

110TH CONGRESS  
1ST SESSION

# S. 22

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 SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mr. WEBB introduced the following bill; which was read twice and 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 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 “Post-9/11 Veterans  
5 Educational Assistance Act of 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1           (1) On September 11, 2001, terrorists attacked  
2 the United States, and the brave members of the  
3 Armed Forces of the United States were called to  
4 the defense of the Nation.

5           (2) Service on active duty in the Armed Forces  
6 has been especially arduous for the members of the  
7 Armed Forces since September 11, 2001.

8           (3) The United States has a proud history of  
9 offering educational assistance to millions of vet-  
10 erans, as demonstrated by the many “G.I. Bills” en-  
11 acted since World War II. Educational assistance for  
12 veterans helps reduce the costs of war, assist vet-  
13 erans in readjusting to civilian life after wartime  
14 service, and boost the United States economy, and  
15 has a positive effect on recruitment for the Armed  
16 Forces.

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

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

24           (6) It is in the national interest for the United  
25 States to provide veterans who served on active duty

1 in the Armed Forces after September 11, 2001, with  
 2 enhanced educational assistance benefits that are  
 3 worthy of such service and are commensurate with  
 4 the educational assistance benefits provided by a  
 5 grateful Nation to veterans of World War II.

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

9 (a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

10 (1) IN GENERAL.—Part III of title 38, United  
 11 States Code, is amended by inserting after chapter  
 12 32 the following new chapter:

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

“SUBCHAPTER I—DEFINITIONS

“Sec.

“3301. Definitions.

“SUBCHAPTER II—EDUCATIONAL ASSISTANCE

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

“3312. Educational assistance: duration.

“3313. Educational assistance: payment; amount.

“3314. Tutorial assistance.

“3315. Licensing and certification tests.

“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.

## 1                   “SUBCHAPTER I—DEFINITIONS

2   **“§ 3301. Definitions**

3           “In this chapter:

4                   “(1) The term ‘active duty’ has the meaning  
5           given such term in sections 101 and 3002(7) of this  
6           title and includes the limitations specified in section  
7           3002(6) of this title.8                   “(2) The terms ‘program of education’, ‘Sec-  
9           retary of Defense’, and ‘Selected Reserve’ have the  
10          meaning given such terms in section 3002 of this  
11          title.

## 12   “SUBCHAPTER II—EDUCATIONAL ASSISTANCE

13   **“§ 3311. Educational assistance for service in the**  
14                   **Armed Forces after September 11, 2001:**  
15                   **entitlement**16           “(a) ENTITLEMENT.—Except as provided in sub-  
17          section (c) and subject to subsections (d) through (f), each  
18          individual described in subsection (b) is entitled to edu-  
19          cational assistance under this chapter.20           “(b) COVERED INDIVIDUALS.—An individual de-  
21          scribed in this subsection is any individual as follows:

22                   “(1) An individual who—

23                           “(A) as of September 11, 2001, is a mem-  
24                   ber of the Armed Forces and has served an ag-

1           gregate of at least two years of active duty in  
2           the Armed Forces; and

3           “(B) after September 10, 2001—

4                   “(i) serves at least 30 days of active  
5                   duty in the Armed Forces; or

6                   “(ii) is discharged or released as de-  
7                   scribed in subsection (d)(1).

8           “(2) An individual who—

9                   “(A) as of September 10, 2001, is a mem-  
10                  ber of the Armed Forces;

11                  “(B) as of any date on or after September  
12                  11, 2001—

13                   “(i) has served an aggregate of at  
14                   least two years of active duty in the Armed  
15                   Forces; or

16                   “(ii) before completion of service as  
17                   described in clause (i), is discharged or re-  
18                   leased as described in subsection (d)(1);  
19                   and

20                  “(C) if described by subparagraph (B)(i),  
21                  after September 11, 2001—

22                   “(i) serves at least 30 days of active  
23                   duty in the Armed Forces; or

24                   “(ii) is discharged or released as de-  
25                   scribed in subsection (d)(1).

