To amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.
Mr. Berman, Mr. Welch of Vermont, Ms. Giffords, Mr. Peterson of Minnesota, Mr. Pallone, Mr. Payne, Mr. Rush, Mr. Chabot, Mr. Lampson, Mr. Jackson of Illinois, Mr. Mario Diaz-Balart of Florida, Mr. Yarmuth, Mr. Cardoza, Mr. Allen, Mr. LoBiondo, Ms. Hooley, Mr. Rangel, Mr. Kind, Ms. Schakowsky, Mr. Brady of Pennsylvania, Mr. Shuler, Mr. Reyes, Mr. Engel, Mr. Higginson, Mr. Knollenberg, Mr. Platts, Mr. Kagen, Mr. McIntyre, Mr. Cramer, Mr. Visclosky, Mr. Blumenauer, Mr. Cohen, Ms. Zoe Lofgren of California, Mr. Kildee, Mr. McCotter, Mr. Miller of Florida, Mr. Gilchrest, Mr. English of Pennsylvania, Ms. Hirono, Ms. Lee, Mr. Shuster, Mr. Herger, Mr. Braley of Iowa, Ms. Ros-Lehtinen, Mr. LaHood, Mr. Thompson of California, Mr. Costa, Mr. Oberstar, Mr. Capuano, Mr. Edwards, Mr. Souder, Mr. Mica, and Mr. Davis of Illinois) introduced the following bill, which was referred to the Committee on Veterans’ Affairs

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**A BILL**

To amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 **SECTION 1. SHORT TITLE.**

3 This Act may be cited as the “Post-9/11 Veterans Educational Assistance Act of 2008”.

4 **SEC. 2. FINDINGS.**

Congress makes the following findings:

5 (1) On September 11, 2001, terrorists attacked the United States, and the brave members of the Armed Forces of the United States were called to the defense of the Nation.
(2) Service on active duty in the Armed Forces has been especially arduous for the members of the Armed Forces since September 11, 2001.

(3) The United States has a proud history of offering educational assistance to millions of veterans, as demonstrated by the many “G.I. Bills” enacted since World War II. Educational assistance for veterans helps reduce the costs of war, assist veterans in readjusting to civilian life after wartime service, and boost the United States economy, and has a positive effect on recruitment for the Armed Forces.

(4) The current educational assistance program for veterans is outmoded and designed for peacetime service in the Armed Forces.

(5) The people of the United States greatly value military service and recognize the difficult challenges involved in readjusting to civilian life after wartime service in the Armed Forces.

(6) It is in the national interest for the United States to provide veterans who served on active duty in the Armed Forces after September 11, 2001, with enhanced educational assistance benefits that are worthy of such service and are commensurate with
the educational assistance benefits provided by a
grateful Nation to veterans of World War II.

SEC. 3. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE
ARMED FORCES WHO SERVE AFTER SEP-

(a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

(1) IN GENERAL.—Part III of title 38, United
States Code, is amended by inserting after chapter
32 the following new chapter:

“CHAPTER 33—POST-9/11 EDUCATIONAL
ASSISTANCE

“SUBCHAPTER I—DEFINITIONS

“In this chapter:

“Sec.
“3301. Definitions.
“(1) The term ‘active duty’ has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b) of this title):

“(A) In the case of members of the regular components of the Armed Forces, the meaning given such term in section 101(21)(A) of this title.

“(B) In the case of members of the reserve components of the Armed Forces, service on active duty under a call or order to active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

“(2) The term ‘entry level and skill training’ means the following:

“(A) In the case of members of the Army, Basic Combat Training and Advanced Individual Training.

“(B) In the case of members of the Navy, Recruit Training (or Boot Camp) and Skill Training (or so-called ‘A’ School).

“(C) In the case of members of the Air Force, Basic Military Training and Technical Training.
“(D) In the case of members of the Marine Corps, Recruit Training and Marine Corps Training (or School of Infantry Training).

“(E) In the case of members of the Coast Guard, Basic Training.

“(3) The terms ‘program of education’ and ‘Secretary of Defense’ have the meaning given such terms in section 3002 of this title.

