11 dividual entitled to educational assistance under this chap-
12 ter shall also be entitled to benefits provided an eligible
13 veteran under section 3492 of this title.

14 “(b) CONDITIONS.—(1) The provision of benefits
15 under subsection (a) shall be subject to the conditions ap-
16 plicable to an eligible veteran under section 3492 of this
17 title.

18 “(2) In addition to the conditions specified in para-
19 graph (1), benefits may not be provided to an individual
20 under subsection (a) unless the professor or other indi-
21 vidual teaching, leading, or giving the course for which
22 such benefits are provided certifies that—

23 “(A) such benefits are essential to correct a de-
24 ficiency of the individual in such course; and

1 “(B) such course is required as a part of, or is
2 prerequisite or indispensable to the satisfactory pur-
3 suit of, an approved program of education.

4 “(c) AMOUNT.—(1) The amount of benefits described
5 in subsection (a) that are payable under this section may
6 not exceed \$100 per month, for a maximum of 12 months,
7 or until a maximum of \$1,200 is utilized.

8 “(2) The amount provided an individual under this
9 subsection is in addition to the amounts of educational as-
10 sistance paid the individual under section 3313 of this
11 title.

12 “(d) NO CHARGE AGAINST ENTITLEMENT.—Any
13 benefits provided an individual under subsection (a) are
14 in addition to any other educational assistance benefits
15 provided the individual under this chapter.

16 **“§ 3315. Licensure and certification tests**

17 “(a) IN GENERAL.—An individual entitled to edu-
18 cational assistance under this chapter shall also be entitled
19 to payment for one licensing or certification test described
20 in section 3452(b) of this title.

21 “(b) LIMITATION ON AMOUNT.—The amount payable
22 under subsection (a) for a licensing or certification test
23 may not exceed the lesser of—

24 “(1) \$2,000; or

25 “(2) the fee charged for the test.

1 tion 3313(c)(1)(A) does not cover the full cost of estab-
2 lished charges (as specified in section 3313 of this title),
3 the Secretary shall carry out a program under which col-
4 leges and universities can, voluntarily, enter into an agree-
5 ment with the Secretary to cover a portion of those estab-
6 lished charges not otherwise covered under section
7 3313(c)(1)(A), which contributions shall be matched by
8 equivalent contributions toward such costs by the Sec-
9 retary. The program shall only apply to covered individ-
10 uals described in paragraphs (1) and (2) of section
11 3311(b).

12 “(b) DESIGNATION OF PROGRAM.—The program
13 under this section shall be known as the ‘Yellow Ribbon
14 G.I. Education Enhancement Program’.

15 “(c) AGREEMENTS.—The Secretary shall enter into
16 an agreement with each college or university seeking to
17 participate in the program under this section. Each agree-
18 ment shall specify the following:

19 “(1) The manner (whether by direct grant,
20 scholarship, or otherwise) of the contributions to be
21 made by the college or university concerned.

22 “(2) The maximum amount of the contribution
23 to be made by the college or university concerned
24 with respect to any particular individual in any given
25 academic year.

1 “(3) The maximum number of individuals for
2 whom the college or university concerned will make
3 contributions in any given academic year.

4 “(4) Such other matters as the Secretary and
5 the college or university concerned jointly consider
6 appropriate.

7 “(d) MATCHING CONTRIBUTIONS.—(1) In instances
8 where the educational assistance provided an individual
9 under section 3313(c)(1)(A) of this title does not cover
10 the full cost of tuition and mandatory fees at a college
11 or university, the Secretary shall provide up to 50 percent
12 of the remaining costs for tuition and mandatory fees if
13 the college or university voluntarily enters into an agree-
14 ment with the Secretary to match an equal percentage of
15 any of the remaining costs for such tuition and fees.

16 “(2) Amounts available to the Secretary under sec-
17 tion 3324(b) of this title for payment of the costs of this
18 chapter shall be available to the Secretary for purposes
19 of paragraph (1).

20 “(e) OUTREACH.—The Secretary shall make available
21 on the Internet website of the Department available to the
22 public a current list of the colleges and universities partici-
23 pating in the program under this section. The list shall
24 specify, for each college or university so listed, appropriate

1 information on the agreement between the Secretary and
2 such college or university under subsection (c).

