

110TH CONGRESS  
1ST SESSION

# H. R. 2702

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 2007

Mr. SCOTT of Virginia (for himself, Mr. CARNEY, Mr. MORAN of Virginia, Mr. BOUCHER, and Mr. SALAZAR) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## 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 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

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

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

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

17           (4) The current educational assistance program  
18 for veterans is outmoded and designed for peacetime  
19 service in the Armed Forces.

20           (5) The people of the United States greatly  
21 value military service and recognize the difficult  
22 challenges involved in readjusting to civilian life  
23 after wartime service in the Armed Forces.

24           (6) It is in the national interest for the United  
25 States to provide veterans who served on active duty

1 in the Armed Forces after September 11, 2001, with  
 2 enhanced educational assistance benefits that are  
 3 worthy of such service and are commensurate with  
 4 the educational assistance benefits provided by a  
 5 grateful Nation to veterans of World War II.

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

9 (a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

10 (1) IN GENERAL.—Part III of title 38, United  
 11 States Code, is amended by inserting after chapter  
 12 32 the following new chapter:

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

“SUBCHAPTER I—DEFINITIONS

“Sec.

“3301. Definitions.

“SUBCHAPTER II—EDUCATIONAL ASSISTANCE

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

“3312. Educational assistance: duration.

“3313. Educational assistance: payment; amount.

“3314. Tutorial assistance.

“3315. Licensing and certification tests.

“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.

## 1                   “SUBCHAPTER I—DEFINITIONS

2   **“§ 3301. Definitions**

3           “In this chapter:

4                   “(1) The term ‘active duty’ has the meaning  
5           given such term in sections 101 and 3002(7) of this  
6           title and includes the limitations specified in section  
7           3002(6) of this title.8                   “(2) The terms ‘program of education’, ‘Sec-  
9           retary of Defense’, and ‘Selected Reserve’ have the  
10          meaning given such terms in section 3002 of this  
11          title.

## 12   “SUBCHAPTER II—EDUCATIONAL ASSISTANCE

13   **“§ 3311. Educational assistance for service in the**  
14                   **Armed Forces after September 11, 2001:**  
15                   **entitlement**16           “(a) ENTITLEMENT.—Except as provided in sub-  
17          section (c) and subject to subsections (d) through (f), each  
18          individual described in subsection (b) is entitled to edu-  
19          cational assistance under this chapter.20           “(b) COVERED INDIVIDUALS.—An individual de-  
21          scribed in this subsection is any individual as follows:

22                   “(1) An individual who—

23                           “(A) as of September 11, 2001, is a mem-  
24                   ber of the Armed Forces and has served an ag-

1           gregate of at least two years of active duty in  
2           the Armed Forces; and

3           “(B) after September 10, 2001—

4                 “(i) serves at least 30 days of active  
5                 duty in the Armed Forces; or

6                 “(ii) is discharged or released as de-  
7                 scribed in subsection (e)(1).

8           “(2) An individual who—

9                 “(A) as of September 10, 2001, is a mem-  
10                ber of the Armed Forces;

11                “(B) as of any date on or after September  
12                11, 2001—

13                 “(i) has served an aggregate of at  
14                 least two years of active duty in the Armed  
15                 Forces; or

16                 “(ii) before completion of service as  
17                 described in clause (i), is discharged or re-  
18                 leased as described in subsection (e)(1);  
19                 and

20                 “(C) if described by subparagraph (B)(i),  
21                 after September 11, 2001—

22                 “(i) serves at least 30 days of active  
23                 duty in the Armed Forces; or

24                 “(ii) is discharged or released as de-  
25                 scribed in subsection (e)(1).

1           “(3) An individual (other than an individual de-  
2           scribed in paragraph (4)) who—

3                   “(A) on or after September 11, 2001, first  
4           becomes a member of the Armed Forces, or  
5           first enters on active duty as a member of the  
6           Armed Forces, and—

7                           “(i) serves an aggregate of at least  
8           two years of active duty in the Armed  
9           Forces; or

10                           “(ii) before completion of service as  
11           described in clause (i), is discharged or re-  
12           leased as described in subsection (e); and

13                   “(B) after completion of the service de-  
14           scribed in subparagraph (A)(i)—

15                           “(i) continues on active duty;

16                           “(ii) is discharged from active duty  
17           with an honorable discharge;

18                           “(iii) is released after service on active  
19           duty characterized by the Secretary con-  
20           cerned as honorable service and is placed  
21           on the retired list, is transferred to the  
22           Fleet Reserve or Fleet Marine Corps Re-  
23           serve, or is placed on the temporary dis-  
24           ability list; or

1           “(iv) is released from active duty for  
2 further service in a reserve component of  
3 the Armed Forces after service on active  
4 duty characterized by the Secretary con-  
5 cerned as honorable service.

