

101-237, title IV, § 423(a)(5)(B), (b)(1)(A), Dec. 18, 1989, 103 Stat. 2091, 2092; Pub. L. 102-16, §§ 2(b)(2), 7(a), Mar. 22, 1991, 105 Stat. 49, 51; renumbered § 3241 and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-568, title III, § 313(a)(5), Oct. 29, 1992, 106 Stat. 4332; Pub. L. 103-446, title VI, § 601(b), title XII, § 1201(d)(12), Nov. 2, 1994, 108 Stat. 4670, 4684; Pub. L. 105-368, title II, § 204(a), Nov. 11, 1998, 112 Stat. 3327.)

#### AMENDMENTS

1998—Subsec. (b)(2). Pub. L. 105-368 substituted “pilot certificate” for “pilot’s license” in two places and inserted “; on the day the individual begins a course of flight training;” after “meets”.

1994—Subsec. (b). Pub. L. 103-446, § 601(b), struck out “(1)” before “The Secretary may approve”, redesignated subpars. (A) to (C) as pars. (1) to (3), respectively, and struck out former par. (2) which read as follows: “This subsection shall not apply to a course of flight training that commences on or after October 1, 1994.”

Subsec. (c). Pub. L. 103-446, § 1201(d)(12), struck out “1663,” after “sections”.

1992—Subsec. (a)(1). Pub. L. 102-568, § 313(a)(5)(A), struck out “3473,” after “3471.”

Subsec. (b)(1). Pub. L. 102-568, § 313(a)(5)(B), substituted “3680A(b)” for “3473(b)”.

Subsec. (c). Pub. L. 102-568, § 313(a)(5)(A), struck out “3473,” after “3471.”

1991—Pub. L. 102-83, § 5(a), renumbered section 1641 of this title as this section.

Subsec. (a)(1). Pub. L. 102-83, § 5(c)(1), substituted “3470, 3471, 3473, 3474, 3476, 3483, 3485, and 3491(a)(1)” for “1670, 1671, 1673, 1674, 1676, 1683, 1685, and 1691(a)(1)” and “3687” for “1787”.

Pub. L. 102-16, § 2(b)(2), struck out “1663,” before “1670.”

Subsec. (a)(2). Pub. L. 102-83, § 5(c)(1), substituted “3471” for “1671”.

Subsec. (b). Pub. L. 102-83, § 5(c)(1), substituted “3473(b)” for “1673(b)” in par. (1).

Pub. L. 102-16, § 7(a)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 102-83, § 5(c)(1), substituted “3470, 3471, 3473, 3474, 3476, 3483, and 3491(a)” for “1670, 1671, 1673, 1674, 1676, 1683, and 1691(a)” and “3687” for “1787”.

Pub. L. 102-16, § 7(a)(1), redesignated subsec. (b) as (c). 1989—Subsec. (a)(2). Pub. L. 101-237, § 423(b)(1)(A), substituted “Secretary” for “Administrator” wherever appearing.

Pub. L. 101-237, § 423(a)(5)(B), substituted “employment during and since the period of such veteran’s active military service)” for “employment”.

1988—Subsec. (a). Pub. L. 100-689, § 106(b)(1), designated existing provision as par. (1) and added par. (2).

Subsec. (b). Pub. L. 100-689, § 106(b)(2), substituted “1691(a) (other than clause (1))” for “1691(a)(1)”.

1986—Subsec. (a). Pub. L. 99-576, §§ 308(b), 310(c)(1), (2), designated existing provisions as subsec. (a), substituted “section 1787) shall be applicable with respect to individuals who are pursuing programs of education while serving on active duty” for “sections 1777, 1780(c), and 1787) shall be applicable to the program”, and inserted “1685,” after “1683.”

Subsec. (b). Pub. L. 99-576, § 310(c)(3), added subsec. (b).

1981—Pub. L. 97-35 struck out references to sections 1677 and 1681(c) of this title.

1980—Pub. L. 96-466 inserted “1663,” before “1670,” and substituted “and 1691(a)(1)” for “1696, and 1698”.

#### EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-368 applicable with respect to courses of flight training beginning on or after Oct. 1, 1998, see section 204(c) of Pub. L. 105-368, set out as a note under section 16136 of Title 10, Armed Forces.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 601(b) of Pub. L. 103-446 effective Oct. 1, 1994, see section 601(d) of Pub. L. 103-446, set out as a note under section 3034 of this title.

#### EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by section 7(a) of Pub. L. 102-16 effective Apr. 1, 1991, see section 7(c) of Pub. L. 102-16, set out as a note under section 3231 of this title.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-689 effective Aug. 15, 1989, see section 106(d) of Pub. L. 100-689, set out as a note under section 3034 of this title.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-35 effective Oct. 1, 1981, except as otherwise provided, see section 2006 of Pub. L. 97-35, set out as a note under section 3231 of this title.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, see section 802(d)(2) of Pub. L. 96-466, set out as a note under section 3224 of this title.

#### SAVINGS PROVISION

Amendment by Pub. L. 102-586 not applicable to any person receiving educational assistance for pursuit of an independent study program in which the person was enrolled on Oct. 29, 1992, for as long as such person is continuously thereafter so enrolled and meets requirements of eligibility for such assistance, see section 313(b) of Pub. L. 102-568, set out as a note under section 16136 of Title 10, Armed Forces.

#### [§ 3242. Vacant]

#### CODIFICATION

Prior to redesignation of sections 1601 to 1643 of this chapter as sections 3201 to 3243 by Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406, section 1642 of this chapter, added Pub. L. 94-502, title IV, § 404, Oct. 15, 1976, 90 Stat. 2397, and amended Pub. L. 97-295, § 4(37), Oct. 12, 1982, 96 Stat. 1307; Pub. L. 101-237, title IV, § 423(b)(1)(A), (4)(A), Dec. 18, 1989, 103 Stat. 2092, was repealed by Pub. L. 102-16, § 5(a), Mar. 22, 1991, 105 Stat. 50.

#### § 3243. Deposits; reports

Deductions made by the Department of Defense from the military pay of any participant shall be promptly transferred to the Secretary for deposit in the fund. The Secretary of Defense shall also submit to the Secretary a report each month showing the name, service number, and the amount of the deduction made from the military pay of each initial enrollee, any contribution made by the Secretary of Defense pursuant to section 3222(c) of this title, as well as any changes in each participant’s enrollment and/or contribution. The report shall also include any additional information the Secretary and the Secretary of Defense deem necessary to administer this program. The Secretary shall maintain accounts showing contributions made to the fund by individual participants and by the Secretary of Defense as well as disbursements made from the fund in the form of benefits.

(Added Pub. L. 94-502, title IV, § 404, Oct. 15, 1976, 90 Stat. 2397, § 1643; amended Pub. L. 98-160, title VII, § 702(9), Nov. 21, 1983, 97 Stat. 1009; Pub. L. 101-237, title IV, § 423(b)(1)(A), (4)(D), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3243 and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

#### PRIOR PROVISIONS

Prior sections 3301 to 3305 and 3311 to 3313, which comprised chapter 57, were renumbered sections 5701 to 5705 and 5711 to 5713, respectively, of this title.

Prior sections 3401 to 3405, which comprised chapter 59, were renumbered sections 5901 to 5905, respectively, of this title.

#### AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1643 of this title as this section and substituted “3222(c)” for “1622(c)”.

1989—Pub. L. 101-237 substituted “Secretary” for “Administrator” wherever appearing and inserted “of Defense” after “Secretary” in four places.

1983—Pub. L. 98-160 inserted “of this title” after “section 1622(c)”.

### CHAPTER 33—POST-9/11 EDUCATIONAL ASSISTANCE

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#### SUBCHAPTER I—DEFINITIONS

### § 3301. Definitions

In this chapter:

(1) The term “active duty” has the meanings as follows (subject to the limitations specified in sections 3002(6) and 3311(b)):

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

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

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

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

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

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

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

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

(3) The term “program of education” has the meaning given such term in section 3002, except to the extent otherwise provided in section 3313.

(4) The term “Secretary of Defense” means the Secretary of Defense, except that the term means the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy.

(Added Pub. L. 110-252, title V, § 5003(a)(1), June 30, 2008, 122 Stat. 2359.)

#### EFFECTIVE DATE

Chapter effective Aug. 1, 2009, see section 5003(d) of Pub. L. 110-252, set out as an Effective Date of 2008 Amendment note under section 16163 of Title 10, Armed Forces.

#### FINDINGS

Pub. L. 110-252, title V, § 5002, June 30, 2008, 122 Stat. 2357, provided that: “Congress makes the following findings:

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

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

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

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

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

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

#### APPLICABILITY TO INDIVIDUALS UNDER MONTGOMERY GI BILL PROGRAM

Pub. L. 110-252, title V, § 5003(c), June 30, 2008, 122 Stat. 2375, provided that:

“(1) INDIVIDUALS ELIGIBLE TO ELECT PARTICIPATION IN POST-9/11 EDUCATIONAL ASSISTANCE.—An individual may elect to receive educational assistance under chapter 33 of title 38, United States Code (as added by subsection (a)), if such individual—

“(A) as of August 1, 2009—

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

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

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