

tion 3319(h) of title 38, United States Code, shall apply with respect to an eligible individual who dies on or after November 1, 2018.’’

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 116-315, title I, §1011(b), Jan. 5, 2021, 134 Stat. 4942, provided that: ‘‘The amendment made by subsection (a) [amending this section] shall apply with respect to educational assistance payable under chapter 33 of title 38, United States Code, before, on, or after the date that is 90 days after the date of the enactment of this Act [Jan. 5, 2021].’’

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115-48, title I, §110(b), Aug. 16, 2017, 131 Stat. 981, provided that:

‘‘(1) ELIGIBLE DEATHS.—The amendments made by this section [amending this section] shall apply with respect to deaths occurring on or after August 1, 2009.

‘‘(2) USE OF ENTITLEMENT.—A dependent to whom entitlement to educational assistance is transferred under subsection (k) or (l) of section 3319 of title 38, United States Code, as added by subsection (a), may use such entitlement to pursue a course of education beginning on or after August 1, 2018.’’

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-377, title I, §110(c), Jan. 4, 2011, 124 Stat. 4120, provided that: ‘‘The amendments made by this section [amending this section] shall take effect on August 1, 2011.’’

Amendment by section 201(b) of Pub. L. 111-377 effective Aug. 1, 2011, and applicable with respect to preventions and suspension of pursuit of programs of education that commence on or after that date, see section 201(d) of Pub. L. 111-377, set out as a note under section 3031 of this title.

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.

EXTENSION OF TIME LIMITATIONS FOR USE OF ENTITLEMENT: TRANSFER PERIOD

Pub. L. 116-315, title I, §1107(d)(2), Jan. 5, 2021, 134 Stat. 4966, amended text temporarily added by Pub. L. 116-140, §6(b)(2), formerly set out below.

Pub. L. 116-140, §6(b)(2), Apr. 28, 2020, 134 Stat. 633, which temporarily allowed for an extension of time to use entitled educational benefits because of closure of an educational institution, was repealed by Pub. L. 117-333, §3(f), Jan. 5, 2023, 136 Stat. 6128. See subsec. (h)(5)(C) of this section.

§ 3320. Edith Nourse Rogers STEM Scholarship

(a) IN GENERAL.—Subject to the limitation under subsection (f), the Secretary shall provide additional benefits to eligible individuals selected by the Secretary under this section. Such benefits shall be known as the ‘‘Edith Nourse Rogers STEM Scholarship’’.

(b) ELIGIBILITY.—For purposes of this section, an eligible individual is an individual—

(1) who is or was entitled to educational assistance under section 3311 of this title;

(2) who has used all of the educational assistance to which the individual is entitled under this chapter or will, based on the individual’s rate of usage, use all of such assistance within 180 days of applying for benefits under this section;

(3) who applies for assistance under this section; and

(4) who—

(A) is an individual who—

(i) is enrolled in a program of education leading to a post-secondary degree that, in accordance with the guidelines of the applicable regional or national accrediting agency, requires at least the standard 120 semester (or 180 quarter) credit hours for completion in a standard, undergraduate college degree, or a dual degree program that includes such an undergraduate college degree, in—

(I) biological or biomedical science;

(II) physical science;

(III) science technologies or technicians;

(IV) computer and information science and support services;

(V) mathematics or statistics;

(VI) engineering;

(VII) engineering technologies or an engineering-related field;

(VIII) a health profession or related program;

(IX) an agriculture science program or a natural resources science program; or

(X) other subjects and fields identified by the Secretary as meeting national needs;

(ii) has completed at least 60 standard semester (or 90 quarter) credit hours in a field referred to in clause (i); or

(B) is an individual who has earned a post-secondary degree in a field referred to in subparagraph (A)(i) and is enrolled in a covered clinical training program for health care professionals or a program of education leading to a teaching certification; or

(C) is an individual who has earned a graduate degree in a field referred to in subparagraph (A)(i) and is enrolled in a covered clinical training program for health care professionals.

(c) PRIORITY.—(1) If the Secretary determines that there are insufficient funds available in a fiscal year to provide additional benefits under this section to all eligible individuals, the Secretary may give priority to the following eligible individuals:

(A) Individuals who require the most credit hours described in subsection (b)(4).

(B) Individuals who are entitled to educational assistance under this chapter by reason of paragraph (1), (2), (8), (9), (10), or (11) of section 3311(b) of this title.

(2) The Secretary shall give priority to individuals under paragraph (1) in the following order:

(A) Individuals who are enrolled in a program of education leading to an undergraduate degree in a field referred to in subsection (b)(4)(A)(i).

(B) Individuals who are enrolled in a program of education leading to a teaching certificate.

(C) Individuals who are enrolled in a dual-degree program leading to both an undergraduate and graduate degree in a field referred to in subsection (b)(4)(A)(i).

(D) Individuals who have earned an undergraduate degree and are enrolled in a covered

clinical training program for health care professionals.

(E) Individuals who have earned a graduate degree and are enrolled in a covered clinical training program for health care professionals.

