

“(6) Family reconciliation assistance.”

CONTINUATION OF DEPARTMENT OF VETERANS AFFAIRS EDUCATIONAL ASSISTANCE BENEFITS FOR CERTAIN PROGRAMS OF EDUCATION CONVERTED TO DISTANCE LEARNING BY REASON OF EMERGENCIES AND HEALTH-RELATED SITUATIONS

Pub. L. 116-128, §1, Mar. 21, 2020, 134 Stat. 221, as amended by Pub. L. 116-159, div. E, title II, §5202(b), Oct. 1, 2020, 134 Stat. 750; Pub. L. 116-315, title I, §1107(a), Jan. 5, 2021, 134 Stat. 4966; Pub. L. 117-76, §2(b), Dec. 21, 2021, 135 Stat. 1517, provided that:

“(a) IN GENERAL.—In the case of a program of education approved by a State approving agency, or the Secretary of Veterans Affairs when acting in the role of a State approving agency, that is converted from being offered on-site at an educational institution or a training establishment to being offered by distance learning by reason of an emergency or health-related situation, as determined by the Secretary, the Secretary may continue to provide educational assistance under the laws administered by the Secretary without regard to such conversion, including with respect to paying any—

“(1) monthly housing stipends under chapter 33 of title 38, United States Code; or

“(2) payments or subsistence allowances under chapters 30, 31, 32, and 35 of such title and chapters 1606 and 1607 of title 10, United States Code.

“(b) APPLICABILITY PERIOD.—Subsection (a) shall apply during the period beginning on March 1, 2020, and ending on June 1, 2022.

“(c) DEFINITIONS.—In this section:

“(1) EDUCATIONAL INSTITUTION.—The term ‘educational institution’ has the meaning given that term in section 3452 of title 38, United States Code, and includes an institution of higher learning (as defined in such section).

“(2) PROGRAM OF EDUCATION.—The term ‘program of education’ has the meaning given that term in section 3002 of title 38, United States Code.

“(3) STATE APPROVING AGENCY.—The term ‘State approving agency’ has the meaning given that term in section 3671 of title 38, United States Code.

“(4) TRAINING ESTABLISHMENT.—The term ‘training establishment’ has the meaning given such term in section 3452(e) of title 38, United States Code.”

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Editorial Notes

AMENDMENTS

2012—Pub. L. 112-154, title IV, §402(b)(2), Aug. 6, 2012, 126 Stat. 1190, struck out item 3036 “Reporting requirement”.

2010—Pub. L. 111-275, title X, §1001(f), Oct. 13, 2010, 124 Stat. 2896, added item 3020 and struck out former item 3020 “Authority to transfer unused education benefits to family members of career service members”.

2008—Pub. L. 110-252, title V, §5006(e)(1), June 30, 2008, 122 Stat. 2386, added item 3020 and struck out former item 3020 “Transfer of entitlement to basic educational assistance: members of the Armed Forces with critical military skills”.

2002—Pub. L. 107-330, title III, §308(b)(2)(B), Dec. 6, 2002, 116 Stat. 2827, amended item 3014A generally, substituting “in high technology occupation in high technology industry” for “in high technology industry”.

2001—Pub. L. 107-107, div. A, title VI, §654(a)(2), Dec. 28, 2001, 115 Stat. 1156, added item 3020.

Pub. L. 107-103, title I, §104(a)(2), Dec. 27, 2001, 115 Stat. 981, added item 3014A.

1996—Pub. L. 104-275, title I, §106(b)(1), Oct. 9, 1996, 110 Stat. 3329, added item 3018C.

1992—Pub. L. 102-484, div. D, title XLIV, §4404(b)(1), Oct. 23, 1992, 106 Stat. 2706, added item 3018B.

1991—Pub. L. 102-83, §5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 1401 to 1436 as 3001 to 3036, respectively.

Pub. L. 102-54, §14(c)(2), June 13, 1991, 105 Stat. 285, substituted “subchapter” for “chapter” in item 1423.

1990—Pub. L. 101-510, div. A, title V, §561(a)(2), Nov. 5, 1990, 104 Stat. 1573, added item 1418A.