“SUBCHAPTER II—EDUCATIONAL ASSISTANCE

“§ 3311. Educational assistance for service in the Armed Forces commencing on or after September 11, 2001: entitlement

“(a) ENTITLEMENT.—Subject to subsections (d) and (e), each individual described in subsection (b) is entitled to educational assistance under this chapter.

“(b) COVERED INDIVIDUALS.—An individual described in this subsection is any individual as follows:

“(1) An individual (including an individual as a Reserve) who—

“(A) commencing on or after September 11, 2001, serves an aggregate of at least 36 months on active duty in the Armed Forces (including service on active duty in entry level and skill training); and
“(B) after completion of service described in subparagraph (A)—

“(i) continues on active duty; or

“(ii) is discharged or released from active duty as described in subsection (c).

“(2) An individual who—

“(A) commencing on or after September 11, 2001, serves at least 30 continuous days on active duty in the Armed Forces; and

“(B) after completion of service described in subparagraph (A), is discharged or released from active duty in the Armed Forces for a service-connected disability.

“(3) An individual who—

“(A) commencing on or after September 11, 2001, serves an aggregate of at least 30 months, but less than 36 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

“(B) after completion of service described in subparagraph (A)—

“(i) continues on active duty for an aggregate of less than 36 months; or
“(ii) before completion of service on active duty of an aggregate of 36 months, is discharged or released from active duty as described in subsection (c).

“(4) An individual who—

“(A) commencing on or after September 11, 2001, serves an aggregate of at least 24 months, but less than 30 months, on active duty in the Armed Forces (including service on active duty in entry level and skill training); and

“(B) after completion of service described in subparagraph (A)—

“(i) continues on active duty for an aggregate of less than 30 months; or

“(ii) before completion of service on active duty of an aggregate of 30 months, is discharged or released from active duty as described in subsection (c).

“(5) An individual who—

“(A) commencing on or after September 11, 2001, serves an aggregate of at least 18 months, but less than 24 months, on active duty in the Armed Forces (excluding service on
active duty in entry level and skill training); and

“(B) after completion of service described in subparagraph (A)—

“(i) continues on active duty for an aggregate of less than 24 months; or

“(ii) before completion of service on active duty of an aggregate of 24 months, is discharged or released from active duty as described in subsection (c).

“(6) An individual who—

“(A) commencing on or after September 11, 2001, serves an aggregate of at least 12 months, but less than 18 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

“(B) after completion of service described in subparagraph (A)—

“(i) continues on active duty for an aggregate of less than 18 months; or

“(ii) before completion of service on active duty of an aggregate of 18 months, is discharged or released from active duty as described in subsection (c).
“(7) An individual who—

“(A) commencing on or after September 11, 2001, serves an aggregate of at least 6 months, but less than 12 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

“(B) after completion of service described in subparagraph (A)—

“(i) continues on active duty for an aggregate of less than 12 months; or

“(ii) before completion of service on active duty of an aggregate of 12 months, is discharged or released from active duty as described in subsection (c).

“(8) An individual who—

“(A) commencing on or after September 11, 2001, serves an aggregate of at least 90 days, but less than 6 months, on active duty in the Armed Forces (excluding service on active duty in entry level and skill training); and

“(B) after completion of service described in subparagraph (A)—

“(i) continues on active duty for an aggregate of less than 6 months; or
“(ii) before completion of service on active duty of an aggregate of 6 months, is discharged or released from active duty as described in subsection (c).

“(c) COVERED DISCHARGES AND RELEASES.—A discharge or release from active duty of an individual described in this subsection is a discharge or release as follows:

“(1) A discharge from active duty in the Armed Forces with an honorable discharge.

“(2) A release after service on active duty in the Armed Forces characterized by the Secretary concerned as honorable service and placement on the retired list, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, or placement on the temporary disability retired list.

“(3) A release from active duty in the Armed Forces for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service.

