assistance made to an individual under this section, the individual's entitlement to basic educational assistance under this chapter shall be charged the number of months (and any fraction thereof) determined by dividing the amount of the accelerated payment by the full-time monthly rate of basic educational assistance allowance otherwise payable to the individual under section 3015 of this title as of the beginning date of the enrollment period for the program of education for which the accelerated payment is made.

(2) If the monthly rate of basic educational assistance allowance otherwise payable to an individual under section 3015 of this title increases during the enrollment period of a program of education for which an accelerated payment of basic educational assistance is made under this section, the charge to the individual's entitlement to basic educational assistance under this chapter shall be determined by prorating the entitlement chargeable, in the matter provided for under paragraph (1), for the periods covered by the initial rate and increased rate, respectively, in accordance with regulations prescribed by the Secretary.

(f) The Secretary may not make an accelerated payment under this section for a program of education to an individual who has received an advance payment under section 3680(d) of this title for the same enrollment period.

(g) The Secretary shall prescribe regulations to carry out this section. The regulations shall include requirements, conditions, and methods for the request, issuance, delivery, certification of receipt and use, and recovery of overpayment of an accelerated payment under this section.

(Added Pub. L. 107–103, title I, § 104(a)(1), Dec. 27, 2001, 115 Stat. 980; amended Pub. L. 107–330, title III, § 308(b)(1), (2)(A), Dec. 6, 2002, 116 Stat. 2827.)

AMENDMENTS

2002—Pub. L. 107–330, § 308(b)(2)(A), amended section catchline generally. Prior to amendment, catchline read as follows: ''Accelerated payment of basic educational assistance for education leading to employment in high technology industry''.

Subsec. (b)(1). Pub. L. 107–330, § 308(b)(1), substituted ''employment in a high technology occupation in a high technology industry'' for ''employment in a high technology industry''.

EFFECTIVE DATE

Pub. L. 107–103, title I, § 104(c), Dec. 27, 2001, 115 Stat. 982, provided that: ''The amendments made by this section [enacting this section and amending section 3680 of this title] shall take effect October 1, 2002, and shall apply with respect to enrollments in courses or programs of education or training beginning on or after that date.''

§ 3015. Amount of basic educational assistance

(a) The amount of payment of educational assistance under this chapter is subject to section 3032 of this title. Except as otherwise provided in this section, in the case of an individual entitled to an educational assistance allowance under this chapter whose obligated period of active duty on which such entitlement is based is three years, a basic educational assistance allowance under this subchapter shall be paid—

(1) for an approved program of education pursued on a full-time basis, at the monthly rate of—

(A) for months beginning on or after January 1, 2002, $800;

(B) for months occurring during fiscal year 2003, $900;

(C) for months occurring during fiscal year 2004, $985; and

(D) for months occurring during a subsequent fiscal year, the amount for months occurring during the previous fiscal year increased under subsection (h); or

(2) at an appropriately reduced rate, as determined under regulations which the Secretary shall prescribe, for an approved program of education pursued on less than a full-time basis.

(b) In the case of an individual entitled to an educational assistance allowance under section 3011 or 3018 of this title whose obligated period of active duty on which such entitlement is based is two years, a basic educational assistance allowance under this chapter shall (except as provided in the succeeding subsections of this section) be paid—

(1) for an approved program of education pursued on a full-time basis, at the monthly rate of—

(A) for months beginning on or after January 1, 2002, $650;

(B) for months occurring during fiscal year 2003, $732;

(C) for months occurring during fiscal year 2004, $800; and

(D) for months occurring during a subsequent fiscal year, the amount for months occurring during the previous fiscal year increased under subsection (h); or

(2) at an appropriately reduced rate, as determined under regulations which the Secretary shall prescribe, for an approved program of education pursued on less than a full-time basis.

(c)(1) The amount of basic educational allowance payable under this chapter to an individual referred to in paragraph (2) of this subsection is the amount determined under subsection (a) of this section.

