

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5651

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2008

Mr. MITCHELL introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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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 Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Student Veterans’ Col-  
5       lege Affordability Act of 2008”.

1 **SEC. 2. EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE**  
 2 **ARMED FORCES WHO SERVE AFTER SEP-**  
 3 **TEMBER 11, 2001.**

4 (a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

5 (1) IN GENERAL.—Part III of title 38, United  
 6 States Code, is amended by inserting after chapter  
 7 32 the following new chapter:

8 **“CHAPTER 33—POST-9/11 EDUCATIONAL**  
 9 **ASSISTANCE**

“SUBCHAPTER I—DEFINITIONS

“Sec.

“3301. Definitions.

“SUBCHAPTER II—EDUCATIONAL ASSISTANCE

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

“3312. Educational assistance: duration.

“3313. Educational assistance: amount; payment.

“3314. Tutorial assistance.

“3315. Licensure and certification tests.

“3316. Supplemental educational assistance for additional service.

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

“SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

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

“3322. Bar to duplication of educational assistance benefits.

“3323. Administration.

“3324. Allocation of administration and costs.

10 “SUBCHAPTER I—DEFINITIONS

11 **“§ 3301. Definitions**

12 “For purposes of this chapter:

13 “(1) The term ‘active duty’ has the meanings  
 14 as follows (subject to the limitations specified in sec-  
 15 tions 3002(6) and 3311(b) of this title):

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

5           “(B) In the case of members of the reserve  
6 components of the Armed Forces, service on ac-  
7 tive duty under a call or order to active duty  
8 under section 688, 12301(a), 12301(d),  
9 12301(g), 12302, or 12304 of title 10.

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

12           “(A) In the case of members of the Army,  
13 Basic Combat Training and Advanced Indi-  
14 vidual Training.

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

18           “(C) In the case of members of the Air  
19 Force, Basic Military Training and Technical  
20 Training.

21           “(D) In the case of members of the Marine  
22 Corps, Recruit Training and Marine Corps  
23 Training (or School of Infantry Training).

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

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

4   “SUBCHAPTER II—EDUCATIONAL ASSISTANCE  
5   **“§ 3311. Educational assistance for service in the**  
6           **Armed Forces commencing on or after**  
7           **September 11, 2001: entitlement**

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

11          “(b) COVERED INDIVIDUALS.—An individual de-  
12          scribed in this subsection is any individual as follows:

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

15                          “(A) commencing on or after September  
16                          11, 2001, serves an aggregate of at least 36  
17                          months on active duty in the Armed Forces (in-  
18                          cluding service on active duty in entry level and  
19                          skill training); and

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

22                                  “(i) continues on active duty; or

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

25                  “(2) An individual who—

1           “(A) commencing on or after September  
2 11, 2001, serves at least 30 continuous days on  
3 active duty in the Armed Forces; and

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

8           “(3) An individual who—

9           “(A) commencing on or after September  
10 11, 2001, serves an aggregate of at least 30  
11 months, but less than 36 months, on active  
12 duty in the Armed Forces (including service on  
13 active duty in entry level and skill training);  
14 and

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

17           “(i) continues on active duty for an  
18 aggregate of less than 36 months; or

19           “(ii) before completion of service on  
20 active duty of an aggregate of 36 months,  
21 is discharged or released from active duty  
22 as described in subsection (c).

23           “(4) An individual who—

24           “(A) commencing on or after September  
25 11, 2001, serves an aggregate of at least 24

1 months, but less than 30 months, on active  
2 duty in the Armed Forces (including service on  
3 active duty in entry level and skill training);  
4 and

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

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

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

13 “(5) An individual who—

14 “(A) commencing on or after September  
15 11, 2001, serves an aggregate of at least 18  
16 months, but less than 24 months, on active  
17 duty in the Armed Forces (excluding service on  
18 active duty in entry level and skill training);  
19 and

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

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

24 “(ii) before completion of service on  
25 active duty of an aggregate of 24 months,

1 is discharged or released from active duty  
2 as described in subsection (c).

3 “(6) An individual who—

4 “(A) commencing on or after September  
5 11, 2001, serves an aggregate of at least 12  
6 months, but less than 18 months, on active  
7 duty in the Armed Forces (excluding service on  
8 active duty in entry level and skill training);  
9 and

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

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

14 “(ii) before completion of service on  
15 active duty of an aggregate of 18 months,  
16 is discharged or released from active duty  
17 as described in subsection (c).

18 “(7) An individual who—

19 “(A) commencing on or after September  
20 11, 2001, serves an aggregate of at least 6  
21 months, but less than 12 months, on active  
22 duty in the Armed Forces (excluding service on  
23 active duty in entry level and skill training);  
24 and

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

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

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

9           “(8) An individual who—

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

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

17                   “(i) continues on active duty for an  
18                   aggregate of less than 6 months; or

19                   “(ii) before completion of service on  
20                   active duty of an aggregate of 6 months, is  
21                   discharged or released from active duty as  
22                   described in subsection (c).

