

(4) With respect to qualified individuals referred to in paragraph (3)(A)(ii), no amount of educational assistance allowance under this chapter shall be paid to the qualified individual until the earlier of the date on which—

(A) the Secretary concerned collects the applicable amount under subclause (I) of such paragraph; or

(B) the retired or retainer pay of the qualified individual is first reduced under subclause (II) of such paragraph.

(5) The Secretary, in conjunction with the Secretary of Defense, shall provide for notice to participants in the educational benefits program under chapter 32 of this title of the opportunity under this subsection to elect to become entitled to basic educational assistance under this chapter.

(Added Pub. L. 104-275, title I, §106(a), Oct. 9, 1996, 110 Stat. 3327; amended Pub. L. 105-114, title IV, §401(c), Nov. 21, 1997, 111 Stat. 2293; Pub. L. 105-368, title II, §203(a), Nov. 11, 1998, 112 Stat. 3326; Pub. L. 106-398, §1 [[div. A], title XVI, §1601], Oct. 30, 2000, 114 Stat. 1654, 1654A-357; Pub. L. 106-419, title I, §104(a)-(c)(1), Nov. 1, 2000, 114 Stat. 1827, 1828; Pub. L. 107-14, §7(e)(1), June 5, 2001, 115 Stat. 33; Pub. L. 107-296, title XVII, §1704(d), Nov. 25, 2002, 116 Stat. 2315; Pub. L. 107-330, title III, §308(g)(9), Dec. 6, 2002, 116 Stat. 2829.)

REFERENCES IN TEXT

The date of the enactment of this subsection, referred to in subsec. (e)(1), is the date of enactment of Pub. L. 106-419, which was approved Nov. 1, 2000.

AMENDMENTS

2002—Subsec. (a)(5). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

Subsec. (e)(2)(B). Pub. L. 107-330 struck out comma after “April”.

2001—Subsec. (b). Pub. L. 107-14 struck out “or (e)” after “subsection (a)” in introductory provisions.

2000—Pub. L. 106-419, §104(c)(1), provided that as of the enactment of Pub. L. 106-419, the amendments made by Pub. L. 106-398, §1 [[div. A], title XVI, §1601], were deemed for all purposes not to have taken effect and that Pub. L. 106-398, §1 [[div. A], title XVI, §1601], ceased to be in effect. See Amendment notes below.

Subsec. (b). Pub. L. 106-419, §104(b), substituted “subsection (a) or (e)” for “subsection (a)” in introductory provisions.

Pub. L. 106-398, §1 [[div. A], title XVI, §1601(b)], which substituted “subsection (a) or (e)” for “subsection (a)” in introductory provisions, was terminated by Pub. L. 106-419, §104(c)(1). See Amendment note above.

Subsec. (e). Pub. L. 106-419, §104(a), added subsec. (e). Pub. L. 106-398, §1 [[div. A], title XVI, §1601(a)], which added a subsec. (e) substantially identical to the subsec. (e) added by Pub. L. 106-419, §104(a), was terminated by Pub. L. 106-419, §104(c)(1). See Amendment notes above.

1998—Subsec. (a)(3). Pub. L. 105-368 substituted “successfully completed (or otherwise received academic credit for)” for “successfully completed”.

1997—Subsec. (a)(1). Pub. L. 105-114, §401(c)(1), substituted “October 9, 1996,” for “the date of the enactment of the Veterans' Benefits Improvements Act of 1996”.

Subsec. (a)(4). Pub. L. 105-114, §401(c)(2), substituted “after the date on which the individual makes the election described” for “during the one-year period specified”.

Subsec. (a)(5). Pub. L. 105-114, §401(c)(3), substituted “October 9, 1996” for “the date of the enactment of the Veterans' Benefits Improvements Act of 1996”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-368 effective Oct. 1, 1998, see section 203(b) of Pub. L. 105-368, set out as a note under section 3011 of this title.

TREATMENT OF CERTAIN CONTRIBUTIONS

Pub. L. 107-14, §7(e)(2), June 5, 2001, 115 Stat. 33, provided that: “Any amount collected under section 3018C(b) of title 38, United States Code (whether by reduction in basic pay under paragraph (1) of that section, collection under paragraph (2) of that section, or both), with respect to an individual who enrolled in basic educational assistance under section 3018C(e) of that title, during the period beginning on November 1, 2000, and ending on the date of the enactment of this Act [June 5, 2001], shall be treated as an amount collected with respect to the individual under section 3018C(e)(3)(A) of that title (whether as a reduction in basic pay under clause (i) of that section, a collection under clause (ii) of that section, or both) for basic educational assistance under section 3018C of that title.”

§ 3019. Tutorial assistance

(a) An individual entitled to an educational assistance allowance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492 of this title, subject to the conditions applicable to an eligible veteran under such section.

(b) The amount of such benefits payable under this section may not exceed \$100 per month, for a maximum of twelve months, or until a maximum of \$1,200 is utilized. This amount is in addition to the amount of educational assistance allowance payable to the individual under this chapter.

(c)(1) An individual's period of entitlement to educational assistance under this chapter shall be charged only with respect to the amount of tutorial assistance paid to the individual under this section in excess of \$600.

(2) An individual's period of entitlement to educational assistance under this chapter shall be charged at the rate of one month for each amount of assistance paid to the individual under this section in excess of \$600 that is equal to the amount of the monthly educational assistance allowance which the individual is otherwise eligible to receive for full-time pursuit of an institutional course under this chapter.

(Added Pub. L. 100-689, title I, §107(a)(1), Nov. 18, 1988, 102 Stat. 4167, §1419; renumbered §3019 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 1419 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “3492” for “1692”.

§ 3020. Transfer of entitlement to basic educational assistance: members of the Armed Forces with critical military skills

(a) IN GENERAL.—Subject to the provisions of this section, each Secretary concerned may, for