1988—Pub. L. 100-689, title I, §§101(b), 103(c), 107(a)(3), Nov. 18, 1988, 102 Stat. 4162, 4166, 4168, added items 1417 to 1419.

1986—Pub. L. 99-576, title III, §301(d)(2), Oct. 28, 1986, 100 Stat. 3268, amended item 1432 generally, substituting “Limitations” for “Limitation”.

Statutory Notes and Related Subsidiaries

COVID-19 VETERAN RAPID RETRAINING ASSISTANCE PROGRAM

Pub. L. 117-2, title VIII, §8006, Mar. 11, 2021, 135 Stat. 113, as amended by Pub. L. 117-16, §2(a), June 8, 2021, 135 Stat. 280, provided that:

“(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a program under which the Secretary

shall provide up to 12 months of retraining assistance to an eligible veteran for the pursuit of a covered program of education. Such retraining assistance shall be in addition to any other entitlement to educational assistance or benefits for which a veteran is, or has been, eligible.

“(b) ELIGIBLE VETERANS.—

“(1) IN GENERAL.—In this section, the term ‘eligible veteran’ means a veteran who—

“(A) as of the date of the receipt by the Department of Veterans Affairs of an application for assistance under this section, is at least 22 years of age but not more than 66 years of age;

“(B) as of such date, is unemployed by reason of the covered public health emergency, as certified by the veteran;

“(C) as of such date, is not eligible to receive educational assistance under chapter 30, 31, 32, 33, or 35 of title 38, United States Code, or chapter 1606 of title 10, United States Code;

“(D) is not enrolled in any Federal or State jobs program;

“(E) is not in receipt of compensation for a service-connected disability rated totally disabling by reason of unemployability; and

“(F) will not be in receipt of unemployment compensation (as defined in section 85(b) of the Internal Revenue Code of 1986 [26 U.S.C. 85(b)], including any cash benefit received pursuant to subtitle A of title II of division A of the CARES Act (Public Law 116-136) [15 U.S.C. 9021 et seq., see Short Title note set out under section 9001 of Title 15, Commerce and Trade], as of the first day on which the veteran would receive a housing stipend payment under this section.

“(2) TREATMENT OF VETERANS WHO TRANSFER ENTITLEMENT.—For purposes of paragraph (1)(C), a veteran who has transferred all of the veteran’s entitlement to educational assistance under section 3319 of title 38, United States Code, shall be considered to be a veteran who is not eligible to receive educational assistance under chapter 33 of such title.

“(3) FAILURE TO COMPLETE.—A veteran who receives retraining assistance under this section to pursue a program of education and who fails to complete the program of education shall not be eligible to receive additional assistance under this section.

“(c) COVERED PROGRAMS OF EDUCATION.—

“(1) IN GENERAL.—For purposes of this section, a covered program of education is a program of education (as such term is defined in section 3452(b) of title 38, United States Code) for training, pursued on a full-time or part-time basis—

“(A) that—

“(i) is approved under chapter 36 of such title;

“(ii) does not lead to a bachelors or graduate degree; and

“(iii) is designed to provide training for a high-demand occupation, as determined under paragraph (3); or

“(B) that is a high technology program of education offered by a qualified provider, under the meaning given such terms in section 116 of the Harry W. Colmery Veterans Educational Assistance Act of 2017 (Public Law 115-48; 38 U.S.C. 3001 note).

“(2) ACCREDITED PROGRAMS.—In the case of an accredited program of education, the program of education shall not be considered a covered program of education under this section if the program has received a show cause order from the accreditor of the program during the five-year period preceding the date of the enactment of this Act [Mar. 11, 2021].

“(3) DETERMINATION OF HIGH-DEMAND OCCUPATIONS.—

“(A) INITIAL IMPLEMENTATION.—In carrying out this section, the Secretary shall use the list of high-demand occupations prepared in conjunction with the Secretary of Labor.

“(B) MODIFICATIONS.—The Secretary of Veterans Affairs may add and remove occupations from the list under subparagraph (A) as the Secretary determines appropriate.

“(4) FULL-TIME DEFINED.—For purposes of this subsection, the term ‘full-time’ has the meaning given such term under section 3688 of title 38, United States Code.