(d) AMOUNT OF ASSISTANCE.—(1) The Secretary shall pay to each eligible individual who receives additional benefits under this section the monthly amount payable under section 3313 of this title for not more than 9 months of the program of education in which the individual is enrolled (adjusted with respect to the individual pursuant to section 3313(c), as appropriate), except that the aggregate amount paid to an individual under this section may not exceed \$30,000.

(2) The Secretary may not pay to such an individual an amount in addition to the amount payable under paragraph (1) by reason of section 3317 of this title.

(3) An individual who receives additional benefits under this section may also receive amounts payable by a college or university pursuant to section 3317 of this title.

(4) Notwithstanding any other provision of this chapter or chapter 36 of this title, any additional benefits under this section may not be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of allowance or assistance.

(e) PROHIBITION ON TRANSFER.—An individual who receives additional benefits under this section may not transfer any amount of such additional benefits under section 3319 of this title.

(f) MAXIMUM AMOUNT OF TOTAL ASSISTANCE.—The total amount of benefits paid to all eligible individuals under this section may not exceed—

(1) \$25,000,000 for fiscal year 2019;

(2) \$75,000,000 for each of fiscal years 2020 through 2022; and

(3) \$100,000,000 for fiscal year 2023 and each subsequent fiscal year.

(g) CONGRESSIONAL NOTICE.—If the Secretary identifies a new subject or field pursuant to subsection (b)(4)(A)(i)(XI) as meeting a national need, the Secretary shall submit to Congress notice of such identification at least 90 days before conferring eligibility on any individual for purposes of this section on the basis of such identification, including any analysis of labor market supply and demand used in identifying the new subject or field, as applicable.

(h) COVERED CLINICAL TRAINING PROGRAM DEFINED.—In this section, the term “covered clinical training program” means any clinical training required by a health care professional to be licensed to practice in a State or locality.

(Added Pub. L. 115-48, title I, §111(a), Aug. 16, 2017, 131 Stat. 982; amended Pub. L. 116-36, §1, July 31, 2019, 133 Stat. 1048; Pub. L. 116-315, title I, §§1001, 1002(b)(4), Jan. 5, 2021, 134 Stat. 4937, 4938.)

Editorial Notes

AMENDMENTS

2021—Subsec. (b)(4)(A)(i). Pub. L. 116-315, §1001(a)(1), inserted “, or a dual degree program that includes such an undergraduate college degree,” after “standard, undergraduate college degree” in introductory provisions, redesignated subcls. (X) and (XI) as (IX) and (X), respec-

tively, and struck out former subcl. (IX) which read as follows: “a medical residency program;”.

Subsec. (b)(4)(B). Pub. L. 116-315, §1001(a)(2), inserted “covered clinical training program for health care professionals or a” before “program of education” and substituted “; or” for period at end.

Subsec. (b)(4)(C). Pub. L. 116-315, §1001(a)(3), added subpar. (C).

Subsec. (c). Pub. L. 116-315, §1001(b), amended subsec. (c) generally. Prior to amendment, text read as follows: “In selecting eligible individuals to receive additional benefits under this section, the Secretary shall give priority to the following individuals:

“(1) Individuals who require the most credit hours described in subsection (b)(4).

“(2) Individuals who are entitled to educational assistance under this chapter by reason of paragraph (1), (2), (8), or (9) of section 3311(b) of this title.”

Subsec. (c)(1)(B). Pub. L. 116-315, §1002(b)(4), substituted “(8), (9), (10), or (11)” for “(8), or (9)”.

Subsec. (d)(4). Pub. L. 116-315, §1001(c), added par. (4).

Subsec. (h). Pub. L. 116-315, §1001(d), added subsec. (h).

2019—Subsec. (b)(4)(A)(i). Pub. L. 116-36 substituted “at least the standard 120 semester (or 180 quarter) credit hours” for “more than the standard 128 semester (or 192 quarter) credit hours” in introductory provisions.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1002(b)(4) of Pub. L. 116-315 effective immediately after the amendments made by section 105 of Pub. L. 115-48 [amendments effective Aug. 1, 2020] and applicable with respect to a quarter, semester, or term, commencing on or after Aug. 1, 2021, see section 1002(c) of Pub. L. 116-315, set out as a note under section 3311 of this title.

EFFECTIVE DATE

Pub. L. 115-48, title I, §111(c), Aug. 16, 2017, 131 Stat. 983, provided that: “Section 3320 of title 38, United States Code, shall take effect on August 1, 2019.”

SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

§ 3321. Time limitation for use of and eligibility for entitlement

(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual's entitlement—

(1) in the case of an individual whose last discharge or release from active duty is before January 1, 2013, expires at the end of the 15-year period beginning on the date of such discharge or release; or

(2) in the case of an individual whose last discharge or release from active duty is on or after January 1, 2013, shall not expire.

(b) EXCEPTIONS.—

(1) APPLICABILITY OF SECTION 3031 TO RUNNING OF PERIOD.—(A) Subsections (b), (c), (d), and (i) of section 3031 shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 with respect to the running of the 10-year period described in section 3031(a).

(B) Subsection (i) of section 3031 shall apply with respect to the running of the 15-year period described in paragraphs (4)(A) and (5)(A) of this subsection in the same manner as such