6           “(4) An individual who—

7           “(A) on or after September 11, 2001, first  
8 enlists as a Reserve, or otherwise first becomes  
9 a Reserve, in the Armed Forces and—

10           “(i) serves an aggregate of at least  
11 two years of active duty in the Armed  
12 Forces characterized by the Secretary con-  
13 cerned as honorable service; or

14           “(ii) before completion of service as  
15 described in clause (i), is discharged or re-  
16 leased as described in subsection (e); and

17           “(B) after completion of the service de-  
18 scribed in subparagraph (A)(i)—

19           “(i) continues as a Reserve (whether  
20 or not on active duty); or

21           “(ii) is discharged from service with  
22 an honorable discharge, is placed on the  
23 retired list, or is transferred to the Stand-  
24 by Reserve after service characterized by

1                   the Secretary concerned as honorable serv-  
2                   ice.

3           “(c) EXCEPTION.—(1) Except as provided in para-  
4 graph (2), the following individuals are not entitled to edu-  
5 cational assistance under this chapter:

6                   “(A) An individual who receives a commission  
7 as an officer in the Armed Forces upon graduation  
8 from the United States Military Academy, the  
9 United States Naval Academy, the United States Air  
10 Force Academy, or the Coast Guard Academy.

11                   “(B) An individual who receives a commission  
12 as an officer in the Armed Forces upon completion  
13 of a program of educational assistance under section  
14 2107 of title 10 if while participating in such pro-  
15 gram such individual received an aggregate of  
16 \$25,000 or more for participation in such program.

17                   “(C) Any other individual who receives a com-  
18 mission as an officer in the Armed Forces after com-  
19 pletion of participation in the Senior Reserve Offi-  
20 cers’ Training Corps under chapter 103 of title 10,  
21 including any advanced training under section 2104  
22 of that title.

23           “(2) Any service of an individual described by para-  
24 graph (1) after successful completion by the individual of  
25 the service obligation incurred by the individual in connec-

1 tion with the receipt of a commission as an officer in the  
2 Armed Forces as described in that paragraph shall be  
3 treated under subsection (b) as service counting toward  
4 the entitlement of the individual to educational assistance  
5 under this chapter.

6 “(d) PROHIBITION ON TREATMENT OF CERTAIN  
7 DUTY OF RESERVES AS ACTIVE DUTY.—The following  
8 service of a Reserve on active duty shall not be treated  
9 as service on active duty in the Armed Forces for purposes  
10 of subsection (b)(4):

11 “(1) Drill and instruction and annual training,  
12 including drill and instruction and annual training  
13 of a member of the National Guard under section  
14 502 of title 32.

15 “(2) Any other service on active duty, unless  
16 such service is service in an operational billet.

17 “(e) CERTAIN DISCHARGE OR RELEASE PROVIDING  
18 EXCEPTION FROM SERVICE REQUIREMENTS.—A dis-  
19 charge or release described in this subsection is a dis-  
20 charge or release from service in the Armed Forces for—

21 “(1) a service-connected disability;

22 “(2) a medical condition which preexisted such  
23 service and which the Secretary determines is not  
24 service-connected;

25 “(3) hardship; or

1           “(4) a physical or mental condition that was  
2           not characterized as a disability and did not result  
3           from the individual’s own willful misconduct but did  
4           interfere with the individual’s performance of duty,  
5           as determined by the Secretary of each military de-  
6           partment in accordance with regulations prescribed  
7           by the Secretary of Defense.

8           “(f) PROHIBITION ON TREATMENT OF CERTAIN  
9           SERVICE AS PERIOD OF ACTIVE DUTY.—A period of serv-  
10          ice shall not be considered a part of the period of active  
11          duty in the Armed Forces on which an individual’s entitle-  
12          ment to educational assistance under this chapter is based  
13          if the period of service is terminated because of a defective  
14          enlistment and induction based on—

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

17                 “(2) an erroneous enlistment or induction; or

18                 “(3) a defective enlistment agreement.

