

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.

§ 3315. Licensure and certification tests

(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to payment for licensing or certification tests described in section 3452(b).

(b) LIMITATION ON AMOUNT.—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

- (1) \$2,000;
- (2) the fee charged for the test; or
- (3) the amount of entitlement available to the individual under this chapter at the time of payment for the test under this section.

(c) CHARGE AGAINST ENTITLEMENT.—The charge against an individual's entitlement under this chapter for payment for a licensing or certification test shall be pro-rated based on the actual amount of the fee charged for the test relative to the rate for 1 month payable—

- (1) for the academic year beginning on August 1, 2011, \$1,460; or
- (2) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subsection, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h).

(Added Pub. L. 110-252, title V, § 5003(a)(1), June 30, 2008, 122 Stat. 2367; amended Pub. L. 111-377, title I, § 107(a), (b), Jan. 4, 2011, 124 Stat. 4118; Pub. L. 115-48, title I, § 108(a), Aug. 16, 2017, 131 Stat. 978.)

APPLICABILITY OF AMENDMENT

Amendment of section by section 108(a) of Pub. L. 115-48 applicable to a test taken on or after Aug. 1, 2018. See 2017 Amendment note below.

AMENDMENTS

2017—Subsec. (c). Pub. L. 115-48, in introductory provisions, substituted “shall be pro-rated based on the actual amount of the fee charged for the test relative to the rate for 1 month payable” for “shall be determined at the rate of one month (rounded to the nearest whole month) for each amount paid that equals”.

2011—Subsec. (a). Pub. L. 111-377, § 107(a), substituted “licensing or certification tests” for “one licensing or certification test”.

Subsec. (b)(3). Pub. L. 111-377, § 107(b)(2), added par. (3).

Subsec. (c). Pub. L. 111-377, § 107(b)(1), amended subsec. (c) generally. Prior to amendment, text read as follows: “Any amount paid an individual under subsection (a) is in addition to any other educational assistance benefits provided the individual under this chapter.”

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115-48, title I, § 108(d), Aug. 16, 2017, 131 Stat. 978, provided that: “The amendments made by this Act [probably should be “this section”, amending this section and sections 3315A and 3452 of this title] shall apply to a test taken on or after August 1, 2018.”

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-377, title I, § 107(c), Jan. 4, 2011, 124 Stat. 4118, provided that: “The amendments made by this

section [amending this section] shall take effect on August 1, 2011, and shall apply with respect to licensure and certification tests taken on or after that date.”

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.

§ 3315A. National tests

(a) IN GENERAL.—An individual entitled to educational assistance under this chapter shall also be entitled to educational assistance for the following:

(1) A national test for admission to an institution of higher learning as described in the last sentence of section 3452(b).

(2) A national test providing an opportunity for course credit at an institution of higher learning as so described.

(3) A national test that evaluates prior learning and knowledge and provides an opportunity for course credit at an institution of higher learning as so described.

(b) AMOUNT.—The amount of educational assistance payable under this chapter for a test described in subsection (a) is the lesser of—

- (1) the fee charged for the test; or
- (2) the amount of entitlement available to the individual under this chapter at the time of payment for the test under this section.

(c) CHARGE AGAINST ENTITLEMENT.—The number of months of entitlement charged an individual under this chapter for a test described in subsection (a) shall be pro-rated based on the actual amount of the fee charged for the test relative to the rate for 1 month payable—

- (1) for the academic year beginning on August 1, 2011, \$1,460; or
- (2) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subsection, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h).

(Added Pub. L. 111-377, title I, § 108(a)(1), Jan. 4, 2011, 124 Stat. 4118; amended Pub. L. 115-48, title I, § 108(b), Aug. 16, 2017, 131 Stat. 978.)

APPLICABILITY OF AMENDMENT

Amendment of section by section 108(b) of Pub. L. 115-48 applicable to a test taken on or after Aug. 1, 2018. See 2017 Amendment notes below.

AMENDMENTS

2017—Subsec. (a)(3). Pub. L. 115-48, § 108(b)(1), added par. (3).

Subsec. (c). Pub. L. 115-48, § 108(b)(2), in introductory provisions, substituted “shall be pro-rated based on the actual amount of the fee charged for the test relative to the rate for 1 month payable” for “shall be determined at the rate of one month (rounded to the nearest whole month) for each amount paid that equals”.

EFFECTIVE DATE OF 2017 AMENDMENT

Amendment by Pub. L. 115-48 applicable to a test taken on or after Aug. 1, 2018, see section 108(d) of Pub. L. 115-48, set out as a note under section 3315 of this title.

EFFECTIVE DATE

Pub. L. 111-377, title I, §108(b), Jan. 4, 2011, 124 Stat. 4119, provided that: "The amendments made by this section [enacting this section] shall take effect on August 1, 2011, and shall apply with respect to national tests taken on or after that date."