(2) Paragraph (1) of this subsection applies to an individual entitled to an educational assistance allowance under section 3011 of this title—

(A) whose obligated period of active duty on which such entitlement is based is less than three years;

(B) who, beginning on the date of the commencement of such obligated period of active duty, serves a continuous period of active duty of not less than three years; and

(C) who, after the completion of that continuous period of active duty, meets one of the conditions set forth in subsection (a)(3) of such section 3011.

(d)(1) 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, the Secretary concerned, pursuant to regulations to be prescribed by the Secretary of Defense, may, at the time the individual first becomes a member of the Armed Forces, increase the rate of the basic edu-

cational assistance allowance applicable to such individual to such rate in excess of the rate prescribed under subsections (a), (b), and (c) of this section as the Secretary of Defense considers appropriate, but the amount of any such increase may not exceed $950 per month.

(2) In the case of an individual who after October 7, 1997, receives an enlistment bonus under section 308a or 308f[1] of title 37, receipt of that bonus does not affect the eligibility of that individual for an increase under paragraph (1) in the rate of the basic educational assistance allowance applicable to that individual, and the Secretary concerned may provide such an increase for that individual (and enter into an agreement with that individual that the United States agrees to make payments pursuant to such an increase) without regard to any provision of law (enacted before, on, or after the date of the enactment of this paragraph) that limits the authority to make such payments.

(e)(1)(A) Except as provided in subparagraph (B) of this paragraph and subject to paragraph (2) of this subsection, in the case of an individual who on December 31, 1989, was entitled to educational assistance under chapter 34 of this title, the rate of the basic educational assistance allowance applicable to such individual under this chapter shall be increased by the amount equal to one-half of the educational assistance allowance that would be applicable to such individual under such chapter 34 (as of the time the assistance under this chapter is provided and based on the rates in effect on December 31, 1989) if such chapter were in effect.

(B) Notwithstanding subparagraph (A) of this paragraph, in the case of an individual described in that subparagraph who is pursuing a cooperative program on or after October 9, 1996, the rate of the basic educational assistance allowance applicable to such individual under this chapter shall be increased by the amount equal to one-half of the educational assistance allowance that would be applicable to such individual for pursuit of full-time institutional training under chapter 34 (as of the time the assistance under this chapter is provided and based on the rates in effect on December 31, 1989) if such chapter were in effect.

(2) The number of months for which the rate of the basic educational assistance allowance applicable to an individual is increased under paragraph (1) of this subsection may not exceed the number of months of entitlement to educational assistance under chapter 34 of this title that the individual had remaining on December 31, 1989.

(f) In the case of an individual for whom the Secretary of Defense made contributions under section 3222(c) of this title and who is entitled to educational assistance under section 3018A, 3018B, or 3018C of this chapter, the Secretary shall increase the rate of the basic educational assistance allowance applicable to such individual in excess of the rate provided under subsection (a) of this section in a manner consistent with, as determined by the Secretary of Defense, the agreement entered into with such individual pursuant to the rules and regulations issued by the Secretary of Defense under section 3222(c) of this title.

(g) In the case of an individual who has made contributions authorized by section 3011(e) or 3012(f) of this title, effective as of the first day of the enrollment period following receipt of such contributions from such individual by the Secretary concerned, the monthly amount of basic educational assistance allowance applicable to such individual under subsection (a), (b), or (c) shall be the monthly rate otherwise provided for under the applicable subsection increased by—

(1) an amount equal to $5 for each $20 contributed by such individual under section 3011(e) or 3012(f) of this title, as the case may be, for an approved program of education pursued on a full-time basis; or

(2) an appropriately reduced amount based on the amount so contributed, as determined under regulations which the Secretary shall prescribe, for an approved program of education pursued on less than a full-time basis.

