and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

NOTIFICATION REQUIREMENT

For requirement of notification of individuals on active duty in Armed Forces on Aug. 2, 1990, of extension of period for completion of requirements for a secondary school diploma, see section 303(b) of Pub. L. 102–568, set out as a note under section 3011 of this title.

§ 3013. Duration of basic educational assistance

(a)(1) Subject to section 3695 of this title and except as provided in paragraph (2) of this subsection, each individual entitled to basic educational assistance under section 3011 of this title is entitled to 36 months of educational assistance benefits under this chapter (or the equivalent thereof in part-time educational assistance).

(2) Subject to section 3695 of this title and subsection (d) of this section, in the case of an individual described in section 3011(a)(1)(A)(ii)(I) or (III) of this title who is not also described in section 3011(a)(1)(A)(i) of this title or an individual described in section 3011(a)(1)(B)(ii)(I) or (III) of this title who is not also described in section 3011(a)(1)(B)(i) of this title, the individual is entitled to one month of educational assistance benefits under this chapter for each month of continuous active duty served by such individual after June 30, 1985, as part of the obligated period of active duty on which such entitlement is based in the case of an individual described in section 3011(a)(1)(A)(ii)(I) or (III) of this title, or in the case of an individual described in section 3011(a)(1)(B)(ii)(I) or (III) of this title, after June 30, 1985.

(b) Subject to section 3695 of this title and subsection (d) of this section, each individual entitled to basic educational assistance under section 3012 of this title is entitled to (1) one month of educational assistance benefits under this chapter for each month of continuous active duty served by such individual after June 30, 1985, as part of the obligated period of active duty on which such entitlement is based in the case of an individual described in section 3012(a)(1)(A) of this title, or in the case of an individual described in section 3012(a)(1)(B) of this title, after June 30, 1985, and (2) one month of educational assistance benefits under this chapter for each four months served by such individual in the Selected Reserve after the applicable date specified in clause (1) of this subsection (other than any month in which the individual served on active duty).

(c)(1) Subject to section 3695 of this title and except as provided in paragraphs (2) and (3) of this subsection, each individual entitled to basic educational assistance under section 3018 of this title is entitled to 36 months of educational assistance under this chapter (or the equivalent thereof in part-time educational assistance).

(2) Subject to section 3695 of this title, an individual described in clause (B) or (C) of section 3018(b)(3) of this title whose discharge or release from active duty prevents the reduction of the basic pay of such individual by $1,200 is entitled to the number of months of assistance under this chapter that is equal to the lesser of—

(A) 36 multiplied by a fraction the numerator of which is the amount by which the basic pay of the individual has been reduced under section 3018(c) and the denominator of which is $1,200; or

(B) the number of months the individual has served on continuous active duty after June 30, 1985.

(3) Subject to section 3695 of this title and subsection (d) of this section, an individual described in clause (B) or (C)(ii) of section 3018(b)(3) of this title (other than an individual described in paragraph (2) of this subsection) is entitled to the number of months of educational assistance under this chapter that is equal to the number of months the individual has served on continuous active duty after June 30, 1985.

(d) Subject to section 3695 of this title, each individual entitled to educational benefits under section 3018A, 3018B, or 3018C of this title is entitled to the lesser of—

(1) 36 months of educational assistance under this chapter (or the equivalent thereof in part-time educational assistance); or

(2) the number of months of such educational assistance (or such equivalent thereof) that is equal to the number of months served by such individual on active duty.

(e) No individual may receive basic educational assistance benefits under this chapter for a period in excess of 36 months (or the equivalent thereof in part-time educational assistance).

(f)(1) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in paragraph (2) shall not—

(A) be charged against any entitlement of any individual under this chapter; or

(B) be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of assistance.

(2) Subject to paragraph (3), the payment of the educational assistance allowance referred to in paragraph (1) is the payment of such an allowance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

(A) in the case of a person not serving on active duty, had to discontinue such course pursuit as a result of being ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; or

(B) in the case of a person serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

(C) failed to receive credit or lost training time toward completion of the individual's approved education, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A) or (B), his or her course pursuit.

