''(1) During the period beginning on May 1, 2001, and ending on July 31, 2001, an individual described in paragraph (2) may make contributions under section 3011(e) or 3012(f) of title 38, United States Code (as added by subsection (a)), whichever is applicable to that individual, without regard to paragraph (2) of that section and otherwise in the same manner as an individual eligible for educational assistance under chapter 30 of such title who is on active duty.

''(2) Paragraph (1) applies in the case of an individual who—

''(A) is discharged or released from active duty during the period beginning on the date of the enactment of this Act [Nov. 1, 2000] and ending on April 30, 2001; and

''(B) is eligible for educational assistance under chapter 30 of title 38, United States Code.''

NOTIFICATION REQUIREMENT

Section 303(b) of Pub. L. 102–568 directed Secretary of each military department, not later than 60 days after Oct. 29, 1992, to notify each individual who was on active duty in the Armed Forces on Aug. 2, 1990, and who had not met the requirements of a secondary school diploma (or equivalency certificate), of the extension of the period for the completion of such requirements afforded by the amendments made by this section to this section and section 3012 of this title.

§ 3012. Basic educational assistance entitlement for service in the Selected Reserve

(a) Except as provided in subsection (d) of this section, each individual—

(1) who—

(A) after June 30, 1985, first becomes a member of the Armed Forces or first enters on active duty as a member of the Armed Forces and—

(i) serves an obligated period of active duty of at least two years of continuous active duty in the Armed Forces, subject to subsection (b) of this section, characterized by the Secretary concerned as honorable service; and

(ii) subject to subsection (b) of this section and beginning within one year after completion of the service on active duty described in subclause (i) of this clause, serves at least four years of continuous duty in the Selected Reserve during which the individual participates satisfactorily in training as required by the Secretary concerned;

(B) as of December 31, 1989, is eligible for educational assistance under chapter 34 of this title and was on active duty at any time during the period beginning on October 19, 1984, and ending on July 1, 1985, continued on active duty without a break in service and—

(i) after June 30, 1985, serves at least two years of continuous active duty in the Armed Forces, subject to subsection (b) of this section, characterized by the Secretary concerned as honorable service; and

(ii) after June 30, 1985, subject to subsection (b) of this section and beginning within one year after completion of such two years of service, serves at least four continuous years in the Selected Reserve during which the individual participates satisfactorily in training as prescribed by the Secretary concerned; or

(C) as of December 31, 1989, was eligible for educational assistance under chapter 34 of this title and—

(i) was not on active duty on October 19, 1984;

(ii) reenlists or reenters on a period of active duty after October 19, 1984; and

(iii) on or after July 1, 1985—

(I) serves at least two years of continuous active duty in the Armed Forces, subject to subsection (b) of this section, characterized by the Secretary concerned as honorable service; and

(II) subject to subsection (b) of this section and beginning within one year after completion of such two years of service, serves at least four continuous years in the Selected Reserve during which the individual participates satisfactorily in training as prescribed by the Secretary concerned;

(2) who completes the requirements of a secondary school diploma (or equivalency certificate), or successfully completes (or otherwise receives academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree, before applying for benefits under this section; and

(3) who, after completion of the service described in clause (1) of this subsection—

(A) is discharged from service with an honorable discharge, is placed on the retired list, or is transferred to the Standby Reserve or an element of the Ready Reserve other than the Selected Reserve after service in the Selected Reserve characterized by the Secretary concerned as honorable service; or

(B) continues on active duty or in the Selected Reserve;

is entitled to basic educational assistance under this chapter.

(b)(1)(A) The requirement of two years of service under clauses (1)(A)(i) and (1)(B)(i) of subsection (a) of this section is not applicable to an individual who is discharged or released, during such two years, from active duty in the Armed Forces (i) for a service-connected disability, (ii) for a medical condition which preexisted such service on active duty and which the Secretary determines is not service connected, (iii) for hardship, (iv) in the case of an individual discharged or released after 20 months of such service, for the convenience of the Government, (v) involuntarily for the convenience of the Government as a result of a reduction in force, as determined by the Secretary of the military department concerned in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, (vi) for a physical or mental condition that was not characterized as a disability, as described in section 3011(a)(1)(A)(ii)(I) of this title, or (vii) by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10).