19          **“§ 3312. Educational assistance: duration**

20                 “(a) IN GENERAL.—Subject to section 3695 of this  
21          title and subsection (b), an individual entitled to edu-  
22          cational assistance under section 3311 of this title is enti-  
23          tled to a number of months of educational assistance  
24          under section 3313 of this title as follows:

1           “(1) In the case of an individual described by  
2 paragraph (1) section 3311(b) of this title—

3           “(A) if the individual is described by sub-  
4 paragraph (B)(i) of such paragraph, the aggregate  
5 number of months served by the individual  
6 on active duty in the Armed Forces after Sep-  
7 tember 11, 2001; or

8           “(B) if the individual is described by sub-  
9 paragraph (B)(ii) of such paragraph, 36  
10 months.

11           “(2) In the case of an individual described by  
12 paragraph (2) of section 3311(b) of this title—

13           “(A) if the individual is described by both  
14 subparagraphs (B)(i) and (C)(i) of such para-  
15 graph, the aggregate number of months served  
16 by the individual on active duty in the Armed  
17 Forces after September 11, 2001; or

18           “(B) if the individual is described by sub-  
19 paragraph (B)(ii) or (C)(ii) of such paragraph,  
20 36 months.

21           “(3) In the case of an individual described by  
22 paragraph (3) of section 3311(b) of this title—

23           “(A) if the individual is described by sub-  
24 paragraph (A)(i) of such paragraph, the aggregate  
25 number of months served by the individual

1 on active duty in the Armed Forces after Sep-  
2 tember 11, 2001; or

3 “(B) if the individual is described by sub-  
4 paragraph (A)(ii) of such paragraph—

5 “(i) if the discharge or release of the  
6 individual is described by paragraph (1) of  
7 section 3311(e) of this title, 36 months; or

8 “(ii) if the discharge or release of the  
9 individual is described by paragraph (2),  
10 (3), or (4) of section 3311(e) of this title,  
11 the aggregate number of months served by  
12 the individual on active duty in the Armed  
13 Forces after September 11, 2001.

14 “(4) In the case of an individual described by  
15 paragraph (4) of section 3311(b) of this title—

16 “(A) if the individual is described by sub-  
17 paragraph (A) of such paragraph—

18 “(i) if the individual is further de-  
19 scribed by clause (i) of such subparagraph,  
20 24 months; or

21 “(ii) if the individual is further de-  
22 scribed by clause (ii) of such subpara-  
23 graph—

24 “(I) if the discharge or release of  
25 the individual is described by para-

1 graph (1) of section 3311(e) of this  
2 title, 36 months; or

3 “(II) if the discharge or release  
4 of the individual is described by para-  
5 graph (2), (3), or (4) of section  
6 3311(e) of this title, the aggregate  
7 number of months served by the indi-  
8 vidual on active duty in the Armed  
9 Forces after September 11, 2001; and

10 “(B) if the individual is also described by  
11 subparagraph (B) of such paragraph—

12 “(i) an additional number of months  
13 equal to—

14 “(I) the aggregate number of  
15 months served by the individual on ac-  
16 tive duty in the Armed Forces after  
17 September 11, 2001, without taking  
18 into account the service of the indi-  
19 vidual described by subparagraph  
20 (A)(i) of such paragraph; and

21 “(II) one month for each for  
22 month served by the individual as a  
23 Reserve after September 11, 2001,  
24 without taking into account the serv-  
25 ice of the individual described by sub-

1 paragraph (A)(i) of such paragraph or  
2 any other month of service of the indi-  
3 vidual on active duty; or

4 “(ii) if the individual is discharged or  
5 released as described in section 3311(e)(1)  
6 of this title, an additional 12 months.

7 “(b) LIMITATION.—Except as provided in section  
8 3321(b)(2) of this title, an individual may not receive edu-  
9 cational assistance under section 3313 of this title for a  
10 number of months in excess of 36 months, which is the  
11 equivalent of four academic years

12 **“§ 3313. Educational assistance: payment; amount**

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

21 “(b) APPROVED PROGRAMS OF EDUCATION.—Except  
22 as provided in subsections (g) through (i), a program of  
23 education is an approved program of education for pur-  
24 poses of this chapter if the program of education is ap-  
25 proved for purposes of chapter 30 of this title.

1       “(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—(1)

2 The amounts payable under this subsection for pursuit of  
3 an approved program of education are amounts as follows:

4           “(A) An amount equal to the established  
5 charges (as determined in accordance with sub-  
6 section (j)) for the program of education.

7           “(B) Subject to paragraph (2), an amount  
8 equal to the room and board of the individual.

