

110TH CONGRESS
2D SESSION

H. R. 5651

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

MARCH 14, 2008

Mr. MITCHELL introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 “Student Veterans’ Col-
5 lege Affordability Act of 2008”.

1 **SEC. 2. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE**
 2 **ARMED FORCES WHO SERVE AFTER SEP-**
 3 **TEMBER 11, 2001.**

4 (a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

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

8 **“CHAPTER 33—POST-9/11 EDUCATIONAL**
 9 **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.

10 **“SUBCHAPTER I—DEFINITIONS**

11 **“§ 3301. Definitions**

12 “For purposes of this chapter:

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

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

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

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

12 “(A) In the case of members of the Army,
13 Basic Combat Training and Advanced Indi-
14 vidual Training.

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

18 “(C) In the case of members of the Air
19 Force, Basic Military Training and Technical
20 Training.

21 “(D) In the case of members of the Marine
22 Corps, Recruit Training and Marine Corps
23 Training (or School of Infantry Training).

24 “(E) In the case of members of the Coast
25 Guard, Basic Training.

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

4 “SUBCHAPTER II—EDUCATIONAL ASSISTANCE
 5 **“§ 3311. Educational assistance for service in the**
 6 **Armed Forces commencing on or after**
 7 **September 11, 2001: entitlement**

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

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

13 “(1) An individual (including an individual as a
 14 Reserve) who—

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

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

22 “(i) continues on active duty; or

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

25 “(2) An individual who—

1 “(A) commencing on or after September
2 11, 2001, serves at least 30 continuous days on
3 active duty in the Armed Forces; and

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

8 “(3) An individual who—

9 “(A) commencing on or after September
10 11, 2001, serves an aggregate of at least 30
11 months, but less than 36 months, on active
12 duty in the Armed Forces (including service on
13 active duty in entry level and skill training);
14 and

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

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

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

23 “(4) An individual who—

24 “(A) commencing on or after September
25 11, 2001, serves an aggregate of at least 24

1 months, but less than 30 months, on active
2 duty in the Armed Forces (including service on
3 active duty in entry level and skill training);
4 and

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

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

9 “(ii) before completion of service on
10 active duty of an aggregate of 30 months,
11 is discharged or released from active duty
12 as described in subsection (c).

13 “(5) An individual who—

14 “(A) commencing on or after September
15 11, 2001, serves an aggregate of at least 18
16 months, but less than 24 months, on active
17 duty in the Armed Forces (excluding service on
18 active duty in entry level and skill training);
19 and

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

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

24 “(ii) before completion of service on
25 active duty of an aggregate of 24 months,

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

3 “(6) An individual who—

4 “(A) commencing on or after September
5 11, 2001, serves an aggregate of at least 12
6 months, but less than 18 months, on active
7 duty in the Armed Forces (excluding service on
8 active duty in entry level and skill training);
9 and

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

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

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

18 “(7) An individual who—

19 “(A) commencing on or after September
20 11, 2001, serves an aggregate of at least 6
21 months, but less than 12 months, on active
22 duty in the Armed Forces (excluding service on
23 active duty in entry level and skill training);
24 and

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

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

5 “(ii) before completion of service on
6 active duty of an aggregate of 12 months,
7 is discharged or released from active duty
8 as described in subsection (c).

9 “(8) An individual who—

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

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

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

19 “(ii) before completion of service on
20 active duty of an aggregate of 6 months, is
21 discharged or released from active duty as
22 described in subsection (c).

23 “(c) COVERED DISCHARGES AND RELEASES.—A dis-
24 charge or release from active duty of an individual de-

1 scribed in this subsection is a discharge or release as fol-
2 lows:

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

5 “(2) A release after service on active duty in
6 the Armed Forces characterized by the Secretary
7 concerned as honorable service and placement on the
8 retired list, transfer to the Fleet Reserve or Fleet
9 Marine Corps Reserve, or placement on the tem-
10 porary disability retired list.

11 “(3) A release from active duty in the Armed
12 Forces for further service in a reserve component of
13 the Armed Forces after service on active duty char-
14 acterized by the Secretary concerned as honorable
15 service.

