

(2) The amount of educational assistance which may be provided to any person for a standard academic year (or the equivalent) may not exceed \$1,200, adjusted in accordance with section 2145 of this title.

(c) In this section, the term "accredited institution" means a civilian college or university or a trade, technical, or vocational school in the United States (including the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands) that provides education at the postsecondary level and that is accredited by a nationally recognized accrediting agency or association or by an accrediting agency or association recognized by the Secretary of Education.

(Added Pub. L. 96-342, title IX, §901(a), Sept. 8, 1980, 94 Stat. 1112; amended Pub. L. 100-180, div. A, title XII, §1231(18)(A), Dec. 4, 1987, 101 Stat. 1161.)

Editorial Notes

AMENDMENTS

1987—Subsec. (c). Pub. L. 100-180 inserted "the term" after "In this section,".

§2144. Subsistence allowance

(a) Subject to subsection (b), a person entitled to educational assistance under this chapter is entitled to receive a monthly subsistence allowance during any period for which educational assistance is provided such person. The amount of a subsistence allowance under this section is \$300 per month, adjusted in accordance with section 2145 of this title, in the case of a person pursuing a course of instruction on a full-time basis and is one-half of such amount (as so adjusted) in the case of a person pursuing a course of instruction on less than a full-time basis.

(b) The number of months for which a subsistence allowance may be provided to any person under this section is computed on the basis of nine months for each standard academic year of educational assistance to which such person is entitled.

(c) For purposes of subsection (a), a person shall be considered to be pursuing a course of instruction on a full-time basis if the person is enrolled in twelve or more semester hours of instruction (or the equivalent, as determined by Secretary concerned).

(Added Pub. L. 96-342, title IX, §901(a), Sept. 8, 1980, 94 Stat. 1112.)

§2145. Adjustments of amount of educational assistance and of subsistence allowance

(a) Once each year, the Secretary of Defense shall adjust the amount of educational assistance which may be provided to any person in any standard academic year under section 2143 of this title, and the amount of the subsistence allowance authorized under section 2144 of this title for pursuit of a course of instruction on a full-time basis, in a manner consistent with the change over the preceding twelve-month period in the average actual cost of attendance at public institutions of higher education.

(b) In this section, the term "actual cost of attendance" has the meaning given the term "cost

of attendance" by section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll).

(Added Pub. L. 96-342, title IX, §901(a), Sept. 8, 1980, 94 Stat. 1113; amended Pub. L. 100-180, div. A, title XII, §1231(18)(A), Dec. 4, 1987, 101 Stat. 1161; Pub. L. 103-35, title II, §201(c)(2), May 31, 1993, 107 Stat. 98.)

Editorial Notes

AMENDMENTS

1993—Subsec. (b). Pub. L. 103-35 substituted "has the meaning given the term 'cost of attendance' by section 472 of the Higher Education Act of 1965 (20 U.S.C. 1087ll)" for "means the actual cost of attendance as determined by the Secretary of Education pursuant to section 411(a)(2)(B)(iv) of the Higher Education Act of 1965 (20 U.S.C. 1070a(a)(2)(B)(iv))".

1987—Subsec. (b). Pub. L. 100-180 inserted "the term" after "In this section,".

§2146. Right of member upon subsequent reenlistment to lump-sum payment in lieu of educational assistance

(a) A member who is entitled to educational assistance under this chapter and who reenlists at the end of the enlistment which established such entitlement may, at the time of such reenlistment, elect to receive a lump-sum payment computed under subsection (b) in lieu of receiving such educational assistance. An election to receive such a lump-sum payment is irrevocable.

(b) The amount of a lump-sum payment under subsection (a) is 60 percent of the sum of—

(1) the product of (A) the rate for educational assistance under section 2143(b) of this title applicable to such member which is in effect at the time of such reenlistment, and (B) the number of standard academic years of entitlement of such member to such assistance; and

(2) the product of (A) the rate for the subsistence allowance authorized under section 2144 of this title for pursuit of a course of instruction on a full-time basis at the time of such reenlistment, and (B) the number of months of entitlement of such member to such allowance.

(Added Pub. L. 96-342, title IX, §901(a), Sept. 8, 1980, 94 Stat. 1113.)

§2147. Right of member after reenlisting to transfer entitlement to spouse or dependent children

(a)(1)(A) A person who is entitled to educational assistance under section 2142 of this title and who reenlisted in an armed force at any time after the end of the enlistment which established such entitlement may at any time after such reenlistment elect to transfer all or any part of such entitlement to the spouse or dependent child of such person.