9           “(C) A monthly stipend in the amount of  
10 \$1,000.

11       “(2) The amount payable under paragraph (1)(B) for  
12 room and board of an individual may not exceed an  
13 amount equal to the standard dormitory fee, or such  
14 equivalent fee as the Secretary shall specify in regulations,  
15 which similarly circumstanced nonveterans enrolled in the  
16 program of education involved would be required to pay.

17       “(d) FREQUENCY OF PAYMENT.—(1) Payment of the  
18 amounts payable under subparagraphs (A) and (B) of sub-  
19 section (c)(1) for pursuit of a program of education shall  
20 be made in a lump-sum amount for the entire quarter,  
21 semester, or term, as applicable, of the program of edu-  
22 cation before the commencement of such quarter, semes-  
23 ter, or term.

1       “(2) Payment of the amount payable under subpara-  
2 graph (C) of subsection (c)(1) for pursuit of a program  
3 of education shall be made on a monthly basis.

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

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

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

18               “(A) the established charges (as determined in  
19 accordance with subsection (j)) for the program of  
20 education; or

21               “(B) the amount of the charges of the edu-  
22 cational institution as elected by the individual in  
23 the manner specified in section 3014(b)(1) of this  
24 title.

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

7       “(4) For each month (as determined pursuant to the  
8 methods prescribed under subsection (c)(3)) for which  
9 amounts are paid an individual under this subsection, the  
10 entitlement of the individual to educational assistance  
11 under this chapter shall be charged at the rate of one  
12 month for each such month.

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

17       “(2) The amount of educational assistance payable  
18 under this chapter to an individual pursuing a program  
19 of education on less than half-time basis is the established  
20 charges (as determined in accordance with subsection (j))  
21 for the program of education.

22       “(3) Payment of the amount payable under this chap-  
23 ter to an individual for pursuit of a program of education  
24 on less than half-time basis shall be made in a lump-sum,  
25 and shall be made not later than the last day of the month

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

5       “(4) For each month (as determined pursuant to the  
6 methods prescribed under subsection (c)(3)) for which  
7 amounts are paid an individual under this subsection, the  
8 entitlement of the individual to educational assistance  
9 under this chapter shall be charged at a percentage of a  
10 month equal to—

11               “(A) the number of course hours borne by the  
12 individual in pursuit of the program of education in-  
13 volved, divided by

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

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

21       “(2)(A) The educational assistance payable under  
22 this chapter to an individual for pursuit of a program of  
23 apprenticeship or training referred to in paragraph (1) is  
24 the amounts as follows:

1           “(i) The established charge (as determined  
2           under subparagraph (B)) which similarly cir-  
3           cumstances nonveterans enrolled in the program  
4           would be required to pay.

5           “(ii) A monthly stipend in the amount of  
6           \$1,000.

7           “(B) The nature and amount of the tuition, fees, and  
8           other expenses constituting the established charge for a  
9           program of apprenticeship or training under this sub-  
10          section shall be determined in accordance with regulations  
11          prescribed by the Secretary. Such expenses may include  
12          room and board under such circumstances as the Sec-  
13          retary shall prescribe in the regulations.

14          “(3)(A) Payment of the amount payable under para-  
15          graph (2)(A)(i) for pursuit of a program of apprenticeship  
16          or training shall be made, at the election of the Sec-  
17          retary—

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

21                  “(ii) on a monthly basis.

22          “(B) Payment of the amount payable under para-  
23          graph (2)(A)(ii) for pursuit of a program of apprentice-  
24          ship or training shall be made on a monthly basis.

1           “(4) For each month (as determined pursuant to the  
2 methods prescribed under subsection (c)(3) in the case of  
3 payments made in accordance with paragraph (3)(A)(i))  
4 for which amounts are paid an individual under this sub-  
5 section, the entitlement of the individual to educational as-  
6 sistance under this chapter shall be charged at the rate  
7 of one month for each such month.

8           “(h) PROGRAMS OF EDUCATION BY CORRESPOND-  
9 ENCE.—(1) Educational assistance is payable under this  
10 chapter for pursuit of a program of education exclusively  
11 by correspondence.

12           “(2)(A) The amount of educational assistance pay-  
13 able under this chapter to an individual who is pursuing  
14 a program of education exclusively by correspondence is  
15 an amount equal to 55 percent of the established charge  
16 (as determined under subparagraph (B)) which similarly  
17 circumstanced nonveterans enrolled in the program of  
18 education would be required to pay.

