''(1) IN GENERAL.—The amendments made by this section [amending this section] shall take effect on August 1, 2008.

''(2) NO COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 2009.—The adjustment required by subsection (h) of section 3015 of title 38, United States Code (as amended by this section), in rates of basic educational assistance payable under subsections (a) and (b) of such section (as so amended) shall not be made for fiscal year 2009.''

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 educational 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.)

REFERENCES IN TEXT

Section 3011(a)(1)(A)(i), referred to in subsec. (a), was amended generally by Pub. L. 106–419, title I,

[1] See References in Text note below.

§ 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—

(1) the total of—

(A) the amount reduced from the individual's basic pay under section 3011(b), 3012(c), 3018(c), 3018A(b), 3018B(b), 3018C(b), or 3018C(e) of this title;

(B) the amount reduced from the individual's retired pay under section 3018C(e) of this title;

(C) the amount collected from the individual by the Secretary under section 3018B(b), 3018C(b), or 3018C(e) of this title; and

(D) the amount of any contributions made by the individual under section 3011(e) or 3012(f) of this title, less

(2) the total of—

(A) the amount of educational assistance that has been paid to the individual under this chapter before the payment is made under this section; and

(B) the amount of accrued benefits paid or payable with respect to such individual in connection with this chapter.

(c) A payment under this section shall be considered to be a benefit under this title and, for purposes of section 3035(b)(1), it shall be considered to be an entitlement earned under this subchapter.

(Added Pub. L. 100–689, title I, § 101(a), Nov. 18, 1988, 102 Stat. 4161, § 1417; amended Pub. L. 101–237, title IV, § 423(a)(3), (b)(1)(A), Dec. 18, 1989, 103 Stat. 2091, 2092; renumbered § 3017 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102–568, title III, § 308, Oct. 29, 1992, 106 Stat. 4329; Pub. L. 104–275, title IV, § 405(c)(2), Oct. 9, 1996, 110 Stat. 3340; Pub. L. 106–419, title I, § 102(a)(2), Nov. 1, 2000, 114 Stat. 1824; Pub. L. 107–14, § 7(d)(1), June 5, 2001, 115 Stat. 33; Pub. L. 109–233, title V, § 503(4), June 15, 2006, 120 Stat. 416.)

AMENDMENTS

2006—Subsec. (b)(1)(D). Pub. L. 109–233 substituted ''3011(e)'' for ''3011(c)''.

2001—Subsec. (b)(1). Pub. L. 107–14 amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''the amount reduced from the individual's pay under section 3011(b), 3012(c), or 3018(c) of this title, less''.

2000—Subsec. (a)(1)(A)(ii). Pub. L. 106–419 substituted ''clause (2) of section 3011(a)'' for ''clause (2)(A) of section 3011(a)''.

1996—Subsec. (a)(2)(A)(i). Pub. L. 104–275 substituted ''Servicemembers' Group'' for ''Servicemen's Group''.

1992—Subsec. (a)(1)(B). Pub. L. 102–568 inserted before comma ''or within one year after discharge or release from active duty''.

1991—Pub. L. 102–83, § 5(a), renumbered section 1417 of this title as this section.

Subsec. (a)(1)(A)(ii). Pub. L. 102–83, § 5(c)(1), substituted ''3011(a)'' for ''1411(a)'' and ''3012(a)'' for ''1412(a)''.

Subsec. (b)(1). Pub. L. 102–83, § 5(c)(1), substituted ''3011(b), 3012(c), or 3018(c)'' for ''1411(b), 1412(c), or 1418(c)''.

Subsec. (c). Pub. L. 102–83, § 5(c)(1), substituted ''3035(b)(1)'' for ''1435(b)(1)''.

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

Subsec. (a)(1)(A)(ii). Pub. L. 101–237, § 423(a)(3), substituted ''but for clause (1)(A)(i) or clause (2)(A) of section 1411(a) or clause (1)(A)(i) or (ii) or clause (2) of section 1412(a) of this title'' for ''but for section 1411(a)(1)(A)(i) or division (i) or (ii) of section 1412(a)(1)(A) of this title''.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–14, § 7(d)(2), June 5, 2001, 115 Stat. 33, provided that: ''The amendment made by paragraph (1) [amending this section] shall take effect as of May 1, 2001.''