1 “(3) An individual who—

2 “(A) on or after September 11, 2001, first  
3 becomes a member of the Armed Forces or first  
4 enters on active duty as a member of the  
5 Armed Forces and—

6 “(i) serves an aggregate of at least  
7 two years of active duty in the Armed  
8 Forces; or

9 “(ii) before completion of service as  
10 described in clause (i), is discharged or re-  
11 leased as described in subsection (d);

12 “(B) before applying for benefits under  
13 this chapter, completes the requirements of a  
14 secondary school diploma (or equivalency cer-  
15 tificate), or successfully completes (or otherwise  
16 receives academic credit for) the equivalent of  
17 12 semester hours in a program of education  
18 leading to a standard college degree; and

19 “(C) after completion of the service de-  
20 scribed in subparagraph (A)(i)—

21 “(i) continues on active duty;

22 “(ii) is discharged from active duty  
23 with an honorable discharge;

24 “(iii) is released after service on active  
25 duty characterized by the Secretary con-

1           cerned as honorable service and is placed  
2           on the retired list, is transferred to the  
3           Fleet Reserve or Fleet Marine Corps Re-  
4           serve, or is placed on the temporary dis-  
5           ability list; or

6           “(iv) is released from active duty for  
7           further service in a reserve component of  
8           the Armed Forces after service on active  
9           duty characterized by the Secretary con-  
10          cerned as honorable service.

11         “(4) An individual who—

12           “(A) on or after September 11, 2001, first  
13           becomes a member of the Armed Forces or first  
14           enters on active duty as a member of the  
15           Armed Forces and—

16           “(i)(I) serves an aggregate of at least  
17           two years of active duty in the Armed  
18           Forces characterized by the Secretary con-  
19           cerned as honorable service; or

20           “(II) before completion of service as  
21           described in subclause (I), is discharged or  
22           released as described in subsection (d); and

23           “(ii) beginning within one year after  
24           completion of service on active duty as de-  
25           scribed in clause (i)(I)—

1                   “(I) serves at least four years of  
2                   continuous active duty in the Selected  
3                   Reserve during which the individual  
4                   participates satisfactorily in training  
5                   as required by the Secretary con-  
6                   cerned; or

7                   “(II) during the four years de-  
8                   scribed in subclause (I), is discharged  
9                   or released as described in subsection  
10                  (d);

11                  “(B) before applying for benefits under  
12                  this chapter, completes the requirements of a  
13                  secondary school diploma (or equivalency cer-  
14                  tificate), or successfully completes (or otherwise  
15                  receives academic credit for) the equivalent of  
16                  12 semester hours in a program of education  
17                  leading to a standard college degree; and

18                  “(C) after completion of the service de-  
19                  scribed in subparagraph (A)—

20                  “(i) is discharged from service with an  
21                  honorable discharge, is placed on the re-  
22                  tired list, or is transferred to the Standby  
23                  Reserve or an element of the Ready Re-  
24                  serve other than the Selected Reserve after  
25                  service in the Selected Reserve character-

1                    ized by the Secretary concerned as honor-  
2                    able service; or

3                    “(ii) continues on active duty or in  
4                    the Selected Reserve.

5                    “(c) EXCEPTIONS.—The following individuals are not  
6 entitled to educational assistance under this chapter:

7                    “(1) An individual who, after September 11,  
8                    2001, receives a commission as an officer in the  
9                    Armed Forces upon graduation from the United  
10                    States Military Academy, the United States Naval  
11                    Academy, the United States Air Force Academy, or  
12                    the Coast Guard Academy.

13                    “(2) An individual who, after September 11,  
14                    2001, receives a commission as an officer in the  
15                    Armed Forces upon completion of a program of edu-  
16                    cational assistance under section 2107 of title 10 if  
17                    while participating in such program such individual  
18                    received an aggregate of \$25,000 or more for par-  
19                    ticipation in such program.