3 “SUBCHAPTER III—ADMINISTRATIVE
4 PROVISIONS

5 “§ 3321. **Time limitation for use of and eligibility for**
6 **entitlement**

7 “(a) IN GENERAL.—Except as provided in this sec-
8 tion, the period during which an individual entitled to edu-
9 cational assistance under this chapter may use such indi-
10 vidual’s entitlement expires at the end of the 15-year pe-
11 riod beginning on the date of such individual’s last dis-
12 charge or release from active duty.

13 “(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d)
14 of section 3031 of this title shall apply with respect to
15 the running of the 15-year period described in subsection
16 (a) of this section in the same manner as such subsections
17 apply under section 3031 of this title with respect to the
18 running of the 10-year period described in section 3031(a)
19 of this title.

20 “(2) Section 3031(f) of this title shall apply with re-
21 spect to the termination of an individual’s entitlement to
22 educational assistance under this chapter in the same
23 manner as such section applies to the termination of an
24 individual’s entitlement to educational assistance under
25 chapter 30 of this title, except that, in the administration

1 of such section for purposes of this chapter, the reference
2 to section 3013 of this title shall be deemed to be a ref-
3 erence to 3312 of this title.

4 “(3) For purposes of subsection (a), an individual’s
5 last discharge or release from active duty shall not include
6 any discharge or release from a period of active duty of
7 less than 90 days of continuous service, unless the indi-
8 vidual is discharged or released as described in section
9 3311(b)(2) of this title.

10 **“§ 3322. Bar to duplication of educational assistance**
11 **benefits**

12 “(a) IN GENERAL.—An individual entitled to edu-
13 cational assistance under this chapter who is also eligible
14 for educational assistance under chapter 30, 31, 32, or
15 35 of this title, chapter 107, 1606, or 1607 of title 10,
16 or the provisions of the Hostage Relief Act of 1980 (Public
17 Law 96–449; 5 U.S.C. 5561 note) may not receive assist-
18 ance under two or more such programs concurrently, but
19 shall elect (in such form and manner as the Secretary may
20 prescribe) under which chapter or provisions to receive
21 educational assistance.

22 “(b) INAPPLICABILITY OF SERVICE TREATED UNDER
23 EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period
24 of service counted for purposes of repayment of an edu-
25 cation loan under chapter 109 of title 10 may not be

1 counted as a period of service for entitlement to edu-
2 cational assistance under this chapter.

3 “(c) SERVICE IN SELECTED RESERVE.—An indi-
4 vidual who serves in the Selected Reserve may receive
5 credit for such service under only one of this chapter,
6 chapter 30 of this title, and chapters 1606 and 1607 of
7 title 10, and shall elect (in such form and manner as the
8 Secretary may prescribe) under which chapter such service
9 is to be credited.

10 “(d) ADDITIONAL COORDINATION MATTERS.—In the
11 case of an individual entitled to educational assistance
12 under chapter 30, 31, 32, or 35 of this title, chapter 107,
13 1606, or 1607 of title 10, or the provisions of the Hostage
14 Relief Act of 1980, or making contributions toward enti-
15 tlement to educational assistance under chapter 30 of this
16 title, as of the date of the enactment of the Post-9/11 Vet-
17 erans Educational Assistance Act of 2007, coordination
18 of entitlement to educational assistance under this chap-
19 ter, on the one hand, and such chapters or provisions, on
20 the other, shall be governed by the provisions of section
21 3(c) of the Post-9/11 Veterans Educational Assistance Act
22 of 2007.

23 **“§ 3323. Administration**

24 “(a) IN GENERAL.—(1) Except as otherwise provided
25 in this chapter, the provisions specified in section

1 3034(a)(1) of this title shall apply to the provision of edu-
2 cational assistance under this chapter.

3 “(2) In applying the provisions referred to in para-
4 graph (1) to an individual entitled to educational assist-
5 ance under this chapter for purposes of this section, the
6 reference in such provisions to the term ‘eligible veteran’
7 shall be deemed to refer to an individual entitled to edu-
8 cational assistance under this chapter.