§ 3316. Supplemental educational assistance: members with critical skills or specialty; members serving additional service

(a) INCREASED ASSISTANCE FOR MEMBERS WITH CRITICAL SKILLS OR SPECIALTY.—

(1) IN GENERAL.—In the case of an individual who has a skill or specialty designated by the Secretary concerned as a skill or specialty in which there is a critical shortage of personnel or for which it is difficult to recruit or, in the case of critical units, retain personnel, the Secretary concerned may increase the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c), or under paragraphs (2) through (7) of such section (as applicable).

(2) MAXIMUM AMOUNT OF INCREASE IN ASSISTANCE.—The amount of the increase in educational assistance authorized by paragraph (1) may not exceed the amount equal to the monthly amount of increased basic educational assistance providable under section 3015(d)(1) at the time of the increase under paragraph (1).

(b) SUPPLEMENTAL ASSISTANCE FOR ADDITIONAL SERVICE.—

(1) IN GENERAL.—The Secretary concerned may provide for the payment to an individual entitled to educational assistance under this chapter of supplemental educational assistance for additional service authorized by subchapter III of chapter 30. The amount so payable shall be payable as an increase in the monthly amount of educational assistance otherwise payable to the individual under paragraph (1)(B) of section 3313(c), or under paragraphs (2) through (7) of such section (as applicable).

(2) ELIGIBILITY.—Eligibility for supplemental educational assistance under this subsection shall be determined in accordance with the provisions of subchapter III of chapter 30, except that any reference in such provisions to eligibility for basic educational assistance under a provision of subchapter II of chapter 30 shall be treated as a reference to eligibility for educational assistance under the appropriate provision of this chapter.

(3) AMOUNT.—The amount of supplemental educational assistance payable under this subsection shall be the amount equal to the monthly amount of supplemental educational assistance payable under section 3022.

(c) CONTINUATION OF INCREASED EDUCATIONAL ASSISTANCE.—

(1) IN GENERAL.—An individual who made an election to receive educational assistance under this chapter pursuant to section 5003(c)(1)(A) of the Post-9/11 Veterans Educational Assistance Act of 2008 (38 U.S.C. 3301 note) and who, at the time of the election, was entitled to increased educational assistance under section 3015(d) or section 16131(i) of title

10 shall remain entitled to increased educational assistance in the utilization of the individual's entitlement to educational assistance under this chapter.

(2) RATE.—The monthly rate of increased educational assistance payable to an individual under paragraph (1) shall be—

(A) the rate of educational assistance otherwise payable to the individual under section 3015(d) or section 16131(i) of title 10, as the case may be, had the individual not made the election described in paragraph (1), multiplied by

(B) the lesser of—

(i) 1.0; or

(ii) the number of course hours borne by the individual in pursuit of the program of education involved divided by the minimum number of course hours required for full-time pursuit of the program of education, rounded to the nearest multiple of 10.

(3) FREQUENCY OF PAYMENT.—Payment of the amounts payable under paragraph (1) during pursuit of a program of education shall be made on a monthly basis.

(d) FUNDING.—Payments for increased educational assistance under this section shall be made from the Department of Defense Education Benefits Fund under section 2006 of title 10 or from appropriations available to the Department of Homeland Security for that purpose, as applicable.

(e) REGULATIONS.—The Secretaries concerned shall administer this section in accordance with such regulations as the Secretary of Defense shall prescribe.

(Added Pub. L. 110-252, title V, §5003(a)(1), June 30, 2008, 122 Stat. 2367; amended Pub. L. 111-275, title X, §1001(g)(4), (5), Oct. 13, 2010, 124 Stat. 2896; Pub. L. 111-377, title I, §109(a)-(b)(1), Jan. 4, 2011, 124 Stat. 4119, 4120; Pub. L. 115-48, title I, §105(c)(3), Aug. 16, 2017, 131 Stat. 976.)

AMENDMENT OF SUBSECTIONS (a)(1) AND (b)(1)

Pub. L. 115-48, title I, §105(c)(3), (d), Aug. 16, 2017, 131 Stat. 976, 977, provided that, effective Aug. 1, 2020, subsections (a)(1) and (b)(1) of this section are amended by striking "paragraphs (2) through (7)" and inserting "paragraphs (2) through (6)". See 2017 Amendment note below.

REFERENCES IN TEXT

Section 5003(c)(1)(A) of the Post-9/11 Veterans Educational Assistance Act of 2008, referred to in subsec. (c)(1), is section 5003(c)(1)(A) of Pub. L. 110-252, which is set out as a note under section 3301 of this title.

AMENDMENTS

2017—Subsecs. (a)(1), (b)(1). Pub. L. 115-48 substituted "paragraphs (2) through (6)" for "paragraphs (2) through (7)".

2011—Subsec. (c). Pub. L. 111-377, §109(a)(2), added subsec. (c). Former subsec. (c) redesignated (e).

Subsec. (d). Pub. L. 111-377, §109(b)(1), added subsec. (d).

Subsec. (e). Pub. L. 111-377, §109(a)(1), redesignated subsec. (c) as (e).

2010—Subsec. (b)(2). Pub. L. 111-275, §1001(g)(4), substituted "supplemental" for "supplement".

Subsec. (b)(3). Pub. L. 111-275, §1001(g)(5), substituted "educational assistance payable under section 3022" for "educational payable under section 3022".