23           “(c) COVERED DISCHARGES AND RELEASES.—A dis-  
24 charge or release from active duty of an individual de-

1 scribed in this subsection is a discharge or release as fol-  
2 lows:

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

5           “(2) A release after service on active duty in  
6 the Armed Forces characterized by the Secretary  
7 concerned as honorable service and placement on the  
8 retired list, transfer to the Fleet Reserve or Fleet  
9 Marine Corps Reserve, or placement on the tem-  
10 porary disability retired list.

11           “(3) A release from active duty in the Armed  
12 Forces for further service in a reserve component of  
13 the Armed Forces after service on active duty char-  
14 acterized by the Secretary concerned as honorable  
15 service.

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

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

23                   “(B) hardship; or

24                   “(C) a physical or mental condition that  
25 was not characterized as a disability and did

1 not result from the individual's own willful mis-  
2 conduct but did interfere with the individual's  
3 performance of duty, as determined by the Sec-  
4 retary concerned in accordance with regulations  
5 prescribed by the Secretary of Defense.

6 “(d) PROHIBITION ON TREATMENT OF CERTAIN  
7 SERVICE AS PERIOD OF ACTIVE DUTY.—The following  
8 periods of service shall not be considered a part of the  
9 period of active duty on which an individual's entitlement  
10 to educational assistance under this chapter is based:

11 “(1) A period of service on active duty of an of-  
12 ficer pursuant to an agreement under section  
13 2107(b) of title 10.

14 “(2) A period of service on active duty of an of-  
15 ficer pursuant to an agreement under section 4348,  
16 6959, or 9348 of title 10.

17 “(3) A period of service that is terminated be-  
18 cause of a defective enlistment and induction based  
19 on—

20 “(A) the individual's being a minor for  
21 purposes of service in the Armed Forces;

22 “(B) an erroneous enlistment or induction;

23 or

24 “(C) a defective enlistment agreement.

1       “(e) TREATMENT OF INDIVIDUALS ENTITLED  
2 UNDER MULTIPLE PROVISIONS.—In the event an indi-  
3 vidual entitled to educational assistance under this chapter  
4 is entitled by reason of both paragraphs (4) and (5) of  
5 subsection (b), the individual shall be treated as being en-  
6 tited to educational assistance under this chapter by rea-  
7 son of paragraph (5) of such subsection.

8 **“§ 3312. Educational assistance: duration**

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

15       “(b) CONTINUING RECEIPT.—The receipt of edu-  
16 cational assistance under section 3313 of this title by an  
17 individual entitled to educational assistance under this  
18 chapter is subject to the provisions of section 3321(b)(2)  
19 of this title.

20       “(c) DISCONTINUATION OF EDUCATION FOR ACTIVE  
21 DUTY.—(1) Any payment of educational assistance de-  
22 scribed in paragraph (2) shall not—

23               “(A) be charged against any entitlement to edu-  
24 cational assistance of the individual concerned under  
25 this chapter; or

1           “(B) be counted against the aggregate period  
2           for which section 3695 of this title limits the individ-  
3           ual’s receipt of educational assistance under this  
4           chapter.

5           “(2) Subject to paragraph (3), the payment of edu-  
6           cational assistance described in this paragraph is the pay-  
7           ment of such assistance to an individual for pursuit of a  
8           course or courses under this chapter if the Secretary finds  
9           that the individual—

10           “(A)(i) in the case of an individual not serving  
11           on active duty, had to discontinue such course pur-  
12           suit as a result of being called or ordered to serve  
13           on active duty under section 688, 12301(a),  
14           12301(d), 12301(g), 12302, or 12304 of title 10; or

15           “(ii) in the case of an individual serving on ac-  
16           tive duty, had to discontinue such course pursuit as  
17           a result of being ordered to a new duty location or  
18           assignment or to perform an increased amount of  
19           work; and

20           “(B) failed to receive credit or lost training  
21           time toward completion of the individual’s approved  
22           education, professional, or vocational objective as a  
23           result of having to discontinue, as described in sub-  
24           paragraph (A), the individual’s course pursuit.

1       “(3) The period for which, by reason of this sub-  
2 section, educational assistance is not charged against enti-  
3 tlement or counted toward the applicable aggregate period  
4 under section 3695 of this title shall not exceed the por-  
5 tion of the period of enrollment in the course or courses  
6 from which the individual failed to receive credit or with  
7 respect to which the individual lost training time, as deter-  
8 mined under paragraph (2)(B).

9       **“§ 3313. Educational assistance: amount; payment**

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

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

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

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

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

17           “(B) A monthly housing stipend in an  
18 amount equal to the monthly amount of the  
19 basic allowance for housing payable under sec-  
20 tion 403 of title 37 for a member with depend-  
21 ents in pay grade E-5 residing in the military  
22 housing area that encompasses all or the major-  
23 ity portion of the ZIP code area in which is lo-  
24 cated the institution of higher education at  
25 which the individual is enrolled.

