

(c) CHARGE AGAINST ENTITLEMENT.—The number of months of entitlement charged an individual under this chapter for a covered preparatory course shall be pro-rated based on the actual amount of the fee charged for the covered preparatory course relative to the rate for 1 month payable—

(1) for the academic year beginning on August 1, 2020, \$2,042; or

(2) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subsection, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h).

(d) COVERED PREPARATORY COURSE DEFINED.—In this section, the term “covered preparatory course” means a course—

(1) for a licensing or certification test that is required or used to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession; and

(2) that has been approved by the State approving agency concerned.

(Added Pub. L. 116-154, §5(a), Aug. 8, 2020, 134 Stat. 691.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 116-154, §5(d), Aug. 8, 2020, 134 Stat. 692, provided that: “The amendment made by subsection (a) [enacting this section] shall take effect on August 1, 2021.”

§ 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—

(1) IN GENERAL.—In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c), or under paragraphs (2) through (6) of such section (as applicable).

(2) MAXIMUM AMOUNT OF INCREASE IN ASSISTANCE.—The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) at the time of the increase under paragraph (1).

(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—

(1) IN GENERAL.—The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30. The amount so payable shall be payable as an increase in the monthly amount of educational assistance

otherwise payable to the individual under paragraph (1)(B) of section 3313(c), or under paragraphs (2) through (6) of such section (as applicable).

(2) ELIGIBILITY.—Eligibility for supplemental educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

(3) AMOUNT.—The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational assistance payable under section 3022.

(c) CONTINUATION OF INCREASED EDUCATIONAL ASSISTANCE.—

(1) IN GENERAL.—An individual who made an election to receive educational assistance under this chapter pursuant to section 5003(c)(1)(A) of the Post-9/11 Veterans Educational Assistance Act of 2008 (38 U.S.C. 3301 note) and who, at the time of the election, was entitled to increased educational assistance under section 3015(d) or section 16131(i) of title 10 shall remain entitled to increased educational assistance in the utilization of the individual's entitlement to educational assistance under this chapter.

(2) RATE.—The monthly rate of increased educational assistance payable to an individual under paragraph (1) shall be—

(A) the rate of educational assistance otherwise payable to the individual under section 3015(d) or section 16131(i) of title 10, as the case may be, had the individual not made the election described in paragraph (1), multiplied by

(B) the lesser of—

(i) 1.0; or

(ii) the number of course hours borne by the individual in pursuit of the program of education involved divided by the minimum number of course hours required for full-time pursuit of the program of education, rounded to the nearest multiple of 10.

(3) FREQUENCY OF PAYMENT.—Payment of the amounts payable under paragraph (1) during pursuit of a program of education shall be made on a monthly basis.

(d) FUNDING.—Payments for increased educational assistance under this section shall be made from the Department of Defense Education Benefits Fund under section 2006 of title 10 or from appropriations available to the Department of Homeland Security for that purpose, as applicable.

(e) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

(Added Pub. L. 110-252, title V, §5003(a)(1), June 30, 2008, 122 Stat. 2367; amended Pub. L. 111-275, title X, §1001(g)(4), (5), Oct. 13, 2010, 124 Stat.

2896; Pub. L. 111-377, title I, §109(a)-(b)(1), Jan. 4, 2011, 124 Stat. 4119, 4120; Pub. L. 115-48, title I, §105(c)(3), Aug. 16, 2017, 131 Stat. 976.)

Editorial Notes

REFERENCES IN TEXT

Section 5003(c)(1)(A) of the Post-9/11 Veterans Educational Assistance Act of 2008, referred to in subsec. (c)(1), is section 5003(c)(1)(A) of Pub. L. 110-252, which is set out as a note under section 3301 of this title.

AMENDMENTS

2017—Subsecs. (a)(1), (b)(1). Pub. L. 115-48 substituted “paragraphs (2) through (6)” for “paragraphs (2) through (7)”.

2011—Subsec. (c). Pub. L. 111-377, §109(a)(2), added subsec. (c). Former subsec. (c) redesignated (e).

Subsec. (d). Pub. L. 111-377, §109(b)(1), added subsec. (d).