20                    “(d) CERTAIN DISCHARGE OR RELEASE PROVIDING  
21 EXCEPTION FROM SERVICE REQUIREMENTS.—A dis-  
22 charge or release described in this subsection is a dis-  
23 charge or release (whether from service on active duty in  
24 the Armed Forces under subsection (b)(1)(B)(i),  
25 (b)(2)(B)(i), (b)(2)(C)(i), (b)(3)(A)(i), or (b)(4)(A)(i)(I)

1 or from service in the Selected Reserve under subsection  
2 (b)(4)(A)(ii)(I) for—

3 “(1) a service-connected disability;

4 “(2) a medical condition which preexisted such  
5 service and which the Secretary determines is not  
6 service-connected;

7 “(3) hardship; or

8 “(4) a physical or mental condition that was  
9 not characterized as a disability and did not result  
10 from the individual’s own willful misconduct but did  
11 interfere with the individual’s performance of duty,  
12 as determined by the Secretary of each military de-  
13 partment in accordance with regulations prescribed  
14 by the Secretary of Defense.

15 “(e) CERTAIN INTERRUPTION IN SELECTED RE-  
16 SERVE SERVICE PROVIDING EXCEPTION FROM SERVICE  
17 REQUIREMENT.—After an individual begins service in the  
18 Selected Reserve as described in subsection (b)(4)(A)(ii),  
19 the continuity of service of the individual as a member  
20 of the Selected Reserve shall not be considered to be bro-  
21 ken—

22 “(1) by any period of time (not to exceed a  
23 maximum period prescribed in regulations by the  
24 Secretary concerned) during which the member is  
25 not able to locate a unit of the member’s Armed

1 Force that the member is eligible to join or that has  
2 a vacancy; or

3 “(2) by any other period of time (not to exceed  
4 a maximum period so prescribed) during which the  
5 member is not attached to a unit of the Selected Re-  
6 serve that the Secretary concerned, pursuant to reg-  
7 ulations, considers to be inappropriate to consider  
8 for such purpose.

9 “(f) PROHIBITION ON TREATMENT OF CERTAIN  
10 SERVICE AS PERIOD OF ACTIVE DUTY.—A period of serv-  
11 ice shall not be considered a part of the period of active  
12 duty on which an individual’s entitlement to educational  
13 assistance under this chapter is based if the period of serv-  
14 ice is terminated because of a defective enlistment and in-  
15 duction based on—

16 “(1) the individual’s being a minor for purposes  
17 of service in the Armed Forces;

18 “(2) an erroneous enlistment or induction; or

19 “(3) a defective enlistment agreement.

20 **“§ 3312. Educational assistance: duration**

21 “(a) IN GENERAL.—Subject to section 3695 of this  
22 title and subsection (b), an individual entitled to edu-  
23 cational assistance under section 3311 of this title is enti-  
24 tled to a number of months of educational assistance  
25 under section 3313 of this title as follows:

1           “(1) In the case of an individual described by  
2 paragraph (1) section 3311(b) of this title—

3           “(A) if the individual is described by sub-  
4 paragraph (B)(i) of such paragraph, the aggregate  
5 number of months served by the individual  
6 on active duty in the Armed Forces after Sep-  
7 tember 11, 2001; or

8           “(B) if the individual is described by sub-  
9 paragraph (B)(ii) of such paragraph, 36  
10 months.

11           “(2) In the case of an individual described by  
12 paragraph (2) of section 3311(b) of this title—

13           “(A) if the individual is described by both  
14 subparagraphs (B)(i) and (C)(i) of such para-  
15 graph, the aggregate number of months served  
16 by the individual on active duty in the Armed  
17 Forces after September 11, 2001; or

18           “(B) if the individual is described by sub-  
19 paragraph (B)(ii) or (C)(ii) of such paragraph,  
20 36 months.

