Par. (3). Pub. L. 102–83, § 5(c)(1), substituted ''3452(b)'' for ''1652(b)'' in subpar. (A) and ''3687(a)'' for ''1787(a)'' and ''3482(a)(2)'' for ''1682(a)(2)'' in subpar. (B).

1990—Par. (7). Pub. L. 101–510 added par. (7).

1989—Par. (5). Pub. L. 101–237 amended par. (5) generally. Prior to amendment, par. (5) read as follows: ''The term 'Secretary' means the Secretary of Defense with respect to members of the Armed Forces under the jurisdiction of the Secretary of a military department and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.''

1988—Par. (3)(B). Pub. L. 100–689, § 111(a)(1), substituted ''in the case of an individual who is not serving on active duty, includes'' for ''includes''.

Pub. L. 100–689, § 108(a)(1), inserted cl. (i) designation and added cl. (ii).

1986—Par. (3). Pub. L. 99–576 amended par. (3) generally. Prior to amendment, par. (3) read as follows: ''The term 'program of education' has the meaning given such term in section 1652(b) of this title.''

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 1994 AMENDMENT

Amendment by Pub. L. 103–337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1990 AMENDMENT

Section 563(b) of Pub. L. 101–510, as amended by Pub. L. 102–83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that: ''The amendment made by this section [amending this section] shall apply only to individuals who before the date of entry on active duty, as defined in section 3002(7) [formerly 1402(7)] of title 38, United States Code (as added by subsection (a)), have never served on active duty as defined in section 101(21) of that title.''

EFFECTIVE DATE OF 1988 AMENDMENT

Section 108(c) of Pub. L. 100–689 provided that: ''The amendments made by this section [amending this section and sections 1432, 1602, and 1631 [now 3032, 3202, and 3231] of this title] shall take effect on January 1, 1989.''

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.

ELECTION OF BENEFITS UNDER 1996 AMENDMENTS

Section 107(b) of Pub. L. 104–275 provided that:

''(1) An individual may only become eligible for benefits under chapter 30 of title 38, United States Code, as a result of the amendment made by subsection (a) [amending this section] by making an election to become entitled to basic educational assistance under such chapter. The election may only be made during the nine-month period beginning on the date of the enactment of this Act [Oct. 9, 1996] and in the manner required by the Secretary of Defense.

''(2) In the case of any individual making an election under paragraph (1)—

''(A) the basic pay of an individual who, while a member of the Armed Forces, makes an election under paragraph (1) shall be reduced (in a manner determined by the Secretary of Defense) until the total amount by which such basic pay is reduced is $1,200; or

''(B) to the extent that basic pay is not so reduced before the individual's discharge or release from active duty, the Secretary of Veterans Affairs shall collect from an individual who makes such an election an amount equal to the difference between $1,200 and the total amount of reductions under subparagraph (A), which amount shall be paid into the Treasury as miscellaneous receipts.

''(3) In the case of any individual making an election under paragraph (1), the 10-year period referred to in section 3031 of such title shall begin on the later of—

''(A) the date determined under such section 3031; or

''(B) the date on which the election under paragraph (1) becomes effective.''

SUBCHAPTER II—BASIC EDUCATIONAL ASSISTANCE

§ 3011. Basic educational assistance entitlement for service on active duty

(a) Except as provided in subsection (c) 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) who (I) in the case of an individual whose obligated period of active duty is three years or more, serves at least three years of continuous active duty in the Armed Forces, or (II) in the case of an individual whose obligated period of active duty is less than three years, serves at least two years of continuous active duty in the Armed Forces; or

(ii) who serves in the Armed Forces and is discharged or released from active duty (I) 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, for hardship, or for a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary of each military department 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; (II) for the convenience of the Government, if, in the case of an individual with an obligated period of service of two years, the individual completes not less than 20 months of continuous active duty under that period of obligated service, or, in the case of an individual with an obligated period of service of at least three years, the individual completes not less than 30 months of continuous active duty under that period of obligated service; or (III) 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;

(B) as of December 31, 1989, is eligible for educational assistance benefits 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 three years of continuous active duty in the Armed Forces; or

