

ing required by a health care professional to be licensed to practice in a State or locality.

(Added Pub. L. 115-48, title I, §111(a), Aug. 16, 2017, 131 Stat. 982; amended Pub. L. 116-36, §1, July 31, 2019, 133 Stat. 1048; Pub. L. 116-315, title I, §§1001, 1002(b)(4), Jan. 5, 2021, 134 Stat. 4937, 4938.)

### Editorial Notes

#### AMENDMENTS

2021—Subsec. (b)(4)(A)(i). Pub. L. 116-315, §1001(a)(1), inserted “, or a dual degree program that includes such an undergraduate college degree,” after “standard, undergraduate college degree” in introductory provisions, redesignated subcls. (X) and (XI) as (IX) and (X), respectively, and struck out former subcl. (IX) which read as follows: “a medical residency program;”.

Subsec. (b)(4)(B). Pub. L. 116-315, §1001(a)(2), inserted “covered clinical training program for health care professionals or a” before “program of education” and substituted “; or” for period at end.

Subsec. (b)(4)(C). Pub. L. 116-315, §1001(a)(3), added subpar. (C).

Subsec. (c). Pub. L. 116-315, §1001(b), amended subsec. (c) generally. Prior to amendment, text read as follows: “In selecting eligible individuals to receive additional benefits under this section, the Secretary shall give priority to the following individuals:

“(1) Individuals who require the most credit hours described in subsection (b)(4).

“(2) Individuals who are entitled to educational assistance under this chapter by reason of paragraph (1), (2), (8), or (9) of section 3311(b) of this title.”

Subsec. (c)(1)(B). Pub. L. 116-315, §1002(b)(4), substituted “(8), (9), (10), or (11)” for “(8), or (9)”.

Subsec. (d)(4). Pub. L. 116-315, §1001(c), added par. (4).  
Subsec. (h). Pub. L. 116-315, §1001(d), added subsec. (h).

2019—Subsec. (b)(4)(A)(i). Pub. L. 116-36 substituted “at least the standard 120 semester (or 180 quarter) credit hours” for “more than the standard 128 semester (or 192 quarter) credit hours” in introductory provisions.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1002(b)(4) of Pub. L. 116-315 effective immediately after the amendments made by section 105 of Pub. L. 115-48 [amendments effective Aug. 1, 2020] and applicable with respect to a quarter, semester, or term, commencing on or after Aug. 1, 2021, see section 1002(c) of Pub. L. 116-315, set out as a note under section 3311 of this title.

#### EFFECTIVE DATE

Pub. L. 115-48, title I, §111(c), Aug. 16, 2017, 131 Stat. 983, provided that: “Section 3320 of title 38, United States Code, shall take effect on August 1, 2019.”

### SUBCHAPTER III—ADMINISTRATIVE PROVISIONS

#### § 3321. Time limitation for use of and eligibility for entitlement

(a) IN GENERAL.—Except as provided in this section, the period during which an individual entitled to educational assistance under this chapter may use such individual’s entitlement—

(1) in the case of an individual whose last discharge or release from active duty is before January 1, 2013, expires at the end of the 15-year period beginning on the date of such discharge or release; or

(2) in the case of an individual whose last discharge or release from active duty is on or after January 1, 2013, shall not expire.

(b) EXCEPTIONS.—

(1) APPLICABILITY OF SECTION 3031 TO RUNNING OF PERIOD.—(A) Subsections (b), (c), (d), and (i) of section 3031 shall apply with respect to the running of the 15-year period described in subsection (a) of this section in the same manner as such subsections apply under section 3031 with respect to the running of the 10-year period described in section 3031(a).

(B) Subsection (i) of section 3031 shall apply with respect to the running of the 15-year period described in paragraphs (4)(A) and (5)(A) of this subsection in the same manner as such subsection applies under section 3031 of this title with respect to the running of the 10-year period described in section 3031(a) of this title.

(2) APPLICABILITY OF SECTION 3031 TO TERMINATION.—Section 3031(f) shall apply with respect to the termination of an individual’s entitlement to educational assistance under this chapter in the same manner as such section applies to the termination of an individual’s entitlement to educational assistance under chapter 30, except that, in the administration of such section for purposes of this chapter, the reference to section 3013 shall be deemed to be a reference to section 3312 of this title.

(3) DETERMINATION OF LAST DISCHARGE OR RELEASE.—For purposes of subsection (a), an individual’s last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service, unless the individual is discharged or released as described in section 3311(b)(2).

(4) APPLICABILITY TO CHILDREN OF DECEASED MEMBERS.—The period during which a child entitled to educational assistance by reason of section 3311(b)(8) of this title may use such child’s entitlement—

(A) in the case of a child who first becomes entitled to such entitlement before January 1, 2013, expires at the end of the 15-year period beginning on the date of such child’s eighteenth birthday; or

(B) in the case of a child who first becomes entitled to such entitlement on or after January 1, 2013, shall not expire.

(5) APPLICABILITY TO SPOUSES OF DECEASED MEMBERS.—The period during which a spouse entitled to educational assistance by reason of section 3311(b)(9)<sup>1</sup> may use such spouse’s entitlement—

(A) in the case of a spouse who first becomes entitled to such entitlement before January 1, 2013, expires at the end of the 15-year period beginning on the date on which the spouse first becomes entitled to such entitlement; or

(B) in the case of a spouse who first becomes entitled to such entitlement on or after January 1, 2013, shall not expire.