“(d) AMOUNT OF ASSISTANCE.—

“(1) RETRAINING ASSISTANCE.—The Secretary of Veterans Affairs shall provide to an eligible veteran pursuing a covered program of education under the retraining assistance program under this section an amount equal to the amount of educational assistance payable under section 3313(c)(1)(A) of title 38, United States Code, for each month the veteran pursues the covered program of education. Such amount shall be payable directly to the educational institution offering the covered program of education pursued by the veteran as follows:

“(A) 50 percent of the total amount payable shall be paid when the eligible veteran begins the program of education.

“(B) 25 percent of the total amount payable shall be paid when the eligible veteran completes the program of education.

“(C) 25 percent of the total amount payable shall be paid when the eligible veteran finds employment in a field related to the program of education.

“(2) FAILURE TO COMPLETE.—

“(A) PRO-RATED PAYMENTS.—In the case of a veteran who pursues a covered program of education under the retraining assistance program under this section, but who does not complete the program of education, the Secretary shall pay to the educational institution offering such program of education a pro-rated amount based on the number of months the veteran pursued the program of education in accordance with this paragraph.

“(B) PAYMENT OTHERWISE DUE UPON COMPLETION OF PROGRAM.—The Secretary shall pay to the educational institution a pro-rated amount under paragraph (1)(B) when the veteran provides notice to the educational institution that the veteran no longer intends to pursue the program of education.

“(C) NONRECOVERY FROM VETERAN.—In the case of a veteran referred to in subparagraph (A), the educational institution may not seek payment from the veteran for any amount that would have been payable under paragraph (1)(B) had the veteran completed the program of education.

“(D) PAYMENT DUE UPON EMPLOYMENT.—

“(i) VETERANS WHO FIND EMPLOYMENT.—In the case of a veteran referred to in subparagraph (A) who finds employment in a field related to the program of education during the 180-day period beginning on the date on which the veteran withdraws from the program of education, the Secretary shall pay to the educational institution a pro-rated amount under paragraph (1)(C) when the veteran finds such employment.

“(ii) VETERANS WHO DO NOT FIND EMPLOYMENT.—In the case of a veteran referred to in subparagraph (A) who does not find employment in a field related to the program of education during the 180-day period beginning on the date on which the veteran withdraws from the program of education—

“(I) the Secretary shall not make a payment to the educational institution under paragraph (1)(C); and

“(II) the educational institution may not seek payment from the veteran for any amount that would have been payable under paragraph (1)(C) had the veteran found employment during such 180-day period.

“(3) HOUSING STIPEND.—For each month that an eligible veteran pursues a covered program of education under the retraining assistance program under this section (other than such a program pursued solely through distance learning on a half-time basis or less), the Secretary shall pay to the veteran a monthly housing stipend in an amount equal to—

“(A) in the case of a covered program of education leading to a degree, or a covered program of

education not leading to a degree, at an institution of higher learning (as that term is defined in section 3452(f) of title 38, United States Code) pursued on more than a half-time basis, the amount specified under subsection (c)(1)(B) of section 3313 of title 38, United States Code;

“(B) in the case of a covered program of education other than a program of education leading to a degree at an institution other than an institution of higher learning pursued on more than a half-time basis, the amount specified under subsection (g)(3)(A)(ii) of such section; or

“(C) in the case of a covered program of education pursued on a half-time basis or less, or a covered program of education pursued solely through distance learning on more than a half-time basis, the amount specified under subsection (c)(1)(B)(iii) of such section.

“(4) FAILURE TO FIND EMPLOYMENT.—The Secretary shall not make a payment under paragraph (1)(C) with respect to an eligible veteran who completes or fails to complete a program of education under the retraining assistance program under this section if the veteran fails to find employment in a field related to the program of education within the 180-period beginning on the date on which the veteran withdraws from or completes the program.

“(e) NO TRANSFERABILITY.—Retraining assistance provided under this section may not be transferred to another individual.