“(4) A discharge or release from active duty in the Armed Forces for—

“(A) a medical condition which preexisted the service of the individual as described in the
applicable paragraph of subsection (b) and which the Secretary determines is not service-connected;

“(B) hardship; or

“(C) a physical or mental condition that was not characterized as a disability and did not result from the individual’s own willful misconduct but did interfere with the individual’s performance of duty, as determined by the Secretary concerned in accordance with regulations prescribed by the Secretary of Defense.

“(d) Prohibition on Treatment of Certain Service as Period of Active Duty.—The following periods of service shall not be considered a part of the period of active duty on which an individual’s entitlement to educational assistance under this chapter is based:

“(1) A period of service on active duty of an officer pursuant to an agreement under section 2107(b) of title 10.

“(2) A period of service on active duty of an officer pursuant to an agreement under section 4348, 6959, or 9348 of title 10.

“(3) A period of service that is terminated because of a defective enlistment and induction based on—
“(A) the individual’s being a minor for purposes of service in the Armed Forces;
“(B) an erroneous enlistment or induction;
or
“(C) a defective enlistment agreement.

“(e) Treatment of Individuals Entitled Under Multiple Provisions.—In the event an individual entitled to educational assistance under this chapter is entitled by reason of both paragraphs (4) and (5) of subsection (b), the individual shall be treated as being entitled to educational assistance under this chapter by reason of paragraph (5) of such subsection.

§3312. Educational assistance: duration

“(a) In General.—Subject to section 3695 of this title and except as provided in subsections (b) and (c), an individual entitled to educational assistance under this chapter is entitled to a number of months of educational assistance under section 3313 of this title equal to 36 months, which is the equivalent of four academic years.

“(b) Continuing Receipt.—The receipt of educational assistance under section 3313 of this title by an individual entitled to educational assistance under this chapter is subject to the provisions of section 3321(b)(2) of this title.
“(c) Discontinuation of Education for Active Duty.—(1) Any payment of educational assistance described in paragraph (2) shall not—

“(A) be charged against any entitlement to educational assistance of the individual concerned under this chapter; or

“(B) be counted against the aggregate period for which section 3695 of this title limits the individual’s receipt of educational assistance under this chapter.

“(2) Subject to paragraph (3), the payment of educational assistance described in this paragraph is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

“(A)(i) in the case of an individual not serving on active duty, had to discontinue such course pursuit as a result of being called or ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

“(ii) in the case of an individual serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and
“(B) failed to receive credit or lost training time toward completion of the individual’s approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the individual’s course pursuit.

“(3) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses from which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(B).

§3313. Educational assistance: amount; payment

“(a) PAYMENT.—The Secretary shall pay to each individual entitled to educational assistance under this chapter who is pursuing an approved program of education (other than a program covered by subsections (e) through (i)) the amounts specified in subsection (c) to meet the expenses of such individual’s subsistence, tuition, fees, and other educational costs for pursuit of such program of education.

“(b) APPROVED PROGRAMS OF EDUCATION.—Except as provided in subsections (g) through (i), a program of education is an approved program of education for pur-
poses of this chapter if the program of education is ap-
proved for purposes of chapter 30 of this title.

“(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—The
amounts payable under this subsection for pursuit of an
approved program of education are amounts as follows:

“(1) In the case of an individual entitled to
educational assistance under this chapter by reason
of section 3311(b)(1) or 3311(b)(2) of this title,
amounts as follows:

“(A) An amount equal to the established
charges for the program of education, except
that the amount payable under this subpara-
graph may not exceed the maximum amount of
established charges regularly charged in-State
students for full-time pursuit of programs of
education by the public institution of higher
education in the State in which the individual
is enrolled that has the highest rate of regu-
larly-charged established charges for programs
of education among all public institutions of
higher education in such State.

“(B) A monthly housing stipend in an
amount equal to the monthly amount of the
basic allowance for housing payable under sec-
tion 403 of title 37 for a member with depend-
ents in pay grade E–5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher education at which the individual is enrolled.

“(C) A yearly stipend for books, supplies, equipment, and other educational costs in the amount of $1,000.