(B) The requirement of four years of service under clauses (1)(A)(ii) and (1)(B)(ii) of subsection (a) of this section is not applicable to an individual—

(i) who, during the two years of service described in clauses (1)(A)(i) and (1)(B)(i) of subsection (a) of this section, was discharged or

released from active duty in the Armed Forces for a service-connected disability, by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10), for a medical condition which preexisted such service on active duty and which the Secretary determines is not service connected, or for a physical or mental condition not characterized as a disability, as described in section 3011(a)(1)(A)(ii)(I) of this title, if the individual was obligated, at the beginning of such two years of service, to serve such four years of service;

(ii) who, during the four years of service described in clauses (1)(A)(ii) and (1)(B)(ii) of subsection (a) of this section, is discharged or released from service in the Selected Reserve (I) for a service-connected disability, (II) for a medical condition which preexisted the individual's becoming a member of the Selected Reserve and which the Secretary determines is not service connected, (III) for hardship, (IV) in the case of an individual discharged or released after 30 months of such service, for the convenience of the Government, (V) involuntarily for the convenience of the Government as a result of a reduction in force, as determined by the Secretary of the military department concerned in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service in the Navy, (VI) for a physical or mental condition not characterized as a disability, as described in section 3011(a)(1)(A)(ii)(I) of this title, or (VII) by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10); or

(iii) who, before completing the four years of service described in clauses (1)(A)(ii) and (1)(B)(ii) of subsection (a) of this section, ceases to be a member of the Selected Reserve during the period beginning on October 1, 1991, and ending on September 30, 1999, by reason of the inactivation of the person's unit of assignment or by reason of involuntarily ceasing to be designated as a member of the Selected Reserve pursuant to section 10143(a) of title 10.

(2) After an individual begins service in the Selected Reserve within one year after completion of the service described in clause (A)(i) or (B)(i) of subsection (a)(1) of this section, the continuity of service of such individual as a member of the Selected Reserve shall not be considered to be broken—

(A) by any period of time (not to exceed a maximum period prescribed by the Secretary concerned by regulation) during which the member is not able to locate a unit of the Selected Reserve of the member's Armed Force that the member is eligible to join or that has a vacancy; or

(B) by any other period of time (not to exceed a maximum period prescribed by the Secretary concerned by regulation) during which the member is not attached to a unit of the Selected Reserve that the Secretary concerned, pursuant to regulations, considers to be inappropriate to consider for such purpose.

(c)(1) Except as provided in paragraph (2), the basic pay of any individual described in subsection (a)(1)(A) of this section who does not make an election under subsection (d)(1) of this section shall be reduced by $100 for each of the first 12 months that such individual is entitled to such pay.

(2) In the case of an individual covered by paragraph (1) who is a member of the Selected Reserve, the Secretary of Defense shall collect from the individual an amount equal to $1,200 not later than one year after completion by the individual of the two years of service on active duty providing the basis for such entitlement. The Secretary of Defense may collect such amount through reductions in basic pay in accordance with paragraph (1) or through such other method as the Secretary of Defense considers appropriate.

(3) Any amount by which the basic pay of an individual is reduced under this subsection shall revert to the Treasury and shall not, for purposes of any Federal law, be considered to have been received by or to be within the control of such individual.

(d)(1) An individual described in subsection (a)(1)(A) of this section may make an election not to receive educational assistance under this chapter. Any such election shall be made at the time the individual initially enters on active duty as a member of the Armed Forces. Any individual who makes such an election is not entitled to educational assistance under this chapter.

(2) An individual who after December 31, 1976, receives a commission as an officer in the Armed Forces upon graduation from the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, or the Coast Guard Academy is not eligible for educational assistance under this section.

