

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.)

### § 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, certifi-

cates, degrees, and other qualifications earned by beneficiaries under this chapter and chapter 35 of this title during the academic year covered by the report; and

(3) 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.)

#### DEADLINE FOR SUBMITTAL OF FIRST REPORT

Pub. L. 112-154, title IV, § 402(a)(3), Aug. 6, 2012, 126 Stat. 1189, provided that: “The first reports required under section 3325 of title 38, United States Code, as added by paragraph (1), shall be submitted by not later than November 1, 2013.”

## CHAPTER 34—VETERANS' EDUCATIONAL ASSISTANCE

### SUBCHAPTER I—PURPOSE—DEFINITIONS

Sec.	Purpose.
3451.	Definitions.
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### SUBCHAPTER II—ELIGIBILITY AND ENTITLEMENT

3461.	Eligibility; entitlement; duration.
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### SUBCHAPTER III—ENROLLMENT

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### SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

3481.	Educational assistance allowance.
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### SUBCHAPTER V—SPECIAL ASSISTANCE FOR THE EDUCATIONALLY DISADVANTAGED

3490.	Purpose.
3491.	Elementary and secondary education and preparatory 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