“(2) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(3) of this title, amounts equal to 90 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

“(3) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(4) of this title, amounts equal to 80 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.
“(4) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(5) of this title, amounts equal to 70 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

“(5) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(6) of this title, amounts equal to 60 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

“(6) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(7) of this title, amounts equal to 50 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.
“(7) In the case of an individual entitled to educational assistance under this chapter by reason of section 3311(b)(8) of this title, amounts equal to 40 percent of the amounts that would be payable to the individual under paragraph (1) for the program of education if the individual were entitled to amounts for the program of education under paragraph (1) rather than this paragraph.

“(d) FREQUENCY OF PAYMENT.—(1) Payment of the amounts payable under subsection (c)(1)(A), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made in a lump-sum amount for the entire quarter, semester, or term, as applicable, of the program of education before the commencement of such quarter, semester, or term.

“(2) Payment of the amount payable under subsection (c)(1)(B), and of similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be made on a monthly basis while enrolled full-time in a program of education.

“(3) The amount payable under subsection (c)(1)(C), and similar amounts payable under paragraphs (2) through (7) of subsection (c), for pursuit of a program of education shall be payable in equal installments for the
quarter, semester, or term, as applicable, falling within the year concerned. Payment of such amounts shall be made in a lump-sum amount for the entire quarter, semester, or term, as the case may be, of the program of education before the commencement of such quarter, semester, or term.

“(4) The Secretary shall prescribe in regulations methods for determining the number of months (including fractions thereof) of entitlement of an individual to educational assistance this chapter that are chargeable under this chapter for an advance payment of amounts under paragraphs (1) and (3) for pursuit of a program of education on a quarter, semester, term, or other basis.

“(e) Programs of Education Pursued on Active Duty.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education while on active duty.

“(2) The amount of educational assistance payable under this chapter to an individual pursuing a program of education while on active duty is the lesser of—

“(A) the established charges which similarly circumstanced nonveterans enrolled in the program of education involved would be required to pay; or

“(B) the amount of the charges of the educational institution as elected by the individual in
the manner specified in section 3014(b)(1) of this title.

“(3) Payment of the amount payable under paragraph (2) for pursuit of a program of education shall be made in a lump-sum amount for the entire quarter, semester, or term, as applicable, of the program of education before the commencement of such quarter, semester, or term.

“(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(4)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

“(f) Programs of Education Pursued on Less Than Half-Time Basis.—(1) Educational assistance is payable under this chapter for pursuit of an approved program of education on less than half-time basis.

“(2) The educational assistance payable under this chapter to an individual pursuing a program of education on less than half-time basis is the amounts as follows:

“(A) The amount equal to the lesser of—

“(i) the established charges which similarly circumstanced nonveterans enrolled in the pro-
gram of education involved would be required to
pay; or

“(ii) the maximum amount that would be
payable to the individual for the program of
education under paragraph (1)(A) of subsection
(e), or under the provisions of paragraphs (2)
through (7) of subsection (c) applicable to the
individual, for the program of education if the
individual were entitled to amounts for the pro-
gram of education under subsection (c) rather
than this subsection.

“(B) A housing stipend in an amount equal to
the amount of the appropriately reduced amount of
monthly stipend for housing otherwise payable to the
individual under subsection (c).

“(C) A stipend in an amount equal to the
amount of the appropriately reduced amount of the
yearly stipend for books, supplies, equipment, and
other educational costs otherwise payable to the indi-
vidual under subsection (c).

“(3)(A) Payment of the amounts payable to an indi-
vidual under subparagraphs (A) and (C) of paragraph (2)
for pursuit of a program of education on less than half-
time basis shall be made in a lump-sum, and shall be made
not later than the last day of the month immediately fol-
lowing the month in which certification is received from
the educational institution involved that the individual has
enrolled in and is pursuing a program of education at the
institution.

“(B) Payments of the amounts payable to an indi-
vidual under subparagraph (B) of paragraph (2) shall be
made on a monthly basis.

“(4) For each month (as determined pursuant to the
methods prescribed under subsection (d)(4)) for which
amounts are paid an individual under this subsection, the
entitlement of the individual to educational assistance
under this chapter shall be charged at a percentage of a
month equal to—

“(A) the number of course hours borne by the
individual in pursuit of the program of education in-
volved, divided by

“(B) the number of course hours for full-time
pursuit of such program of education.