(h)(1) With respect to any fiscal year, the Secretary shall provide a percentage increase in the rates payable under subsections (a)(1) and (b)(1) equal to the percentage by which—

(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

(2) Any increase under paragraph (1) in a rate with respect to a fiscal year after fiscal year 2004 and before fiscal year 2014 shall be rounded down to the next lower whole dollar amount. Any such increase with respect to a fiscal year after fiscal year 2013 shall be rounded to the nearest whole dollar amount.

(Added Pub. L. 98–525, title VII, § 702(a)(1), Oct. 19, 1984, 98 Stat. 2557, § 1415; amended Pub. L. 100–689, title I, §§ 103(b)(3), 111(a)(5)(A), Nov. 18, 1988, 102 Stat. 4165, 4171; Pub. L. 101–189, div. A, title VI, § 641, Nov. 29, 1989, 103 Stat. 1456; Pub. L. 101–237, title IV, § 423(b)(1)(A), (5), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 101–510, div. A, title V, § 561(b)(2), Nov. 5, 1990, 104 Stat. 1573; Pub. L. 102–25, title III, § 337(a), Apr. 6, 1991, 105 Stat. 90; Pub. L. 102–54, § 14(c)(1), June 13, 1991, 105 Stat. 284; renumbered § 3015 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102–568, title III, §§ 301(a), (c), 307(a), (b), Oct. 29, 1992, 106 Stat. 4325, 4326, 4328, 4329; Pub. L. 103–66, title XII, § 12009(a), (d)(1), (2), Aug. 10, 1993, 107 Stat. 415, 416; Pub. L. 104–275, title I, § 106(b)(3), Oct. 9, 1996, 110 Stat. 3329; Pub. L. 105–114, title IV, § 401(b), Nov. 21, 1997, 111 Stat. 2293; Pub. L. 105–178, title VIII, § 8203(a)(1)–(3), June 9, 1998, 112 Stat. 493; Pub. L. 105–261, div. A, title V, § 565(a), title VI, § 656(a), Oct. 17, 1998, 112 Stat. 2029, 2053; Pub. L. 106–398, § 1 [[div. A], title XVI, § 1602(b)(3)], Oct. 30, 2000, 114 Stat. 1654, 1654A–359; Pub. L. 106–419, title I, §§ 101(a), 103(d), 105(b), Nov. 1, 2000, 114 Stat. 1824, 1826, 1829; Pub. L. 107–14, § 7(b)(2)(A), (c)(3), June 5, 2001, 115 Stat. 31, 32; Pub. L. 107–103, title I, § 101(a), Dec. 27, 2001, 115 Stat. 977; Pub. L. 108–183, title III, § 304(a), Dec. 16, 2003, 117 Stat. 2659.)

[1] See References in Text note below.

REFERENCES IN TEXT

Sections 308a and 308f of title 37, referred to in subsec. (d)(2), were repealed by Pub. L. 106–398, § 1 [[div. A], title VI, § 624(b)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A–153.

The date of the enactment of this paragraph, referred to in subsec. (d)(2), is the date of enactment of Pub. L. 105–261 which was approved Oct. 17, 1998.

AMENDMENTS

2003—Subsec. (h). Pub. L. 108–183, § 304(a)(1), (2), (5), inserted ''(1)'' after ''(h)'', redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, and added par. (2).

Subsec. (h)(1). Pub. L. 108–183, § 304(a)(3), struck out ''(rounded to the nearest dollar)'' after ''increase'' in introductory provisions.

Subsec. (h)(1)(B). Pub. L. 108–183, § 304(a)(4), substituted ''subparagraph (A)'' for ''paragraph (1)''.

2001—Subsec. (a)(1). Pub. L. 107–103, § 101(a)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''at the monthly rate of $650 (as increased from time to time under subsection (h)) for an approved program of education pursued on a full-time basis; or''.

Pub. L. 107–14, § 7(b)(2)(A)(i), inserted ''subsection (h)'' after ''from time to time under''.

Subsec. (b)(1). Pub. L. 107–103, § 101(a)(2), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''at the monthly rate of $528 (as increased from time to time under subsection (h)) for an approved program of education pursued on a full-time basis; or''.