21           “(3) In the case of an individual described by  
22 paragraph (3) of section 3311(b) of this title—

23           “(A) if the individual is described by sub-  
24 paragraph (A)(i) of such paragraph, the aggregate  
25 number of months served by the individual

1 on active duty in the Armed Forces after Sep-  
2 tember 11, 2001; or

3 “(B) if the individual is described by sub-  
4 paragraph (A)(ii) of such paragraph—

5 “(i) if the discharge or release of the  
6 individual is described by paragraph (1) of  
7 section 3311(d) of this title, 36 months; or

8 “(ii) if the discharge or release of the  
9 individual is described by paragraph (2),  
10 (3), or (4) of section 3311(d) of this title,  
11 the aggregate number of months served by  
12 the individual on active duty in the Armed  
13 Forces after September 11, 2001.

14 “(4) In the case of an individual described by  
15 paragraph (4) of section 3311(b) of this title—

16 “(A) if the individual is described by sub-  
17 paragraph (A)(i) of such paragraph—

18 “(i) if the individual is further de-  
19 scribed by subclause (I) of such subpara-  
20 graph, 24 months;

21 “(ii) if the individual is further de-  
22 scribed by subclause (II) of such subpara-  
23 graph and has a discharge or release de-  
24 scribed by paragraph (1) of section  
25 3311(d) of this title, 36 months; or

1           “(iii) if the individual is further de-  
2           scribed by subclause (II) of such subpara-  
3           graph and has a discharge or release de-  
4           scribed by paragraph (2), (3), of (4) of  
5           section 3311(d) of this title, the aggregate  
6           number of months served by the individual  
7           on active duty in the Armed Forces after  
8           September 11, 2001; and

9           “(B) if the individual is also described by  
10          subparagraph (A)(ii) of such paragraph—

11           “(i) if the individual is further de-  
12           scribed by subclause (I) of such subpara-  
13           graph, an additional one month for each  
14           four months served by the individual in the  
15           Selected Reserve (other than any month in  
16           which the individual served on active duty)  
17           after September 11, 2001; or

18           “(ii) if the individual is further de-  
19           scribed by subclause (II) of such subpara-  
20           graph and the individual—

21           “(I) has a discharge or release  
22           described by paragraph (1) of section  
23           3311(d) of this title, 12 months; or

24           “(II) has a discharge or release  
25           described by paragraph (2), (3), or

1 (4) of section 3311(d) of this title, an  
2 additional one month for each four  
3 months served by the individual in the  
4 Selected Reserve (other than any  
5 month in which the individual served  
6 on active duty) after September 11,  
7 2001.

8 “(b) LIMITATION.—Except as provided in section  
9 3321(b)(2) of this title, an individual may not receive edu-  
10 cational assistance under section 3313 of this title for a  
11 number of months in excess of 36 months, which is the  
12 equivalent of four academic years

13 **“§ 3313. Educational assistance: payment; amount**

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

22 “(b) APPROVED PROGRAMS OF EDUCATION.—Except  
23 as provided in subsections (g) through (i), a program of  
24 education is an approved program of education for pur-

1 poses of this chapter if the program of education is ap-  
2 proved for purposes of chapter 30 of this title.

3 “(c) AMOUNT OF EDUCATIONAL ASSISTANCE.—(1)

4 The amounts payable under this subsection for pursuit of  
5 an approved program of education are amounts as follows:

6 “(A) An amount equal to the established  
7 charges for the program of education.

8 “(B) Subject to paragraph (2), an amount  
9 equal to the room and board of the individual.

10 “(C) A monthly stipend in the amount of  
11 \$1,000.

12 “(2) The amount payable under paragraph (1)(B) for  
13 room and board of an individual may not exceed an  
14 amount equal to the standard dormitory fee, or such  
15 equivalent fee as the Secretary shall specify in regulations,  
16 which similarly circumstanced nonveterans enrolled in the  
17 program of education involved would be required to pay.