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

4           “(2) In the case of an individual entitled to  
5           educational assistance under this chapter by reason  
6           of section 3311(b)(3) of this title, amounts equal to  
7           90 percent of the amounts that would be payable to  
8           the individual under paragraph (1) for the program  
9           of education if the individual were entitled to  
10          amounts for the program of education under para-  
11          graph (1) rather than this paragraph.

12          “(3) In the case of an individual entitled to  
13          educational assistance under this chapter by reason  
14          of section 3311(b)(4) of this title, amounts equal to  
15          80 percent of the amounts that would be payable to  
16          the individual under paragraph (1) for the program  
17          of education if the individual were entitled to  
18          amounts for the program of education under para-  
19          graph (1) rather than this paragraph.

20          “(4) In the case of an individual entitled to  
21          educational assistance under this chapter by reason  
22          of section 3311(b)(5) of this title, amounts equal to  
23          70 percent of the amounts that would be payable to  
24          the individual under paragraph (1) for the program  
25          of education if the individual were entitled to

1 amounts for the program of education under para-  
2 graph (1) rather than this paragraph.

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

11 “(6) In the case of an individual entitled to  
12 educational assistance under this chapter by reason  
13 of section 3311(b)(7) of this title, amounts equal to  
14 50 percent of the amounts that would be payable to  
15 the individual under paragraph (1) for the program  
16 of education if the individual were entitled to  
17 amounts for the program of education under para-  
18 graph (1) rather than this paragraph.

19 “(7) In the case of an individual entitled to  
20 educational assistance under this chapter by reason  
21 of section 3311(b)(8) of this title, amounts equal to  
22 40 percent of the amounts that would be payable to  
23 the individual under paragraph (1) for the program  
24 of education if the individual were entitled to

1 amounts for the program of education under para-  
2 graph (1) rather than this paragraph.

3 “(d) FREQUENCY OF PAYMENT.—(1) Payment of the  
4 amounts payable under subsection (c)(1)(A), and of simi-  
5 lar amounts payable under paragraphs (2) through (7) of  
6 subsection (c), for pursuit of a program of education shall  
7 be made in a lump-sum amount for the entire quarter,  
8 semester, or term, as applicable, of the program of edu-  
9 cation before the commencement of such quarter, semes-  
10 ter, or term.

11 “(2) Payment of the amount payable under sub-  
12 section (c)(1)(B), and of similar amounts payable under  
13 paragraphs (2) through (7) of subsection (c), for pursuit  
14 of a program of education shall be made on a monthly  
15 basis.

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

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

8       “(e) PROGRAMS OF EDUCATION PURSUED ON AC-  
9 TIVE DUTY.—(1) Educational assistance is payable under  
10 this chapter for pursuit of an approved program of edu-  
11 cation while on active duty.

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

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

18               “(B) the amount of the charges of the edu-  
19 cational institution as elected by the individual in  
20 the manner specified in section 3014(b)(1) of this  
21 title.

22       “(3) Payment of the amount payable under para-  
23 graph (2) for pursuit of a program of education shall be  
24 made in a lump-sum amount for the entire quarter, semes-  
25 ter, or term, as applicable, of the program of education

1 before the commencement of such quarter, semester, or  
2 term.

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

9 “(f) PROGRAMS OF EDUCATION PURSUED ON LESS  
10 THAN HALF-TIME BASIS.—(1) Educational assistance is  
11 payable under this chapter for pursuit of an approved pro-  
12 gram of education on less than half-time basis.

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

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

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

21 “(ii) the maximum amount that would be  
22 payable to the individual for the program of  
23 education under paragraph (1)(A) of subsection  
24 (c), or under the provisions of paragraphs (2)  
25 through (7) of subsection (c) applicable to the

1 individual, for the program of education if the  
2 individual were entitled to amounts for the pro-  
3 gram of education under subsection (c) rather  
4 than this subsection.

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

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

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

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

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

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

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

12       “(g) APPRENTICESHIP OR OTHER ON-JOB TRAIN-  
13 ING.—(1) Educational assistance is payable under this  
14 chapter for full-time pursuit of a program of apprentice-  
15 ship or other on-job training described in paragraphs (1)  
16 and (2) of section 3687(a) of this title.

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

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

22                       “(i) the established charge which similarly  
23 circumstances nonveterans enrolled in the pro-  
24 gram would be required to pay; or

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

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

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

19           “(3) The nature and amount of the tuition, fees, and  
20 other expenses constituting the established charge for a  
21 program of apprenticeship or training under this sub-  
22 section shall be determined in accordance with regulations  
23 prescribed by the Secretary.

24           “(4)(A) Payment of the amounts payable under sub-  
25 paragraphs (A) and (C) of paragraph (2) for pursuit of

1 a program of apprenticeship or training shall be made,  
2 at the election of the Secretary—

3 “(i) in a lump sum for such period of the pro-  
4 gram as the Secretary shall determine before the  
5 commencement of such period of the program; or

6 “(ii) on a monthly basis.

