

subsection applies under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

(2) **APPLICABILITY OF SECTION 3031 TO TERMINATION.**—Section 3031(f) shall apply with respect to the termination of an individual's entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual's entitlement to educational assistance under chapter 30, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 shall be deemed to be a reference to section 3312 of this title.

(3) **DETERMINATION OF LAST DISCHARGE OR RELEASE.**—For purposes of subsection (a), an individual's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2).

(4) **APPLICABILITY TO CHILDREN OF DECEASED MEMBERS.**—The period during which a child entitled to educational assistance by reason of section 3311(b)(8) of this title may use such child's entitlement—

(A) in the case of a child who first becomes entitled to such entitlement before January 1, 2013, expires at the end of the 15-year period beginning on the date of such child's eighteenth birthday; or

(B) in the case of a child who first becomes entitled to such entitlement on or after January 1, 2013, shall not expire.

(5) **APPLICABILITY TO SPOUSES OF DECEASED MEMBERS.**—The period during which a spouse entitled to educational assistance by reason of section 3311(b)(9)¹ may use such spouse's entitlement—

(A) in the case of a spouse who first becomes entitled to such entitlement before January 1, 2013, expires at the end of the 15-year period beginning on the date on which the spouse first becomes entitled to such entitlement; or

(B) in the case of a spouse who first becomes entitled to such entitlement on or after January 1, 2013, shall not expire.

(Added Pub. L. 110-252, title V, §5003(a)(1), June 30, 2008, 122 Stat. 2373; amended Pub. L. 111-32, title X, §1002(c), June 24, 2009, 123 Stat. 1889; Pub. L. 111-275, title X, §1001(g)(8), Oct. 13, 2010, 124 Stat. 2896; Pub. L. 113-146, title VII, §701(c), Aug. 7, 2014, 128 Stat. 1796; Pub. L. 115-48, title I, §§105(c)(5), 112, Aug. 16, 2017, 131 Stat. 976, 984; Pub. L. 116-61, §6(4), Sept. 30, 2019, 133 Stat. 1117; Pub. L. 117-328, div. U, title II, §232(b), Dec. 29, 2022, 136 Stat. 5457; Pub. L. 117-333, §3(b)(1), Jan. 5, 2023, 136 Stat. 6126.)

Editorial Notes

REFERENCES IN TEXT

Subsection (b)(9) of section 3311 of this title, referred to in subsec. (b)(5), was redesignated subsection (b)(8) by Pub. L. 115-48, title I, §105(a)(3), Aug. 16, 2017, 131 Stat. 975.

¹ See References in Text note below.

AMENDMENTS

2023—Subsec. (b)(1). Pub. L. 117-333 made amendment substantially identical to that made by Pub. L. 117-328. See 2022 Amendment note below.

2022—Subsec. (b)(1). Pub. L. 117-328 designated existing provisions as subpar. (A), substituted “(d), and (i)” for “and (d)”, and added subpar. (B).

2019—Subsec. (a)(1). Pub. L. 116-61 substituted “January” for “January.”

2017—Subsec. (a). Pub. L. 115-48, §112(a), substituted “individual's entitlement—” for “individual's entitlement expires at the end of the 15-year period beginning on the date of such individual's last discharge or release from active duty.” and added pars. (1) and (2).

Subsec. (b)(4). Pub. L. 115-48, §112(b), inserted “of this title” after “section 3311(b)(9)”, substituted “child's entitlement—” for “child's entitlement expires at the end of the 15-year period beginning on the date of such child's eighteenth birthday.”, and added subpars. (A) and (B).

Pub. L. 115-48, §105(c)(5), substituted “section 3311(b)(8)” for “section 3311(b)(9)”.

Subsec. (b)(5). Pub. L. 115-48, §112(c), added par. (5).

2014—Subsec. (b)(4). Pub. L. 113-146 substituted “a child” for “an individual” and, in two places, “such child's” for “such individual's”.

2010—Subsec. (b)(2). Pub. L. 111-275 substituted “section 3312 of this title” for “3312”.

2009—Subsec. (b)(4). Pub. L. 111-32 added par. (4).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2017 AMENDMENT

Amendment by section 105(c)(5) of 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 2014 AMENDMENT

Amendment by Pub. L. 113-146 applicable with respect to a quarter, semester, or term, as applicable, commencing on or after Jan. 1, 2015, with provision for deaths occurring between Sept. 11, 2001, and Dec. 31, 2005, see section 701(d) of Pub. L. 113-146, set out as a note under section 3311 of this title.

EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-32 effective Aug. 1, 2009, see section 1002(d)(1) of Pub. L. 111-32, set out as a note under section 3311 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: POST-9/11 EDUCATIONAL ASSISTANCE

Pub. L. 116-140, §6(b)(1), Apr. 28, 2020, 134 Stat. 632, which temporarily provided for an extension to use entitlements for post-9/11 educational assistance, was repealed by Pub. L. 117-333, §3(f), Jan. 5, 2023, 136 Stat. 6128. See subsec. (b)(1)(B) of this section.

§ 3322. Bar to duplication of educational assistance benefits

(a) **IN GENERAL.**—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 or section 510 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96-449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under

which chapter or provisions to receive educational assistance.

(b) **INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.**—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

(c) **SERVICE IN SELECTED RESERVE.**—An individual who serves in the Selected Reserve may receive credit for such service under only one of this chapter, chapter 30 of this title, and chapters 1606 and 1607 of title 10, and shall elect (in such form and manner as the Secretary may prescribe) under which chapter such service is to be credited.

(d) **ADDITIONAL COORDINATION MATTERS.**—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section 5003(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

(e) **BAR TO CONCURRENT RECEIPT OF TRANSFERRED EDUCATION BENEFITS AND MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP ASSISTANCE.**—An individual entitled to educational assistance under both section 3319 and paragraph (8), (9), or (10) of section 3311 of this title may not receive assistance under both provisions concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which provision to receive educational assistance.

(f) **BAR TO RECEIPT OF COMPENSATION AND PENSION AND MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP ASSISTANCE.**—The commencement of a program of education under paragraph (8), (9), or (10) of section 3311 of this title shall be a bar to the following:

(1) Subsequent payments of dependency and indemnity compensation or pension based on the death of a parent to an eligible person over the age of 18 years by reason of pursuing a course in an educational institution.

(2) Increased rates, or additional amounts, of compensation, dependency and indemnity compensation, or pension because of such a person, whether eligibility is based upon the death of the parent.

(g) **BAR TO CONCURRENT RECEIPT OF TRANSFERRED EDUCATION BENEFITS.**—A spouse or child who is entitled to educational assistance under this chapter based on a transfer of entitlement from more than one individual under section 3319 may not receive assistance based on transfers from more than one such individual concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which source to utilize such assistance at any one time.

(h) **BAR TO DUPLICATION OF ELIGIBILITY BASED ON A SINGLE EVENT OR PERIOD OF SERVICE.**—

(1) **ACTIVE-DUTY SERVICE.**—An individual with qualifying service in the Armed Forces

that establishes eligibility on the part of such individual for educational assistance under this chapter, chapter 30 or 32 of this title, and chapter 1606 or 1607 of title 10, shall elect (in such form and manner as the Secretary may prescribe) under which authority such service is to be credited.

(2) **ELIGIBILITY FOR EDUCATIONAL ASSISTANCE BASED ON PARENT'S SERVICE.**—A child of a member of the Armed Forces who, on or after September 11, 2001, dies in the line of duty while serving on active duty, who is eligible for educational assistance under either chapter 35 or paragraph (8), (9), or (10) of section 3311 of this title based on the parent's death may not receive such assistance under both this chapter and chapter 35 of this title, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter to receive such assistance.

(Added Pub. L. 110-252, title V, §5003(a)(1), June 30, 2008, 122 Stat. 2373; amended Pub. L. 111-377, title I, §111(a)-(d), title II, §202(a), Jan. 4, 2011, 124 Stat. 4120, 4121, 4124; Pub. L. 115-48, title I, §105(c)(6), Aug. 16, 2017, 131 Stat. 976; Pub. L. 116-315, title I, §1002(b)(5), Jan. 5, 2021, 134 Stat. 4938.)

Editorial Notes

REFERENCES IN TEXT

The Hostage Relief Act of 1980, referred to in subsecs. (a) and (d), is Pub. L. 96-449, Oct. 14, 1980, 94 Stat. 1967, which was formerly set out as a note under section 5561 of Title 5, Government Organization and Employees.