Pub. L. 107–14, § 7(b)(2)(A)(i), inserted ''subsection (h)'' after ''from time to time under''.

Subsec. (g). Pub. L. 107–14, § 7(c)(3)(A), in introductory provisions, inserted ''effective as of the first day of the enrollment period following receipt of such contributions from such individual by the Secretary concerned,'' after ''by section 3011(e) or 3012(f) of this title,''.

Subsec. (g)(1). Pub. L. 107–14, § 7(c)(3)(B), substituted ''amount equal to $5 for each $20 contributed'' for ''amount equal to $1 for each $4 contributed'' and inserted ''of this title'' after ''section 3011(e) or 3012(f)''.

Subsec. (h). Pub. L. 107–14, § 7(b)(2)(A)(ii), struck out subsec. (h) which read as follows: ''In the case of an individual who has been paid a basic educational assistance allowance under section 3014(b) of this title, the rate of the basic educational assistance allowance applicable to the individual under this section shall be the rate otherwise applicable to the individual under this section reduced by an amount equal to—

''(1) the aggregate amount of such allowances paid the individual under such section 3014(b); divided by

''(2) 36.''

2000—Subsec. (a). Pub. L. 106–419, § 103(d)(1), inserted ''in the case of an individual entitled to an educational assistance allowance under this chapter whose obligated period of active duty on which such entitlement is based is three years,'' before ''a basic educational assistance allowance'' in introductory provisions.

Subsec. (a)(1). Pub. L. 106–419, § 105(b)(1), which directed substitution of ''subsection (h)'' for ''subsection (g)'' wherever appearing, could not be executed because the words ''subsection (g)'' did not appear subsequent to the amendment by Pub. L. 106–398, § 1 [[div. A], title XVI, § 1602(b)(3)(A)]. See below.

Pub. L. 106–419, § 101(a)(1), substituted ''$650'' for ''$528''.

Pub. L. 106–398, § 1 [[div. A], title XVI, § 1602(b)(3)(A)], struck out ''subsection (g)'' after ''time under''.

Subsec. (b). Pub. L. 106–419, § 103(d)(2), substituted ''whose obligated period of active duty on which such entitlement is based is two years,'' for ''whose initial obligated period of active duty is two years,'' in introductory provisions.

Subsec. (b)(1). Pub. L. 106–419, § 105(b)(1), which directed substitution of ''subsection (h)'' for ''subsection (g)'' wherever appearing, could not be executed because the words ''subsection (g)'' did not appear subsequent to the amendment by Pub. L. 106–398, § 1 [[div. A], title XVI, § 1602(b)(3)(A)]. See below.

Pub. L. 106–419, § 101(a)(2), substituted ''$528'' for ''$429''.

Pub. L. 106–398, § 1 [[div. A], title XVI, § 1602(b)(3)(A)], struck out ''subsection (g)'' after ''time under''.

Subsec. (c)(2)(A), (B). Pub. L. 106–419, § 103(d)(3), added subpars. (A) and (B) and struck out former subpars. (A) and (B) which read as follows:

''(A) whose initial obligated period of active duty is less than three years;

''(B) who, beginning on the date of the commencement of the person's initial obligated period of such duty, serves a continuous period of active duty of not less than three years; and''.

Subsec. (g). Pub. L. 106–419, § 105(b)(3), added subsec. (g). Former subsec. (g) relating to an individual who has been paid a basic educational assistance allowance under section 3014(b) of this title redesignated (h).

Pub. L. 106–398, § 1 [[div. A], title XVI, § 1602(b)(3)(C)], added subsec. (g). Former subsec. (g) relating to a percentage increase in the rates payable under subsections (a)(1) and (b)(1) redesignated (h).

Subsec. (h). Pub. L. 106–419, § 105(b)(2), redesignated subsec. (g) relating to an individual who has been paid a basic educational assistance allowance under section 3014(b) of this title as (h).