18 “(d) FREQUENCY OF PAYMENT.—(1) Payment of the  
19 amounts payable under subparagraphs (A) and (B) of sub-  
20 section (c)(1) for pursuit of a program of education shall  
21 be made in a lump-sum amount for the entire quarter,  
22 semester, or term, as applicable, of the program of edu-  
23 cation before the commencement of such quarter, semes-  
24 ter, or term.

1       “(2) Payment of the amount payable under subpara-  
2 graph (C) of subsection (c)(1) for pursuit of a program  
3 of education shall be made on a monthly basis.

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

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

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

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

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

1       “(3) Payment of the amount payable under para-  
2 graph (2) for pursuit of a program of education shall be  
3 made in a lump-sum amount for the entire quarter, semes-  
4 ter, or term, as applicable, of the program of education  
5 before the commencement of such quarter, semester, or  
6 term.

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

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

17       “(2) The amount of educational assistance payable  
18 under this chapter to an individual pursuing a program  
19 of education on less than half-time basis is the established  
20 charges which similarly circumstanced nonveterans en-  
21 rolled in the program of education involved would be re-  
22 quired to pay.

23       “(3) Payment of the amount payable under this chap-  
24 ter to an individual for pursuit of a program of education  
25 on less than half-time basis shall be made in a lump-sum,

1 and shall be made not later than the last day of the month  
2 immediately following the month in which certification is  
3 received from the educational institution involved that the  
4 individual has enrolled in and is pursuing a program of  
5 education at the institution.

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

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

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

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

22 “(2)(A) The educational assistance payable under  
23 this chapter to an individual for pursuit of a program of  
24 apprenticeship or training referred to in paragraph (1) is  
25 the amounts as follows:

1           “(i) The established charge which similarly cir-  
2           cumstances nonveterans enrolled in the program  
3           would be required to pay.

4           “(ii) A monthly stipend in the amount of  
5           \$1,000.

6           “(B) The nature and amount of the tuition, fees, and  
7           other expenses constituting the established charge for a  
8           program of apprenticeship or training under this sub-  
9           section shall be determined in accordance with regulations  
10          prescribed by the Secretary. Such expenses may include  
11          room and board under such circumstances as the Sec-  
12          retary shall prescribe in the regulations.

13          “(3)(A) Payment of the amount payable under para-  
14          graph (2)(A)(i) for pursuit of a program of apprenticeship  
15          or training shall be made, at the election of the Sec-  
16          retary—

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

20                 “(ii) on a monthly basis.

21          “(B) Payment of the amount payable under para-  
22          graph (2)(A)(ii) for pursuit of a program of apprentice-  
23          ship or training shall be made on a monthly basis.

24          “(4) For each month (as determined pursuant to the  
25          methods prescribed under subsection (c)(3) in the case of

1 payments made in accordance with paragraph (3)(A)(i)  
2 for which amounts are paid an individual under this sub-  
3 section, the entitlement of the individual to educational as-  
4 sistance under this chapter shall be charged at the rate  
5 of one month for each such month.

6 “(h) PROGRAMS OF EDUCATION BY CORRESPOND-  
7 ENCE.—(1) Educational assistance is payable under this  
8 chapter for pursuit of a program of education exclusively  
9 by correspondence.

10 “(2)(A) The amount of educational assistance pay-  
11 able under this chapter to an individual who is pursuing  
12 a program of education exclusively by correspondence is  
13 an amount equal to 55 percent of the established charge  
14 which similarly circumstanced nonveterans enrolled in the  
15 program of education would be required to pay.