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

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

23 “(B) hardship; or

24 “(C) a physical or mental condition that
25 was not characterized as a disability and did

1 not result from the individual's own willful mis-
2 conduct but did interfere with the individual's
3 performance of duty, as determined by the Sec-
4 retary concerned in accordance with regulations
5 prescribed by the Secretary of Defense.

6 “(d) PROHIBITION ON TREATMENT OF CERTAIN
7 SERVICE AS PERIOD OF ACTIVE DUTY.—The following
8 periods of service shall not be considered a part of the
9 period of active duty on which an individual's entitlement
10 to educational assistance under this chapter is based:

11 “(1) A period of service on active duty of an of-
12 ficer pursuant to an agreement under section
13 2107(b) of title 10.

14 “(2) A period of service on active duty of an of-
15 ficer pursuant to an agreement under section 4348,
16 6959, or 9348 of title 10.

17 “(3) A period of service that is terminated be-
18 cause of a defective enlistment and induction based
19 on—

20 “(A) the individual's being a minor for
21 purposes of service in the Armed Forces;

22 “(B) an erroneous enlistment or induction;

23 or

24 “(C) a defective enlistment agreement.

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

8 **“§ 3312. Educational assistance: duration**

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

15 “(b) CONTINUING RECEIPT.—The receipt of edu-
 16 cational assistance under section 3313 of this title by an
 17 individual entitled to educational assistance under this
 18 chapter is subject to the provisions of section 3321(b)(2)
 19 of this title.

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

23 “(A) be charged against any entitlement to edu-
 24 cational assistance of the individual concerned under
 25 this chapter; or

1 “(B) be counted against the aggregate period
2 for which section 3695 of this title limits the individ-
3 ual’s receipt of educational assistance under this
4 chapter.

5 “(2) Subject to paragraph (3), the payment of edu-
6 cational assistance described in this paragraph is the pay-
7 ment of such assistance to an individual for pursuit of a
8 course or courses under this chapter if the Secretary finds
9 that the individual—

10 “(A)(i) in the case of an individual not serving
11 on active duty, had to discontinue such course pur-
12 suit as a result of being called or ordered to serve
13 on active duty under section 688, 12301(a),
14 12301(d), 12301(g), 12302, or 12304 of title 10; or

15 “(ii) in the case of an individual serving on ac-
16 tive duty, had to discontinue such course pursuit as
17 a result of being ordered to a new duty location or
18 assignment or to perform an increased amount of
19 work; and

20 “(B) failed to receive credit or lost training
21 time toward completion of the individual’s approved
22 education, professional, or vocational objective as a
23 result of having to discontinue, as described in sub-
24 paragraph (A), the individual’s course pursuit.

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

9 **“§ 3313. Educational assistance: amount; payment**

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

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

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

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

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

17 “(B) A monthly housing stipend in an
18 amount equal to the monthly amount of the
19 basic allowance for housing payable under sec-
20 tion 403 of title 37 for a member with depend-
21 ents in pay grade E-5 residing in the military
22 housing area that encompasses all or the major-
23 ity portion of the ZIP code area in which is lo-
24 cated the institution of higher education at
25 which the individual is enrolled.

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

4 “(2) In the case of an individual entitled to
5 educational assistance under this chapter by reason
6 of section 3311(b)(3) of this title, amounts equal to
7 90 percent of the amounts that would be payable to
8 the individual under paragraph (1) for the program
9 of education if the individual were entitled to
10 amounts for the program of education under para-
11 graph (1) rather than this paragraph.

12 “(3) In the case of an individual entitled to
13 educational assistance under this chapter by reason
14 of section 3311(b)(4) of this title, amounts equal to
15 80 percent of the amounts that would be payable to
16 the individual under paragraph (1) for the program
17 of education if the individual were entitled to
18 amounts for the program of education under para-
19 graph (1) rather than this paragraph.

20 “(4) In the case of an individual entitled to
21 educational assistance under this chapter by reason
22 of section 3311(b)(5) of this title, amounts equal to
23 70 percent of the amounts that would be payable to
24 the individual under paragraph (1) for the program
25 of education if the individual were entitled to

1 amounts for the program of education under para-
2 graph (1) rather than this paragraph.

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

11 “(6) In the case of an individual entitled to
12 educational assistance under this chapter by reason
13 of section 3311(b)(7) of this title, amounts equal to
14 50 percent of the amounts that would be payable to
15 the individual under paragraph (1) for the program
16 of education if the individual were entitled to
17 amounts for the program of education under para-
18 graph (1) rather than this paragraph.

