

section [amending this chapter] shall take effect on July 1, 1985, and shall apply only to members of the Armed Forces who qualify for educational assistance under chapter 106 of title 10, United States Code, as amended by subsection (a), on or after such date.”

#### EFFECTIVE DATE OF 1980 AMENDMENTS

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

Pub. L. 96-342, title IX, §906(a)(2), Sept. 8, 1980, 94 Stat. 1117, provided that: “The amendments made by paragraph (1) [amending this section] shall take effect on October 1, 1980.”

#### EFFECTIVE DATE OF 1979 AMENDMENT

Pub. L. 96-107, title IV, §402(c), Nov. 9, 1979, 93 Stat. 808, provided that: “The amendments made by this section [amending sections 2131 and 2133 [now 16131 and 16133] of this title] shall apply only to individuals enlisting in the Reserves after September 30, 1979.”

#### INCREASE IN BENEFIT FOR INDIVIDUALS PURSUING APPRENTICESHIP OR ON-JOB TRAINING; SELECTED RESERVE MONTGOMERY GI BILL

Pub. L. 108-454, title I, §103(d), Dec. 10, 2004, 118 Stat. 3601, provided that: “For months beginning on or after October 1, 2005, and before January 1, 2008, subsection (d)(1) of section 16131 of title 10, United States Code, shall be applied as if—

- “(1) the reference to ‘75 percent’ in subparagraph (A) were a reference to ‘85 percent’;
- “(2) the reference to ‘55 percent’ in subparagraph (B) were a reference to ‘65 percent’; and
- “(3) the reference to ‘35 percent’ in subparagraph (C) were a reference to ‘45 percent’.”

#### 1995 COST-OF-LIVING ADJUSTMENT IN RATES OF EDUCATIONAL ASSISTANCE

Pub. L. 103-66, title XII, §12009(c), Aug. 10, 1993, 107 Stat. 416, provided that the fiscal year 1995 cost-of-living adjustments in the rates of educational assistance payable under chapter 30 of Title 38, Veterans’ Benefits, and this chapter were to be the percentage equal to 50 percent of the percentage by which such assistance would be increased under section 3015(g) of Title 38 and subsec. (b)(2) of this section but for section 12009 of Pub. L. 103-66.

#### § 16131a. Accelerated payment of educational assistance

(a) The educational assistance allowance payable under section 16131 of this title with respect to an eligible person described in subsection (b) may, upon the election of such eligible person, be paid on an accelerated basis in accordance with this section.

(b) An eligible person described in this subsection is a person entitled to educational assistance under this chapter who is—

- (1) enrolled in an approved program of education not exceeding two years in duration and not leading to an associate, bachelors, masters, or other degree, subject to subsection (g); and
- (2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title.

(c)(1) The amount of the accelerated payment of educational assistance payable with respect

to an eligible person making an election under subsection (a) for a program of education shall be the lesser of—

- (A) the amount equal to 60 percent of the established charges for the program of education; or
- (B) the aggregate amount of educational assistance allowance to which the person remains entitled under this chapter at the time of the payment.

(2)(A) In this subsection, except as provided in subparagraph (B), the term “established charges”, in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary of Veterans Affairs) for tuition and fees which similarly circumstanced individuals who are not eligible for benefits under this chapter and who are enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

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

(B) In this subsection, the term “established charges” does not include any fees or payments attributable to the purchase of a vehicle.

(3) The educational institution providing the program of education for which an accelerated payment of educational assistance allowance is elected by an eligible person under subsection (a) shall certify to the Secretary of Veterans Affairs the amount of the established charges for the program of education.

(d) An accelerated payment of educational assistance allowance made with respect to an eligible person under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary of Veterans Affairs receives a certification from the educational institution regarding—

- (1) the person’s enrollment in and pursuit of the program of education; and
- (2) the amount of the established charges for the program of education.

(e)(1) Except as provided in paragraph (2), for each accelerated payment of educational assistance allowance made with respect to an eligible person under this section, the person’s entitlement to educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of educational assistance allowance otherwise payable with respect to the person under section 16131 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

(2) If the monthly rate of educational assistance allowance otherwise payable with respect to an eligible person under section 16131 of this

title increases during the enrollment period of a program of education for which an accelerated payment of educational assistance allowance is made under this section, the charge to the person's entitlement to educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the manner provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary of Veterans Affairs.

(f) The Secretary of Veterans Affairs shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment of educational assistance allowance under this section. The regulations may include such elements of the regulations prescribed under section 3014A of title 38 as the Secretary of Veterans Affairs considers appropriate for purposes of this section.

(g) The aggregate amount of educational assistance payable under this section in any fiscal year for enrollments covered by subsection (b)(1) may not exceed \$4,000,000.