16 “(B) In this paragraph, the term ‘established charge’,  
17 in the case of a program of education, means the lesser  
18 of—

19 “(i) the charge for the course or courses under  
20 the program of education, as determined on the  
21 basis of the lowest extended time payment plan of-  
22 fered by the institution involved and approved by the  
23 appropriate State approving agency; or

24 “(ii) the actual charge to the individual for such  
25 course or courses.

1       “(3) Payment of the amount payable under this chap-  
2 ter for pursuit of a program of education by correspond-  
3 ence shall be made quarterly on a pro rata basis for the  
4 lessons completed by the individual and serviced by the  
5 institution involved.

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

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

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

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

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

23       “(3)(A) The educational assistance payable under  
24 this chapter to an individual for pursuit of a program of

1 education consisting of flight training covered by para-  
2 graph (1) is the amounts as follows:

3           “(i) The established charge which similarly cir-  
4 cumstances nonveterans enrolled in the program  
5 would be required to pay.

6           “(ii) A monthly stipend in the amount of  
7 \$1,000.

8           “(B) The nature and amount of the tuition, fees, and  
9 other expenses constituting the established charge for a  
10 program of flight training under this subsection shall be  
11 determined in accordance with regulations prescribed by  
12 the Secretary.

13           “(4) Payment of the amounts payable under para-  
14 graph (3) for pursuit of a program of flight training shall  
15 be made on a monthly basis.

16           “(5) For each month for which amounts are paid an  
17 individual under this subsection, the entitlement of the in-  
18 dividual to educational assistance under this chapter shall  
19 be charged at the rate of one month for each such month.

20           “(j) ESTABLISHED CHARGES DEFINED.—(1) In sub-  
21 sections (c) and (e), the term ‘established charges’, in the  
22 case of a program of education, means the actual charges  
23 (as determined pursuant to regulations prescribed by the  
24 Secretary) for tuition, fees (including required supplies,  
25 books, and equipment), and other educational costs which

1 similarly circumstanced nonveterans enrolled in the pro-  
2 gram of education would be required to pay.

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

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

9 “(B) In the case of an individual enrolled in a  
10 program of education not offered on a term, quarter,  
11 or semester basis, the tuition and fees charged the  
12 individual for the entire program of education.

13 **“§ 3314. Tutorial assistance**

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

18 “(b) CONDITIONS.—(1) The provision of benefits  
19 under subsection (a) shall be subject to the conditions ap-  
20 plicable to an eligible veteran under section 3492 of this  
21 title.

22 “(2) In addition to the conditions specified in para-  
23 graph (1), benefits may not be provided to an individual  
24 under subsection (a) unless the professor or other indi-

1 vidual teaching, leading, or giving the course for which  
2 such benefits are provided certifies that—

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

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

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

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

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

20          **“§ 3315. Licensure and certification tests**

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



1           “(A) the date of such individual’s last discharge  
2 or release from active duty; or

3           “(B) the date on which the four-year require-  
4 ment described in section 3311(b)(4)(A)(ii) of this  
5 title is met.

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

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

22           “(3) For purposes of subsection (a), an individual’s  
23 last discharge or release from active duty shall not include  
24 any discharge or release from a period of active duty of  
25 less than 90 days of continuous service, unless the indi-

1 vidual is discharged or released as described in paragraph  
2 (1), (2), or (3) of section 3311(d) of this title.

3 **“§ 3322. Bar to duplication of educational assistance**  
4 **benefits**

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

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

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

1 Secretary may prescribe) under which chapter such service  
2 is to be credited.

3 “(d) **ADDITIONAL COORDINATION MATTERS.**—In the  
4 case of an individual entitled to educational assistance  
5 under chapter 30, 31, 32, or 35 of this title, chapter 107,  
6 1606, or 1607 of title 10, or the provisions of the Hostage  
7 Relief Act of 1980, or making contributions toward enti-  
8 tlement to educational assistance under chapter 30 of this  
9 title, as of the date of the enactment of the Post-9/11 Vet-  
10 erans Educational Assistance Act of 2007, coordination  
11 of entitlement to educational assistance under this chap-  
12 ter, on the one hand, and such chapters or provisions, on  
13 the other, shall be governed by the provisions of section  
14 3(c) of the Post-9/11 Veterans Educational Assistance Act  
15 of 2007.