7 “(B) Payments of the amounts payable under sub-  
8 paragraph (B) of paragraph (2) shall be made on a  
9 monthly basis.

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

16 “(h) PROGRAMS OF EDUCATION BY CORRESPOND-  
17 ENCE.—(1) Educational assistance is payable under this  
18 chapter for pursuit of a program of education exclusively  
19 by correspondence.

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

24 “(A) An amount equal to 55 percent of amount  
25 that would be payable to the individual for the pro-

1       gram of education under paragraph (1)(A) of sub-  
2       section (c), or under the provisions of paragraphs  
3       (2) through (7) of subsection (c) applicable to the  
4       individual, for the program of education if the indi-  
5       vidual were entitled to amounts for the program of  
6       education under subsection (c) rather than this sub-  
7       section.

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

13      “(3) Payment of the amounts payable under para-  
14      graph (2) for pursuit of a program of education by cor-  
15      respondence shall be made quarterly on a pro rata basis  
16      for the lessons completed by the individual and serviced  
17      by the institution involved.

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

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

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

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

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

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

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

17               “(i) the established charge which similarly  
18 circumstances nonveterans enrolled in the pro-  
19 gram would be required to pay; or

20               “(ii) the maximum amount that would be  
21 payable to the individual for the program of  
22 education under paragraph (1)(A) of subsection  
23 (c), or under the provisions of paragraphs (2)  
24 through (7) of subsection (c) applicable to the  
25 individual, for the program of education if the

1 individual were entitled to amounts for the pro-  
2 gram of education under subsection (c) rather  
3 than this subsection.

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

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

13 “(4) The nature and amount of the tuition, fees, and  
14 other expenses constituting the established charge for a  
15 program of flight training under this subsection shall be  
16 determined in accordance with regulations prescribed by  
17 the Secretary.

18 “(5) Payment of the amounts payable under para-  
19 graph (3) for pursuit of a program of flight training shall  
20 be made on a monthly basis.

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

1       “(j) PAYMENT OF CERTAIN AMOUNTS BY VOUCH-  
2 ER.—Amounts payable under subsections (c)(1)(A),  
3 (e)(2)(A), (f)(2)(A), (g)(2)(A), (h)(2)(A), and (i)(3)(A)  
4 shall be paid to the individual concerned in the form of  
5 a voucher, or other form of credit specified by the Sec-  
6 retary for purposes of this subsection, that is redeemable  
7 by the educational institution concerned in such manner  
8 as the Secretary shall prescribe.

9       “(k) ESTABLISHED CHARGES DEFINED.—(1) In sub-  
10 sections (e), (e), and (f), the term ‘established charges’,  
11 in the case of a program of education, means the actual  
12 charges (as determined pursuant to regulations prescribed  
13 by the Secretary) for tuition and fees which similarly  
14 circumstanced nonveterans enrolled in the program of  
15 education would be required to pay.

16       “(2) Established charges shall be determined for pur-  
17 poses of this subsection on the following basis:

18               “(A) In the case of an individual enrolled in a  
19 program of education offered on a term, quarter, or  
20 semester basis, the tuition and fees charged the indi-  
21 vidual for the term, quarter, or semester.

22               “(B) In the case of an individual enrolled in a  
23 program of education not offered on a term, quarter,  
24 or semester basis, the tuition and fees charged the  
25 individual for the entire program of education.

1 **“§ 3314. Tutorial assistance**

2       “(a) IN GENERAL.—Subject to subsection (b), an in-  
3 dividual entitled to educational assistance under this chap-  
4 ter shall also be entitled to benefits provided an eligible  
5 veteran under section 3492 of this title.

6       “(b) CONDITIONS.—(1) The provision of benefits  
7 under subsection (a) shall be subject to the conditions ap-  
8 plicable to an eligible veteran under section 3492 of this  
9 title.

10       “(2) In addition to the conditions specified in para-  
11 graph (1), benefits may not be provided to an individual  
12 under subsection (a) unless the professor or other indi-  
13 vidual teaching, leading, or giving the course for which  
14 such benefits are provided certifies that—

15               “(A) such benefits are essential to correct a de-  
16 ficiency of the individual in such course; and

17               “(B) such course is required as a part of, or is  
18 prerequisite or indispensable to the satisfactory pur-  
19 suit of, an approved program of education.

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

24       “(2) The amount provided an individual under this  
25 subsection is in addition to the amounts of educational as-

1 sistance paid the individual under section 3313 of this  
2 title.

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

7 **“§ 3315. Licensure and certification tests**

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

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

15 “(1) \$2,000; or

16 “(2) the fee charged for the test.

17 “(c) NO CHARGE AGAINST ENTITLEMENT.—Any  
18 amount paid an individual under subsection (a) is in addi-  
19 tion to any other educational assistance benefits provided  
20 the individual under this chapter.