“(g) Apprenticeship or Other On-Job Training.—(1) Educational assistance is payable under this
chapter for full-time pursuit of a program of apprentice-
ship or other on-job training described in paragraphs (1)
and (2) of section 3687(a) of this title.

“(2) The educational assistance payable under this
chapter to an individual for pursuit of a program of ap-
prenticeship or training referred to in paragraph (1) is
the amounts as follows:

“(A) The amount equal to the lesser of—

“(i) the established charge which similarly

circumstances nonveterans enrolled in the pro-

gram would be required to pay; or

“(ii) the maximum amount that would be

payable to the individual for the program of

education under paragraph (1)(A) of subsection

(c), or under the provisions of paragraphs (2)

through (7) of subsection (c) applicable to the

individual, for the program of education if the

individual were entitled to amounts for the pro-

gram of education under subsection (c) rather

than this subsection.

“(B) A housing stipend in an amount equal to

the amount of the appropriately reduced amount of

monthly stipend for housing otherwise payable to the

individual under subsection (e).

“(C) A stipend in an amount equal to the

amount of the appropriately reduced amount of the

yearly stipend for books, supplies, equipment, and

other educational costs otherwise payable to the indi-

vidual under subsection (e).
“(3) The nature and amount of the tuition, fees, and other expenses constituting the established charge for a program of apprenticeship or training under this subsection shall be determined in accordance with regulations prescribed by the Secretary.

“(4)(A) Payment of the amounts payable under subparagraphs (A) and (C) of paragraph (2) for pursuit of a program of apprenticeship or training shall be made, at the election of the Secretary—

“(i) in a lump sum for such period of the program as the Secretary shall determine before the commencement of such period of the program; or

“(ii) on a monthly basis.

“(B) Payments of the amounts payable under subparagraph (B) of paragraph (2) shall be made on a monthly basis.

“(5) For each month (as determined pursuant to the methods prescribed under subsection (d)(4)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

“(h) Programs of Education by Correspondence.—(1) Educational assistance is payable under this
chapter for pursuit of a program of education exclusively by correspondence.

“(2) The educational assistance payable under this chapter to an individual who is pursuing a program of education exclusively by correspondence is the amounts as follows:

“(A) An amount equal to 55 percent of amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

“(B) A stipend in an amount equal to the equivalent of 55 percent of the appropriately reduced amount of the yearly stipend for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

“(3) Payment of the amounts payable under paragraph (2) for pursuit of a program of education by correspondence shall be made quarterly on a pro rata basis for the lessons completed by the individual and serviced by the institution involved.
“(4) For each month (as determined pursuant to the methods prescribed under subsection (d)(4)) for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

“(i) FLIGHT TRAINING.—(1) Educational assistance is payable under this chapter for a program of education consisting of flight training as follows:

“(A) Courses of flight training approved under section 3860A(b) of this title.

“(B) Flight training meeting the requirements of section 3034(d) of this title.

“(2) Paragraphs (2) and (4) of section 3032(e) of this title shall apply with respect to the availability of educational assistance under this chapter for pursuit of flight training covered by paragraph (1).

“(3) The educational assistance payable under this chapter to an individual for pursuit of a program of education consisting of flight training covered by paragraph (1) is the amounts as follows:

“(A) The amount equal to the lesser of—

“(i) the established charge which similarly circumstances nonveterans enrolled in the program would be required to pay; or
“(ii) the maximum amount that would be payable to the individual for the program of education under paragraph (1)(A) of subsection (c), or under the provisions of paragraphs (2) through (7) of subsection (c) applicable to the individual, for the program of education if the individual were entitled to amounts for the program of education under subsection (c) rather than this subsection.

“(B) A housing stipend in an amount equal to the amount of the appropriately reduced amount of monthly stipend for housing otherwise payable to the individual under subsection (c).