16 “**§ 3323. Administration**

17 “(a) **IN GENERAL.**—(1) Except as otherwise provided  
18 in this chapter, the provisions specified in section  
19 3034(a)(1) of this title shall apply to the provision of edu-  
20 cational assistance under this chapter.

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

1 shall be deemed to refer to an individual entitled to edu-  
2 cational assistance under this chapter.

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

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

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

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

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

1       “(2) The information described in this paragraph is  
2 information on benefits, limitations, procedures, eligibility  
3 requirements (including time-in-service requirements),  
4 and other important aspects of educational assistance  
5 under this chapter, including application forms for such  
6 assistance under section 5102 of this title.

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

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

16       “(2) Any regulations prescribed by the Secretary of  
17 Defense for purposes of this chapter shall apply uniformly  
18 across the Armed Forces.

19       **“§ 3324. Allocation of administration and costs**

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

23       “(b) COSTS.—Payments for entitlement to edu-  
24 cational assistance earned under this chapter shall be  
25 made from funds appropriated to, or otherwise made avail-

1 able to, the Department of Veterans Affairs for the pay-  
2 ment of readjustment benefits.”.

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

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

8 (b) CONFORMING AMENDMENTS.—

9 (1) AMENDMENTS RELATING TO DUPLICATION  
10 OF BENEFITS.—

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

13 (i) in subsection (a)(1), by inserting  
14 “33,” after “32,”; and

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

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

24 “(4) Chapters 30, 32, 33, 34, 35, and 36 of  
25 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, such entitlement under that  
10      chapter;

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, such entitlement under  
15      the 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      such 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, and has not  
23      used any such entitlement under such  
24      chapter;

1 (v) is a member of the Armed Forces  
2 who is eligible for receipt of basic edu-  
3 cational assistance under chapter 30 of  
4 title 38, United States Code, and is mak-  
5 ing contributions toward such assistance  
6 under section 3011(b) or 3012(c) of such  
7 title; or

8 (vi) is a member of the Armed Forces  
9 who is not entitled to basic educational as-  
10 sistance under chapter 30 of title 38,  
11 United States Code, by reason of an elec-  
12 tion under section 3011(c)(1) or  
13 3012(d)(1) of such title; and

14 (B) as of the date of the individual's elec-  
15 tion under this paragraph—

16 (i) otherwise meets the requirements  
17 for entitlement to educational assistance  
18 under chapter 33 of title 38, United States  
19 Code (as so added); or

20 (ii) is making progress toward meet-  
21 ing such requirements.

22 (2) ELECTION ON TREATMENT OF TRANS-  
23 FERRED ENTITLEMENT.—

24 (A) ELECTION.—If, on the date an indi-  
25 vidual described in subparagraph (A)(i) or

1 (A)(iii) of paragraph (1) makes an election  
2 under that paragraph, a transfer of the entitle-  
3 ment of the individual to basic educational as-  
4 sistance under section 3020 of title 38, United  
5 States Code, is in effect and a number of  
6 months of the entitlement so transferred remain  
7 unutilized, the individual may elect to revoke all  
8 or a portion of the entitlement so transferred  
9 that remains unutilized.

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

18 (C) AVAILABILITY OF UNREVOKED ENTI-  
19 TLEMENT.—Any entitlement described in sub-  
20 paragraph (A) that is not revoked by an indi-  
21 vidual in accordance with that subparagraph  
22 shall remain available to the eligible dependent  
23 or dependents concerned in accordance with the  
24 current transfer of such entitlement under sec-  
25 tion 3020 of title 38, United States Code.