Subsec. (e). Pub. L. 111-377, §109(a)(1), redesignated subsec. (c) as (e).

2010—Subsec. (b)(2). Pub. L. 111-275, §1001(g)(4), substituted “supplemental” for “supplement”.

Subsec. (b)(3). Pub. L. 111-275, §1001(g)(5), substituted “educational assistance payable under section 3022” for “educational payable under section 3022”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2017 AMENDMENT

Amendment by Pub. L. 115-48 effective Aug. 1, 2020, see section 105(d) of Pub. L. 115-48, set out as a note under section 3311 of this title.

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111-377 effective Aug. 1, 2011, see section 109(c) of Pub. L. 111-377, set out as a note under section 2006 of Title 10, Armed Forces.

EFFECTIVE DATE

Section effective Aug. 1, 2009, see section 5003(d) of Pub. L. 110-252, set out as an Effective Date of 2008 Amendment note under section 16163 of Title 10, Armed Forces.

§ 3317. Public-private contributions for additional educational assistance

(a) ESTABLISHMENT OF PROGRAM.—In instances where the educational assistance provided pursuant to section 3313(c)(1)(A) does not cover the full cost of tuition and fees for a program of education, the Secretary shall carry out a program under which colleges and universities can, voluntarily, enter into an agreement with the Secretary to cover a portion of such tuition and fees not otherwise covered under subsection (c)(1)(A) or (e)(2)(A) of section 3313 of this title, which contributions shall be matched by equivalent contributions toward such costs by the Secretary. The program shall only apply to covered individuals described in paragraphs (1), (2), (8), (9), (10), and (11) of section 3311(b).

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

(c) AGREEMENTS.—The Secretary shall enter into an agreement with each college or university seeking to participate in the program under this section. Each agreement shall specify the following:

(1) The manner (whether by direct grant, scholarship, or otherwise) of the contributions

to be made by the college or university concerned.

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

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

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

(d) MATCHING CONTRIBUTIONS.—

(1) IN GENERAL.—In instances where the educational assistance provided an individual under section 3313(c)(1)(A) does not cover the full cost of tuition and mandatory fees at a college or university, the Secretary shall provide up to 50 percent of the remaining costs for tuition and mandatory fees if the college or university voluntarily enters into an agreement with the Secretary to match an equal percentage of any of the remaining costs for such tuition and fees.

(2) USE OF APPROPRIATED FUNDS.—Amounts available to the Secretary under section 3324(b) for payment of the costs of this chapter shall be available to the Secretary for purposes of paragraph (1).

(e) OUTREACH.—The Secretary shall make available on the Internet website of the Department available to the public a current list of the colleges and universities participating in the program under this section. The list shall specify, for each college or university so listed, appropriate information on the agreement between the Secretary and such college or university under subsection (c).

(Added Pub. L. 110-252, title V, §5003(a)(1), June 30, 2008, 122 Stat. 2368; amended Pub. L. 115-48, title I, §§103(a), 104(a), 105(c)(4), Aug. 16, 2017, 131 Stat. 975, 976; Pub. L. 116-315, title I, §§1002(b)(3), 1008, Jan. 5, 2021, 134 Stat. 4938, 4940.)

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-315, §1008, substituted “the full cost of tuition and fees for a program of education” for “the full cost of established charges (as specified in section 3313)” and “such tuition and fees” for “those established charges”.

Pub. L. 116-315, §1002(b)(3), substituted “paragraphs (1), (2), (8), (9), (10), and (11)” for “paragraphs (1), (2), (8), and (9)”.

2017—Subsec. (a). Pub. L. 115-48, §105(c)(4), substituted “paragraphs (1), (2), (8), and (9)” for “paragraphs (1), (2), (9), and (10)”.

Pub. L. 115-48, §104(a), which directed substitution of “subsection (c)(1)(A) or (e)(2)(A) of section 3313 of this title” for “section 3313(c)(1)(A)” in the first sentence, was executed in both places where “section 3313(c)(1)(A)” appeared, to reflect the probable intent of Congress.

Pub. L. 115-48, §103(a), substituted “paragraphs (1), (2), (9), and (10)” for “paragraphs (1) and (2)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1002(b)(3) of Pub. L. 116-315 effective immediately after the amendments made by