(3) An individual who after December 31, 1976, receives a commission as an officer in the Armed Forces upon completion of a program of educational assistance under section 2107 of title 10 is not eligible for educational assistance under this section if the individual enters on active duty—

(A) before October 1, 1996; or

(B) after September 30, 1996, and while participating in such program received more than $3,400 for each year of such participation.

(e)(1) An individual described in subclause (I) or (III) of subsection (b)(1)(B)(ii) of this section may elect entitlement to basic educational assistance under section 3011 of this title, based on an obligated period of active duty of two years, in lieu of entitlement to assistance under this section.

(2) An individual who makes the election described in paragraph (1) of this subsection shall, for all purposes of this chapter, be considered entitled to educational assistance under section 3011 of this title and not under this section. Such an election is irrevocable.

(f)(1) Any individual eligible for educational assistance under this section who does not make an election under subsection (d)(1) may contribute amounts for purposes of receiving an increased amount of basic educational assistance as provided for under section 3015(g) of this title. Such contributions shall be in addition to any

reductions in the basic pay of such individual under subsection (c).

(2) An individual covered by paragraph (1) may make the contributions authorized by that paragraph at any time while on active duty, but not more frequently than monthly.

(3) The total amount of the contributions made by an individual under paragraph (1) may not exceed $600. Such contributions shall be made in multiples of $20.

(4) Contributions under this subsection shall be made to the Secretary of the military department concerned. That Secretary shall deposit any amounts received as contributions under this subsection into the Treasury as miscellaneous receipts.

(g)(1) The Secretary concerned shall inform any member of the Armed Forces who has not completed that member's initial service (as described in paragraph (2)) and who indicates the intent to be discharged or released from such service for the convenience of the Government of the minimum service requirements for entitlement to educational assistance benefits under this chapter. Such information shall be provided to the member in a timely manner.

(2) The initial service referred to in paragraph (1) is the initial obligated period of active duty (described in subparagraph (A)(i) or (B)(i) of subsection (a)(1)) or the period of service in the Selected Reserve (described in subparagraphs (A)(ii) or (B)(ii) of subsection (a)(1)).

(Added Pub. L. 98–525, title VII, § 702(a)(1), Oct. 19, 1984, 98 Stat. 2555, § 1412; amended Pub. L. 99–145, title VI, § 674(2), Nov. 8, 1985, 99 Stat. 665; Pub. L. 99–576, title III, §§ 303(a)(2), 307(a)(2), 321(2), Oct. 28, 1986, 100 Stat. 3269, 3277; Pub. L. 100–48, § 3(b), June 1, 1987, 101 Stat. 331; Pub. L. 100–689, title I, §§ 102(b)(1), 103(b)(1), 104(b), 105, 111(a)(2)(B), Nov. 18, 1988, 102 Stat. 4162, 4165, 4166, 4171; Pub. L. 101–237, title IV, §§ 409, 423(a)(1), (b)(1)(A), Dec. 18, 1989, 103 Stat. 2084, 2090, 2092; Pub. L. 101–510, div. A, title V, § 562(a)(3), Nov. 5, 1990, 104 Stat. 1574; renumbered § 3012 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102–484, div. D, title XLIV, § 4419(b), Oct. 23, 1992, 106 Stat. 2718; Pub. L. 102–568, title III, §§ 302(a)(2), 303(a)(2), Oct. 29, 1992, 106 Stat. 4326, 4327; Pub. L. 103–160, div. A, title V, § 561(m), Nov. 30, 1993, 107 Stat. 1668; Pub. L. 103–446, title XII, § 1201(f)(2), Nov. 2, 1994, 108 Stat. 4687; Pub. L. 104–106, div. A, title XV, § 1501(e)(2)(B), Feb. 10, 1996, 110 Stat. 501; Pub. L. 104–201, div. A, title V, § 556(b), Sept. 23, 1996, 110 Stat. 2528; Pub. L. 105–368, title II, §§ 203(a), 207(b), Nov. 11, 1998, 112 Stat. 3326, 3328; Pub. L. 106–117, title VII, § 704, Nov. 30, 1999, 113 Stat. 1584; Pub. L. 106–419, title I, §§ 102(b), 103(b), 105(a)(2), title IV, § 404(a)(6), Nov. 1, 2000, 114 Stat. 1824, 1826, 1829, 1865; Pub. L. 107–14, § 7(c)(2), June 5, 2001, 115 Stat. 32; Pub. L. 107–103, title I, §§ 105(b), 106(a), Dec. 27, 2001, 115 Stat. 982, 983; Pub. L. 107–296, title XVII, § 1704(d), Nov. 25, 2002, 116 Stat. 2315; Pub. L. 108–454, title I, § 109(b), Dec. 10, 2004, 118 Stat. 3604; Pub. L. 109–233, title V, § 503(3), June 15, 2006, 120 Stat. 416; Pub. L. 110–317, § 6(c)(2), Aug. 29, 2008, 122 Stat. 3529.)