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

2 (A) IN GENERAL.—Subject to subpara-  
3 graph (B), an individual making an election  
4 under paragraph (1) shall be entitled to edu-  
5 cational assistance under chapter 33 of title 38,  
6 United States Code (as so added), in accord-  
7 ance with the provisions of such chapter, in-  
8 stead of basic educational assistance under  
9 chapter 30 of title 38, United States Code, or  
10 educational assistance under chapter 107,  
11 1606, or 1607 of title 10, United States Code,  
12 as applicable.

13 (B) LIMITATION ON ENTITLEMENT FOR  
14 CERTAIN INDIVIDUALS.—In the case of an indi-  
15 vidual making an election under paragraph (1)  
16 who is described by subparagraph (A)(i), the  
17 number of months of entitlement of such indi-  
18 vidual to educational assistance under chapter  
19 33 of title 38, United States Code (as so  
20 added), shall be the number of months equal to  
21 the number of months of unused entitlement of  
22 such individual under chapter 30 of title 38,  
23 United States Code, as of the date of the elec-  
24 tion, including any number of months entitle-

1           ment revoked by the individual under para-  
2           graph (2)(A).

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

5           (A) IN GENERAL.—If the aggregate  
6           amount of entitlement to educational assistance  
7           under chapter 33 of title 38, United States  
8           Code (as so added), that is accumulated by an  
9           individual described in subparagraph (A)(i),  
10          (A)(ii), or (A)(iii) of paragraph (1) who makes  
11          an election under that paragraph is less than  
12          36 months, the individual shall retain, and may  
13          utilize, any unutilized entitlement of the indi-  
14          vidual to educational assistance under chapter  
15          30 of title 38, United States Code, or chapter  
16          107, 1606, or 1607 of title 10, United States  
17          Code, as applicable, for a number of months  
18          equal to the lesser of—

19                   (i) 36 months minus the number of  
20                   months of entitlement so accumulated by  
21                   the individual; or

22                   (ii) the number of months of such un-  
23                   utilized entitlement of the individual.

24           (B) UTILIZATION OF RETAINED ENTITLE-  
25           MENT.—The utilization of entitlement retained

1 by an individual under this paragraph shall be  
2 governed by the provisions of chapter 30 of title  
3 38, United States Code, or chapter 107, 1606,  
4 or 1607 of title 10, United States Code, as ap-  
5 plicable.

6 (5) TREATMENT OF CONTRIBUTIONS TOWARD  
7 BASIC EDUCATIONAL ASSISTANCE.—

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

22 (B) EXCEPTION.—In the case of an indi-  
23 vidual described by subparagraph (A) who is  
24 entitled to basic educational assistance under  
25 chapter 30 of title 38, United States Code, by

1 reason of paragraph (4)(A), the amount payable  
2 to the individual under this paragraph shall be  
3 an amount equal to—

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

7 (ii) a fraction—

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

15 (II) the denominator of which is

16 36.

17 (C) CESSATION OF CONTRIBUTIONS.—Ef-  
18 fective as of the first month beginning on or  
19 after the date of an election under paragraph  
20 (1) of an individual described by subparagraph  
21 (A)(v) of that paragraph, the obligation of such  
22 individual to make contributions under section  
23 3011(b) or 3012(c) of title 38, United States  
24 Code, as applicable, shall cease, and the re-

1           quirements of such section shall be deemed to  
2           be no longer applicable to such person.

3           (6) TERMINATION OF ENTITLEMENT UNDER  
4 MONTGOMERY GI BILL.—Except as otherwise pro-  
5 vided in paragraph (4), effective on the last day of  
6 the month in which an individual makes an election  
7 under paragraph (1), the entitlement, if any, of the  
8 individual to basic educational assistance under  
9 chapter 30 of title 38, United States Code, or edu-  
10 cational assistance under chapter 107, 1606, or  
11 1607 of title 10, United States Code, as applicable,  
12 shall terminate.

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

○