9 “(3) In applying section 3474 of this title to an indi-
10 vidual entitled to educational assistance under this chapter
11 for purposes of this section, the reference in such section
12 3474 to the term ‘educational assistance allowance’ shall
13 be deemed to refer to educational assistance payable under
14 section 3313 of this title.

15 “(4) In applying section 3482(g) of this title to an
16 individual entitled to educational assistance under this
17 chapter for purposes of this section—

18 “(A) the first reference to the term ‘educational
19 assistance allowance’ in such section 3482(g) shall
20 be deemed to refer to educational assistance payable
21 under section 3313 of this title; and

22 “(B) the first sentence of paragraph (1) of such
23 section 3482(g) shall be applied as if such sentence
24 ended with ‘equipment’.

1 “(b) INFORMATION ON BENEFITS.—(1) The Sec-
2 retary of Veterans Affairs shall provide the information
3 described in paragraph (2) to each member of the Armed
4 Forces at such times as the Secretary of Veterans Affairs
5 and the Secretary of Defense shall jointly prescribe in reg-
6 ulations.

7 “(2) The information described in this paragraph is
8 information on benefits, limitations, procedures, eligibility
9 requirements (including time-in-service requirements),
10 and other important aspects of educational assistance
11 under this chapter, including application forms for such
12 assistance under section 5102 of this title.

13 “(3) The Secretary of Veterans Affairs shall furnish
14 the information and forms described in paragraph (2), and
15 other educational materials on educational assistance
16 under this chapter, to educational institutions, training es-
17 tablishments, military education personnel, and such other
18 persons and entities as the Secretary considers appro-
19 priate.

20 “(c) REGULATIONS.—(1) The Secretary shall pre-
21 scribe regulations for the administration of this chapter.

22 “(2) Any regulations prescribed by the Secretary of
23 Defense for purposes of this chapter shall apply uniformly
24 across the Armed Forces.

1 **“§ 3324. Allocation of administration and costs**

2 “(a) ADMINISTRATION.—Except as otherwise pro-
3 vided in this chapter, the Secretary shall administer the
4 provision of educational assistance under this chapter.

5 “(b) COSTS.—Payments for entitlement to edu-
6 cational assistance earned under this chapter shall be
7 made from funds appropriated to, or otherwise made avail-
8 able to, the Department of Veterans Affairs for the pay-
9 ment of readjustment benefits.”.

10 (2) CLERICAL AMENDMENTS.—The tables of
11 chapters at the beginning of title 38, United States
12 Code, and at the beginning of part III of such title,
13 are each amended by inserting after the item relat-
14 ing to chapter 32 the following new item:

“33. Post-9/11 Educational Assistance 3301”.

15 (b) CONFORMING AMENDMENTS.—

16 (1) AMENDMENTS RELATING TO DUPLICATION
17 OF BENEFITS.—

18 (A) Section 3033 of title 38, United States
19 Code, is amended—

20 (i) in subsection (a)(1), by inserting
21 “33,” after “32,”; and

22 (ii) in subsection (c), by striking
23 “both the program established by this
24 chapter and the program established by
25 chapter 106 of title 10” and inserting “two

1 or more of the programs established by
2 this chapter, chapter 33 of this title, and
3 chapters 1606 and 1607 of title 10”.

4 (B) Paragraph (4) of section 3695(a) of
5 such title is amended to read as follows:

6 “(4) Chapters 30, 32, 33, 34, 35, and 36 of
7 this title.”.

8 (C) Section 16163(e) of title 10, United
9 States Code, is amended by inserting “33,”
10 after “32,”.

11 (2) ADDITIONAL CONFORMING AMENDMENTS.—

12 (A) Title 38, United States Code, is fur-
13 ther amended by inserting “33,” after “32,”
14 each place it appears in the following provi-
15 sions:

16 (i) In subsections (b) and (e)(1) of
17 section 3485.

18 (ii) In section 3688(b).

19 (iii) In subsections (a)(1), (c)(1),
20 (c)(1)(G), (d), and (e)(2) of section 3689.

21 (iv) In section 3690(b)(3)(A).

22 (v) In subsections (a) and (b) of sec-
23 tion 3692.

24 (vi) In section 3697(a).