“(C) A monthly stipend in an amount equal to the monthly equivalent of the appropriately reduced amount of the yearly stipend for books, supplies, equipment, and other educational costs otherwise payable to the individual under subsection (c).

“(4) The nature and amount of the tuition, fees, and other expenses constituting the established charge for a program of flight training under this subsection shall be determined in accordance with regulations prescribed by the Secretary.
“(5) Payment of the amounts payable under paragraph (3) for pursuit of a program of flight training shall be made on a monthly basis.

“(6) For each month for which amounts are paid an individual under this subsection, the entitlement of the individual to educational assistance under this chapter shall be charged at the rate of one month for each such month.

“(j) Payment of Certain Amounts by Voucher.—Amounts payable under subsections (c)(1)(A), (e)(2)(A), (f)(2)(A), (g)(2)(A), (h)(2)(A), and (i)(3)(A) shall be paid to the individual concerned in the form of a voucher, or other form of credit specified by the Secretary for purposes of this subsection, that is redeemable by the educational institution concerned in such manner as the Secretary shall prescribe.

“(k) Established Charges Defined.—(1) In subsections (c), (e), and (f), 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) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

“(2) Established charges shall be determined for purposes of this subsection on the following basis:
“(A) 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.

“(B) 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.

“§ 3314. Tutorial assistance

“(a) IN GENERAL.—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title.

“(b) CONDITIONS.—(1) The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492 of this title.

“(2) In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

“(A) such benefits are essential to correct a deficiency of the individual in such course; and
“(B) such course is required as a part of, or is
prerequisite or indispensable to the satisfactory pur-
suit of, an approved program of education.

“(c) AMOUNT.—(1) The amount of benefits described
in subsection (a) that are payable under this section may
not exceed $100 per month, for a maximum of 12 months,
or until a maximum of $1,200 is utilized.

“(2) The amount provided an individual under this
subsection is in addition to the amounts of educational as-
sistance paid the individual under section 3313 of this
title.

“(d) NO CHARGE AGAINST ENTITLEMENT.—Any
benefits provided an individual under subsection (a) are
in addition to any other educational assistance benefits
provided the individual under this chapter.

§ 3315. Licensure and certification tests

“(a) IN GENERAL.—An individual entitled to edu-
cational assistance under this chapter shall also be entitled
to payment for one licensing or certification test described
in section 3452(b) of this title.

“(b) LIMITATION ON AMOUNT.—The amount payable
under subsection (a) for a licensing or certification test
may not exceed the lesser of—

“(1) $2,000; or

“(2) the fee charged for the test.
“(c) No Charge Against Entitlement.—Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.

“§ 3316. Supplemental educational assistance for additional service

“(a) In General.—Under such regulations as the Secretary of Defense shall prescribe, an individual entitled to educational assistance under this chapter shall be eligible for supplemental educational assistance for additional service as authorized by the provisions of subchapter III of chapter 30 of this title.

“(b) Administration.—The qualification for entitlement, amount, and payment of supplemental educational assistance under this section shall be in accordance with the provisions of subchapter III of chapter 30 of this title, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 of this title shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

“§ 3317. Public-private contributions for additional educational assistance

“(a) Establishment of Program.—In instances where the educational assistance provided pursuant to sec-
tion 3313(c)(1)(A) does not cover the full cost of established charges (as specified in section 3313 of this title), 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 those established charges not otherwise covered under section 3313(c)(1)(A), 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) and (2) 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 instances where the educational assistance provided an individual under section 3313(e)(1)(A) of this title 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) Amounts available to the Secretary under section 3324(b) of this title 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).

“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 expires at the end of the 15-year period beginning on the date of such individual’s last discharge or release from active duty.

“(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d) of section 3031 of this title 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 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

“(2) Section 3031(f) of this title 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 of this title, except that, in the administration...
of such section for purposes of this chapter, the reference to section 3013 of this title shall be deemed to be a reference to 3312 of this title.

“(3) 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) of this title.

§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 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 the date of the enactment of the Post-9/11 Veterans Educational Assistance Act of 2007, 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 3(c) of the Post-9/11 Veterans Educational Assistance Act of 2007.