21 **“§ 3316. Supplemental educational assistance for ad-  
22 ditional service**

23 “(a) IN GENERAL.—Under such regulations as the  
24 Secretary of Defense shall prescribe, an individual entitled  
25 to educational assistance under this chapter shall be eligi-

1 ble for supplemental educational assistance for additional  
2 service as authorized by the provisions of subchapter III  
3 of chapter 30 of this title.

4 “(b) ADMINISTRATION.—The qualification for entitle-  
5 ment, amount, and payment of supplemental educational  
6 assistance under this section shall be in accordance with  
7 the provisions of subchapter III of chapter 30 of this title,  
8 except that any reference in such provisions to eligibility  
9 for basic educational assistance under a provision of sub-  
10 chapter II of chapter 30 of this title shall be treated as  
11 a reference to eligibility for educational assistance under  
12 the appropriate provision of this chapter.

13 **“§ 3317. Public-private contributions for additional**  
14 **educational assistance**

15 “(a) ESTABLISHMENT OF PROGRAM.—In instances  
16 where the educational assistance provided pursuant to sec-  
17 tion 3313(c)(1)(A) does not cover the full cost of estab-  
18 lished charges (as specified in section 3313 of this title),  
19 the Secretary shall carry out a program under which col-  
20 leges and universities can, voluntarily, enter into an agree-  
21 ment with the Secretary to cover a portion of those estab-  
22 lished charges not otherwise covered under section  
23 3313(c)(1)(A), which contributions shall be matched by  
24 equivalent contributions toward such costs by the Sec-  
25 retary. The program shall only apply to covered individ-

1 uals described in paragraphs (1) and (2) of section  
2 3311(b).

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

6 “(c) AGREEMENTS.—The Secretary shall enter into  
7 an agreement with each college or university seeking to  
8 participate in the program under this section. Each agree-  
9 ment shall specify the following:

10 “(1) The manner (whether by direct grant,  
11 scholarship, or otherwise) of the contributions to be  
12 made by the college or university concerned.

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

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

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

23 “(d) MATCHING CONTRIBUTIONS.—(1) In instances  
24 where the educational assistance provided an individual  
25 under section 3313(c)(1)(A) of this title does not cover

1 the full cost of tuition and mandatory fees at a college  
 2 or university, the Secretary shall provide up to 50 percent  
 3 of the remaining costs for tuition and mandatory fees if  
 4 the college or university voluntarily enters into an agree-  
 5 ment with the Secretary to match an equal percentage of  
 6 any of the remaining costs for such tuition and fees.

7 “(2) Amounts available to the Secretary under sec-  
 8 tion 3324(b) of this title for payment of the costs of this  
 9 chapter shall be available to the Secretary for purposes  
 10 of paragraph (1).

11 “(e) OUTREACH.—The Secretary shall make available  
 12 on the Internet website of the Department available to the  
 13 public a current list of the colleges and universities partici-  
 14 pating in the program under this section. The list shall  
 15 specify, for each college or university so listed, appropriate  
 16 information on the agreement between the Secretary and  
 17 such college or university under subsection (c).

18 “SUBCHAPTER III—ADMINISTRATIVE

19 PROVISIONS

20 “§ 3321. **Time limitation for use of and eligibility for**  
 21 **entitlement**

22 “(a) IN GENERAL.—Except as provided in this sec-  
 23 tion, the period during which an individual entitled to edu-  
 24 cational assistance under this chapter may use such indi-  
 25 vidual’s entitlement expires at the end of the 15-year pe-

1 riod beginning on the date of such individual’s last dis-  
2 charge or release from active duty.

3 “(b) EXCEPTIONS.—(1) Subsections (b), (c), and (d)  
4 of section 3031 of this title shall apply with respect to  
5 the running of the 15-year period described in subsection  
6 (a) of this section in the same manner as such subsections  
7 apply under section 3031 of this title with respect to the  
8 running of the 10-year period described in section 3031(a)  
9 of this title.

10 “(2) Section 3031(f) of this title shall apply with re-  
11 spect to the termination of an individual’s entitlement to  
12 educational assistance under this chapter in the same  
13 manner as such section applies to the termination of an  
14 individual’s entitlement to educational assistance under  
15 chapter 30 of this title, except that, in the administration  
16 of such section for purposes of this chapter, the reference  
17 to section 3013 of this title shall be deemed to be a ref-  
18 erence to 3312 of this title.

19 “(3) For purposes of subsection (a), an individual’s  
20 last discharge or release from active duty shall not include  
21 any discharge or release from a period of active duty of  
22 less than 90 days of continuous service, unless the indi-  
23 vidual is discharged or released as described in section  
24 3311(b)(2) of this title.