(Added Pub. L. 110-181, div. A, title V, §528(a)(1), Jan. 28, 2008, 122 Stat. 105.)

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Pub. L. 110-181, div. A, title V, §528(a)(3), Jan. 28, 2008, 122 Stat. 107, provided that: "The amendments made by this subsection [enacting this section] shall take effect on October 1, 2008, and shall only apply to initial enrollments in approved programs of education after such date."

#### § 16132. Eligibility for educational assistance

(a) A person who—

(1) after June 30, 1985—

(A) enlists, reenlists, or extends an enlistment as a Reserve for service in the Selected Reserve for a period of not less than six years; or

(B) is appointed as, or is serving as, a reserve officer and agrees to serve in the Selected Reserve for a period of not less than six years in addition to any other period of obligated service in the Selected Reserve to which the person may be subject; and

(2) before applying for benefits under this section, has completed the requirements of a secondary school diploma (or an equivalency certificate);

is entitled to educational assistance under section 16131 of this title.

(b) Educational assistance may not be provided to a member under this chapter until the member has completed the initial period of active duty for training required of the member.

(c) Each person who becomes entitled to educational assistance under subsection (a) shall at the time the person becomes so entitled be given a statement in writing summarizing the provisions of this chapter and stating clearly and prominently the substance of sections 16134 and

16135 of this title as such sections may apply to the person. At the request of the Secretary of Veterans Affairs, the Secretary of Defense shall transmit a notice of entitlement for each such person to that Secretary.

(d) A person who serves in the Selected Reserve may not receive credit for such service under both the program established by chapter 30 of title 38 and the program established by this chapter but shall elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) the program to which such service is to be credited. However, a person may not receive credit under the program established by this chapter for service (in any grade) on full-time active duty or full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components in a position which is included in the end strength required to be authorized each year by section 115(a)(1)(B) of this title.

(Added Pub. L. 95-79, title IV, §402(a), July 30, 1977, 91 Stat. 329, §2132; amended Pub. L. 95-485, title IV, §402(a), Oct. 20, 1978, 92 Stat. 1613; Pub. L. 96-513, title V, §511(69), Dec. 12, 1980, 94 Stat. 2926; Pub. L. 98-525, title VII, §705(a)(1), Oct. 19, 1984, 98 Stat. 2565; Pub. L. 100-48, §4, June 1, 1987, 101 Stat. 331; Pub. L. 100-689, title I, §§110(b), 111(b)(2)-(4), Nov. 18, 1988, 102 Stat. 4170, 4173; Pub. L. 101-189, div. A, title VI, §§643(a), 645(a), (b)(2), Nov. 29, 1989, 103 Stat. 1458; Pub. L. 102-25, title VII, §701(f)(6), Apr. 6, 1991, 105 Stat. 115; renumbered §16132 and amended Pub. L. 103-337, div. A, title XVI, §1663(b)(2), (4), Oct. 5, 1994, 108 Stat. 3006, 3007; Pub. L. 104-106, div. A, title XV, §1501(b)(34), Feb. 10, 1996, 110 Stat. 498; Pub. L. 106-419, title I, §102(d), Nov. 1, 2000, 114 Stat. 1825.)

#### Editorial Notes

##### AMENDMENTS

2000—Subsec. (a)(2). Pub. L. 106-419 amended par. (2) generally. Prior to amendment, par. (2) read as follows: "before completing initial active duty for training has completed the requirements of a secondary school diploma (or an equivalency certificate), or in the case of an individual who reenlists or extends an enlistment as described in paragraph (1)(A) of this subsection, has completed such requirements at any time before such reenlistment or extension;"

1996—Subsec. (c). Pub. L. 104-106 substituted "sections 16134" for "section 16134".

1994—Pub. L. 103-337, §1663(b)(2), renumbered section 2132 of this title as this section.

Subsec. (a). Pub. L. 103-337, §1663(b)(4)(A), substituted "16131" for "2131" in concluding provisions.

Subsec. (c). Pub. L. 103-337, §1663(b)(4)(B), substituted "section 16134 and 16135" for "sections 2134 and 2135".

1991—Subsec. (d). Pub. L. 102-25 substituted "section 115(a)(1)(B)" for "section 115(b)(1)(A)(ii)".

1989—Subsec. (c). Pub. L. 101-189, §645(a), substituted "Secretary of Veterans Affairs" for "Administrator of Veterans Affairs" and "to that Secretary" for "to the Administrator".

Subsec. (d). Pub. L. 101-189, §645(a)(1), (b)(2), substituted "A person" for "An individual" and "Secretary of Veterans Affairs" for "Administrator of Veterans Affairs".

Pub. L. 101-189, §643(a), inserted at end "However, a person may not receive credit under the program established by this chapter for service (in any grade) on full-time active duty or full-time National Guard duty for