

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.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mr. WEBB (for himself, Mr. HAGEL, Mr. WARNER, Mr. LAUTENBERG, Mr. REID, Mrs. LINCOLN, Ms. SNOWE, Ms. COLLINS, Ms. MIKULSKI, Mr. SANDERS, Mrs. BOXER, Mr. BINGAMAN, Mrs. MCCASKILL, Mr. KERRY, Mr. DURBIN, Mr. WYDEN, Mr. TESTER, Ms. STABENOW, Mr. BROWN, Mr. CASEY, Mrs. CLINTON, Ms. LANDRIEU, Mr. BAUCUS, Mr. HARKIN, Mr. MENENDEZ, Mr. WHITEHOUSE, Mr. INOUE, Mr. OBAMA, Mrs. FEINSTEIN, Mr. BIDEN, Mr. DORGAN, Mr. BAYH, Mr. JOHNSON, Mr. PRYOR, Mr. ROCKEFELLER, Mr. KENNEDY, Mr. SALAZAR, Mr. LUGAR, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Post-9/11 Veterans
3 Educational Assistance Act of 2007”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) On September 11, 2001, terrorists attacked
7 the United States, and the brave members of the
8 Armed Forces of the United States were called to
9 the defense of the Nation.

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

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

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

25 (5) The people of the United States greatly
26 value military service and recognize the difficult

1 challenges involved in readjusting to civilian life
2 after wartime service in the Armed Forces.

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

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

13 (a) EDUCATIONAL ASSISTANCE AUTHORIZED.—

14 (1) IN GENERAL.—Part III of title 38, United
15 States Code, is amended by inserting after chapter
16 32 the following new chapter:

17 **“CHAPTER 33—POST-9/11 EDUCATIONAL**
18 **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.

1 “SUBCHAPTER I—DEFINITIONS

2 **“§ 3301. Definitions**

3 “In this chapter:

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

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

11 “(B) In the case of members of the reserve
12 components of the Armed Forces, service on ac-
13 tive duty under a call or order to active duty
14 under section 688, 12301(a), 12301(d),
15 12301(g), 12302, or 12304 of title 10.

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

18 “(A) In the case of members of the Army,
19 Basic Combat Training and Advanced Indi-
20 vidual Training.

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

1 “(C) In the case of members of the Air
2 Force, Basic Military Training and Technical
3 Training.

4 “(D) In the case of members of the Marine
5 Corps, Recruit Training and Marine Corps
6 Training (or School of Infantry Training).

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

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

12 “SUBCHAPTER II—EDUCATIONAL ASSISTANCE
13 **“§ 3311. Educational assistance for service in the**
14 **Armed Forces commencing on or after**
15 **September 11, 2001: entitlement**

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

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

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

23 “(A) commencing on or after September
24 11, 2001, serves an aggregate of at least 36
25 months on active duty in the Armed Forces (in-

1 cluding service on active duty in entry level and
2 skill training); and

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

5 “(i) continues on active duty; or

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

8 “(2) An individual who—

9 “(A) commencing on or after September
10 11, 2001, serves at least 30 continuous days on
11 active duty in the Armed Forces; and

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

16 “(3) An individual who—

17 “(A) commencing on or after September
18 11, 2001, serves an aggregate of at least 30
19 months, but less than 36 months, on active
20 duty in the Armed Forces (including service on
21 active duty in entry level and skill training);
22 and

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

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

3 “(ii) before completion of service on
4 active duty of an aggregate of 36 months,
5 is discharged or released from active duty
6 as described in subsection (c).