PRIOR PROVISIONS

Prior section 3012 was renumbered section 5112 of this title.

AMENDMENTS

2008—Subsec. (b)(1)(A). Pub. L. 110–317, § 6(c)(2)(A), substituted ", (vi)" for ", or (vi)" and inserted before period at end ", or (vii) by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10)".

Subsec. (b)(1)(B)(i). Pub. L. 110–317, § 6(c)(2)(B)(i), inserted "by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10)," after "service-connected disability,".

Subsec. (b)(1)(B)(ii). Pub. L. 110–317, § 6(c)(2)(B)(ii)(II), which directed the insertion of ", or (VII) by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10)" before the period at end, was executed by making the insertion before "; or" to reflect the probable intent of Congress.

Pub. L. 110–317, § 6(c)(2)(B)(ii)(I), substituted ", (VI)" for ", or (VI)".

2006—Subsec. (a)(1)(C)(ii). Pub. L. 109–233 struck out "on or" after "active duty".

2004—Subsec. (c). Pub. L. 108–454 substituted "(1) Except as provided in paragraph (2), the basic pay" for "The basic pay", added par. (2), designated second sentence of existing provisions as par. (3), and substituted "this subsection" for "this chapter".

2002—Subsec. (b)(1)(A)(v), (B)(ii)(V). Pub. L. 107–296 substituted "of Homeland Security" for "of Transportation".

2001—Subsec. (a)(1)(C). Pub. L. 107–103, § 105(b), added subpar. (C).

Subsec. (d)(3)(B). Pub. L. 107–103, § 106(a), substituted "$3,400" for "$2,000".

Subsec. (f)(2). Pub. L. 107–14, § 7(c)(2)(A), inserted ", but not more frequently than monthly" before period.

Subsec. (f)(3). Pub. L. 107–14, § 7(c)(2)(B), substituted "multiples of $20" for "multiples of $4".

Subsec. (f)(4). Pub. L. 107–14, § 7(c)(2)(C), substituted "Secretary of the military department concerned. That" for "Secretary. The" and struck out "by the Secretary" after "any amounts received".

2000—Subsec. (a)(1)(A)(i). Pub. L. 106–419, § 103(b)(1), substituted "an obligated period of active duty of at least two years of continuous active duty in the Armed Forces" for ", as the individual's initial obligated period of active duty, at least two years of continuous active duty in the Armed Forces".

Subsec. (a)(2). Pub. L. 106–419, § 102(b)(1), added par. (2) and struck out former par. (2) which read as follows: "who, except as provided in subsection (f) of this section, before completion of the service described in clause (1) of this subsection, has completed the requirements of a secondary school diploma (or an equivalency certificate), except that (i) an individual described in clause (1)(B) of this subsection may meet the requirement of this clause by having successfully completed (or otherwise received academic credit for) the equivalent of 12 semester hours in a program of education leading to a standard college degree, and (ii) an individual described in clause (1)(A) of this subsection may meet such requirement by having successfully completed (or otherwise received academic credit for) the equivalent of such 12 semester hours before the end of the individual's initial obligated period of active duty; and".

Subsec. (e)(1). Pub. L. 106–419, § 103(b)(2), struck out "initial" before "obligated period".

Subsec. (f). Pub. L. 106–419, § 105(a)(2), added subsec. (f).