§3323. Administration

“(a) In General.—(1) Except as otherwise provided in this chapter, the provisions specified in section...
3034(a)(1) of this title shall apply to the provision of educational assistance under this chapter.

“(2) 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) In applying section 3474 of this title 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 of this title.

“(4) In applying section 3482(g) of this title 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 of this title; 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) The Secretary of Veterans Affairs shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary of Veterans Affairs and the Secretary of Defense shall jointly prescribe in regulations.

“(2) 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 of this title.

“(3) 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 institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

“(c) REGULATIONS.—(1) The Secretary shall prescribe regulations for the administration of this chapter.

“(2) Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the 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 of Veterans Affairs for the payment of readjustment benefits.”.

(2) Clerical Amendments.—The tables of chapters at the beginning of title 38, United States Code, and at the beginning of part III of such title, are each amended by inserting after the item relating to chapter 32 the following new item:

“33. Post-9/11 Educational Assistance ................................... 3301”.

(b) Conforming Amendments.—

(1) Amendments relating to duplication of benefits.—

(A) Section 3033 of title 38, United States Code, is amended—

(i) in subsection (a)(1), by inserting “33,” after “32,”; and

(ii) in subsection (c), by striking “both the program established by this chapter and the program established by chapter 106 of title 10” and inserting “two
or more of the programs established by
this chapter, chapter 33 of this title, and
chapters 1606 and 1607 of title 10”.

(B) Paragraph (4) of section 3695(a) of
such title is amended to read as follows:
“(4) Chapters 30, 32, 33, 34, 35, and 36 of
this title.”.

(C) Section 16163(e) of title 10, United
States Code, is amended by inserting “33,”
after “32,”.

(2) ADDITIONAL CONFORMING AMENDMENTS.—

(A) Title 38, United States Code, is fur-
ther amended by inserting “33,” after “32,”
each place it appears in the following provi-
sions:

(i) In subsections (b) and (e)(1) of
section 3485.

(ii) In section 3688(b).

(iii) In subsections (a)(1), (e)(1),
(e)(1)(G), (d), and (e)(2) of section 3689.
(iv) In section 3690(b)(3)(A).
(v) In subsections (a) and (b) of sec-
tion 3692.
(vi) In section 3697(a).
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(B) Section 3697A(b)(1) of such title is amended by striking “or 32” and inserting “32, or 33”.

c) Applicability to Individuals Under Montgomery GI Bill Program.—

(1) Individuals eligible to elect participation in Post-9/11 Educational Assistance.—

An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

(A) as of the date of the enactment of this Act—

(i) is entitled to basic educational assistance under chapter 30 of title 38, United States Code, and has used, but retains unused, entitlement under that chapter;

(ii) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, and has used, but retains unused, entitlement under the applicable chapter;

(iii) is entitled to basic educational assistance under chapter 30 of title 38,
United States Code, but has not used any entitlement under that chapter;

(iv) is entitled to educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, but has not used any entitlement under such chapter;

(v) is a member of the Armed Forces who is eligible for receipt of basic educational assistance under chapter 30 of title 38, United States Code, and is making contributions toward such assistance under section 3011(b) or 3012(c) of such title; or

(vi) is a member of the Armed Forces who is not entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of an election under section 3011(c)(1) or 3012(d)(1) of such title; and

(B) as of the date of the individual’s election under this paragraph, meets the requirements for entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added).
(2) Election on Treatment of Transferred Entitlement.—

(A) Election.—If, on the date an individual described in subparagraph (A)(i) or (A)(iii) of paragraph (1) makes an election under that paragraph, a transfer of the entitlement of the individual to basic educational assistance under section 3020 of title 38, United States Code, is in effect and a number of months of the entitlement so transferred remain unutilized, the individual may elect to revoke all or a portion of the entitlement so transferred that remains unutilized.

(B) Availability of Revoked Entitlement.—Any entitlement revoked by an individual under this paragraph shall no longer be available to the dependent to whom transferred, but shall be available to the individual instead for educational assistance under chapter 33 of title 38, United States Code (as so added), as provided in paragraph (3)(B).