19 “(7) In the case of an individual entitled to
20 educational assistance under this chapter by reason
21 of section 3311(b)(8) of this title, amounts equal to
22 40 percent of the amounts that would be payable to
23 the individual under paragraph (1) for the program
24 of education if the individual were entitled to

1 amounts for the program of education under para-
2 graph (1) rather than this paragraph.

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

11 “(2) Payment of the amount payable under sub-
12 section (c)(1)(B), and of similar amounts payable under
13 paragraphs (2) through (7) of subsection (c), for pursuit
14 of a program of education shall be made on a monthly
15 basis.

16 “(3) The amount payable under subsection (c)(1)(C),
17 and similar amounts payable under paragraphs (2)
18 through (7) of subsection (c), for pursuit of a program
19 of education shall be payable in equal installments for the
20 quarter, semester, or term, as applicable, falling within the
21 year concerned. Payment of such amounts shall be made
22 in a lump-sum amount for the entire quarter, semester,
23 or term, as the case may be, of the program of education
24 before the commencement of such quarter, semester, or
25 term.

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

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

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

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

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

22 “(3) Payment of the amount payable under para-
23 graph (2) for pursuit of a program of education shall be
24 made in a lump-sum amount for the entire quarter, semes-
25 ter, or term, as applicable, of the program of education

1 before the commencement of such quarter, semester, or
 2 term.

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

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

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

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

17 “(i) the established charges which similarly
 18 circumstanced nonveterans enrolled in the pro-
 19 gram of education involved would be required to
 20 pay; or

21 “(ii) the maximum amount that would be
 22 payable to the individual for the program of
 23 education under paragraph (1)(A) of subsection
 24 (c), or under the provisions of paragraphs (2)
 25 through (7) of subsection (c) applicable to the

1 individual, for the program of education if the
2 individual were entitled to amounts for the pro-
3 gram of education under subsection (c) rather
4 than this subsection.

5 “(B) A housing stipend in an amount equal to
6 the amount of the appropriately reduced amount of
7 monthly stipend for housing otherwise payable to the
8 individual under subsection (c).

9 “(C) A stipend in an amount equal to the
10 amount of the appropriately reduced amount of the
11 yearly stipend for books, supplies, equipment, and
12 other educational costs otherwise payable to the indi-
13 vidual under subsection (c).

14 “(3)(A) Payment of the amounts payable to an indi-
15 vidual under subparagraphs (A) and (C) of paragraph (2)
16 for pursuit of a program of education on less than half-
17 time basis shall be made in a lump-sum, and shall be made
18 not later than the last day of the month immediately fol-
19 lowing the month in which certification is received from
20 the educational institution involved that the individual has
21 enrolled in and is pursuing a program of education at the
22 institution.

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

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 a percentage of a
 6 month equal to—

7 “(A) the number of course hours borne by the
 8 individual in pursuit of the program of education in-
 9 volved, divided by

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

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

17 “(2) The educational assistance payable under this
 18 chapter to an individual for pursuit of a program of ap-
 19 prenticeship or training referred to in paragraph (1) is
 20 the amounts as follows:

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

22 “(i) the established charge which similarly
 23 circumstances nonveterans enrolled in the pro-
 24 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 stipend in an amount equal to the
15 amount of the appropriately reduced amount of the
16 yearly stipend for books, supplies, equipment, and
17 other educational costs otherwise payable to the indi-
18 vidual under subsection (c).

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

24 “(4)(A) Payment of the amounts payable under sub-
25 paragraphs (A) and (C) of paragraph (2) for pursuit of

1 a program of apprenticeship or training shall be made,
2 at the election of the Secretary—

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

6 “(ii) on a monthly basis.

7 “(B) Payments of the amounts payable under sub-
8 paragraph (B) of paragraph (2) shall be made on a
9 monthly basis.

10 “(5) For each month (as determined pursuant to the
11 methods prescribed under subsection (d)(4)) 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 “(h) PROGRAMS OF EDUCATION BY CORRESPOND-
17 ENCE.—(1) Educational assistance is payable under this
18 chapter for pursuit of a program of education exclusively
19 by correspondence.