Pub. L. 106–398, § 1 [[div. A], title XVI, § 1602(b)(3)(B)], redesignated subsec. (g) relating to a percentage increase in the rates payable under subsections (a)(1) and (b)(1) as (h).

1998—Subsec. (a). Pub. L. 105–178, § 8203(a)(3)(A), struck out ''subsections (b), (c), (d), (e), (f), and (g) of'' before ''this section'' in introductory provisions.

Subsec. (a)(1). Pub. L. 105–178, § 8203(a)(1)(A), substituted ''$528 (as increased from time to time under subsection (g))'' for ''$400''.

Subsec. (b). Pub. L. 105–178, § 8203(a)(3)(B), in introductory provisions, substituted ''In'' for ''Except as provided in subsections (c), (d), (e), (f), and (g), in'' and inserted ''(except as provided in the succeeding subsections of this section)'' after ''under this chapter shall''.

Subsec. (b)(1). Pub. L. 105–178, § 8203(a)(1)(B), substituted ''$429 (as increased from time to time under subsection (g))'' for ''$325''.

Subsec. (d). Pub. L. 105–261, § 656(a), designated existing provisions as par. (1) and added par. (2).

Pub. L. 105–261, § 565(a), inserted '', at the time the individual first becomes a member of the Armed Forces,'' after ''Secretary of Defense, may'' and substituted ''$950 per month'' for ''$400 per month, in the case of an individual who first became a member of the Armed Forces before November 29, 1989, or $700 per month, in the case of an individual who first became a member of the Armed Forces on or after that date.''

Subsec. (g). Pub. L. 105–178, § 8203(a)(2), substituted '', the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subsections (a)(1) and (b)(1)'' for ''beginning on or after October 1, 1994, the Secretary shall continue to pay, in lieu of the rates payable under subsection (a)(1) or (b)(1) of this section, the monthly rates payable under this subsection for the previous fiscal year and shall provide, for any such fiscal year, a percentage increase in such rates''.

1997—Subsec. (e)(1)(A). Pub. L. 105–114, § 401(b)(1), substituted ''(1)(A) Except as provided in subparagraph (B) of this paragraph and subject to paragraph (2)'' for ''(1) Subject to paragraph (2)''.

Subsec. (e)(1)(B). Pub. L. 105–114, § 401(b)(2), added subpar. (B).

1996—Subsec. (f). Pub. L. 104–275 inserted '', 3018B, or 3018C'' after ''section 3018A''.

1993—Subsecs. (c) to (g). Pub. L. 103–66, § 12009(d)(1), (2), made technical amendments to directory language of Pub. L. 102–568, §§ 301(c), 307(a). See 1992 Amendment note below.

Subsec. (g). Pub. L. 103–66, § 12009(a), struck out par. (1) and par. (2) designation, redesignated subpars. (A)

and (B) of former par. (2) as pars. (1) and (2), respectively, and substituted ''paragraph (1)'' for ''subparagraph (A)'' in par. (2). Prior to amendment, par. (1) read as follows: ''With respect to the fiscal year beginning on October 1, 1993, the Secretary shall provide a percentage increase in the monthly rates payable under subsections (a)(1) and (b)(1) of this section equal to the percentage by which the Consumer Price Index (all items, United States city average, published by the Bureau of Labor Statistics) for the 12-month period ending June 30, 1993, exceeds such Consumer Price Index for the 12-month period ending June 30, 1992.''

1992—Subsec. (a). Pub. L. 102–568, § 307(b)(1), substituted ''(f), and (g)'' for ''and (f)'' in introductory provisions.

Subsec. (a)(1). Pub. L. 102–568, § 301(a)(1), substituted ''$400'' for ''$300''.

Subsec. (b). Pub. L. 102–568, § 307(b)(2), substituted ''(f), and (g)'' for ''and (f)'' in introductory provisions.

Subsec. (b)(1). Pub. L. 102–568, § 301(a)(2), substituted ''$325'' for ''$250''.

