

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 chapter 35 or paragraph (8), (9), or (10) of section 3311 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; Pub. L. 115-48, title I, §105(c)(6), Aug. 16, 2017, 131 Stat. 976; Pub. L. 116-315, title I, §1002(b)(5), Jan. 5, 2021, 134 Stat. 4938.)

Editorial Notes

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

2021—Subsec. (e). Pub. L. 116-315, §1002(b)(5)(A), substituted “section 3319 and paragraph (8), (9), or (10) of section 3311 of this title” for “sections 3311(b)(8) and 3319”.

Subsec. (f). Pub. L. 116-315, §1002(b)(5)(B), substituted “paragraph (8), (9), or (10) of section 3311 of this title” for “section 3311(b)(8)”.

Subsec. (h)(2). Pub. L. 116-315, §1002(b)(5)(C), substituted “either chapter 35 or paragraph (8), (9), or (10) of section 3311” for “either section 3311(b)(8) or chapter 35”.

2017—Subsecs. (e), (f), (h)(2). Pub. L. 115-48 substituted “3311(b)(8)” for “3311(b)(9)”.

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).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by 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 OF 2017 AMENDMENT

Amendment by 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 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.”

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.

§ 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.)

Editorial Notes

AMENDMENTS

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

Statutory Notes and Related Subsidiaries

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.

§ 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.)

Statutory Notes and Related Subsidiaries

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.

§ 3325. Reporting requirement

(a) **IN GENERAL.**—For each academic year—

(1) the Secretary of Defense shall submit to Congress a report on the operation of the program provided for in this chapter; and

(2) the Secretary shall submit to Congress a report on the operation of the program provided for in this chapter and the program provided for under chapter 35 of this title.

(b) **CONTENTS OF SECRETARY OF DEFENSE REPORTS.**—The Secretary of Defense shall include in each report submitted under this section—

(1) information—

(A) indicating the extent to which the benefit levels provided under this chapter are adequate to achieve the purposes of inducing individuals to enter and remain in the Armed Forces and of providing an adequate level of financial assistance to help meet the cost of pursuing a program of education;

(B) indicating whether it is necessary for the purposes of maintaining adequate levels of well-qualified active-duty personnel in the Armed Forces to continue to offer the opportunity for educational assistance under this chapter to individuals who have not yet entered active-duty service; and

(C) describing the efforts under section 3323(b) of this title to inform members of the Armed Forces of the active duty service requirements for entitlement to educational assistance under this chapter and the results from such efforts; and

(2) such recommendations for administrative and legislative changes regarding the provision of educational assistance to members of the Armed Forces and veterans, and their dependents, as the Secretary of Defense considers appropriate.

(c) **CONTENTS OF SECRETARY OF VETERANS AFFAIRS REPORTS.**—The Secretary shall include in each report submitted under this section—

(1) information concerning the level of utilization of educational assistance and of expenditures under this chapter and under chapter 35 of this title;

(2) appropriate student outcome measures, such as the number of credit hours, certificates, degrees, and other qualifications earned by beneficiaries under this chapter and chapter 35 of this title during the academic year covered by the report;

(3) the information received by the Secretary under section 3326 of this title; and

(4) such recommendations for administrative and legislative changes regarding the provision of educational assistance to members of the Armed Forces and veterans, and their dependents, as the Secretary considers appropriate.

(d) **TERMINATION.**—No report shall be required under this section after January 1, 2021.

(Added Pub. L. 112-154, title IV, §402(a)(1), Aug. 6, 2012, 126 Stat. 1188; amended Pub. L. 114-315, title IV, §404(a)(1), Dec. 16, 2016, 130 Stat. 1554.)

Editorial Notes

AMENDMENTS

2016—Subsec. (c)(3), (4). Pub. L. 114-315 added par. (3) and redesignated former par. (3) as (4).