7 “(4) An individual who—

8 “(A) commencing on or after September
9 11, 2001, serves an aggregate of at least 24
10 months, but less than 30 months, on active
11 duty in the Armed Forces (including service on
12 active duty in entry level and skill training);
13 and

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

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

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

22 “(5) An individual who—

23 “(A) commencing on or after September
24 11, 2001, serves an aggregate of at least 18
25 months, but less than 24 months, on active

1 duty in the Armed Forces (excluding service on
2 active duty in entry level and skill training);
3 and

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

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

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

12 “(6) An individual who—

13 “(A) commencing on or after September
14 11, 2001, serves an aggregate of at least 12
15 months, but less than 18 months, on active
16 duty in the Armed Forces (excluding service on
17 active duty in entry level and skill training);
18 and

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

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

23 “(ii) before completion of service on
24 active duty of an aggregate of 18 months,

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

3 “(7) An individual who—

4 “(A) commencing on or after September
5 11, 2001, serves an aggregate of at least 6
6 months, but less than 12 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 12 months; or

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

18 “(8) An individual who—

19 “(A) commencing on or after September
20 11, 2001, serves an aggregate of at least 90
21 days, but less than 6 months, on active duty in
22 the Armed Forces (excluding service on active
23 duty in entry level and skill training); and

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

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

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

7 “(c) COVERED DISCHARGES AND RELEASES.—A dis-
8 charge or release from active duty of an individual de-
9 scribed in this subsection is a discharge or release as fol-
10 lows:

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

13 “(2) A release after service on active duty in
14 the Armed Forces characterized by the Secretary
15 concerned as honorable service and placement on the
16 retired list, transfer to the Fleet Reserve or Fleet
17 Marine Corps Reserve, or placement on the tem-
18 porary disability retired list.

19 “(3) A release from active duty in the Armed
20 Forces for further service in a reserve component of
21 the Armed Forces after service on active duty char-
22 acterized by the Secretary concerned as honorable
23 service.

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

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

6 “(B) hardship; or

7 “(C) a physical or mental condition that
8 was not characterized as a disability and did
9 not result from the individual’s own willful mis-
10 conduct but did interfere with the individual’s
11 performance of duty, as determined by the Sec-
12 retary concerned in accordance with regulations
13 prescribed by the Secretary of Defense.

14 “(d) PROHIBITION ON TREATMENT OF CERTAIN
15 SERVICE AS PERIOD OF ACTIVE DUTY.—The following
16 periods of service shall not be considered a part of the
17 period of active duty on which an individual’s entitlement
18 to educational assistance under this chapter is based:

19 “(1) A period of service on active duty of an of-
20 ficer pursuant to an agreement under section
21 2107(b) of title 10.

22 “(2) A period of service on active duty of an of-
23 ficer pursuant to an agreement under section 4348,
24 6959, or 9348 of title 10.

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

4 “(A) the individual’s being a minor for
 5 purposes of service in the Armed Forces;

6 “(B) an erroneous enlistment or induction;
 7 or

8 “(C) a defective enlistment agreement.

9 “(e) TREATMENT OF INDIVIDUALS ENTITLED
 10 UNDER MULTIPLE PROVISIONS.—In the event an indi-
 11 vidual entitled to educational assistance under this chapter
 12 is entitled by reason of both paragraphs (4) and (5) of
 13 subsection (b), the individual shall be treated as being en-
 14 titled to educational assistance under this chapter by rea-
 15 son of paragraph (5) of such subsection.

16 **“§ 3312. Educational assistance: duration**

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

23 “(b) CONTINUING RECEIPT.—The receipt of edu-
 24 cational assistance under section 3313 of this title by an
 25 individual entitled to educational assistance under this

1 chapter is subject to the provisions of section 3321(b)(2)
2 of this title.

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

6 “(A) be charged against any entitlement to edu-
7 cational assistance of the individual concerned under
8 this chapter; or

9 “(B) be counted against the aggregate period
10 for which section 3695 of this title limits the individ-
11 ual’s receipt of educational assistance under this
12 chapter.

13 “(2) Subject to paragraph (3), the payment of edu-
14 cational assistance described in this paragraph is the pay-
15 ment of such assistance to an individual for pursuit of a
16 course or courses under this chapter if the Secretary finds
17 that the individual—

18 “(A)(i) in the case of an individual not serving
19 on active duty, had to discontinue such course pur-
20 suit as a result of being called or ordered to serve
21 on active duty under section 688, 12301(a),
22 12301(d), 12301(g), 12302, or 12304 of title 10; or

23 “(ii) in the case of an individual serving on ac-
24 tive duty, had to discontinue such course pursuit as
25 a result of being ordered to a new duty location or

1 assignment or to perform an increased amount of
2 work; and

3 “(B) failed to receive credit or lost training
4 time toward completion of the individual’s approved
5 education, professional, or vocational objective as a
6 result of having to discontinue, as described in sub-
7 paragraph (A), the individual’s course pursuit.