(C) Availability of Unrevoked Entitlement.—Any entitlement described in subparagraph (A) that is not revoked by an individual in accordance with that subparagraph
shall remain available to the dependent or dependents concerned in accordance with the current transfer of such entitlement under section 3020 of title 38, United States Code.

(3) POST-9/11 EDUCATIONAL ASSISTANCE.—

(A) IN GENERAL.—Subject to subparagraph (B), an individual making an election under paragraph (1) shall be entitled to educational assistance under chapter 33 of title 38, United States Code (as so added), in accordance with the provisions of such chapter, instead of basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable.

(B) LIMITATION ON ENTITLEMENT FOR CERTAIN INDIVIDUALS.—In the case of an individual making an election under paragraph (1) who is described by subparagraph (A)(i) of that paragraph, the number of months of entitlement of such individual to educational assistance under chapter 33 of title 38, United States Code (as so added), shall be the number of months equal to the number of months of
unused entitlement of such individual under chapter 30 of title 38, United States Code, as of the date of the election, including any number of months entitlement revoked by the individual under paragraph (2)(A).

(4) CONTINUING EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—

(A) IN GENERAL.—If the aggregate amount of entitlement to educational assistance under chapter 33 of title 38, United States Code (as so added), accumulated by an individual described in subparagraph (A)(i) or (A)(ii) of paragraph (1) who makes an election under that paragraph is less than 36 months, the individual shall retain, and may utilize, any unutilized entitlement of the individual to educational assistance under chapter 30 of title 38, United States Code, or chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, for a number of months equal to the lesser of—

(i) 36 months minus the number of months of entitlement so accumulated by the individual; or
(ii) the number of months of such un-
utilized entitlement of the individual.

(B) Utilization of retained entitle-
ment.—The utilization of entitlement retained
by an individual under this paragraph shall be
governed by the provisions of chapter 30 of title
38, United States Code, or chapter 107, 1606,
or 1607 of title 10, United States Code, as ap-
plicable.

(5) Treatment of contributions toward
basic educational assistance.—

(A) Refund of contributions.—Except
as provided in subparagraph (B), the Secretary
of Veterans Affairs shall pay to each individual
making an election under paragraph (1) who is
described by clause (i), (iii), or (v) of subpara-
graph (A) of that paragraph an amount equal
to the total amount of contributions made by
such individual under subchapter II of chapter
30 of title 38, United States Code, for basic
educational assistance under that chapter, in-
cluding any contributions made under sub-
section (b) or (e) of section 3011 of such title
or any contributions made under subsection (c)
or (f) of section 3012 of such title.
(B) EXCEPTION.—In the case of an individual described by subparagraph (A) who is entitled to basic educational assistance under chapter 30 of title 38, United States Code, by reason of paragraph (4)(A), the amount payable to the individual under this paragraph shall be an amount equal to—

(i) the amount otherwise payable to the individual under subparagraph (A), multiplied by

(ii) a fraction—

(I) the numerator of which is the number equal to the number of months of basic educational assistance under chapter 30 of title 38, United States Code, to which the individual is entitled by reason of paragraph (4)(A); and

(II) the denominator of which is 36.

(C) CESSATION OF CONTRIBUTIONS.—Effective as of the first month beginning on or after the date of an election under paragraph (1) of an individual described by subparagraph (A)(v) of that paragraph, the obligation of such
individual to make contributions under section 3011(b) or 3012(c) of title 38, United States Code, as applicable, shall cease, and the requirements of such section shall be deemed to be no longer applicable to such person.

(6) TERMINATION OF ENTITLEMENT UNDER MONTGOMERY GI BILL.—Except as otherwise provided in paragraph (4), effective on the last day of the month in which an individual makes an election under paragraph (1), the entitlement, if any, of the individual to basic educational assistance under chapter 30 of title 38, United States Code, or educational assistance under chapter 107, 1606, or 1607 of title 10, United States Code, as applicable, shall terminate.

(7) IRREVOCABILITY OF ELECTIONS.—An election under paragraph (1) or (2)(A) is irrevocable.