(B) The Secretary of the Navy may authorize a member of the Navy or Marine Corps who is entitled to educational assistance under section 2142 of this title and whose enlistment that established such entitlement was the member's second reenlistment as a member of the armed forces to transfer all or part of such entitlement to the spouse or dependent child of such member

after the completion of four years of active service of that second reenlistment if that reenlistment was for a period of at least six years.

(C) A transfer under this paragraph may be revoked at any time by the person making the transfer.

(2) If a person described in paragraph (1) dies before making an election authorized by such paragraph but has never made an election not to transfer such entitlement, any unused entitlement of such person shall be automatically transferred to such person's surviving spouse or (if there is no eligible surviving spouse) to such person's dependent children. A surviving spouse to whom entitlement to educational assistance is transferred under this paragraph may elect to transfer such entitlement to the dependent children of the person whose service established such entitlement.

(3) Any transfer of entitlement under this subsection shall be made in accordance with regulations prescribed by the Secretary of the military department concerned.

(b) A spouse or surviving spouse or a dependent child to whom entitlement is transferred under subsection (a) is entitled to educational assistance under this chapter in the same manner and at the same rate as the person from whom the entitlement was transferred.

(c) The total amount of educational assistance available to a person entitled to educational assistance under section 2142 of this title and to the person's spouse, surviving spouse, and dependent children is the amount of educational assistance to which the person is entitled. If more than one person is being provided educational assistance for the same period by virtue of the entitlement of the same person, the subsistence allowance authorized by section 2144 of this title shall be divided in such manner as the person may specify or (if the person fails to specify) as the Secretary concerned may prescribe.

(d) In this section:

(1) The term "dependent child" has the meaning given the term "dependent" in section 1072(2)(D) of this title.

(2) The term "surviving spouse" means a widow or widower who is not remarried.

(Added Pub. L. 96-342, title IX, § 901(a), Sept. 8, 1980, 94 Stat. 1113; amended Pub. L. 97-22, § 10(b)(3), July 10, 1981, 95 Stat. 137; Pub. L. 99-145, title VI, § 673, Nov. 8, 1985, 99 Stat. 664; Pub. L. 100-180, div. A, title XII, § 1231(17), Dec. 4, 1987, 101 Stat. 1161.)

Editorial Notes

AMENDMENTS

1987—Subsec. (d)(1), (2). Pub. L. 100-180 inserted "The term" after each par. designation and revised first word in quotes in each par. to make initial letter of such word lowercase.

1985—Subsec. (a)(1). Pub. L. 99-145 designated existing first sentence as subpar. (A), added subpar. (B), and incorporated existing second sentence as subpar. (C).

1981—Subsec. (d)(1). Pub. L. 97-22 substituted "section 1072(2)(D) of this title" for "section 1072(2)(E) of this title".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1981 AMENDMENT

Pub. L. 97-22, § 10(b), July 10, 1981, 95 Stat. 137, provided that the amendment made by that section is effective Sept. 15, 1981.

§ 2148. Duration of entitlement

The entitlement of any person to educational assistance under this chapter expires at the end of the ten-year period beginning on the date of the retirement or discharge or other separation from active duty of the person upon whose service such entitlement is based. In the case of a member entitled to educational assistance under this chapter who dies while on active duty and whose entitlement is transferred to a spouse or dependent child, such entitlement expires at the end of the ten-year period beginning on the date of such member's death.

(Added Pub. L. 96-342, title IX, § 901(a), Sept. 8, 1980, 94 Stat. 1114.)

§ 2149. Applications for educational assistance

To receive educational assistance benefits under this chapter, a person entitled to such assistance under section 2142 or 2147 of this title shall submit an application for such assistance to the Secretary concerned in such form and manner as the Secretary concerned may prescribe.

(Added Pub. L. 96-342, title IX, § 901(a), Sept. 8, 1980, 94 Stat. 1114.)

CHAPTER 107—PROFESSIONAL MILITARY EDUCATION

Sec.

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| 2151. | Definitions. |
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| [2157.] | Repealed.] |

Editorial Notes

PRIOR PROVISIONS

A prior chapter 107 was renumbered chapter 106A of this title.

AMENDMENTS

2017—Pub. L. 115-91, div. A, title X, § 1051(a)(10)(B), Dec. 12, 2017, 131 Stat. 1561, struck out item 2157 "Annual report to Congress".

2006—Pub. L. 109-364, div. A, title X, § 1071(a)(12), (13), Oct. 17, 2006, 120 Stat. 2399, substituted "Joint professional" for "Professional" in item 2152 and "Phase" for "phase" in item 2155.

§ 2151. Definitions

(a) JOINT PROFESSIONAL MILITARY EDUCATION.—Joint professional military education consists of the rigorous and thorough instruction and examination of officers of the armed forces in an environment designed to promote a theoretical and practical in-depth understanding