1 **“§ 3322. Bar to duplication of educational assistance**  
2 **benefits**

3 “(a) IN GENERAL.—An individual entitled to edu-  
4 cational assistance under this chapter who is also eligible  
5 for educational assistance under chapter 30, 31, 32, or  
6 35 of this title, chapter 107, 1606, or 1607 of title 10,  
7 or the provisions of the Hostage Relief Act of 1980 (Public  
8 Law 96–449; 5 U.S.C. 5561 note) may not receive assist-  
9 ance under two or more such programs concurrently, but  
10 shall elect (in such form and manner as the Secretary may  
11 prescribe) under which chapter or provisions to receive  
12 educational assistance.

13 “(b) INAPPLICABILITY OF SERVICE TREATED UNDER  
14 EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period  
15 of service counted for purposes of repayment of an edu-  
16 cation loan under chapter 109 of title 10 may not be  
17 counted as a period of service for entitlement to edu-  
18 cational assistance under this chapter.

19 “(c) SERVICE IN SELECTED RESERVE.—An indi-  
20 vidual who serves in the Selected Reserve may receive  
21 credit for such service under only one of this chapter,  
22 chapter 30 of this title, and chapters 1606 and 1607 of  
23 title 10, and shall elect (in such form and manner as the  
24 Secretary may prescribe) under which chapter such service  
25 is to be credited.

1           “(d) ADDITIONAL COORDINATION MATTERS.—In the  
2 case of an individual entitled to educational assistance  
3 under chapter 30, 31, 32, or 35 of this title, chapter 107,  
4 1606, or 1607 of title 10, or the provisions of the Hostage  
5 Relief Act of 1980, or making contributions toward enti-  
6 tlement to educational assistance under chapter 30 of this  
7 title, as of the date of the enactment of the Post-9/11 Vet-  
8 erans Educational Assistance Act of 2007, coordination  
9 of entitlement to educational assistance under this chap-  
10 ter, on the one hand, and such chapters or provisions, on  
11 the other, shall be governed by the provisions of section  
12 3(c) of the Post-9/11 Veterans Educational Assistance Act  
13 of 2007.

14 **“§ 3323. Administration**

15           “(a) IN GENERAL.—(1) Except as otherwise provided  
16 in this chapter, the provisions specified in section  
17 3034(a)(1) of this title shall apply to the provision of edu-  
18 cational assistance under this chapter.

19           “(2) In applying the provisions referred to in para-  
20 graph (1) to an individual entitled to educational assist-  
21 ance under this chapter for purposes of this section, the  
22 reference in such provisions to the term ‘eligible veteran’  
23 shall be deemed to refer to an individual entitled to edu-  
24 cational assistance under this chapter.

1       “(3) In applying section 3474 of this title to an indi-  
2       vidual entitled to educational assistance under this chapter  
3       for purposes of this section, the reference in such section  
4       3474 to the term ‘educational assistance allowance’ shall  
5       be deemed to refer to educational assistance payable under  
6       section 3313 of this title.

7       “(4) In applying section 3482(g) of this title to an  
8       individual entitled to educational assistance under this  
9       chapter for purposes of this section—

10               “(A) the first reference to the term ‘educational  
11               assistance allowance’ in such section 3482(g) shall  
12               be deemed to refer to educational assistance payable  
13               under section 3313 of this title; and

14               “(B) the first sentence of paragraph (1) of such  
15               section 3482(g) shall be applied as if such sentence  
16               ended with ‘equipment’.

17       “(b) INFORMATION ON BENEFITS.—(1) The Sec-  
18       retary of Veterans Affairs shall provide the information  
19       described in paragraph (2) to each member of the Armed  
20       Forces at such times as the Secretary of Veterans Affairs  
21       and the Secretary of Defense shall jointly prescribe in reg-  
22       ulations.

23       “(2) The information described in this paragraph is  
24       information on benefits, limitations, procedures, eligibility  
25       requirements (including time-in-service requirements),

1 and other important aspects of educational assistance  
2 under this chapter, including application forms for such  
3 assistance under section 5102 of this title.

4 “(3) The Secretary of Veterans Affairs shall furnish  
5 the information and forms described in paragraph (2), and  
6 other educational materials on educational assistance  
7 under this chapter, to educational institutions, training es-  
8 tablishments, military education personnel, and such other  
9 persons and entities as the Secretary considers appro-  
10 priate.

11 “(c) REGULATIONS.—(1) The Secretary shall pre-  
12 scribe regulations for the administration of this chapter.

13 “(2) Any regulations prescribed by the Secretary of  
14 Defense for purposes of this chapter shall apply uniformly  
15 across the Armed Forces.

16 **“§ 3324. Allocation of administration and costs**

17 “(a) ADMINISTRATION.—Except as otherwise pro-  
18 vided in this chapter, the Secretary shall administer the  
19 provision of educational assistance under this chapter.

20 “(b) COSTS.—Payments for entitlement to edu-  
21 cational assistance earned under this chapter shall be  
22 made from funds appropriated to, or otherwise made avail-  
23 able to, the Department of Veterans Affairs for the pay-  
24 ment of readjustment benefits.”.