Pub. L. 106–419, § 102(b)(2), struck out subsec. (f) which read as follows: "For the purposes of subsection (a)(2) of this section, an individual who was on active duty on August 2, 1990, and who completes the requirements of a secondary school diploma (or equivalency certificate) before October 28, 1994, shall be considered to have completed such requirements within the individual's initial obligated period of active duty."

Subsec. (g)(2). Pub. L. 106–419, § 404(a)(6), substituted "subparagraph" for "subparagraphs" in two places.

1999—Subsec. (g)(1). Pub. L. 106–117 struck out ''Federal'' before ''Government''.

1998—Subsec. (a)(2)(i), (ii). Pub. L. 105–368, § 203(a), substituted ''successfully completed (or otherwise received academic credit for)'' for ''successfully completed''.

Subsec. (g). Pub. L. 105–368, § 207(b), added subsec. (g).

1996—Subsec. (b)(1)(B)(iii). Pub. L. 104–106 substituted ''section 10143(a) of title 10'' for ''section 268(b) of title 10''.

Subsec. (d)(2). Pub. L. 104–201, § 556(b)(1), struck out ''or upon completion of a program of educational assistance under section 2107 of title 10'' after ''Coast Guard Academy''.

Subsec. (d)(3). Pub. L. 104–201, § 556(b)(2), added par. (3).

1994—Subsec. (f). Pub. L. 103–446 substituted ''October 28, 1994,'' for ''the end of the 24-month period beginning on the date of the enactment of this subsection''.

1993—Subsec. (b)(1)(B)(iii). Pub. L. 103–160 substituted ''September 30, 1999'' for ''September 30, 1995''.

1992—Subsec. (a)(1)(B). Pub. L. 102–568, § 302(a)(2), substituted ''at any time during the period beginning on October 19, 1984, and ending on July 1, 1985, continued on active duty without a break in service'' for ''on October 19, 1984, and without a break in service since October 19, 1984,''.

Subsec. (a)(2). Pub. L. 102–568, § 303(a)(2)(A), inserted ''except as provided in subsection (f) of this section,'' after ''who,''.

Subsec. (b)(1)(B)(iii). Pub. L. 102–484 added cl. (iii).

Subsec. (f). Pub. L. 102–568, § 303(a)(2)(B), added subsec. (f).

1991—Pub. L. 102–83, § 5(a), renumbered section 1412 of this title as this section.

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

Subsec. (e). Pub. L. 102–83, § 5(c)(1), substituted ''3011'' for ''1411'' in pars. (1) and (2).

1990—Subsec. (b)(1)(A)(vi). Pub. L. 101–510, § 562(a)(3)(A), added cl. (vi).

Subsec. (b)(1)(B)(i). Pub. L. 101–510, § 562(a)(3)(B), substituted ''disability, for'' for ''disability or for'' and inserted '', or for a physical or mental condition not characterized as a disability, as described in section 1411(a)(1)(A)(ii)(I) of this title'' before ''if the individual''.

Subsec. (b)(1)(B)(ii)(VI). Pub. L. 101–510, § 562(a)(3)(C), added subcl. (VI).

1989—Subsec. (a)(1)(A)(ii), (B)(ii). Pub. L. 101–237, § 423(a)(1)(A), substituted ''and beginning within one year after completion'' for ''and after completion''.

Subsec. (a)(2). Pub. L. 101–237, § 409, inserted cl. (i) designation and added cl. (ii).

Subsec. (b)(1). Pub. L. 101–237, § 423(b)(1)(A), substituted ''Secretary'' for ''Administrator'' wherever appearing.

Subsec. (b)(2). Pub. L. 101–237, § 423(a)(1)(B), substituted ''After an individual begins service in the Selected Reserve within one year after completion of the service described in clause (A)(i) or (B)(i) of subsection (a)(1) of this section, the continuity of service of such individual as a member of the Selected Reserve'' for ''Continuity of service of a member in the Selected Reserve for purposes of such clauses''.