20 “(2) The educational assistance payable under this
21 chapter to an individual who is pursuing a program of
22 education exclusively by correspondence is the amounts as
23 follows:

24 “(A) An amount equal to 55 percent of amount
25 that would be payable to the individual for the pro-

1 gram of education under paragraph (1)(A) of sub-
2 section (c), or under the provisions of paragraphs
3 (2) through (7) of subsection (c) applicable to the
4 individual, for the program of education if the indi-
5 vidual were entitled to amounts for the program of
6 education under subsection (c) rather than this sub-
7 section.

8 “(B) A stipend in an amount equal to the
9 equivalent of 55 percent of the appropriately reduced
10 amount of the yearly stipend for books, supplies,
11 equipment, and other educational costs otherwise
12 payable to the individual under subsection (c).

13 “(3) Payment of the amounts payable under para-
14 graph (2) for pursuit of a program of education by cor-
15 respondence shall be made quarterly on a pro rata basis
16 for the lessons completed by the individual and serviced
17 by the institution involved.

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

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

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

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

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

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

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

17 “(i) the established charge which similarly
18 circumstances nonveterans enrolled in the pro-
19 gram would be required to pay; or

20 “(ii) the maximum amount that would be
21 payable to the individual for the program of
22 education under paragraph (1)(A) of subsection
23 (c), or under the provisions of paragraphs (2)
24 through (7) of subsection (c) applicable to the
25 individual, for the program of education if the

1 individual were entitled to amounts for the pro-
2 gram of education under subsection (c) rather
3 than this subsection.

4 “(B) A housing stipend in an amount equal to
5 the amount of the appropriately reduced amount of
6 monthly stipend for housing otherwise payable to the
7 individual under subsection (c).

8 “(C) A monthly stipend in an amount equal to
9 the monthly equivalent of the appropriately reduced
10 amount of the yearly stipend for books, supplies,
11 equipment, and other educational costs otherwise
12 payable to the individual under subsection (c).

13 “(4) 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 “(5) 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 “(6) 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) PAYMENT OF CERTAIN AMOUNTS BY VOUCH-
2 ER.—Amounts payable under subsections (c)(1)(A),
3 (e)(2)(A), (f)(2)(A), (g)(2)(A), (h)(2)(A), and (i)(3)(A)
4 shall be paid to the individual concerned in the form of
5 a voucher, or other form of credit specified by the Sec-
6 retary for purposes of this subsection, that is redeemable
7 by the educational institution concerned in such manner
8 as the Secretary shall prescribe.

9 “(k) ESTABLISHED CHARGES DEFINED.—(1) In sub-
10 sections (c), (e), and (f), the term ‘established charges’,
11 in the case of a program of education, means the actual
12 charges (as determined pursuant to regulations prescribed
13 by the Secretary) for tuition and fees which similarly
14 circumstanced nonveterans enrolled in the program of
15 education would be required to pay.

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

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

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

1 **“§ 3314. Tutorial assistance**

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

6 “(b) CONDITIONS.—(1) The provision of benefits
7 under subsection (a) shall be subject to the conditions ap-
8 plicable to an eligible veteran under section 3492 of this
9 title.

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

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

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

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

24 “(2) The amount provided an individual under this
25 subsection is in addition to the amounts of educational as-

1 sistence paid the individual under section 3313 of this
2 title.

3 “(d) NO CHARGE AGAINST ENTITLEMENT.—Any
4 benefits provided an individual under subsection (a) are
5 in addition to any other educational assistance benefits
6 provided the individual under this chapter.

7 **“§ 3315. Licensure and certification tests**

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

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

15 “(1) \$2,000; or

16 “(2) the fee charged for the test.

17 “(c) NO CHARGE AGAINST ENTITLEMENT.—Any
18 amount paid an individual under subsection (a) is in addi-
19 tion to any other educational assistance benefits provided
20 the individual under this chapter.

21 **“§ 3316. Supplemental educational assistance for ad-**
22 **ditional service**

23 “(a) IN GENERAL.—Under such regulations as the
24 Secretary of Defense shall prescribe, an individual entitled
25 to educational assistance under this chapter shall be eligi-

1 ble for supplemental educational assistance for additional
 2 service as authorized by the provisions of subchapter III
 3 of chapter 30 of this title.