(3) The period for which, by reason of this subsection, an educational assistance allowance is

not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(C) of this subsection.

(Added Pub. L. 98–525, title VII, § 702(a)(1), Oct. 19, 1984, 98 Stat. 2557, § 1413; amended Pub. L. 99–576, title III, § 321(3), Oct. 28, 1986, 100 Stat. 3277; Pub. L. 100–689, title I, §§ 102(b)(2), 103(b)(2), 111(a)(4), Nov. 18, 1988, 102 Stat. 4163, 4165, 4171; Pub. L. 101–237, title IV, § 423(a)(2), Dec. 18, 1989, 103 Stat. 2091; Pub. L. 101–510, div. A, title V, § 561(b)(1), Nov. 5, 1990, 104 Stat. 1573; renumbered § 3013 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102–127, § 2(a), Oct. 10, 1991, 105 Stat. 619; Pub. L. 102–484, div. D, title XLIV, § 4404(b)(2), Oct. 23, 1992, 106 Stat. 2706; Pub. L. 104–275, title I, § 106(b)(2), Oct. 9, 1996, 110 Stat. 3329; Pub. L. 106–419, title I, § 103(c), Nov. 1, 2000, 114 Stat. 1826; Pub. L. 107–103, title I, § 103(a), (d), Dec. 27, 2001, 115 Stat. 979.)

PRIOR PROVISIONS

Prior section 3013 was renumbered section 5113 of this title.

AMENDMENTS

2001—Subsec. (f)(2)(A). Pub. L. 107–103, § 103(a), substituted ''to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10;'' for '', in connection with the Persian Gulf War, to serve on active duty under section 672(a), (d), or (g), 673, 673b, or 688 of title 10;''.

Subsec. (f)(2)(B). Pub. L. 107–103, § 103(d), struck out '', in connection with such War,'' after ''being ordered''.

2000—Subsecs. (a)(2), (b)(1). Pub. L. 106–419 substituted ''obligated period of active duty on which such entitlement is based'' for ''individual's initial obligated period of active duty''.

1996—Subsec. (d). Pub. L. 104–275 substituted '', 3018B, or 3018C'' for ''or 3018B''.

1992—Subsec. (d). Pub. L. 102–484 inserted ''or 3018B'' after ''section 3018A'' in introductory provisions.

1991—Pub. L. 102–83, § 5(a), renumbered section 1413 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''3695'' for ''1795'' in two places, ''3011'' for ''1411'', ''3011(a)(1)(A)(ii)(I)'' for ''1411(a)(1)(A)(ii)(I)'' in two places, ''3011(a)(1)(A)(i)'' for ''1411(a)(1)(A)(i)'', ''3011(a)(1)(B)(ii)(I)'' for ''1411(a)(1)(B)(ii)(I)'' in two places, and ''3011(a)(1)(B)(i)'' for ''1411(a)(1)(B)(i)''.

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted ''3695'' for ''1795'', ''3012'' for ''1412'', ''3012(a)(1)(A)'' for ''1412(a)(1)(A)'', and ''3012(a)(1)(B)'' for ''1412(a)(1)(B)''.

Subsec. (c). Pub. L. 102–83, § 5(c)(1), substituted ''3695'' for ''1795'' wherever appearing, ''3018'' for ''1418'', ''3018(b)(3)'' for ''1418(b)(3)'' in two places, and ''3018(c)'' for ''1418(c)''.

Subsec. (d). Pub. L. 102–83, § 5(c)(1), substituted ''3695'' for ''1795'' and ''3018A'' for ''1418A''.

Subsec. (f). Pub. L. 102–127 added subsec. (f).

1990—Subsecs. (d), (e). Pub. L. 101–510 added subsec. (d) and redesignated former subsec. (d) as (e).

1989—Subsec. (a)(2). Pub. L. 101–237, § 423(a)(2)(A), substituted ''subsection (d)'' for ''subsection (c)''.

Pub. L. 101–237, § 423(a)(2)(B), substituted ''section 1411(a)(1)(A)(ii)(I) or (III) of this title, or'' for ''section 1411(a)(1)(B)(ii)(I) or (III) of this title, or''.

