

**NERY SERGEANT JOHN DAVID FRY SCHOLARSHIP ASSISTANCE.**—An individual entitled to educational assistance under both sections 3311(b)(9) and 3319 may not receive assistance under both provisions concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which provision to receive educational assistance.

(f) **BAR TO RECEIPT OF COMPENSATION AND PENSION AND MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP ASSISTANCE.**—The commencement of a program of education under section 3311(b)(9) shall be a bar to the following:

(1) Subsequent payments of dependency and indemnity compensation or pension based on the death of a parent to an eligible person over the age of 18 years by reason of pursuing a course in an educational institution.

(2) Increased rates, or additional amounts, of compensation, dependency and indemnity compensation, or pension because of such a person, whether eligibility is based upon the death of the parent.

(g) **BAR TO CONCURRENT RECEIPT OF TRANSFERRED EDUCATION BENEFITS.**—A spouse or child who is entitled to educational assistance under this chapter based on a transfer of entitlement from more than one individual under section 3319 may not receive assistance based on transfers from more than one such individual concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which source to utilize such assistance at any one time.

(h) **BAR TO DUPLICATION OF ELIGIBILITY BASED ON A SINGLE EVENT OR PERIOD OF SERVICE.**—

(1) **ACTIVE-DUTY SERVICE.**—An individual with qualifying service in the Armed Forces that establishes eligibility on the part of such individual for educational assistance under this chapter, chapter 30 or 32 of this title, and chapter 1606 or 1607 of title 10, shall elect (in such form and manner as the Secretary may prescribe) under which authority such service is to be credited.

(2) **ELIGIBILITY FOR EDUCATIONAL ASSISTANCE BASED ON PARENT'S SERVICE.**—A child of a member of the Armed Forces who, on or after September 11, 2001, dies in the line of duty while serving on active duty, who is eligible for educational assistance under either section 3311(b)(9) or chapter 35 of this title based on the parent's death may not receive such assistance under both this chapter and chapter 35 of this title, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter to receive such assistance.

(Added Pub. L. 110-252, title V, §5003(a)(1), June 30, 2008, 122 Stat. 2373; amended Pub. L. 111-377, title I, §111(a)-(d), title II, §202(a), Jan. 4, 2011, 124 Stat. 4120, 4121, 4124.)

#### REFERENCES IN TEXT

The Hostage Relief Act of 1980, referred to in subsecs. (a) and (d), is Pub. L. 96-449, Oct. 14, 1980, 94 Stat. 1967, which was formerly set out as a note under section 5561 of Title 5, Government Organization and Employees.

Section 5003(c) of the Post-9/11 Veterans Educational Assistance Act of 2008, referred to in subsec. (d), is section 5003(c) of Pub. L. 110-252, which is set out as a note under section 3301 of this title.

#### AMENDMENTS

2011—Subsec. (a). Pub. L. 111-377, §202(a), inserted “or section 510” after “or 1607”.

Subsec. (e). Pub. L. 111-377, §111(a), added subsec. (e).

Subsec. (f). Pub. L. 111-377, §111(b), added subsec. (f).

Subsec. (g). Pub. L. 111-377, §111(c), added subsec. (g).

Subsec. (h). Pub. L. 111-377, §111(d), added subsec. (h).

#### EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-377, title I, §111(e), Jan. 4, 2011, 124 Stat. 4121, provided that: “The amendments made by this section [amending this section] shall take effect on August 1, 2011.”

Pub. L. 111-377, title II, §202(c), Jan. 4, 2011, 124 Stat. 4124, provided that: “The amendments made by this section [amending this section and section 3681 of this title] shall take effect on August 1, 2011.”

#### § 3323. Administration

(a) **IN GENERAL.**—

(1) **IN GENERAL.**—Except as otherwise provided in this chapter, the provisions specified in sections 3034(a)(1) and 3680(c) shall apply to the provision of educational assistance under this chapter.

(2) **SPECIAL RULE.**—In applying the provisions referred to in paragraph (1) to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such provisions to the term “eligible veteran” shall be deemed to refer to an individual entitled to educational assistance under this chapter.

(3) **RULE FOR APPLYING SECTION 3474.**—In applying section 3474 to an individual entitled to educational assistance under this chapter for purposes of this section, the reference in such section 3474 to the term “educational assistance allowance” shall be deemed to refer to educational assistance payable under section 3313.

(4) **RULE FOR APPLYING SECTION 3482.**—In applying section 3482(g) to an individual entitled to educational assistance under this chapter for purposes of this section—

(A) the first reference to the term “educational assistance allowance” in such section 3482(g) shall be deemed to refer to educational assistance payable under section 3313; and

(B) the first sentence of paragraph (1) of such section 3482(g) shall be applied as if such sentence ended with “equipment”.

(b) **INFORMATION ON BENEFITS.**—

(1) **TIMING FOR PROVIDING.**—The Secretary shall provide the information described in paragraph (2) to each member of the Armed Forces at such times as the Secretary and the Secretary of Defense shall jointly prescribe in regulations.

(2) **DESCRIPTION OF INFORMATION.**—The information described in this paragraph is information on benefits, limitations, procedures, eligibility requirements (including time-in-service requirements), and other important aspects of educational assistance under this chapter, including application forms for such assistance under section 5102.