4 “(b) ADMINISTRATION.—The qualification for entitle-
 5 ment, amount, and payment of supplemental educational
 6 assistance under this section shall be in accordance with
 7 the provisions of subchapter III of chapter 30 of this title,
 8 except that any reference in such provisions to eligibility
 9 for basic educational assistance under a provision of sub-
 10 chapter II of chapter 30 of this title shall be treated as
 11 a reference to eligibility for educational assistance under
 12 the appropriate provision of this chapter.

13 **“§ 3317. Public-private contributions for additional**
 14 **educational assistance**

15 “(a) ESTABLISHMENT OF PROGRAM.—In instances
 16 where the educational assistance provided pursuant to sec-
 17 tion 3313(c)(1)(A) does not cover the full cost of estab-
 18 lished charges (as specified in section 3313 of this title),
 19 the Secretary shall carry out a program under which col-
 20 leges and universities can, voluntarily, enter into an agree-
 21 ment with the Secretary to cover a portion of those estab-
 22 lished charges not otherwise covered under section
 23 3313(c)(1)(A), which contributions shall be matched by
 24 equivalent contributions toward such costs by the Sec-
 25 retary. The program shall only apply to covered individ-

1 uals described in paragraphs (1) and (2) of section
2 3311(b).

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

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

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

13 “(2) The maximum amount of the contribution
14 to be made by the college or university concerned
15 with respect to any particular individual in any given
16 academic year.

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

20 “(4) Such other matters as the Secretary and
21 the college or university concerned jointly consider
22 appropriate.

23 “(d) MATCHING CONTRIBUTIONS.—(1) In instances
24 where the educational assistance provided an individual
25 under section 3313(c)(1)(A) of this title does not cover

1 the full cost of tuition and mandatory fees at a college
 2 or university, the Secretary shall provide up to 50 percent
 3 of the remaining costs for tuition and mandatory fees if
 4 the college or university voluntarily enters into an agree-
 5 ment with the Secretary to match an equal percentage of
 6 any of the remaining costs for such tuition and fees.

7 “(2) Amounts available to the Secretary under sec-
 8 tion 3324(b) of this title for payment of the costs of this
 9 chapter shall be available to the Secretary for purposes
 10 of paragraph (1).

11 “(e) OUTREACH.—The Secretary shall make available
 12 on the Internet website of the Department available to the
 13 public a current list of the colleges and universities partici-
 14 pating in the program under this section. The list shall
 15 specify, for each college or university so listed, appropriate
 16 information on the agreement between the Secretary and
 17 such college or university under subsection (c).

18 “SUBCHAPTER III—ADMINISTRATIVE

19 PROVISIONS

20 “§ 3321. Time limitation for use of and eligibility for 21 entitlement

22 “(a) IN GENERAL.—Except as provided in this sec-
 23 tion, the period during which an individual entitled to edu-
 24 cational assistance under this chapter may use such indi-
 25 vidual’s entitlement expires at the end of the 15-year pe-

1 riod beginning on the date of such individual's last dis-
2 charge or release from active duty.

3 “(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d)
4 of section 3031 of this title shall apply with respect to
5 the running of the 15-year period described in subsection
6 (a) of this section in the same manner as such subsections
7 apply under section 3031 of this title with respect to the
8 running of the 10-year period described in section 3031(a)
9 of this title.

10 “(2) Section 3031(f) of this title shall apply with re-
11 spect to the termination of an individual's entitlement to
12 educational assistance under this chapter in the same
13 manner as such section applies to the termination of an
14 individual's entitlement to educational assistance under
15 chapter 30 of this title, except that, in the administration
16 of such section for purposes of this chapter, the reference
17 to section 3013 of this title shall be deemed to be a ref-
18 erence to 3312 of this title.

19 “(3) For purposes of subsection (a), an individual's
20 last discharge or release from active duty shall not include
21 any discharge or release from a period of active duty of
22 less than 90 days of continuous service, unless the indi-
23 vidual is discharged or released as described in section
24 3311(b)(2) of this title.