1           (2) CLERICAL AMENDMENTS.—The tables of  
2 chapters at the beginning of title 38, United States  
3 Code, and at the beginning of part III of such title,  
4 are each amended by inserting after the item relat-  
5 ing to chapter 32 the following new item:

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

6           (b) CONFORMING AMENDMENTS.—

7           (1) AMENDMENTS RELATING TO DUPLICATION  
8 OF BENEFITS.—

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

11           (i) in subsection (a)(1), by inserting  
12 “33,” after “32,”; and

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

20           (B) Paragraph (4) of section 3695(a) of  
21 such title is amended to read as follows:

22           “(4) Chapters 30, 32, 33, 34, 35, and 36 of  
23 this title.”.

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

4 (2) ADDITIONAL CONFORMING AMENDMENTS.—

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

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

11 (ii) In section 3688(b).

12 (iii) In subsections (a)(1), (c)(1),  
13 (c)(1)(G), (d), and (e)(2) of section 3689.

14 (iv) In section 3690( b)(3)(A).

15 (v) In subsections (a) and (b) of sec-  
16 tion 3692.

17 (vi) In section 3697(a).

18 (B) Section 3697A(b)(1) of such title is  
19 amended by striking “or 32” and inserting “32,  
20 or 33”.

21 (c) APPLICABILITY TO INDIVIDUALS UNDER MONT-  
22 GOMERY GI BILL PROGRAM.—

23 (1) INDIVIDUALS ELIGIBLE TO ELECT PARTICI-  
24 PATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—

25 An individual may elect to receive educational assist-

1       ance under chapter 33 of title 38, United States  
2       Code (as added by subsection (a)), if such indi-  
3       vidual—

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

6               (i) is entitled to basic educational as-  
7       sistance under chapter 30 of title 38,  
8       United States Code, and has used, but re-  
9       tains unused, entitlement under that chap-  
10      ter;

11              (ii) is entitled to educational assist-  
12      ance under chapter 107, 1606, or 1607 of  
13      title 10, United States Code, and has used,  
14      but retains unused, entitlement under the  
15      applicable chapter;

16              (iii) is entitled to basic educational as-  
17      sistance under chapter 30 of title 38,  
18      United States Code, but has not used any  
19      entitlement under that chapter;

20              (iv) is entitled to educational assist-  
21      ance under chapter 107, 1606, or 1607 of  
22      title 10, United States Code, but has not  
23      used any entitlement under such chapter;

24              (v) is a member of the Armed Forces  
25      who is eligible for receipt of basic edu-

1           cational assistance under chapter 30 of  
2           title 38, United States Code, and is mak-  
3           ing contributions toward such assistance  
4           under section 3011(b) or 3012(c) of such  
5           title; or

6                   (vi) is a member of the Armed Forces  
7           who is not entitled to basic educational as-  
8           sistance under chapter 30 of title 38,  
9           United States Code, by reason of an elec-  
10          tion under section 3011(c)(1) or  
11          3012(d)(1) of such title; and

12                   (B) as of the date of the individual's elec-  
13          tion under this paragraph, meets the require-  
14          ments for entitlement to educational assistance  
15          under chapter 33 of title 38, United States  
16          Code (as so added).

17           (2) ELECTION ON TREATMENT OF TRANS-  
18          FERRED ENTITLEMENT.—

19                   (A) ELECTION.—If, on the date an indi-  
20          vidual described in subparagraph (A)(i) or  
21          (A)(iii) of paragraph (1) makes an election  
22          under that paragraph, a transfer of the entitle-  
23          ment of the individual to basic educational as-  
24          sistance under section 3020 of title 38, United  
25          States Code, is in effect and a number of

1 months of the entitlement so transferred remain  
2 unutilized, the individual may elect to revoke all  
3 or a portion of the entitlement so transferred  
4 that remains unutilized.

5 (B) AVAILABILITY OF REVOKED ENTITLE-  
6 MENT.—Any entitlement revoked by an indi-  
7 vidual under this paragraph shall no longer be  
8 available to the dependent to whom transferred,  
9 but shall be available to the individual instead  
10 for educational assistance under chapter 33 of  
11 title 38, United States Code (as so added), as  
12 provided in paragraph (3)(B).

13 (C) AVAILABILITY OF UNREVOKED ENTI-  
14 TLEMENT.—Any entitlement described in sub-  
15 paragraph (A) that is not revoked by an indi-  
16 vidual in accordance with that subparagraph  
17 shall remain available to the dependent or de-  
18 pendents concerned in accordance with the cur-  
19 rent transfer of such entitlement under section  
20 3020 of title 38, United States Code.

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

22 (A) IN GENERAL.—Subject to subpara-  
23 graph (B), an individual making an election  
24 under paragraph (1) shall be entitled to edu-  
25 cational assistance under chapter 33 of title 38,

1 United States Code (as so added), in accord-  
2 ance with the provisions of such chapter, in-  
3 stead of basic educational assistance under  
4 chapter 30 of title 38, United States Code, or  
5 educational assistance under chapter 107,  
6 1606, or 1607 of title 10, United States Code,  
7 as applicable.