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

16 **“§ 3313. Educational assistance: amount; payment**

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

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

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

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

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

1 “(B) A monthly housing stipend in an
2 amount equal to the monthly amount of the
3 basic allowance for housing payable under sec-
4 tion 403 of title 37 for a member with depend-
5 ents in pay grade E-5 residing in the military
6 housing area that encompasses all or the major-
7 ity portion of the ZIP code area in which is lo-
8 cated the institution of higher education at
9 which the individual is enrolled.

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

13 “(2) In the case of an individual entitled to
14 educational assistance under this chapter by reason
15 of section 3311(b)(3) of this title, amounts equal to
16 90 percent of the amounts that would be payable to
17 the individual under paragraph (1) for the program
18 of education if the individual were entitled to
19 amounts for the program of education under para-
20 graph (1) rather than this paragraph.

21 “(3) In the case of an individual entitled to
22 educational assistance under this chapter by reason
23 of section 3311(b)(4) of this title, amounts equal to
24 80 percent of the amounts that would be payable to
25 the individual under paragraph (1) for the program

1 of education if the individual were entitled to
2 amounts for the program of education under para-
3 graph (1) rather than this paragraph.

4 “(4) In the case of an individual entitled to
5 educational assistance under this chapter by reason
6 of section 3311(b)(5) of this title, amounts equal to
7 70 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 “(5) In the case of an individual entitled to
13 educational assistance under this chapter by reason
14 of section 3311(b)(6) of this title, amounts equal to
15 60 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 “(6) In the case of an individual entitled to
21 educational assistance under this chapter by reason
22 of section 3311(b)(7) of this title, amounts equal to
23 50 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 “(7) In the case of an individual entitled to
4 educational assistance under this chapter by reason
5 of section 3311(b)(8) of this title, amounts equal to
6 40 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 “(d) FREQUENCY OF PAYMENT.—(1) Payment of the
12 amounts payable under subsection (c)(1)(A), and of simi-
13 lar amounts payable under paragraphs (2) through (7) of
14 subsection (c), for pursuit of a program of education shall
15 be made in a lump-sum amount for the entire quarter,
16 semester, or term, as applicable, of the program of edu-
17 cation before the commencement of such quarter, semes-
18 ter, or term.

19 “(2) Payment of the amount payable under sub-
20 section (c)(1)(B), and of similar amounts payable under
21 paragraphs (2) through (7) of subsection (c), for pursuit
22 of a program of education shall be made on a monthly
23 basis.

24 “(3) The amount payable under subsection (c)(1)(C),
25 and similar amounts payable under paragraphs (2)

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

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

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

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

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

1 “(B) the amount of the charges of the edu-
2 cational institution as elected by the individual in
3 the manner specified in section 3014(b)(1) of this
4 title.

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

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

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

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

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

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

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

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

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

23 “(3)(A) Payment of the amounts payable to an indi-
24 vidual under subparagraphs (A) and (C) of paragraph (2)
25 for pursuit of a program of education on less than half-

1 time basis shall be made in a lump-sum, and shall be made
2 not later than the last day of the month immediately fol-
3 lowing the month in which certification is received from
4 the educational institution involved that the individual has
5 enrolled in and is pursuing a program of education at the
6 institution.

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

10 “(4) 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 a percentage of a
15 month equal to—

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

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

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

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

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

6 “(i) the established charge which similarly
7 circumstances nonveterans enrolled in the pro-
8 gram would be required to pay; or

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

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

22 “(C) A stipend in an amount equal to the
23 amount of the appropriately reduced amount of the
24 yearly stipend for books, supplies, equipment, and

1 other educational costs otherwise payable to the indi-
2 vidual under subsection (c).