1 **“§ 3322. Bar to duplication of educational assistance**
2 **benefits**

3 “(a) IN GENERAL.—An individual entitled to edu-
4 cational assistance under this chapter who is also eligible
5 for educational assistance under chapter 30, 31, 32, or
6 35 of this title, chapter 107, 1606, or 1607 of title 10,
7 or the provisions of the Hostage Relief Act of 1980 (Public
8 Law 96–449; 5 U.S.C. 5561 note) may not receive assist-
9 ance under two or more such programs concurrently, but
10 shall elect (in such form and manner as the Secretary may
11 prescribe) under which chapter or provisions to receive
12 educational assistance.

13 “(b) INAPPLICABILITY OF SERVICE TREATED UNDER
14 EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period
15 of service counted for purposes of repayment of an edu-
16 cation loan under chapter 109 of title 10 may not be
17 counted as a period of service for entitlement to edu-
18 cational assistance under this chapter.

19 “(c) SERVICE IN SELECTED RESERVE.—An indi-
20 vidual who serves in the Selected Reserve may receive
21 credit for such service under only one of this chapter,
22 chapter 30 of this title, and chapters 1606 and 1607 of
23 title 10, and shall elect (in such form and manner as the
24 Secretary may prescribe) under which chapter such service
25 is to be credited.

1 “(d) ADDITIONAL COORDINATION MATTERS.—In the
2 case of an individual entitled to educational assistance
3 under chapter 30, 31, 32, or 35 of this title, chapter 107,
4 1606, or 1607 of title 10, or the provisions of the Hostage
5 Relief Act of 1980, or making contributions toward enti-
6 tlement to educational assistance under chapter 30 of this
7 title, as of the date of the enactment of the Post-9/11 Vet-
8 erans Educational Assistance Act of 2007, coordination
9 of entitlement to educational assistance under this chap-
10 ter, on the one hand, and such chapters or provisions, on
11 the other, shall be governed by the provisions of section
12 3(c) of the Post-9/11 Veterans Educational Assistance Act
13 of 2007.

14 **“§ 3323. Administration**

15 “(a) IN GENERAL.—(1) Except as otherwise provided
16 in this chapter, the provisions specified in section
17 3034(a)(1) of this title shall apply to the provision of edu-
18 cational assistance under this chapter.

19 “(2) In applying the provisions referred to in para-
20 graph (1) to an individual entitled to educational assist-
21 ance under this chapter for purposes of this section, the
22 reference in such provisions to the term ‘eligible veteran’
23 shall be deemed to refer to an individual entitled to edu-
24 cational assistance under this chapter.

1 “(3) In applying section 3474 of this title to an indi-
2 vidual entitled to educational assistance under this chapter
3 for purposes of this section, the reference in such section
4 3474 to the term ‘educational assistance allowance’ shall
5 be deemed to refer to educational assistance payable under
6 section 3313 of this title.

7 “(4) In applying section 3482(g) of this title to an
8 individual entitled to educational assistance under this
9 chapter for purposes of this section—

10 “(A) the first reference to the term ‘educational
11 assistance allowance’ in such section 3482(g) shall
12 be deemed to refer to educational assistance payable
13 under section 3313 of this title; and

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

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

23 “(2) The information described in this paragraph is
24 information on benefits, limitations, procedures, eligibility
25 requirements (including time-in-service requirements),

1 and other important aspects of educational assistance
2 under this chapter, including application forms for such
3 assistance under section 5102 of this title.

4 “(3) The Secretary of Veterans Affairs shall furnish
5 the information and forms described in paragraph (2), and
6 other educational materials on educational assistance
7 under this chapter, to educational institutions, training es-
8 tablishments, military education personnel, and such other
9 persons and entities as the Secretary considers appro-
10 priate.

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

13 “(2) Any regulations prescribed by the Secretary of
14 Defense for purposes of this chapter shall apply uniformly
15 across the Armed Forces.

16 **“§ 3324. Allocation of administration and costs**

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

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

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

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

6 (b) CONFORMING AMENDMENTS.—

7 (1) AMENDMENTS RELATING TO DUPLICATION
 8 OF BENEFITS.—

9 (A) Section 3033 of title 38, United States
 10 Code, is amended—

11 (i) in subsection (a)(1), by inserting
 12 “33,” after “32,”; and

13 (ii) in subsection (c), by striking
 14 “both the program established by this
 15 chapter and the program established by
 16 chapter 106 of title 10” and inserting “two
 17 or more of the programs established by
 18 this chapter, chapter 33 of this title, and
 19 chapters 1606 and 1607 of title 10”.