19           “(B) In this paragraph, the term ‘established charge’,  
20 in the case of a program of education, means the lesser  
21 of—

22                   “(i) the charge for the course or courses under  
23 the program of education, as determined on the  
24 basis of the lowest extended time payment plan of-

1       ferred by the institution involved and approved by the  
2       appropriate State approving agency; or

3               “(ii) the actual charge to the individual for such  
4       course or courses.

5       “(3) Payment of the amount payable under this chap-  
6       ter for pursuit of a program of education by correspond-  
7       ence shall be made quarterly on a pro rata basis for the  
8       lessons completed by the individual and serviced by the  
9       institution involved.

10       “(4) For each month (as determined pursuant to the  
11       methods prescribed under subsection (c)(3)) for which  
12       amounts are paid an individual under this subsection, the  
13       entitlement of the individual to educational assistance  
14       under this chapter shall be charged at the rate of one  
15       month for each such month.

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

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

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

23       “(2) Paragraphs (2) and (4) of section 3032(e) of  
24       this title shall apply with respect to the availability of edu-

1 cational assistance under this chapter for pursuit of flight  
2 training covered by paragraph (1).

3 “(3)(A) The educational assistance payable under  
4 this chapter to an individual for pursuit of a program of  
5 education consisting of flight training covered by para-  
6 graph (1) is the amounts as follows:

7 “(i) The established charge (as determined  
8 under subparagraph (B)) which similarly cir-  
9 cumstances nonveterans enrolled in the program  
10 would be required to pay.

11 “(ii) A monthly stipend in the amount of  
12 \$1,000.

13 “(B) The nature and amount of the tuition, fees, and  
14 other expenses constituting the established charge for a  
15 program of flight training under this subsection shall be  
16 determined in accordance with regulations prescribed by  
17 the Secretary.

18 “(4) Payment of the amounts payable under para-  
19 graph (3) for pursuit of a program of flight training shall  
20 be made on a monthly basis.

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

1       “(j) ESTABLISHED CHARGES.—(1) Subject to the  
2 provisions of this subsection, in subsections (c), (e), and  
3 (f), the term ‘established charges’, in the case of a pro-  
4 gram of education, means the actual charges (as deter-  
5 mined pursuant to regulations prescribed by the Sec-  
6 retary) for tuition, fees (including required supplies,  
7 books, and equipment), and other educational costs which  
8 similarly circumstanced nonveterans enrolled in the pro-  
9 gram of education would be required to pay.

10       “(2) The maximum amount of charges payable for  
11 tuition under this subsection as part of the established  
12 charges for a program of education pursued by an indi-  
13 vidual under subsections (c), (e), and (f) may not exceed  
14 the maximum amount of tuition regularly charged in-State  
15 students for full-time pursuit of programs of education by  
16 the public institution of higher education in the State in  
17 which the individual is pursuing such program of edu-  
18 cation that has the highest rate of regularly-charged tui-  
19 tion for programs of education among all public institu-  
20 tions of higher education in such State.

21       “(3) Established charges shall be determined for pur-  
22 poses of this subsection on the following basis:

23               “(A) In the case of an individual enrolled in a  
24 program of education offered on a term, quarter, or

1 semester basis, the tuition and fees charged the indi-  
2 vidual for the term, quarter, or semester.

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

7 **“§ 3314. Tutorial assistance**

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

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

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

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

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

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

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

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

13 **“§ 3315. Licensure and certification tests**

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

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

21               “(1) \$2,000; or

22               “(2) the fee charged for the test.

23       “(c) NO CHARGE AGAINST ENTITLEMENT.—Any  
24 amount paid an individual under subsection (a) is in addi-

1 tion to any other educational assistance benefits provided  
2 the individual under this chapter.

3 “SUBCHAPTER III—ADMINISTRATIVE  
4 PROVISIONS

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

7 “(a) IN GENERAL.—Except as otherwise provided in  
8 subsection (b), the period during which an individual enti-  
9 tled to educational assistance under this chapter may use  
10 such individual’s entitlement expires at the end of the 15-  
11 year period beginning on the date of such individual’s last  
12 discharge 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 paragraph  
9 (1), (2), or (3) of section 3311(e) 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, such entitlement under that  
18           chapter;

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, such entitlement under  
23           the 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 such 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, and has not  
6 used any such entitlement under such  
7 chapter;

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

15 (vi) is a member of the Armed Forces  
16 who is not entitled to basic educational as-  
17 sistance under chapter 30 of title 38,  
18 United States Code, by reason of an elec-  
19 tion under section 3011(c)(1) or  
20 3012(d)(1) of such title; and

21 (B) as of the date of the individual's elec-  
22 tion under this paragraph—

23 (i) otherwise meets the requirements  
24 for entitlement to educational assistance

1 under chapter 33 of title 38, United States  
2 Code (as so added); or

3 (ii) is making progress toward meet-  
4 ing such requirements.