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

8 “(4)(A) Payment of the amounts payable under sub-
9 paragraphs (A) and (C) of paragraph (2) for pursuit of
10 a program of apprenticeship or training shall be made,
11 at the election of the Secretary—

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

15 “(ii) on a monthly basis.

16 “(B) Payments of the amounts payable under sub-
17 paragraph (B) of paragraph (2) shall be made on a
18 monthly basis.

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

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

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

9 “(A) An amount equal to 55 percent of amount
10 that would be payable to the individual for the pro-
11 gram of education under paragraph (1)(A) of sub-
12 section (c), or under the provisions of paragraphs
13 (2) through (7) of subsection (c) applicable to the
14 individual, for the program of education if the indi-
15 vidual were entitled to amounts for the program of
16 education under subsection (c) rather than this sub-
17 section.

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

23 “(3) Payment of the amounts payable under para-
24 graph (2) for pursuit of a program of education by cor-
25 respondence shall be made quarterly on a pro rata basis

1 for the lessons completed by the individual and serviced
2 by the institution involved.

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

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

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

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

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

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

1 “(i) the established charge which similarly
2 circumstances nonveterans enrolled in the pro-
3 gram would be required to pay; or

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

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

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

22 “(4) The nature and amount of the tuition, fees, and
23 other expenses constituting the established charge for a
24 program of flight training under this subsection shall be

1 determined in accordance with regulations prescribed by
2 the Secretary.

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

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

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

18 “(k) ESTABLISHED CHARGES DEFINED.—(1) In sub-
19 sections (e), (e), and (f), the term ‘established charges’,
20 in the case of a program of education, means the actual
21 charges (as determined pursuant to regulations prescribed
22 by the Secretary) for tuition and fees which similarly
23 circumstanced nonveterans enrolled in the program of
24 education would be required to pay.

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

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

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

11 **“§ 3314. Tutorial assistance**

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

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

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

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

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

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

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

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

18 **“§ 3315. Licensure and certification tests**

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

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

1 **“§ 3317. Public-private contributions for additional**
2 **educational assistance**

3 “(a) ESTABLISHMENT OF PROGRAM.—In instances
4 where the educational assistance provided pursuant to sec-
5 tion 3313(c)(1)(A) does not cover the full cost of estab-
6 lished charges (as specified in section 3313 of this title),
7 the Secretary shall carry out a program under which col-
8 leges and universities can, voluntarily, enter into an agree-
9 ment with the Secretary to cover a portion of those estab-
10 lished charges not otherwise covered under section
11 3313(c)(1)(A), which contributions shall be matched by
12 equivalent contributions toward such costs by the Sec-
13 retary. The program shall only apply to covered individ-
14 uals described in paragraphs (1) and (2) of section
15 3311(b).

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

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

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

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

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

8 “(4) Such other matters as the Secretary and
9 the college or university concerned jointly consider
10 appropriate.

11 “(d) MATCHING CONTRIBUTIONS.—(1) In instances
12 where the educational assistance provided an individual
13 under section 3313(c)(1)(A) of this title does not cover
14 the full cost of tuition and mandatory fees at a college
15 or university, the Secretary shall provide up to 50 percent
16 of the remaining costs for tuition and mandatory fees if
17 the college or university voluntarily enters into an agree-
18 ment with the Secretary to match an equal percentage of
19 any of the remaining costs for such tuition and fees.

20 “(2) Amounts available to the Secretary under sec-
21 tion 3324(b) of this title for payment of the costs of this
22 chapter shall be available to the Secretary for purposes
23 of paragraph (1).

24 “(e) OUTREACH.—The Secretary shall make available
25 on the Internet website of the Department available to the

1 manner as such section applies to the termination of an
2 individual's entitlement to educational assistance under
3 chapter 30 of this title, except that, in the administration
4 of such section for purposes of this chapter, the reference
5 to section 3013 of this title shall be deemed to be a ref-
6 erence to 3312 of this title.