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

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

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

4 (2) ADDITIONAL CONFORMING AMENDMENTS.—

5 (A) Title 38, United States Code, is fur-
 6 ther amended by inserting “33,” after “32,”
 7 each place it appears in the following provi-
 8 sions:

9 (i) In subsections (b) and (e)(1) of
 10 section 3485.

11 (ii) In section 3688(b).

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

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

15 (v) In subsections (a) and (b) of sec-
 16 tion 3692.

17 (vi) In section 3697(a).

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

21 (c) APPLICABILITY TO INDIVIDUALS UNDER MONT-
 22 GOMERY GI BILL PROGRAM.—

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

25 An individual may elect to receive educational assist-

1 ance under chapter 33 of title 38, United States
2 Code (as added by subsection (a)), if such indi-
3 vidual—

4 (A) as of the date of the enactment of this
5 Act—

6 (i) is entitled to basic educational as-
7 sistance under chapter 30 of title 38,
8 United States Code, and has used, but re-
9 tains unused, entitlement under that chap-
10 ter;

11 (ii) is entitled to educational assist-
12 ance under chapter 107, 1606, or 1607 of
13 title 10, United States Code, and has used,
14 but retains unused, entitlement under the
15 applicable chapter;

16 (iii) is entitled to basic educational as-
17 sistance under chapter 30 of title 38,
18 United States Code, but has not used any
19 entitlement under that chapter;

20 (iv) is entitled to educational assist-
21 ance under chapter 107, 1606, or 1607 of
22 title 10, United States Code, but has not
23 used any entitlement under such chapter;

24 (v) is a member of the Armed Forces
25 who is eligible for receipt of basic edu-

1 cational assistance under chapter 30 of
 2 title 38, United States Code, and is mak-
 3 ing contributions toward such assistance
 4 under section 3011(b) or 3012(c) of such
 5 title; or

6 (vi) is a member of the Armed Forces
 7 who is not entitled to basic educational as-
 8 sistance under chapter 30 of title 38,
 9 United States Code, by reason of an elec-
 10 tion under section 3011(c)(1) or
 11 3012(d)(1) of such title; and

12 (B) as of the date of the individual's elec-
 13 tion under this paragraph, meets the require-
 14 ments for entitlement to educational assistance
 15 under chapter 33 of title 38, United States
 16 Code (as so added).

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

19 (A) ELECTION.—If, on the date an indi-
 20 vidual described in subparagraph (A)(i) or
 21 (A)(iii) of paragraph (1) makes an election
 22 under that paragraph, a transfer of the entitle-
 23 ment of the individual to basic educational as-
 24 sistance under section 3020 of title 38, United
 25 States Code, is in effect and a number of

1 months of the entitlement so transferred remain
2 unutilized, the individual may elect to revoke all
3 or a portion of the entitlement so transferred
4 that remains unutilized.

5 (B) AVAILABILITY OF REVOKED ENTITLE-
6 MENT.—Any entitlement revoked by an indi-
7 vidual under this paragraph shall no longer be
8 available to the dependent to whom transferred,
9 but shall be available to the individual instead
10 for educational assistance under chapter 33 of
11 title 38, United States Code (as so added), as
12 provided in paragraph (3)(B).

13 (C) AVAILABILITY OF UNREVOKED ENTI-
14 TLEMENT.—Any entitlement described in sub-
15 paragraph (A) that is not revoked by an indi-
16 vidual in accordance with that subparagraph
17 shall remain available to the dependent or de-
18 pendents concerned in accordance with the cur-
19 rent transfer of such entitlement under section
20 3020 of title 38, United States Code.

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

22 (A) IN GENERAL.—Subject to subpara-
23 graph (B), an individual making an election
24 under paragraph (1) shall be entitled to edu-
25 cational assistance under chapter 33 of title 38,

1 United States Code (as so added), in accord-
2 ance with the provisions of such chapter, in-
3 stead of basic educational assistance under
4 chapter 30 of title 38, United States Code, or
5 educational assistance under chapter 107,
6 1606, or 1607 of title 10, United States Code,
7 as applicable.