(ii) after June 30, 1985, is discharged or released from active duty (I) 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, for hardship, or for a physical or mental condition that was not characterized as a disability, as described in subparagraph (A)(ii)(I) of this paragraph; (II) for the convenience of the Government, if the individual completed not less than 30 months of continuous active duty after that date; or (III) 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; or

(C) as of December 31, 1989, was eligible for educational assistance benefits 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, either—

(I) serves at least three years of continuous active duty in the Armed Forces; or

(II) is discharged or released from active duty (aa) 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, for hardship, or for a physical or mental condition that was not characterized as a disability, as described in subparagraph (A)(ii)(I) of this paragraph, (bb) for the convenience of the Government, if the individual completed not less than 30 months of continuous active duty after that date, or (cc) 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;

(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) continues on active duty;

(B) is discharged from active duty with an honorable discharge;

(C) is released after service on active duty characterized by the Secretary concerned as honorable service and is placed on the retired list, is transferred to the Fleet Reserve or Fleet Marine Corps Reserve, or is placed on the temporary disability retired list; or

(D) is released from active duty for further service in a reserve component of the Armed Forces after service on active duty characterized by the Secretary concerned as honorable service;

is entitled to basic educational assistance under this chapter.

(b)(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 (c)(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.

(c)(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.

(d)(1) For purposes of this chapter, any period of service described in paragraphs (2) and (3) of this subsection shall not be considered a part of an obligated period of active duty on which an individual's entitlement to assistance under this section is based.

(2) The period of service referred to in paragraph (1) is any period terminated because of a defective enlistment and induction based on—

(A) the individual's being a minor for purposes of service in the Armed Forces;

(B) an erroneous enlistment or induction; or

(C) a defective enlistment agreement.

(3) The period of service referred to in paragraph (1) is also any period of service on active duty which an individual in the Selected Reserve was ordered to perform under section 12301, 12302, 12304, 12306, or 12307 of title 10 for a period of less than 2 years.

(e)(1) Any individual eligible for educational assistance under this section who does not make an election under subsection (c)(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 (b).

(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.

(f)(1) For the purposes of this chapter, a member referred to in paragraph (2) or (3) of this subsection who serves the periods of active duty referred to in that paragraph shall be deemed to have served a continuous period of active duty the length of which is the aggregate length of the periods of active duty referred to in that paragraph.

(2) This subsection applies to a member who—

(A) after a period of continuous active duty of not more than 12 months, is discharged or released from active duty under subclause (I) or (III) of subsection (a)(1)(A)(ii) of this section; and

(B) after such discharge or release, reenlists or re-enters on a period of active duty.

(3) This subsection applies to a member who after a period of continuous active duty as an enlisted member or warrant officer, and following successful completion of officer training school, is discharged in order to accept, without a break in service, a commission as an officer in the Armed Forces for a period of active duty.

(g) Notwithstanding section 3002(6)(A) of this title, a period during which an individual is assigned full time by the Armed Forces to a civilian institution for a course of education as described in such section 3002(6)(A) shall not be considered a break in service or a break in a continuous period of active duty of the individual for the purposes of this chapter.

(h)(1) Notwithstanding section 3002(6)(B) of this title, a member referred to in paragraph (2) of this subsection who serves the periods of active duty referred to in subparagraphs (A) and (C) of that paragraph shall be deemed to have served a continuous period of active duty whose length is the aggregate length of the periods of active duty referred to in such subparagraphs.

(2) This subsection applies to a member who—

(A) during the obligated period of active duty on which entitlement to assistance under this section is based, commences pursuit of a course of education—

(i) at a service academy; or

(ii) at a post-secondary school for the purpose of preparation for enrollment at a service academy;

(B) fails to complete the course of education; and

(C) re-enters on a period of active duty.

