

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 2017 AMENDMENT

Pub. L. 115-48, title I, §110(b), Aug. 16, 2017, 131 Stat. 981, provided that:

“(1) ELIGIBLE DEATHS.—The amendments made by this section [amending this section] shall apply with respect to deaths occurring on or after August 1, 2009.

“(2) USE OF ENTITLEMENT.—A dependent to whom entitlement to educational assistance is transferred under subsection (k) or (l) of section 3319 of title 38, United States Code, as added by subsection (a), may use such entitlement to pursue a course of education beginning on or after August 1, 2018.”

#### 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.

#### 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.

### § 3320. Edith Nourse Rogers STEM Scholarship

(a) IN GENERAL.—Subject to the limitation under subsection (f), the Secretary shall provide additional benefits to eligible individuals selected by the Secretary under this section. Such benefits shall be known as the “Edith Nourse Rogers STEM Scholarship”.

(b) ELIGIBILITY.—For purposes of this section, an eligible individual is an individual—

(1) who is or was entitled to educational assistance under section 3311 of this title;

(2) who has used all of the educational assistance to which the individual is entitled under this chapter or will, based on the individual’s rate of usage, use all of such assistance within 180 days of applying for benefits under this section;

(3) who applies for assistance under this section; and

(4) who—

(A) is an individual who—

(i) is enrolled in a program of education leading to a post-secondary degree that, in accordance with the guidelines of the applicable regional or national accrediting agency, requires at least the standard 120 semester (or 180 quarter) credit hours for completion in a standard, undergraduate college degree in—

(I) biological or biomedical science;

(II) physical science;

(III) science technologies or technicians;

(IV) computer and information science and support services;

(V) mathematics or statistics;

(VI) engineering;

(VII) engineering technologies or an engineering-related field;

(VIII) a health profession or related program;

(IX) a medical residency program;

(X) an agriculture science program or a natural resources science program; or

(XI) other subjects and fields identified by the Secretary as meeting national needs;

(ii) has completed at least 60 standard semester (or 90 quarter) credit hours in a field referred to in clause (i); or

(B) is an individual who has earned a post-secondary degree in a field referred to in subparagraph (A)(i) and is enrolled in a program of education leading to a teaching certification.

(c) PRIORITY.—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.

(d) AMOUNT OF ASSISTANCE.—(1) The Secretary shall pay to each eligible individual who receives additional benefits under this section the monthly amount payable under section 3313 of this title for not more than 9 months of the program of education in which the individual is enrolled (adjusted with respect to the individual pursuant to section 3313(c), as appropriate), except that the aggregate amount paid to an individual under this section may not exceed \$30,000.

(2) The Secretary may not pay to such an individual an amount in addition to the amount payable under paragraph (1) by reason of section 3317 of this title.

(3) An individual who receives additional benefits under this section may also receive amounts payable by a college or university pursuant to section 3317 of this title.

(e) PROHIBITION ON TRANSFER.—An individual who receives additional benefits under this section may not transfer any amount of such additional benefits under section 3319 of this title.

(f) MAXIMUM AMOUNT OF TOTAL ASSISTANCE.—The total amount of benefits paid to all eligible individuals under this section may not exceed—

(1) \$25,000,000 for fiscal year 2019;

(2) \$75,000,000 for each of fiscal years 2020 through 2022; and

(3) \$100,000,000 for fiscal year 2023 and each subsequent fiscal year.

(g) CONGRESSIONAL NOTICE.—If the Secretary identifies a new subject or field pursuant to subsection (b)(4)(A)(i)(XI) as meeting a national need, the Secretary shall submit to Congress notice of such identification at least 90 days before conferring eligibility on any individual for purposes of this section on the basis of such identification, including any analysis of labor market supply and demand used in identifying the new subject or field, as applicable.

(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.)

#### AMENDMENTS

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.

#### 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.—Subsections (b), (c), and (d) 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).

(2) APPLICABILITY OF SECTION 3031 TO TERMINATION.—Section 3031(f) shall apply with re-

spect 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) 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) 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; 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.)

#### AMENDMENT OF SUBSECTION (b)(4)

*Pub. L. 115-48, title I, §105(c)(5), (d), Aug. 16, 2017, 131 Stat. 976, 977, provided that, effective Aug. 1, 2020, subsection (b)(4) of this section is amended by striking “section 3311(b)(9)” and inserting “section 3311(b)(8)”. See 2017 Amendment note below.*

#### AMENDMENTS

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 en-