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

AMENDMENTS

2021—Subsec. (e). Pub. L. 116-315, §1002(b)(5)(A), substituted “section 3319 and paragraph (8), (9), or (10) of section 3311 of this title” for “sections 3311(b)(8) and 3319”.

Subsec. (f). Pub. L. 116-315, §1002(b)(5)(B), substituted “paragraph (8), (9), or (10) of section 3311 of this title” for “section 3311(b)(8)”.

Subsec. (h)(2). Pub. L. 116-315, §1002(b)(5)(C), substituted “either chapter 35 or paragraph (8), (9), or (10) of section 3311” for “either section 3311(b)(8) or chapter 35”.

2017—Subsecs. (e), (f), (h)(2). Pub. L. 115-48 substituted “3311(b)(8)” for “3311(b)(9)”.

2011—Subsec. (a). Pub. L. 111-377, §202(a), inserted “or section 510” after “or 1607”.

Subsec. (e). Pub. L. 111-377, §111(a), added subsec. (e).
Subsec. (f). Pub. L. 111-377, §111(b), added subsec. (f).
Subsec. (g). Pub. L. 111-377, §111(c), added subsec. (g).
Subsec. (h). Pub. L. 111-377, §111(d), added subsec. (h).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by 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 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

Pub. L. 111-377, title I, §111(e), Jan. 4, 2011, 124 Stat. 4121, provided that: "The amendments made by this section [amending this section] shall take effect on August 1, 2011."

Pub. L. 111-377, title II, §202(c), Jan. 4, 2011, 124 Stat. 4124, provided that: "The amendments made by this section [amending this section and section 3681 of this title] shall take effect on August 1, 2011."

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.

§ 3323. Administration

(a) IN GENERAL.—

(1) IN GENERAL.—Except as otherwise provided in this chapter, the provisions specified in sections 3034(a)(1) and 3680(c) shall apply to the provision of educational assistance under this chapter.

(2) SPECIAL RULE.—In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term "eligible veteran" shall be deemed to refer to an individual entitled to educational assistance under this chapter.

(3) RULE FOR APPLYING SECTION 3474.—In applying section 3474 to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term "educational assistance allowance" shall be deemed to refer to educational assistance payable under section 3313.

(4) RULE FOR APPLYING SECTION 3482.—In applying section 3482(g) to an individual entitled to educational assistance under this chapter for purposes of this section—

(A) the first reference to the term "educational assistance allowance" in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313; and

(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with "equipment".

(b) INFORMATION ON BENEFITS.—

(1) TIMING FOR PROVIDING.—The Secretary shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary and the Secretary of Defense shall jointly prescribe in regulations.

(2) DESCRIPTION OF INFORMATION.—The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102.

(3) TO WHOM PROVIDED.—The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and other educational materials on educational assistance under this chapter, to educational in-

stitutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe regulations for the administration of this chapter.

(2) UNIFORMITY.—Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

(Added Pub. L. 110-252, title V, §5003(a)(1), June 30, 2008, 122 Stat. 2374; amended Pub. L. 111-377, title I, §112(c), Jan. 4, 2011, 124 Stat. 4122.)

Editorial Notes

AMENDMENTS

2011—Subsec. (a). Pub. L. 111-377 substituted "sections 3034(a)(1) and 3680(c)" for "section 3034(a)(1)".

Statutory Notes and Related Subsidiaries

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.

§ 3324. Allocation of administration and costs

(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department for the payment of readjustment benefits.

(Added Pub. L. 110-252, title V, §5003(a)(1), June 30, 2008, 122 Stat. 2375.)

Statutory Notes and Related Subsidiaries

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.

§ 3325. Reporting requirement

(a) IN GENERAL.—For each academic year—

(1) the Secretary of Defense shall submit to Congress a report on the operation of the program provided for in this chapter; and

(2) the Secretary shall submit to Congress a report on the operation of the program provided for in this chapter and the program provided for under chapter 35 of this title.

(b) CONTENTS OF SECRETARY OF DEFENSE REPORTS.—The Secretary of Defense shall include in each report submitted under this section—

(1) information—

(A) indicating the extent to which the benefit levels provided under this chapter are adequate to achieve the purposes of inducing individuals to enter and remain in the Armed Forces and of providing an adequate level of financial assistance to help meet the cost of pursuing a program of education;