Subsec. (b). Pub. L. 101–237, § 423(a)(2)(A), substituted ''subsection (d)'' for ''subsection (c)''.

Subsec. (c)(1). Pub. L. 101–237, § 423(a)(2)(C)(i), inserted reference to par. (3).

Subsec. (c)(3). Pub. L. 101–237, § 423(a)(2)(C)(ii), added par. (3).

1988—Subsec. (a)(2). Pub. L. 100–689, § 111(a)(4)(A), substituted ''Subject to section 1795 of this title and subsection (c) of this section, in the case'' for ''In the case'' and ''continuous active duty served by such individual after June 30, 1985, as part of the individual's initial obligated period of active duty in the case of an individual described in section 1411(a)(1)(B)(ii)(I) or (III) of this title, or in the case of an individual described in section 1411(a)(1)(B)(ii)(I) or (III) of this title, after June 30, 1985'' for ''active duty served by such individual after the date of the beginning of the period for which the individual's basic pay is reduced under section 1411(b) of this title, in the case of an individual described in section 1411(a)(1)(A)(ii)(I) of this title, or after June 30, 1985, in the case of an individual described in section 1411(a)(1)(B)(ii)(I) of this title''.

Pub. L. 100–689, § 102(b)(2), inserted ''or (III)'' after ''section 1411(a)(1)(A)(ii)(I)'' and after ''section 1411(a)(1)(B)(ii)(I)'', the first place each appears.

Subsec. (b)(1). Pub. L. 100–689, § 111(a)(4)(B), substituted ''continuous active duty served by such individual after June 30, 1985, as part of the individual's initial obligated period of active duty in the case of an individual described in section 1412(a)(1)(A) of this title, or in the case of an individual described in section 1412(a)(1)(B) of this title, after June 30, 1985'' for ''active duty served by such individual after the date of the beginning of the period for which such individual's basic pay is reduced under section 1412(c) of this title, in the case of an individual described in section 1412(a)(1)(A), or after June 30, 1985, in the case of an individual described in section 1412(a)(1)(B) of this title''.

Subsecs. (c), (d). Pub. L. 100–689, § 103(b)(2), added subsec. (c) and redesignated former subsec. (c) as (d).

1986—Subsec. (a)(2). Pub. L. 99–576, § 321(3)(A), inserted ''after the date of the beginning of the period for which the individual's basic pay is reduced under section 1411(b) of this title, in the case of an individual described in section 1411(a)(1)(A)(ii)(I) of this title, or after June 30, 1985, in the case of an individual described in section 1411(a)(1)(B)(ii)(I) of this title''.

Subsec. (b)(1). Pub. L. 99–576, § 321(3)(B)(i), inserted ''after the date of the beginning of the period for which such individual's basic pay is reduced under section 1412(c) of this title, in the case of an individual described in section 1412(a)(1)(A), or after June 30, 1985, in the case of an individual described in section 1412(a)(1)(B) of this title''.

Subsec. (b)(2). Pub. L. 99–576, § 321(3)(B)(ii), inserted ''after the applicable date specified in clause (1) of this subsection'' after ''Selected Reserve''.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–103, title I, § 103(e), Dec. 27, 2001, 115 Stat. 980, provided that: ''The amendments made by this section [amending this section and sections 3103, 3105, 3231, 3511, and 3512 of this title] shall take effect as of September 11, 2001.''

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 102(b)(2) of Pub. L. 100–689 effective July 1, 1985, with respect to individuals discharged or released for medical condition which preexisted service on active duty or in Selected Reserve and which Administrator determines is not service connected, and effective Oct. 1, 1987, with respect to individuals involuntarily discharged or released for convenience of Government as a result of reduction in force, see section 102(c) of Pub. L. 100–689, set out as a note under section 3011 of this title.

§ 3014. Payment of basic educational assistance

(a) The Secretary shall pay to each individual entitled to basic educational assistance who is pursuing an approved program of education a basic educational assistance allowance to help