1988—Subsec. (a)(1)(A)(i). Pub. L. 100–689, § 111(a)(2)(B), inserted '', as the individual's initial obligated period of active duty,''.

Pub. L. 100–689, § 102(b)(1)(B), inserted '', subject to subsection (b) of this section,''.

Subsec. (a)(1)(B)(i). Pub. L. 100–689, § 102(b)(1)(B), inserted '', subject to subsection (b) of this section,''.

Subsec. (a)(2). Pub. L. 100–689, § 104(b), substituted ''completed the requirements of a secondary school diploma'' for ''received a secondary school diploma'', and inserted '', except that an individual described in clause (1)(B) of this subsection may meet the requirement of this clause by having successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree''.

Subsec. (b)(1). Pub. L. 100–689, § 102(b)(1)(A), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''The requirement of four years of service under clauses (1)(A)(ii) and (1)(B)(ii) of subsection (a) of this section is not applicable to an individual who is discharged or released from service in the Selected Reserve for a service-connected disability, for hardship, or (in the case of an individual discharged or released after three and one-half years of such service) for the convenience of the Government.''

Subsec. (c). Pub. L. 100–689, § 103(b)(1), substituted ''reduced under this chapter'' for ''reduced under this subsection''.

Subsec. (e). Pub. L. 100–689, § 105, added subsec. (e).

1987—Subsec. (a)(1)(A). Pub. L. 100–48 substituted ''after June 30, 1985,'' for ''during the period beginning on July 1, 1985, and ending on June 30, 1988''.

1986—Subsec. (a). Pub. L. 99–576, § 321(2)(A), substituted ''subsection (d)'' for ''subsection (c)''.

Subsec. (a)(1)(B). Pub. L. 99–576, § 307(a)(2), inserted ''and was on active duty on October 19, 1984, and without a break in service since October 19, 1984,''.

Subsec. (b)(1). Pub. L. 99–576, § 321(2)(B), inserted ''such'' after ''three and one-half years of''.

Subsec. (c). Pub. L. 99–576, § 303(a)(2), substituted ''Any amount by which the basic pay of an individual is reduced under this subsection shall revert to the Treasury and shall not, for purposes of any Federal law, be considered to have been received by or to be within the control of such individual'' for ''Any amounts withheld from basic pay under this paragraph shall revert to the Treasury''.

1985—Subsec. (a)(1)(B). Pub. L. 99–145 struck out ''and without a break in service on active duty since December 31, 1976,'' after ''chapter 34 of this title''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–317 applicable with respect to any sole survivorship discharge granted after Sept. 11, 2001, see section 10 of Pub. L. 110–317, set out as a note under section 2108 of Title 5, Government Organization and Employees.

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 2001 AMENDMENTS

Amendment by section 106(a) of Pub. L. 107–103 applicable with respect to educational assistance allowances paid under this chapter for months beginning after Dec. 27, 2001, see section 106(b) of Pub. L. 107–103, set out as a note under section 3011 of this title.

Amendment by 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

Amendment by section 105(a)(2) 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 AMENDMENT

Amendment by section 203(a) of 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.

Amendment by section 207(b) of Pub. L. 105–368 effective 120 days after Nov. 11, 1998, see section 207(d)(1) of Pub. L. 105–368, set out as a note under section 3011 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–106 effective as if included in the Reserve Officer Personnel Management Act, title

XVI of Pub. L. 103–337, as enacted on Oct. 5, 1994, see section 1501(f)(3) of Pub. L. 104–106, set out as a note under section 113 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by section 302(a)(2) of Pub. L. 102–568 effective as of Oct. 28, 1986, see section 302(b) of Pub. L. 102–568, set out as a note under section 3011 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–510 effective Oct. 19, 1984, see section 562(c) of Pub. L. 101–510, set out as a note under section 3011 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 102(b)(1) 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.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 303(a)(2) of Pub. L. 99–576 applicable to any reduction in basic pay made under subsec. (c) of this section after Dec. 31, 1985, see section 303(b) of Pub. L. 99–576, set out as a note under section 3011 of this title.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities 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).