1 (B) Section 3697A(b)(1) of such title is
2 amended by striking “or 32” and inserting “32,
3 or 33”.

4 (c) APPLICABILITY TO INDIVIDUALS UNDER MONT-
5 GOMERY GI BILL PROGRAM.—

6 (1) INDIVIDUALS ELIGIBLE TO ELECT PARTICI-
7 PATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—

8 An individual may elect to receive educational assist-
9 ance under chapter 33 of title 38, United States
10 Code (as added by subsection (a)), if such indi-
11 vidual—

12 (A) as of the date of the enactment of this
13 Act—

14 (i) is entitled to basic educational as-
15 sistance under chapter 30 of title 38,
16 United States Code, and has used, but re-
17 tains unused, entitlement under that chap-
18 ter;

19 (ii) is entitled to educational assist-
20 ance under chapter 107, 1606, or 1607 of
21 title 10, United States Code, and has used,
22 but retains unused, entitlement under the
23 applicable chapter;

24 (iii) is entitled to basic educational as-
25 sistance under chapter 30 of title 38,

1 United States Code, but has not used any
2 entitlement under that chapter;

3 (iv) is entitled to educational assist-
4 ance under chapter 107, 1606, or 1607 of
5 title 10, United States Code, but has not
6 used any entitlement under such chapter;

7 (v) is a member of the Armed Forces
8 who is eligible for receipt of basic edu-
9 cational assistance under chapter 30 of
10 title 38, United States Code, and is mak-
11 ing contributions toward such assistance
12 under section 3011(b) or 3012(c) of such
13 title; or

14 (vi) is a member of the Armed Forces
15 who is not entitled to basic educational as-
16 sistance under chapter 30 of title 38,
17 United States Code, by reason of an elec-
18 tion under section 3011(c)(1) or
19 3012(d)(1) of such title; and

20 (B) as of the date of the individual's elec-
21 tion under this paragraph, meets the require-
22 ments for entitlement to educational assistance
23 under chapter 33 of title 38, United States
24 Code (as so added).

1 (2) ELECTION ON TREATMENT OF TRANS-
2 FERRED ENTITLEMENT.—

3 (A) ELECTION.—If, on the date an indi-
4 vidual described in subparagraph (A)(i) or
5 (A)(iii) of paragraph (1) makes an election
6 under that paragraph, a transfer of the entitle-
7 ment of the individual to basic educational as-
8 sistance under section 3020 of title 38, United
9 States Code, is in effect and a number of
10 months of the entitlement so transferred remain
11 unutilized, the individual may elect to revoke all
12 or a portion of the entitlement so transferred
13 that remains unutilized.

14 (B) AVAILABILITY OF REVOKED ENTITLE-
15 MENT.—Any entitlement revoked by an indi-
16 vidual under this paragraph shall no longer be
17 available to the dependent to whom transferred,
18 but shall be available to the individual instead
19 for educational assistance under chapter 33 of
20 title 38, United States Code (as so added), as
21 provided in paragraph (3)(B).

22 (C) AVAILABILITY OF UNREVOKED ENTI-
23 TLEMENT.—Any entitlement described in sub-
24 paragraph (A) that is not revoked by an indi-
25 vidual in accordance with that subparagraph

1 shall remain available to the dependent or de-
2 pendants concerned in accordance with the cur-
3 rent transfer of such entitlement under section
4 3020 of title 38, United States Code.

5 (3) POST-9/11 EDUCATIONAL ASSISTANCE.—

6 (A) IN GENERAL.—Subject to subpara-
7 graph (B), an individual making an election
8 under paragraph (1) shall be entitled to edu-
9 cational assistance under chapter 33 of title 38,
10 United States Code (as so added), in accord-
11 ance with the provisions of such chapter, in-
12 stead of basic educational assistance under
13 chapter 30 of title 38, United States Code, or
14 educational assistance under chapter 107,
15 1606, or 1607 of title 10, United States Code,
16 as applicable.