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

(Added Pub. L. 98–525, title VII, § 702(a)(1), Oct. 19, 1984, 98 Stat. 2554, § 1411; amended Pub. L. 99–145, title VI, § 674(1), Nov. 8, 1985, 99 Stat. 665; Pub. L. 99–576, title III, §§ 303(a)(1), 307(a)(1), 321(1), title VII, § 702(8), Oct. 28, 1986, 100 Stat. 3268, 3269, 3277, 3302; Pub. L. 100–48, § 3(a), June 1, 1987, 101 Stat. 331; Pub. L. 100–689, title I, §§ 102(a), 103(b)(1), 104(a), 111(a)(2)(A), (3), Nov. 18, 1988, 102 Stat. 4162, 4165, 4166, 4170, 4171; Pub. L. 101–237, title IV, §§ 409, 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2084, 2092; Pub. L. 101–510, div. A, title V, § 562(a)(1), (2), (b), Nov. 5, 1990, 104 Stat. 1573, 1574; Pub. L. 102–16, § 10(a)(1), Mar. 22, 1991, 105 Stat. 55; renumbered § 3011, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102–568, title III, §§ 302(a)(1), 303(a)(1), 304(a), 305(a), 306(a), Oct. 29, 1992, 106 Stat. 4326–4328; Pub. L. 103–446, title XII, § 1201(e)(10), (f)(2), Nov. 2, 1994, 108 Stat. 4685, 4687; Pub. L. 104–106, div. A, title XV, § 1501(e)(2)(A), Feb. 10, 1996, 110 Stat. 501; Pub. L. 104–201, div. A, title V, § 556(a), Sept. 23, 1996, 110

Stat. 2528; Pub. L. 105–368, title II, §§ 203(a), 207(a), Nov. 11, 1998, 112 Stat. 3326, 3328; Pub. L. 106–117, title VII, §§ 702(a), 704, Nov. 30, 1999, 113 Stat. 1583, 1584; Pub. L. 106–419, title I, §§ 102(a)(1), 103(a), 105(a)(1), Nov. 1, 2000, 114 Stat. 1824, 1825, 1828; Pub. L. 107–14, § 7(a)(1), (c)(1), June 5, 2001, 115 Stat. 31, 32; Pub. L. 107–103, title I, §§ 105(a), 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. 107–330, title III, § 308(a), Dec. 6, 2002, 116 Stat. 2827; Pub. L. 108–454, title I, § 109(a), Dec. 10, 2004, 118 Stat. 3604; Pub. L. 109–444, § 8(b)(2), Dec. 21, 2006, 120 Stat. 3313; Pub. L. 109–461, title X, §§ 1004(b)(2), 1006(b), Dec. 22, 2006, 120 Stat. 3466, 3468; Pub. L. 110–317, § 6(c)(1), Aug. 29, 2008, 122 Stat. 3529.)

PRIOR PROVISIONS

Prior section 3011 was renumbered section 5111 of this title.

Another prior section 3011, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1227; Pub. L. 86–490, June 8, 1960, 74 Stat. 161, related to the effective date of an award of increased compensation, dependency and indemnity compensation, or pension, prior to repeal by Pub. L. 87–825, § 5(a), Oct. 15, 1962, 76 Stat. 950.

AMENDMENTS

2008—Subsec. (a)(1)(A)(ii), (B)(ii), (C)(iii)(II). Pub. L. 110–317 inserted ''by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10),'' after ''service-connected disability,''.

2006—Subsec. (a)(1)(A)(ii)(III). Pub. L. 109–461, § 1006(b), provided that as of the enactment of Pub. L. 109–461, the amendments made by Pub. L. 109–444 were deemed for all purposes not to have taken effect and that Pub. L. 109–444 ceased to be in effect. See Amendment notes below and section 1006(b) of Pub. L. 109–461, set out as a Coordination of Provisions With Pub. L. 109–444 note under section 101 of this title.

Pub. L. 109–461, § 1004(b)(2), made technical amendment to directory language of Pub. L. 107–296. See 2002 Amendment note below.

Pub. L. 109–444, which made amendment identical to the amendment made by Pub. L. 109–461, § 1004(b)(2), was terminated by Pub. L. 109–461, § 1006(b). See Amendment notes above.

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

2002—Subsec. (a)(1)(A)(ii)(I). Pub. L. 107–296 substituted ''of Homeland Security'' for ''of Transportation''.

Subsec. (a)(1)(A)(ii)(III). Pub. L. 107–296, as amended by Pub. L. 109–461, § 1004(b)(2), substituted ''of Homeland Security'' for ''of Transportation''.

Subsec. (a)(1)(B)(ii)(III). Pub. L. 107–296 substituted ''of Homeland Security'' for ''of Transportation''.

Subsec. (a)(1)(C)(ii). Pub. L. 107–330 struck out ''on or'' after ''active duty''.