(Added Pub. L. 110-252, title V, §5003(a)(1), June 30, 2008, 122 Stat. 2373; amended Pub. L. 111-32, title X, §1002(c), June 24, 2009, 123 Stat. 1889;

<sup>1</sup> See References in Text note below.

Pub. L. 111-275, title X, §1001(g)(8), Oct. 13, 2010, 124 Stat. 2896; Pub. L. 113-146, title VII, §701(c), Aug. 7, 2014, 128 Stat. 1796; Pub. L. 115-48, title I, §§105(c)(5), 112, Aug. 16, 2017, 131 Stat. 976, 984; Pub. L. 116-61, §6(4), Sept. 30, 2019, 133 Stat. 1117; Pub. L. 117-328, div. U, title II, §232(b), Dec. 29, 2022, 136 Stat. 5457; Pub. L. 117-333, §3(b)(1), Jan. 5, 2023, 136 Stat. 6126.)

### Editorial Notes

#### REFERENCES IN TEXT

Subsection (b)(9) of section 3311 of this title, referred to in subsec. (b)(5), was redesignated subsection (b)(8) by Pub. L. 115-48, title I, §105(a)(3), Aug. 16, 2017, 131 Stat. 975.

#### AMENDMENTS

2023—Subsec. (b)(1). Pub. L. 117-333 made amendment substantially identical to that made by Pub. L. 117-328. See 2022 Amendment note below.

2022—Subsec. (b)(1). Pub. L. 117-328 designated existing provisions as subpar. (A), substituted “(d), and (i)” for “and (d)”, and added subpar. (B).

2019—Subsec. (a)(1). Pub. L. 116-61 substituted “January” for “January.”.

2017—Subsec. (a). Pub. L. 115-48, §112(a), substituted “individual’s entitlement—” for “individual’s entitlement expires at the end of the 15-year period beginning on the date of such individual’s last discharge or release from active duty.” and added pars. (1) and (2).

Subsec. (b)(4). Pub. L. 115-48, §112(b), inserted “of this title” after “section 3311(b)(9)”, substituted “child’s entitlement—” for “child’s entitlement expires at the end of the 15-year period beginning on the date of such child’s eighteenth birthday.”, and added subpars. (A) and (B).

Pub. L. 115-48, §105(c)(5), substituted “section 3311(b)(8)” for “section 3311(b)(9)”.

Subsec. (b)(5). Pub. L. 115-48, §112(c), added par. (5).

2014—Subsec. (b)(4). Pub. L. 113-146 substituted “a child” for “an individual” and, in two places, “such child’s” for “such individual’s”.

2010—Subsec. (b)(2). Pub. L. 111-275 substituted “section 3312 of this title” for “3312”.

2009—Subsec. (b)(4). Pub. L. 111-32 added par. (4).

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2017 AMENDMENT

Amendment by section 105(c)(5) of Pub. L. 115-48 effective Aug. 1, 2020, see section 105(d) of Pub. L. 115-48, set out as a note under section 3311 of this title.

#### EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-146 applicable with respect to a quarter, semester, or term, as applicable, commencing on or after Jan. 1, 2015, with provision for deaths occurring between Sept. 11, 2001, and Dec. 31, 2005, see section 701(d) of Pub. L. 113-146, set out as a note under section 3311 of this title.

#### EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-32 effective Aug. 1, 2009, see section 1002(d)(1) of Pub. L. 111-32, set out as a note under section 3311 of this title.

#### EFFECTIVE DATE

Section 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.

#### EXTENSION OF TIME LIMITATIONS FOR USE OF ENTITLEMENT: POST-9/11 EDUCATIONAL ASSISTANCE

Pub. L. 116-140, §6(b)(1), Apr. 28, 2020, 134 Stat. 632, which temporarily provided for an extension to use en-

titlements for post-9/11 educational assistance, was repealed by Pub. L. 117-333, §3(f), Jan. 5, 2023, 136 Stat. 6128. See subsec. (b)(1)(B) of this section.

### § 3322. Bar to duplication of educational assistance benefits

(a) IN GENERAL.—An individual entitled to educational assistance under this chapter who is also eligible for educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 or section 510 of title 10, or the provisions of the Hostage Relief Act of 1980 (Public Law 96-449; 5 U.S.C. 5561 note) may not receive assistance under two or more such programs concurrently, but shall elect (in such form and manner as the Secretary may prescribe) under which chapter or provisions to receive educational assistance.

(b) INAPPLICABILITY OF SERVICE TREATED UNDER EDUCATIONAL LOAN REPAYMENT PROGRAMS.—A period of service counted for purposes of repayment of an education loan under chapter 109 of title 10 may not be counted as a period of service for entitlement to educational assistance under this chapter.

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

(d) ADDITIONAL COORDINATION MATTERS.—In the case of an individual entitled to educational assistance under chapter 30, 31, 32, or 35 of this title, chapter 107, 1606, or 1607 of title 10, or the provisions of the Hostage Relief Act of 1980, or making contributions toward entitlement to educational assistance under chapter 30 of this title, as of August 1, 2009, coordination of entitlement to educational assistance under this chapter, on the one hand, and such chapters or provisions, on the other, shall be governed by the provisions of section 5003(c) of the Post-9/11 Veterans Educational Assistance Act of 2008.

(e) BAR TO CONCURRENT RECEIPT OF TRANSFERRED EDUCATION BENEFITS AND MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP ASSISTANCE.—An individual entitled to educational assistance under both section 3319 and paragraph (8), (9), or (10) of section 3311 of this title 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 paragraph (8), (9), or (10) of section 3311 of this title 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