7 “(3) For purposes of subsection (a), an individual's
8 last discharge or release from active duty shall not include
9 any discharge or release from a period of active duty of
10 less than 90 days of continuous service, unless the indi-
11 vidual is discharged or released as described in section
12 3311(b)(2) of this title.

13 **“§ 3322. Bar to duplication of educational assistance**
14 **benefits**

15 “(a) IN GENERAL.—An individual entitled to edu-
16 cational assistance under this chapter who is also eligible
17 for educational assistance under chapter 30, 31, 32, or
18 35 of this title, chapter 107, 1606, or 1607 of title 10,
19 or the provisions of the Hostage Relief Act of 1980 (Public
20 Law 96–449; 5 U.S.C. 5561 note) may not receive assist-
21 ance under two or more such programs concurrently, but
22 shall elect (in such form and manner as the Secretary may
23 prescribe) under which chapter or provisions to receive
24 educational assistance.

1 “(b) INAPPLICABILITY OF SERVICE TREATED UNDER
2 EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period
3 of service counted for purposes of repayment of an edu-
4 cation loan under chapter 109 of title 10 may not be
5 counted as a period of service for entitlement to edu-
6 cational assistance under this chapter.

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

14 “(d) ADDITIONAL COORDINATION MATTERS.—In the
15 case of an individual entitled to educational assistance
16 under chapter 30, 31, 32, or 35 of this title, chapter 107,
17 1606, or 1607 of title 10, or the provisions of the Hostage
18 Relief Act of 1980, or making contributions toward enti-
19 tlement to educational assistance under chapter 30 of this
20 title, as of the date of the enactment of the Post-9/11 Vet-
21 erans Educational Assistance Act of 2007, coordination
22 of entitlement to educational assistance under this chap-
23 ter, on the one hand, and such chapters or provisions, on
24 the other, shall be governed by the provisions of section

1 3(c) of the Post-9/11 Veterans Educational Assistance Act
2 of 2007.

3 **“§ 3323. Administration**

4 “(a) IN GENERAL.—(1) Except as otherwise provided
5 in this chapter, the provisions specified in section
6 3034(a)(1) of this title shall apply to the provision of edu-
7 cational assistance under this chapter.

8 “(2) In applying the provisions referred to in para-
9 graph (1) to an individual entitled to educational assist-
10 ance under this chapter for purposes of this section, the
11 reference in such provisions to the term ‘eligible veteran’
12 shall be deemed to refer to an individual entitled to edu-
13 cational assistance under this chapter.

14 “(3) In applying section 3474 of this title to an indi-
15 vidual entitled to educational assistance under this chapter
16 for purposes of this section, the reference in such section
17 3474 to the term ‘educational assistance allowance’ shall
18 be deemed to refer to educational assistance payable under
19 section 3313 of this title.

20 “(4) In applying section 3482(g) of this title to an
21 individual entitled to educational assistance under this
22 chapter for purposes of this section—

23 “(A) the first reference to the term ‘educational
24 assistance allowance’ in such section 3482(g) shall

1 be deemed to refer to educational assistance payable
2 under section 3313 of this title; and

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

6 “(b) INFORMATION ON BENEFITS.—(1) The Sec-
7 retary of Veterans Affairs shall provide the information
8 described in paragraph (2) to each member of the Armed
9 Forces at such times as the Secretary of Veterans Affairs
10 and the Secretary of Defense shall jointly prescribe in reg-
11 ulations.

12 “(2) The information described in this paragraph is
13 information on benefits, limitations, procedures, eligibility
14 requirements (including time-in-service requirements),
15 and other important aspects of educational assistance
16 under this chapter, including application forms for such
17 assistance under section 5102 of this title.

18 “(3) The Secretary of Veterans Affairs shall furnish
19 the information and forms described in paragraph (2), and
20 other educational materials on educational assistance
21 under this chapter, to educational institutions, training es-
22 tablishments, military education personnel, and such other
23 persons and entities as the Secretary considers appro-
24 priate.