“(f) EMPLOYEE ASSISTANCE.—The Secretary of Veterans Affairs, in consultation with the Secretary of Labor, shall contact each veteran who pursues a covered program of education under this section—

“(1) not later than 30 days after the date on which the veteran begins the program of education to notify the veteran of the availability of employment placement services upon completion of the program; and

“(2) not later than 14 days after the date on which the veteran completes, or terminates participation in, such program to facilitate the provision of employment placement services to such veteran.

“(g) NONPROFIT ORGANIZATION.—

“(1) IN GENERAL.—The Secretary of Veterans Affairs shall seek to enter into a memorandum of understanding with one or more qualified nonprofit organizations for the purpose of facilitating the employment of veterans who participate in the retraining assistance program under this section.

“(2) QUALIFIED NONPROFIT ORGANIZATION.—For purposes of this subsection, a qualified nonprofit organization is a nonprofit organization that—

“(A) is an association of businesses; and

“(B) has at least two years of experience providing job placement services for veterans.

“(h) FOLLOW UP OUTREACH.—The Secretary of Veterans Affairs, in coordination with the Secretary of Labor, shall contact each veteran who completes a covered program of education under the retraining assistance program under this section 30, 60, 90, and 180 days after the veteran completes such program of education to ask the veteran about the experience of the veteran in the retraining assistance program and the veteran's employment status.

“(i) QUARTERLY REPORTS.—Not later than the date that is one year after the date of the enactment of this Act [Mar. 11, 2021], and quarterly thereafter, the Secretary of Labor shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing the following information about veterans who participate in the retraining assistance program under this section:

“(1) The percentage of such veterans who found employment before the end of the second calendar quarter after exiting the program.

“(2) The percentage of such veterans who found employment before the end of the fourth calendar quarter after exiting the program.

“(3) The median earnings of all such veterans for the second quarter after exiting the program.

“(4) The percentage of such veterans who attain a recognized postsecondary credential during the 12-month period after exiting the program.

“(j) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the termination of the retraining assistance program under subsection (l), the Comptroller General shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the outcomes and effectiveness of the program.

“(k) LIMITATION.—Not more than 17,250 eligible veterans may receive retraining assistance under this section.

“(l) TERMINATION.—No retraining assistance may be paid under this section for a covered program of education that begins on or after December 11, 2022.

“(m) FUNDING.—In addition to amounts otherwise available there is appropriated to the Department of Veterans Affairs for fiscal year 2021, out of any money in the Treasury not otherwise appropriated, \$386,000,000, to remain available until expended, to carry out this section, which shall be carried out as if such section were authorized for the payment of readjustment and rehabilitation benefits to or on behalf of veterans under chapters 30, 31, and 41 of title 38, United States Code. Not more than \$386,000,000 may be obligated or expended to carry out this section.

“(n) DEFINITIONS.—In this section:

“(1) The term ‘covered public health emergency’ means the declaration—

“(A) of a public health emergency, based on an outbreak of COVID-19 by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d); or

“(B) of a domestic emergency, based on an outbreak of COVID-19 by the President, the Secretary of Homeland Security, or State, or local authority.

“(2) The term ‘veteran’ means—

“(A) a person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable; or

“(B) a member of a reserve component of the Armed Forces who performs active service for a period of 30 days or longer by reason of the covered public health emergency.

“(3) The term ‘active service’ has the meaning given such term in section 101 of title 10, United States Code.”

[Pub. L. 117-16, §2(b), June 8, 2021, 135 Stat. 282, provided that: “The amendments made by subsection (a) [amending section 8006 of Pub. L. 117-2, set out above] shall apply as if included in the enactment of the American Rescue Plan Act of 2021 (Public Law 117-2).”]

SUBCHAPTER I—PURPOSES; DEFINITIONS

§ 3001. Purposes

The purposes of this chapter are—

(1) to provide a new educational assistance program to assist in the readjustment of members of the Armed Forces to civilian life after their separation from military service;

(2) to extend the benefits of a higher education to qualifying men and women who might not otherwise be able to afford such an education;

(3) to provide for vocational readjustment and to restore lost educational opportunities to those service men and women who served on active duty after June 30, 1985;

(4) to promote and assist the All-Volunteer Force program and the Total Force Concept of the Armed Forces by establishing a new program of educational assistance based upon service on active duty or a combination of service on active duty and in the Selected Re-