

Pub. L. 111-377, title I, §§ 110(a), (b), 112(b), title II, § 201(b), Jan. 4, 2011, 124 Stat. 4120, 4122, 4123; Pub. L. 114-58, title VI, § 601(19), Sept. 30, 2015, 129 Stat. 539.)

AMENDMENTS

2015—Pub. L. 114-58 substituted “Armed Forces” for “armed forces” in subssecs. (b)(1), (f)(1), and (g)(1)(A), (2)(A)(i).

2011—Subsec. (a). Pub. L. 111-377, § 110(b), designated existing provisions as par. (1), substituted “Subject to the provisions of this section, the Secretary concerned may permit” for “Subject to the provisions of this section, the Secretary of Defense may authorize the Secretary concerned, to promote recruitment and retention of members of the Armed Forces, to permit”, and added par. (2).

Subsec. (b). Pub. L. 111-377, § 110(a)(1), substituted “uniformed services” for “Armed Forces” in introductory provisions and par. (1).

Subsec. (b)(2). Pub. L. 111-377, § 112(b), which directed substitution of “to subsection (j)” for “to section (k)”, could not be executed because of prior amendment by Pub. L. 111-275. See 2010 Amendment note below.

Subsec. (h)(5). Pub. L. 111-377, § 201(b), amended par. (5) generally. Prior to amendment, text read as follows: “A child to whom entitlement is transferred under this section may use the benefit without regard to the 15-year delimiting date, but may not use any entitlement so transferred after attaining the age of 26 years.”

Subsec. (k). Pub. L. 111-377, § 110(a)(2), struck out subsec. (k). Text read as follows: “Notwithstanding section 101(25), in this section, the term ‘Secretary concerned’ means—

“(1) the Secretary of the Army with respect to matters concerning the Army;

“(2) the Secretary of the Navy with respect to matters concerning the Navy or the Marine Corps;

“(3) the Secretary of the Air Force with respect to matters concerning the Air Force; and

“(4) the Secretary of Defense with respect to matters concerning the Coast Guard, or the Secretary of Homeland Security when it is not operating as a service in the Navy.”

2010—Subsec. (b)(2). Pub. L. 111-275 substituted “subsection (j)” for “section (k)”.

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-377, title I, § 110(c), Jan. 4, 2011, 124 Stat. 4120, provided that: “The amendments made by this section [amending this section] shall take effect on August 1, 2011.”

Amendment by section 201(b) of Pub. L. 111-377 effective Aug. 1, 2011, and applicable with respect to preventions and suspension of pursuit of programs of education that commence on or after that date, see section 201(d) of Pub. L. 111-377, set out as a note under section 3031 of this title.

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 expires at the end of the 15-year period beginning on the date of such individual’s last discharge or release from active duty.

(b) **EXCEPTIONS.**—

(1) **APPLICABILITY OF SECTION 3031 TO RUNNING OF PERIOD.**—Subsections (b), (c), and (d) of section 3031 shall apply with respect to the running of the 15-year period described in sub-

section (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).

(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)(9) may use such child’s entitlement expires at the end of the 15-year period beginning on the date of such child’s eighteenth birthday.

(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; 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.)

AMENDMENTS

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).

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.

§ 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.