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

3 “(2) Any regulations prescribed by the Secretary of
4 Defense for purposes of this chapter shall apply uniformly
5 across the Armed Forces.

6 **“§ 3324. Allocation of administration and costs**

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

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

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

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

20 (b) CONFORMING AMENDMENTS.—

21 (1) AMENDMENTS RELATING TO DUPLICATION
22 OF BENEFITS.—

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

1 (i) in subsection (a)(1), by inserting
2 “33,” after “32,”; and

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

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

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

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

17 (2) ADDITIONAL CONFORMING AMENDMENTS.—

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

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

24 (ii) In section 3688(b).

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

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

4 (v) In subsections (a) and (b) of sec-
5 tion 3692.

6 (vi) In section 3697(a).

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

10 (c) APPLICABILITY TO INDIVIDUALS UNDER MONT-
11 GOMERY GI BILL PROGRAM.—

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

14 An individual may elect to receive educational assist-
15 ance under chapter 33 of title 38, United States
16 Code (as added by subsection (a)), if such indi-
17 vidual—

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

20 (i) is entitled to basic educational as-
21 sistance under chapter 30 of title 38,
22 United States Code, and has used, but re-
23 tains unused, entitlement under that chap-
24 ter;

1 (ii) is entitled to educational assist-
2 ance under chapter 107, 1606, or 1607 of
3 title 10, United States Code, and has used,
4 but retains unused, entitlement under the
5 applicable chapter;

6 (iii) is entitled to basic educational as-
7 sistance under chapter 30 of title 38,
8 United States Code, but has not used any
9 entitlement under that chapter;

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

14 (v) is a member of the Armed Forces
15 who is eligible for receipt of basic edu-
16 cational assistance under chapter 30 of
17 title 38, United States Code, and is mak-
18 ing contributions toward such assistance
19 under section 3011(b) or 3012(c) of such
20 title; or

21 (vi) is a member of the Armed Forces
22 who is not entitled to basic educational as-
23 sistance under chapter 30 of title 38,
24 United States Code, by reason of an elec-

1 tion under section 3011(c)(1) or
2 3012(d)(1) of such title; and

3 (B) as of the date of the individual's elec-
4 tion under this paragraph, meets the require-
5 ments for entitlement to educational assistance
6 under chapter 33 of title 38, United States
7 Code (as so added).

8 (2) ELECTION ON TREATMENT OF TRANS-
9 FERRED ENTITLEMENT.—

10 (A) ELECTION.—If, on the date an indi-
11 vidual described in subparagraph (A)(i) or
12 (A)(iii) of paragraph (1) makes an election
13 under that paragraph, a transfer of the entitle-
14 ment of the individual to basic educational as-
15 sistance under section 3020 of title 38, United
16 States Code, is in effect and a number of
17 months of the entitlement so transferred remain
18 unutilized, the individual may elect to revoke all
19 or a portion of the entitlement so transferred
20 that remains unutilized.

21 (B) AVAILABILITY OF REVOKED ENTITLE-
22 MENT.—Any entitlement revoked by an indi-
23 vidual under this paragraph shall no longer be
24 available to the dependent to whom transferred,
25 but shall be available to the individual instead

1 for educational assistance under chapter 33 of
2 title 38, United States Code (as so added), as
3 provided in paragraph (3)(B).

4 (C) AVAILABILITY OF UNREVOKED ENTI-
5 TLEMENT.—Any entitlement described in sub-
6 paragraph (A) that is not revoked by an indi-
7 vidual in accordance with that subparagraph
8 shall remain available to the dependent or de-
9 pendents concerned in accordance with the cur-
10 rent transfer of such entitlement under section
11 3020 of title 38, United States Code.

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

13 (A) IN GENERAL.—Subject to subpara-
14 graph (B), an individual making an election
15 under paragraph (1) shall be entitled to edu-
16 cational assistance under chapter 33 of title 38,
17 United States Code (as so added), in accord-
18 ance with the provisions of such chapter, in-
19 stead of basic educational assistance under
20 chapter 30 of title 38, United States Code, or
21 educational assistance under chapter 107,
22 1606, or 1607 of title 10, United States Code,
23 as applicable.