Subsec. (c). Pub. L. 102–568, § 307(a)(3), as amended by Pub. L. 103–66, § 12009(d)(2), added subsec. (c). Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 102–568, § 307(a)(1), (2), as amended by Pub. L. 103–66, § 12009(d)(2), redesignated subsec. (c) as (d) and substituted ''(a), (b), and (c)'' for ''(a) and (b)''. Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 102–568, § 307(a)(1), as amended by Pub. L. 103–66, § 12009(d)(2), redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 102–568, § 307(a)(1), as amended by Pub. L. 103–66, § 12009(d)(2), redesignated subsec. (e) as (f). Former subsec. (f) redesignated (g).

Pub. L. 102–568, § 301(c), as amended by Pub. L. 103–66, § 12009(d)(1), redesignated par. (2) as (1), substituted ''shall provide a percentage increase in the monthly rates payable under subsections (a)(1) and (b)(1) of this section'' for ''may continue to pay, in lieu of the rates payable under subsection (a)(1) or (b)(1) of this section, the monthly rates payable under paragraph (1) of this subsection and may provide a percentage increase in such rates'', redesignated par. (3) as (2), substituted ''Secretary shall'' for ''Secretary may'' and ''and shall'' for ''and may'' in introductory provisions, and struck out former par. (1) which read as follows: ''During the period beginning on October 1, 1991, and ending on September 30, 1993, the monthly rates payable under subsection (a)(1) or (b)(1) of this section shall be $350 and $275, respectively.''

Subsec. (g). Pub. L. 102–568, § 307(a)(1), as amended by Pub. L. 103–66, § 12009(d)(2), redesignated subsec. (f) as (g).

1991—Pub. L. 102–83, § 5(a), renumbered section 1415 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''3032'' for ''1432'' in introductory provisions.

Pub. L. 102–25, § 337(a)(1), substituted '', (c), (d), (e), and (f)'' for ''and (c)'' in introductory provisions.

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted ''3011 or 3018'' for ''1411 or 1418'' in introductory provisions.

Pub. L. 102–25, § 337(a)(2), substituted ''Except as provided in subsections (c), (d), (e), and (f), in'' for ''In'' in introductory provisions.

Subsec. (c). Pub. L. 102–54 substituted ''November 29, 1989'' for ''the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991''.

Subsec. (e). Pub. L. 102–83, § 5(c)(1), substituted ''3222(c)'' for ''1622(c)'' in two places and ''3018A'' for ''1418A''.

Subsec. (f). Pub. L. 102–25, § 337(a)(3), added subsec. (f).

1990—Subsec. (e). Pub. L. 101–510 added subsec. (e).

1989—Subsecs. (a)(2), (b)(2). Pub. L. 101–237, § 423(b)(1)(A), substituted ''Secretary'' for ''Administrator''.

Subsec. (c). Pub. L. 101–237, § 423(b)(5), inserted ''of Defense'' after ''prescribed by the Secretary'' and after ''of this section as the Secretary''.

Pub. L. 101–189 inserted '', in the case of an individual who first became a member of the Armed Forces before the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991, or $700 per month, in the case of an individual who first became a member of the Armed Forces on or after that date'' before period at end.

1988—Subsec. (a). Pub. L. 100–689, § 111(a)(5)(A), substituted ''The amount of payment of educational assistance under this chapter is subject to section 1432 of this title. Except'' for ''Subject to section 1432 of this title and except''.

Subsec. (b). Pub. L. 100–689, § 103(b)(3), inserted reference to section 1418 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by section 7(b)(2)(A) of Pub. L. 107–14 effective as if enacted on Nov. 1, 2000, immediately after the enactment of Pub. L. 106–419, see section 7(b)(3) of Pub. L. 107–14, set out as a note under section 3014 of this title.