(3) **TO WHOM PROVIDED.**—The Secretary of Veterans Affairs shall furnish the information and forms described in paragraph (2), and

other educational materials on educational assistance under this chapter, to educational institutions, training establishments, military education personnel, and such other persons and entities as the Secretary considers appropriate.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary shall prescribe regulations for the administration of this chapter.

(2) UNIFORMITY.—Any regulations prescribed by the Secretary of Defense for purposes of this chapter shall apply uniformly across the Armed Forces.

(Added Pub. L. 110-252, title V, § 5003(a)(1), June 30, 2008, 122 Stat. 2374; amended Pub. L. 111-377, title I, § 112(c), Jan. 4, 2011, 124 Stat. 4122.)

AMENDMENTS

2011—Subsec. (a). Pub. L. 111-377 substituted “sections 3034(a)(1) and 3680(c)” for “section 3034(a)(1)”.

§ 3324. Allocation of administration and costs

(a) ADMINISTRATION.—Except as otherwise provided in this chapter, the Secretary shall administer the provision of educational assistance under this chapter.

(b) COSTS.—Payments for entitlement to educational assistance earned under this chapter shall be made from funds appropriated to, or otherwise made available to, the Department for the payment of readjustment benefits.

(Added Pub. L. 110-252, title V, § 5003(a)(1), June 30, 2008, 122 Stat. 2375.)

CHAPTER 34—VETERANS' EDUCATIONAL ASSISTANCE

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AMENDMENTS

1992—Pub. L. 102-568, title III, § 313(a)(3)(B), Oct. 29, 1992, 106 Stat. 4332, struck out item 3473 “Disapproval of enrollment in certain courses”.

1991—Pub. L. 102-83, § 5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 1651 to 1693 as 3451 to 3493, respectively.

Pub. L. 102-16, § 2(b)(1)(B), Mar. 22, 1991, 105 Stat. 49, struck out item 1663 “Educational and vocational counseling”.

1989—Pub. L. 101-237, title IV, § 405(d)(4)(B), Dec. 18, 1989, 103 Stat. 2082, substituted “Work-study allowance” for “Veteran-student services” in item 1685.

1988—Pub. L. 100-689, title I, §§ 107(c)(2)(B), 124(c)(1), Nov. 18, 1988, 102 Stat. 4169, 4175, substituted “Tutorial assistance” for “Special supplementary assistance” in item 1692 and struck out items 1682A “Accelerated payment of educational assistance allowances” and 1686 “Education loans”.

1981—Pub. L. 97-35, title XX, § 2003(b)(3)(B), Aug. 13, 1981, 95 Stat. 782, struck out item 1677 “Flight training”.

1980—Pub. L. 96-466, title VI, § 601(a)(2), Oct. 17, 1980, 94 Stat. 2208, struck out “SUBCHAPTER VI—PRE-DISCHARGE EDUCATION PROGRAM” heading and items 1695 “Purpose; definition”, 1696 “Payment of educational assistance allowance”, 1697 “Educational and vocational guidance”, and 1698 “Coordination with and participation by Department of Defense”.

1977—Pub. L. 95-202, title II, § 201(c)(1), Nov. 23, 1977, 91 Stat. 1438, added item 1682A.

1976—Pub. L. 94-502, title II, § 210(4), Oct. 15, 1976, 90 Stat. 2388, renumbered item 1697A as 1698.

1974—Pub. L. 93-508, title III, § 302(b), Dec. 3, 1974, 88 Stat. 1591, added item 1686.

1972—Pub. L. 92-540, title IV, § 404(a), Oct. 24, 1972, 86 Stat. 1090, inserted in Subchapter IV heading “VETERAN-STUDENT SERVICES”, and substituted in item 1683 “Approval of courses” for “Apprenticeship or other on-job training”; in item 1684 “Apprenticeship or other on-job training; correspondence courses” for “Measurement of courses”, and in item 1685 “Veteran-student services” for “Overcharges by educational institutions”, struck out item 1672 “Change of program”, item 1675 “Period of operation for approval”, item 1686 “Approval of courses”, and item 1687 “Discontinuance of allowances”, and added item 1697A.

1970—Pub. L. 91-219, title II, § 204(b), Mar. 26, 1970, 84 Stat. 81, struck out item 1678 “Special training for the educationally disadvantaged” and added subchapters V and VI.

1967—Pub. L. 90-77, title III, §§ 302(c), 304(b), 306(b)(1), Aug. 31, 1967, 81 Stat. 185, 186, 188, added items 1677, 1678, and 1683, and renumbered former items 1683 to 1686 as 1684 to 1687, respectively.

1966—Pub. L. 89-358, § 2, Mar. 3, 1966, 80 Stat. 12, added “CHAPTER 34—VETERANS' EDUCATIONAL ASSISTANCE”.

SUBCHAPTER I—PURPOSE—DEFINITIONS

§ 3451. Purpose

The Congress of the United States hereby declares that the education program created by this chapter is for the purpose of (1) enhancing and making more attractive service in the Armed Forces of the United States, (2) extending the benefits of a higher education to qualified and deserving young persons who might not otherwise be able to afford such an education, (3) providing vocational readjustment and restoring lost educational opportunities to those service men and women whose careers have been interrupted or impeded by reason of active duty after January 31, 1955, and (4) aiding such persons in attaining the vocational and educational