24 (B) LIMITATION ON ENTITLEMENT FOR
25 CERTAIN INDIVIDUALS.—In the case of an indi-

1 vidual making an election under paragraph (1)
2 who is described by subparagraph (A)(i) of that
3 paragraph, the number of months of entitle-
4 ment of such individual to educational assist-
5 ance under chapter 33 of title 38, United
6 States Code (as so added), shall be the number
7 of months equal to the number of months of
8 unused entitlement of such individual under
9 chapter 30 of title 38, United States Code, as
10 of the date of the election, including any num-
11 ber of months entitlement revoked by the indi-
12 vidual under paragraph (2)(A).

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

15 (A) IN GENERAL.—If the aggregate
16 amount of entitlement to educational assistance
17 under chapter 33 of title 38, United States
18 Code (as so added), accumulated by an indi-
19 vidual described in subparagraph (A)(i) or
20 (A)(ii) of paragraph (1) who makes an election
21 under that paragraph is less than 36 months,
22 the individual shall retain, and may utilize, any
23 unutilized entitlement of the individual to edu-
24 cational assistance under chapter 30 of title 38,
25 United States Code, or chapter 107, 1606, or

1 1607 of title 10, United States Code, as appli-
2 cable, for a number of months equal to the less-
3 er of—

4 (i) 36 months minus the number of
5 months of entitlement so accumulated by
6 the individual; or

7 (ii) the number of months of such un-
8 utilized entitlement of the individual.

9 (B) UTILIZATION OF RETAINED ENTITLE-
10 MENT.—The utilization of entitlement retained
11 by an individual under this paragraph shall be
12 governed by the provisions of chapter 30 of title
13 38, United States Code, or chapter 107, 1606,
14 or 1607 of title 10, United States Code, as ap-
15 plicable.

16 (5) TREATMENT OF CONTRIBUTIONS TOWARD
17 BASIC EDUCATIONAL ASSISTANCE.—

18 (A) REFUND OF CONTRIBUTIONS.—Except
19 as provided in subparagraph (B), the Secretary
20 of Veterans Affairs shall pay to each individual
21 making an election under paragraph (1) who is
22 described by clause (i), (iii), or (v) of subpara-
23 graph (A) of that paragraph an amount equal
24 to the total amount of contributions made by
25 such individual under subchapter II of chapter

1 30 of title 38, United States Code, for basic
2 educational assistance under that chapter, in-
3 cluding any contributions made under sub-
4 section (b) or (e) of section 3011 of such title
5 or any contributions made under subsection (c)
6 or (f) of section 3012 of such title.

7 (B) EXCEPTION.—In the case of an indi-
8 vidual described by subparagraph (A) who is
9 entitled to basic educational assistance under
10 chapter 30 of title 38, United States Code, by
11 reason of paragraph (4)(A), the amount payable
12 to the individual under this paragraph shall be
13 an amount equal to—

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

17 (ii) a fraction—

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

1 (II) the denominator of which is
2 36.

3 (C) CESSATION OF CONTRIBUTIONS.—Ef-
4 fective as of the first month beginning on or
5 after the date of an election under paragraph
6 (1) of an individual described by subparagraph
7 (A)(v) of that paragraph, the obligation of such
8 individual to make contributions under section
9 3011(b) or 3012(c) of title 38, United States
10 Code, as applicable, shall cease, and the re-
11 quirements of such section shall be deemed to
12 be no longer applicable to such person.

13 (6) TERMINATION OF ENTITLEMENT UNDER
14 MONTGOMERY GI BILL.—Except as otherwise pro-
15 vided in paragraph (4), effective on the last day of
16 the month in which an individual makes an election
17 under paragraph (1), the entitlement, if any, of the
18 individual to basic educational assistance under
19 chapter 30 of title 38, United States Code, or edu-
20 cational assistance under chapter 107, 1606, or
21 1607 of title 10, United States Code, as applicable,
22 shall terminate.

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

○