8 (B) LIMITATION ON ENTITLEMENT FOR
9 CERTAIN INDIVIDUALS.—In the case of an indi-
10 vidual making an election under paragraph (1)
11 who is described by subparagraph (A)(i) of that
12 paragraph, the number of months of entitle-
13 ment of such individual to educational assist-
14 ance under chapter 33 of title 38, United
15 States Code (as so added), shall be the number
16 of months equal to the number of months of
17 unused entitlement of such individual under
18 chapter 30 of title 38, United States Code, as
19 of the date of the election, including any num-
20 ber of months entitlement revoked by the indi-
21 vidual under paragraph (2)(A).

22 (4) CONTINUING EDUCATIONAL ASSISTANCE
23 UNDER MONTGOMERY GI BILL.—

24 (A) IN GENERAL.—If the aggregate
25 amount of entitlement to educational assistance

1 under chapter 33 of title 38, United States
2 Code (as so added), accumulated by an indi-
3 vidual described in subparagraph (A)(i) or
4 (A)(ii) of paragraph (1) who makes an election
5 under that paragraph is less than 36 months,
6 the individual shall retain, and may utilize, any
7 unutilized entitlement of the individual to edu-
8 cational assistance under chapter 30 of title 38,
9 United States Code, or chapter 107, 1606, or
10 1607 of title 10, United States Code, as appli-
11 cable, for a number of months equal to the less-
12 er of—

13 (i) 36 months minus the number of
14 months of entitlement so accumulated by
15 the individual; or

16 (ii) the number of months of such un-
17 utilized entitlement of the individual.

18 (B) UTILIZATION OF RETAINED ENTITLE-
19 MENT.—The utilization of entitlement retained
20 by an individual under this paragraph shall be
21 governed by the provisions of chapter 30 of title
22 38, United States Code, or chapter 107, 1606,
23 or 1607 of title 10, United States Code, as ap-
24 plicable.

1 (5) TREATMENT OF CONTRIBUTIONS TOWARD
2 BASIC EDUCATIONAL ASSISTANCE.—

3 (A) REFUND OF CONTRIBUTIONS.—Except
4 as provided in subparagraph (B), the Secretary
5 of Veterans Affairs shall pay to each individual
6 making an election under paragraph (1) who is
7 described by clause (i), (iii), or (v) of subpara-
8 graph (A) of that paragraph an amount equal
9 to the total amount of contributions made by
10 such individual under subchapter II of chapter
11 30 of title 38, United States Code, for basic
12 educational assistance under that chapter, in-
13 cluding any contributions made under sub-
14 section (b) or (e) of section 3011 of such title
15 or any contributions made under subsection (c)
16 or (f) of section 3012 of such title.

17 (B) EXCEPTION.—In the case of an indi-
18 vidual described by subparagraph (A) who is
19 entitled to basic educational assistance under
20 chapter 30 of title 38, United States Code, by
21 reason of paragraph (4)(A), the amount payable
22 to the individual under this paragraph shall be
23 an amount equal to—

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

(ii) a fraction—

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

(II) the denominator of which is 36.

(C) CESSATION OF CONTRIBUTIONS.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of such individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to such person.

(6) TERMINATION OF ENTITLEMENT UNDER MONTGOMERY GI BILL.—Except as otherwise pro-

1 vided in paragraph (4), effective on the last day of
 2 the month in which an individual makes an election
 3 under paragraph (1), the entitlement, if any, of the
 4 individual to basic educational assistance under
 5 chapter 30 of title 38, United States Code, or edu-
 6 cational assistance under chapter 107, 1606, or
 7 1607 of title 10, United States Code, as applicable,
 8 shall terminate.

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

11 **SEC. 3. TREATMENT AS OTHER FINANCIAL AID.**

12 Section 480(j)(1) of the Higher Education Act of
 13 1965 (20 U.S.C. 1087vv(j)(1)) is amended—

14 (1) by striking “veterans’ education benefits as
 15 in subsection (c) of this section, and”; and

16 (2) by inserting before the period at the end the
 17 following: “, but excluding any payments of edu-
 18 cational assistance to veterans under title 38, United
 19 States Code, and to members of the Selected Re-
 20 serve under chapters 1606 and 1607 of title 10,
 21 United States Code”.

○