8 (B) LIMITATION ON ENTITLEMENT FOR  
9 CERTAIN INDIVIDUALS.—In the case of an indi-  
10 vidual making an election under paragraph (1)  
11 who is described by subparagraph (A)(i) of that  
12 paragraph, the number of months of entitle-  
13 ment of such individual to educational assist-  
14 ance under chapter 33 of title 38, United  
15 States Code (as so added), shall be the number  
16 of months equal to the number of months of  
17 unused entitlement of such individual under  
18 chapter 30 of title 38, United States Code, as  
19 of the date of the election, including any num-  
20 ber of months entitlement revoked by the indi-  
21 vidual under paragraph (2)(A).

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

24 (A) IN GENERAL.—If the aggregate  
25 amount of entitlement to educational assistance

1 under chapter 33 of title 38, United States  
2 Code (as so added), accumulated by an indi-  
3 vidual described in subparagraph (A)(i) or  
4 (A)(ii) of paragraph (1) who makes an election  
5 under that paragraph is less than 36 months,  
6 the individual shall retain, and may utilize, any  
7 unutilized entitlement of the individual to edu-  
8 cational assistance under chapter 30 of title 38,  
9 United States Code, or chapter 107, 1606, or  
10 1607 of title 10, United States Code, as appli-  
11 cable, for a number of months equal to the less-  
12 er of—

13 (i) 36 months minus the number of  
14 months of entitlement so accumulated by  
15 the individual; or

16 (ii) the number of months of such un-  
17 utilized entitlement of the individual.

18 (B) UTILIZATION OF RETAINED ENTITLE-  
19 MENT.—The utilization of entitlement retained  
20 by an individual under this paragraph shall be  
21 governed by the provisions of chapter 30 of title  
22 38, United States Code, or chapter 107, 1606,  
23 or 1607 of title 10, United States Code, as ap-  
24 plicable.

1           (5) TREATMENT OF CONTRIBUTIONS TOWARD  
2 BASIC EDUCATIONAL ASSISTANCE.—

3           (A) REFUND OF CONTRIBUTIONS.—Except  
4 as provided in subparagraph (B), the Secretary  
5 of Veterans Affairs shall pay to each individual  
6 making an election under paragraph (1) who is  
7 described by clause (i), (iii), or (v) of subpara-  
8 graph (A) of that paragraph an amount equal  
9 to the total amount of contributions made by  
10 such individual under subchapter II of chapter  
11 30 of title 38, United States Code, for basic  
12 educational assistance under that chapter, in-  
13 cluding any contributions made under sub-  
14 section (b) or (e) of section 3011 of such title  
15 or any contributions made under subsection (c)  
16 or (f) of section 3012 of such title.

17           (B) EXCEPTION.—In the case of an indi-  
18 vidual described by subparagraph (A) who is  
19 entitled to basic educational assistance under  
20 chapter 30 of title 38, United States Code, by  
21 reason of paragraph (4)(A), the amount payable  
22 to the individual under this paragraph shall be  
23 an amount equal to—

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

4 (ii) a fraction—

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

12 (II) the denominator of which is

13 36.

14 (C) CESSATION OF CONTRIBUTIONS.—Ef-  
15 fective as of the first month beginning on or  
16 after the date of an election under paragraph  
17 (1) of an individual described by subparagraph  
18 (A)(v) of that paragraph, the obligation of such  
19 individual to make contributions under section  
20 3011(b) or 3012(c) of title 38, United States  
21 Code, as applicable, shall cease, and the re-  
22 quirements of such section shall be deemed to  
23 be no longer applicable to such person.

24 (6) TERMINATION OF ENTITLEMENT UNDER  
25 MONTGOMERY GI BILL.—Except as otherwise pro-

1 vided in paragraph (4), effective on the last day of  
2 the month in which an individual makes an election  
3 under paragraph (1), the entitlement, if any, of the  
4 individual to basic educational assistance under  
5 chapter 30 of title 38, United States Code, or edu-  
6 cational assistance under chapter 107, 1606, or  
7 1607 of title 10, United States Code, as applicable,  
8 shall terminate.

9 (7) IRREVOCABILITY OF ELECTIONS.—An elec-  
10 tion under paragraph (1) or (2)(A) is irrevocable.

11 **SEC. 3. TREATMENT AS OTHER FINANCIAL AID.**

12 Section 480(j)(1) of the Higher Education Act of  
13 1965 (20 U.S.C. 1087vv(j)(1)) is amended—

14 (1) by striking “veterans’ education benefits as  
15 in subsection (c) of this section, and”; and

16 (2) by inserting before the period at the end the  
17 following: “, but excluding any payments of edu-  
18 cational assistance to veterans under title 38, United  
19 States Code, and to members of the Selected Re-  
20 serve under chapters 1606 and 1607 of title 10,  
21 United States Code”.

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