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

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

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

1 (C) AVAILABILITY OF UNREVOKED ENTI-  
2 TLEMENT.—Any entitlement described in sub-  
3 paragraph (A) that is not revoked by an indi-  
4 vidual in accordance with that subparagraph  
5 shall remain available to the eligible dependent  
6 or dependents concerned in accordance with the  
7 current transfer of such entitlement under sec-  
8 tion 3020 of title 38, United States Code.

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

10 (A) IN GENERAL.—Subject to subpara-  
11 graph (B), an individual making an election  
12 under paragraph (1) shall be entitled to edu-  
13 cational assistance under chapter 33 of title 38,  
14 United States Code (as so added), in accord-  
15 ance with the provisions of such chapter, in-  
16 stead of basic educational assistance under  
17 chapter 30 of title 38, United States Code, or  
18 educational assistance under chapter 107,  
19 1606, or 1607 of title 10, United States Code,  
20 as applicable.

21 (B) LIMITATION ON ENTITLEMENT FOR  
22 CERTAIN INDIVIDUALS.—In the case of an indi-  
23 vidual making an election under paragraph (1)  
24 who is described by subparagraph (A)(i), the  
25 number of months of entitlement of such indi-

1           vidual to educational assistance under chapter  
2           33 of title 38, United States Code (as so  
3           added), shall be the number of months equal to  
4           the number of months of unused entitlement of  
5           such individual under chapter 30 of title 38,  
6           United States Code, as of the date of the elec-  
7           tion, including any number of months entitle-  
8           ment revoked by the individual under para-  
9           graph (2)(A).

10           (4) CONTINUING EDUCATIONAL ASSISTANCE  
11           UNDER MONTGOMERY GI BILL.—

12           (A) IN GENERAL.—If the aggregate  
13           amount of entitlement to educational assistance  
14           under chapter 33 of title 38, United States  
15           Code (as so added), that is accumulated by an  
16           individual described in subparagraph (A)(i),  
17           (A)(ii), or (A)(iii) of paragraph (1) who makes  
18           an election under that paragraph is less than  
19           36 months, the individual shall retain, and may  
20           utilize, any unutilized entitlement of the indi-  
21           vidual to educational assistance under chapter  
22           30 of title 38, United States Code, or chapter  
23           107, 1606, or 1607 of title 10, United States  
24           Code, as applicable, for a number of months  
25           equal to the lesser of—

1 (i) 36 months minus the number of  
2 months of entitlement so accumulated by  
3 the individual; or

4 (ii) the number of months of such un-  
5 utilized entitlement of the individual.

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

13 (5) TREATMENT OF CONTRIBUTIONS TOWARD  
14 BASIC EDUCATIONAL ASSISTANCE.—

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

1 section (b) or (e) of section 3011 of such title  
2 or any contributions made under subsection (c)  
3 or (f) of section 3012 of such title.

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

11 (i) the amount otherwise payable to  
12 the individual under subparagraph (A),  
13 multiplied by

14 (ii) a fraction—

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

22 (II) the denominator of which is  
23 36.

24 (C) CESSATION OF CONTRIBUTIONS.—Ef-  
25 fective as of the first month beginning on or

1 after the date of an election under paragraph  
2 (1) of an individual described by subparagraph  
3 (A)(v) of that paragraph, the obligation of such  
4 individual to make contributions under section  
5 3011(b) or 3012(c) of title 38, United States  
6 Code, as applicable, shall cease, and the re-  
7 quirements of such section shall be deemed to  
8 be no longer applicable to such person.

9 (6) TERMINATION OF ENTITLEMENT UNDER  
10 MONTGOMERY GI BILL.—Except as otherwise pro-  
11 vided in paragraph (4), effective on the last day of  
12 the month in which an individual makes an election  
13 under paragraph (1), the entitlement, if any, of the  
14 individual to basic educational assistance under  
15 chapter 30 of title 38, United States Code, or edu-  
16 cational assistance under chapter 107, 1606, or  
17 1607 of title 10, United States Code, as applicable,  
18 shall terminate.

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

○