(2) for each of the second six months of the individual's pursuit of such program, 55 percent of such monthly benefit payment; and

(3) for each of the months following the first 12 months of the individual's pursuit of such program, 35 percent of such monthly benefit payment.

(b) In any month in which an individual pursuing a program of education consisting of a program of apprenticeship or other on-job training fails to complete 120 hours of training, the amount of the monthly benefit payment payable under this chapter to the individual shall be limited to the same proportion of the applicable rate determined under subsection (a) of this section as the number of hours worked during such month, rounded to the nearest eight hours, bears to 120 hours.

(c) For each month that an individual is paid a monthly benefit payment under this chapter, the individual's entitlement under this chapter shall be charged at the rate of—

(1) 75 percent of a month in the case of payments made in accordance with subsection (a)(1) of this section;

(2) 55 percent of a month in the case of payments made in accordance with subsection (a)(2) of this section; and

(3) 35 percent of a month in the case of payments made in accordance with subsection (a)(3) of this section.

(d) For any month in which an individual fails to complete 120 hours of training, the entitlement otherwise chargeable under subsection (c) of this section shall be reduced in the same proportion as the monthly benefit payment payable is reduced under subsection (b) of this section.

(Added Pub. L. 99–576, title III, § 310(b)(2), Oct. 28, 1986, 100 Stat. 3271, § 1633; amended Pub. L. 101–237, title IV, § 423(a)(7), Dec. 18, 1989, 103 Stat. 2091; renumbered § 3233, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 1633 of this title as this section.

1989—Subsec. (d). Pub. L. 101–237 added subsec. (d).

INCREASE IN BENEFIT FOR INDIVIDUALS PURSUING APPRENTICESHIP OR ON-JOB TRAINING; POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE

Pub. L. 108–454, title I, § 103(b), Dec. 10, 2004, 118 Stat. 3600, provided that: ''For months beginning on or after October 1, 2005, and before January 1, 2008, subsection (a) of section 3233 of title 38, United States Code, shall be applied as if—

''(1) the reference to '75 percent' in paragraph (1) were a reference to '85 percent';

''(2) the reference to '55 percent' in paragraph (2) were a reference to '65 percent'; and

''(3) the reference to '35 percent' in paragraph (3) were a reference to '45 percent'.''

### § 3234. Tutorial assistance

(a) An individual entitled to benefits under this chapter shall also be entitled to the benefits provided an eligible veteran under section 3492 of this title, subject to the conditions applicable to an eligible veteran under such section. Any amount paid to an individual under this section shall be in addition to the amount of other benefits paid under this chapter.

(b) An individual's period of entitlement to educational assistance under this chapter shall be charged only with respect to the amount of educational assistance paid to the individual under this section in excess of $600.

(c) An individual's period of entitlement to educational assistance under this chapter shall be charged at the rate of one month for each amount of assistance paid to the individual under this section in excess of $600 that is equal to the amount of monthly educational assistance the individual is otherwise eligible to receive for full-time pursuit of an institutional course under this chapter.

(d) Payments of benefits under this section shall be made—

(1) in the case of the first $600 of such benefits paid to an individual, from funds appropriated, or otherwise available, to the Department of Veterans Affairs for the payment of readjustment benefits; and

(2) in the case of payments to an individual for such benefits in excess of $600, from the fund from contributions made to the fund by the veteran and by the Secretary of Defense in the same proportion as these contributions are used to pay other educational assistance to the individual under this chapter.

(Added Pub. L. 100–689, title I, § 107(b)(1), Nov. 18, 1988, 102 Stat. 4168, § 1634; amended Pub. L. 101–237, title IV, § 423(b)(1)(B), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3234 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 1634 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''3492'' for ''1692''.

1989—Subsec. (d)(1). Pub. L. 101–237 substituted ''Department of Veterans Affairs'' for ''Veterans' Administration''.

## SUBCHAPTER IV—ADMINISTRATION

### § 3241. Requirements

(a)(1) The provisions of sections 3470, 3471, 3474, 3476, 3483, 3485, and 3491(a)(1) of this title and the provisions of chapter 36 of this title (with the exception of section 3687) shall be applicable with respect to individuals who are pursuing programs of education while serving on active duty.

(2) The Secretary may, without regard to the application to this chapter of so much of the provisions of section 3471 of this title as prohibit the enrollment of an eligible veteran in a program of education in which the veteran is ''already qualified'', and pursuant to such regulations as the Secretary shall prescribe, approve the enrollment of such individual in refresher courses (including courses which will permit such individual to update knowledge and skills or be instructed in the technological advances which have occurred in the individual's field of employment during and since the period of such veteran's active military service), deficiency courses, or other preparatory or special education or training courses necessary to enable the individual to pursue an approved program of education.

(b) The Secretary may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 3680A(b) of this title) by an individual entitled to basic educational assistance under this chapter if—

(1) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

(2) the individual possesses a valid pilot certificate and meets, on the day the individual begins a course of flight training, the medical requirements necessary for a commercial pilot certificate; and

(3) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

(c) The provisions of sections 3470, 3471, 3474, 3476, 3483, and 3491(a) (other than clause (1)) of this title and the provisions of chapter 36 of this title (with the exception of section 3687) shall be applicable with respect to individuals who are pursuing programs of education following discharge or release from active duty.

(Added Pub. L. 94–502, title IV, § 404, Oct. 15, 1976, 90 Stat. 2397, § 1641; amended Pub. L. 96–466, title IV, § 405, Oct. 17, 1980, 94 Stat. 2202; Pub. L. 97–35, title XX, § 2003(a)(2), Aug. 13, 1981, 95 Stat. 782; Pub. L. 99–576, title III, §§ 308(b), 310(c), Oct. 28, 1986, 100 Stat. 3270, 3272; Pub. L. 100–689, title I, § 106(b), Nov. 18, 1988, 102 Stat. 4167; Pub. L. 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

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.
3315A. National tests.
3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service.
3317. Public-private contributions for additional educational assistance.
3318. Additional assistance: relocation or travel assistance for individual relocating or traveling significant distance for pursuit of a program of education.
3319. Authority to transfer unused education benefits to family members.

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.

AMENDMENTS

2011—Pub. L. 111–377, title I, § 108(a)(2), Jan. 4, 2011, 124 Stat. 4119, added item 3315A.

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.

(C) In the case of a member of the Army National Guard of the United States or Air National Guard of the United States, in addition to service described in subparagraph (B), full-time service—

(i) in the National Guard of a State for the purpose of organizing, administering, recruiting, instructing, or training the National Guard; or

(ii) in the National Guard under section 502(f) of title 32 when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.

(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 or One Station Unit 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 and Skill Training (or so-called ''A'' School).

(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.