17 (B) LIMITATION ON ENTITLEMENT FOR
18 CERTAIN INDIVIDUALS.—In the case of an indi-
19 vidual making an election under paragraph (1)
20 who is described by subparagraph (A)(i) of that
21 paragraph, the number of months of entitle-
22 ment of such individual to educational assist-
23 ance under chapter 33 of title 38, United
24 States Code (as so added), shall be the number
25 of months equal to the number of months of

1 unused entitlement of such individual under
2 chapter 30 of title 38, United States Code, as
3 of the date of the election, including any num-
4 ber of months entitlement revoked by the indi-
5 vidual under paragraph (2)(A).

6 (4) CONTINUING EDUCATIONAL ASSISTANCE
7 UNDER MONTGOMERY GI BILL.—

8 (A) IN GENERAL.—If the aggregate
9 amount of entitlement to educational assistance
10 under chapter 33 of title 38, United States
11 Code (as so added), accumulated by an indi-
12 vidual described in subparagraph (A)(i) or
13 (A)(ii) of paragraph (1) who makes an election
14 under that paragraph is less than 36 months,
15 the individual shall retain, and may utilize, any
16 unutilized entitlement of the individual to edu-
17 cational assistance under chapter 30 of title 38,
18 United States Code, or chapter 107, 1606, or
19 1607 of title 10, United States Code, as appli-
20 cable, for a number of months equal to the less-
21 er of—

22 (i) 36 months minus the number of
23 months of entitlement so accumulated by
24 the individual; or

1 (ii) the number of months of such un-
2 utilized entitlement of the individual.

3 (B) UTILIZATION OF RETAINED ENTITLE-
4 MENT.—The utilization of entitlement retained
5 by an individual under this paragraph shall be
6 governed by the provisions of chapter 30 of title
7 38, United States Code, or chapter 107, 1606,
8 or 1607 of title 10, United States Code, as ap-
9 plicable.

10 (5) TREATMENT OF CONTRIBUTIONS TOWARD
11 BASIC EDUCATIONAL ASSISTANCE.—

12 (A) REFUND OF CONTRIBUTIONS.—Except
13 as provided in subparagraph (B), the Secretary
14 of Veterans Affairs shall pay to each individual
15 making an election under paragraph (1) who is
16 described by clause (i), (iii), or (v) of subpara-
17 graph (A) of that paragraph an amount equal
18 to the total amount of contributions made by
19 such individual under subchapter II of chapter
20 30 of title 38, United States Code, for basic
21 educational assistance under that chapter, in-
22 cluding any contributions made under sub-
23 section (b) or (e) of section 3011 of such title
24 or any contributions made under subsection (c)
25 or (f) of section 3012 of such title.

1 (B) EXCEPTION.—In the case of an indi-
2 vidual described by subparagraph (A) who is
3 entitled to basic educational assistance under
4 chapter 30 of title 38, United States Code, by
5 reason of paragraph (4)(A), the amount payable
6 to the individual under this paragraph shall be
7 an amount equal to—

8 (i) the amount otherwise payable to
9 the individual under subparagraph (A),
10 multiplied by

11 (ii) a fraction—

12 (I) the numerator of which is the
13 number equal to the number of
14 months of basic educational assistance
15 under chapter 30 of title 38, United
16 States Code, to which the individual is
17 entitled by reason of paragraph
18 (4)(A); and

19 (II) the denominator of which is

20 36.

21 (C) CESSATION OF CONTRIBUTIONS.—Ef-
22 fective as of the first month beginning on or
23 after the date of an election under paragraph
24 (1) of an individual described by subparagraph
25 (A)(v) of that paragraph, the obligation of such

1 individual to make contributions under section
2 3011(b) or 3012(c) of title 38, United States
3 Code, as applicable, shall cease, and the re-
4 quirements of such section shall be deemed to
5 be no longer applicable to such person.

6 (6) TERMINATION OF ENTITLEMENT UNDER
7 MONTGOMERY GI BILL.—Except as otherwise pro-
8 vided in paragraph (4), effective on the last day of
9 the month in which an individual makes an election
10 under paragraph (1), the entitlement, if any, of the
11 individual to basic educational assistance under
12 chapter 30 of title 38, United States Code, or edu-
13 cational assistance under chapter 107, 1606, or
14 1607 of title 10, United States Code, as applicable,
15 shall terminate.

16 (7) IRREVOCABILITY OF ELECTIONS.—An elec-
17 tion under paragraph (1) or (2)(A) is irrevocable.

○