Amendment by section 7(c)(3) of Pub. L. 107–14 effective as if included in the enactment of section 105 of Pub. L. 106–419, see section 7(c)(4) of Pub. L. 107–14, set out as a note under section 3011 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–419, title I, § 101(b), Nov. 1, 2000, 114 Stat. 1824, provided that: ''The amendments made by subsection (a) [amending this section] shall take effect on November 1, 2000, and shall apply with respect to educational assistance allowances paid under chapter 30 of title 38, United States Code, for months after October 2000.''

Amendment by section 105(b) of Pub. L. 106–419 effective May 1, 2001, see section 105(c) of Pub. L. 106–419, set out as a note under section 3011 of this title.

EFFECTIVE DATE OF 1998 AMENDMENTS

Pub. L. 105–261, div. A, title V, § 565(b), Oct. 17, 1998, 112 Stat. 2029, provided that: ''The amendments made by subsection (a) [amending this section] shall take effect on October 1, 1998, and shall apply with respect to individuals who first become members of the Armed Forces on or after that date.''

Pub. L. 105–178, title VIII, § 8203(a)(4), June 9, 1998, 112 Stat. 493, provided that: ''The amendments made by this subsection [amending this section] shall take effect on October 1, 1998, and shall apply with respect to educational assistance allowances paid for months after September 1998. However, no adjustment in rates of educational assistance shall be made under subsection (g) [now (h)] of section 3015 of title 38, United States Code, as amended by paragraph (2), for fiscal year 1999.''

EFFECTIVE DATE OF 1993 AMENDMENT

Section 12009(d)(3) of Pub. L. 103–66 provided that: ''The amendments made by paragraphs (1) and (2) [amending this section] shall apply as if included in the enactment of Public Law 102–568.''

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 301(a) and (c) of Pub. L. 102–568 effective Apr. 1, 1993, but not to be construed to change account from which payment is made for certain portion of payments made under this chapter or chapter 106 of Title 10, Armed Services, see section 301(e) of Pub. L. 102–568, set out as a note under section 16131 of Title 10.

Section 307(c) of Pub. L. 102–568 provided that: ''The amendments made by subsections (a) and (b) [amending this section] shall take effect as if enacted on June 30, 1985, and apply to the payment of educational assistance for education or training pursued on or after September 1, 1993.''

ADJUSTMENT IN RATES OF EDUCATIONAL ASSISTANCE

Pub. L. 107–103, title I, § 101(b), Dec. 27, 2001, 115 Stat. 978, provided that: ''No adjustment in rates of edu-

cational assistance shall be made under section 3015(h) of title 38, United States Code, for fiscal years 2003 and 2004.''

Fiscal year 1995 cost-of-living adjustments in rates of educational assistance payable under this chapter to be percentage equal to 50 percent of percentage by which such assistance would be increased under subsec. (g) [now (h)] of this section but for section 12009 of Pub. L. 103–66, see section 12009(c) of Pub. L. 103–66, formerly set out as a note under section 16131 of Title 10, Armed Forces.

§ 3016. Inservice enrollment in a program of education

(a) A member of the Armed Forces who—

(1) first becomes a member or first enters on active duty as a member of the Armed Forces after June 30, 1985, and does not make an election under section 3011(c)(1) or section 3012(d)(1);

(2) completes at least two years of service on active duty after such date;

(3) after such service, continues on active duty or in the Selected Reserve without a break in service (except as described in section 3012(b)(2) of this title); and

(4) but for section 3011(a)(1)(A)(i)(I)[1] or 3012(a)(1)(A)(ii) of this title would be eligible for basic educational assistance,

may receive educational assistance under this chapter for enrollment in an approved program of education while continuing to perform the duty described in section 3011(a)(1)(A)(i)(I)[1] or 3012(a)(1)(A)(ii) of this title.

(b) A member of the Armed Forces who—

(1) as of December 31, 1989, is eligible for educational assistance benefits under chapter 34 of this title;

(2) after June 30, 1985, has served the two years required by section 3012(a)(1)(B)(i); and

(3) but for section 3012(a)(1)(B)(ii) of this title would be eligible for basic educational assistance,

may, after December 31, 1989, receive educational assistance under this chapter for enrollment in an approved program of education while continuing to perform the duty described in section 3012(a)(1)(B)(ii) of this title.

(c) A member of the Armed Forces who—

(1) completes at least two years of service on active duty after June 30, 1985;

(2) after such service continues on active duty without a break in service; and

(3) but for section 3018(b)(3)(A) of this title would be entitled to basic educational assistance under this chapter,

may receive such assistance for enrollment in an approved program of education while continuing to perform the service described in section 3018(b)(2) of this title.

(Added Pub. L. 98–525, title VII, § 702(a)(1), Oct. 19, 1984, 98 Stat. 2558, § 1416; amended Pub. L. 99–576, title III, § 321(4), Oct. 28, 1986, 100 Stat. 3278; Pub. L. 100–689, title I, § 103(b)(4), Nov. 18, 1988, 102 Stat. 4165; renumbered § 3016 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

[1] See References in Text note below.

REFERENCES IN TEXT

Section 3011(a)(1)(A)(i), referred to in subsec. (a), was amended generally by Pub. L. 106–419, title I, § 103(a)(1)(A), Nov. 1, 2000, 114 Stat. 1825, and, as so amended, does not contain a subcl. (I).

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 1416 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''3011(c)(1)'' for ''1411(c)(1)'', ''3012(d)(1)'' for ''1412(d)(1)'', ''3012(b)(2)'' for ''1412(b)(2)'', and ''3011(a)(1)(A)(i)(I) or 3012(a)(1)(A)(ii)'' for ''1411(a)(1)(A)(i)(I) or 1412(a)(1)(A)(ii)'' in two places.

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted ''3012(a)(1)(B)(i)'' for ''1412(a)(1)(B)(i)'' and ''3012(a)(1)(B)(ii)'' for ''1412(a)(1)(B)(ii)'' in two places.

Subsec. (c). Pub. L. 102–83, § 5(c)(1), substituted ''3018(b)(3)(A)'' for ''1418(b)(3)(A)'' and ''3018(b)(2)'' for ''1418(b)(2)''.

1988—Subsec. (c). Pub. L. 100–689 added subsec. (c).

1986—Pub. L. 99–576 amended section generally. Prior to amendment, section read as follows: ''A member of the Armed Forces who has completed at least two years of service on active duty after June 30, 1985, has continued on active duty or in the Selected Reserve without a break in service (except as described in section 1412(b)(2) of this title), and who but for section 1411(a)(1) or 1412(a)(1) of this title would be eligible for basic educational assistance may receive educational assistance under this chapter for enrollment in an approved program of education while continuing to perform the duty described in section 1411(a)(1) or 1412(a)(1) of this title.''

§ 3017. Death benefit

(a)(1) In the event of the service-connected death of any individual—

(A) who—

(i) is entitled to basic educational assistance under this chapter; or

(ii) is on active duty in the Armed Forces and but for clause (1)(A)(i) or clause (2) of section 3011(a) or clause (1)(A)(i) or (ii) or clause (2) of section 3012(a) of this title would be eligible for such basic educational assistance; and

(B) who dies while on active duty or within one year after discharge or release from active duty,

the Secretary shall make a payment, subject to paragraph (2)(B) of this subsection, in the amount described in subsection (b) of this section to the person or persons described in paragraph (2)(A) of this subsection.

(2)(A) The payment referred to in paragraph (1) of this subsection shall be made to the person or persons first listed below who is surviving on the date of such individual's death:

(i) The beneficiary or beneficiaries designated by such individual under the individual's Servicemembers' Group Life Insurance policy.

(ii) The surviving spouse of the individual.

(iii) The surviving child or children of the individual, in equal shares.

(iv) The surviving parent or parents of the individual, in equal shares.

(B) If no such person survives such individual, no payment shall be made under this section.

(b) The amount of any payment made under this section shall be equal to—