Subsec. (a)(1)(C)(iii)(II)(cc). Pub. L. 107–296 substituted ''of Homeland Security'' for ''of Transportation''.

2001—Subsec. (a)(1)(A)(i). Pub. L. 107–14, § 7(a)(1), substituted ''(I) in the case of an individual whose obligated period of active duty is three years or more, serves at least three years of continuous active duty in the Armed Forces, or (II) in the case of an individual whose obligated period of active duty is less than three years, serves'' for ''serves an obligated period of active duty of''.

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

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

Subsec. (e)(2). Pub. L. 107–14, § 7(c)(1)(A), inserted '', but not more frequently than monthly'' before period.

Subsec. (e)(3). Pub. L. 107–14, § 7(c)(1)(B), substituted ''multiples of $20'' for ''multiples of $4''.

Subsec. (e)(4). Pub. L. 107–14, § 7(c)(1)(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(a)(1)(A), added cl. (i) and struck out former cl. (i) which read as follows: ''who (I) serves, as the individual's initial obligated period of active duty, at least three years of continuous active duty in the Armed Forces, or (II) in the case of an individual whose initial period of active duty is less than three years, serves at least two years of continuous active duty in the Armed Forces; or''.

Subsec. (a)(1)(A)(ii)(II). Pub. L. 106–419, § 103(a)(1)(B), substituted ''if, in the case of an individual with an obligated period of service of two years, the individual completes not less than 20 months of continuous active duty under that period of obligated service, or, in the case of an individual with an obligated period of service of at least three years, the individual completes not less than 30 months of continuous active duty under that period of obligated service'' for ''in the case of an individual who completed not less than 20 months of continuous active duty, if the initial obligated period of active duty of the individual was less than three years, or in the case of an individual who completed not less than 30 months of continuous active duty if the initial obligated period of active duty of the individual was at least three years''.

Subsec. (a)(2). Pub. L. 106–419, § 102(a)(1)(A), added par. (2) and struck out former par. (2) which read as follows: ''who, except as provided in subsection (e) of this section, completed the requirements of a secondary school diploma (or equivalency certificate) not later than—

''(A) the original ending date of the individual's initial obligated period of active duty in the case of an individual described in clause (1)(A) of this subsection, regardless of whether the individual is discharged or released from active duty on such date; or

''(B) December 31, 1989, in the case of an individual described in clause (1)(B) of this subsection;

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. (d)(1). Pub. L. 106–419, § 103(a)(2), substituted ''obligated period of active duty on which an individual's entitlement to assistance under this section is based'' for ''individual's initial obligated period of active duty''.

Subsec. (e). Pub. L. 106–419, § 105(a)(1), added subsec. (e).

Pub. L. 106–419, § 102(a)(1)(B), struck out subsec. (e) 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. (h)(2)(A). Pub. L. 106–419, § 103(a)(3), substituted ''during the obligated period of active duty on which entitlement to assistance under this section is based,'' for ''during an initial period of active duty,''.

Subsec. (i). Pub. L. 106–419, § 103(a)(4), struck out ''initial'' before ''obligated period''.

1999—Subsec. (f)(1). Pub. L. 106–117, § 702(a)(1), substituted ''paragraph (2) or (3)'' for ''paragraph (2)''.

Subsec. (f)(3). Pub. L. 106–117, § 702(a)(2), added par. (3).

Subsec. (i). Pub. L. 106–117, §704, struck out ''Federal'' before ''Government''.

1998—Subsec. (a)(2). Pub. L. 105–368, §203(a), substituted ''successfully completed (or otherwise received academic credit for)'' for ''successfully completed'' in two places in concluding provisions.

Subsec. (i). Pub. L. 105–368, §207(a), added subsec. (i).

1996—Subsec. (c)(2). Pub. L. 104–201, §556(a)(1), struck out ''or upon completion of a program of educational assistance under section 2107 of title 10'' after ''Coast Guard Academy''.

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

Subsec. (d)(3). Pub. L. 104–106 substituted ''section 12301, 12302, 12304, 12306, or 12307 of title 10'' for ''section 672, 673, 673b, 674, or 675 of title 10''.

1994—Subsec. (e). Pub. L. 103–446, §1201(f)(2), substituted ''October 28, 1994,'' for ''the end of the 24-month period beginning on the date of the enactment of this subsection''.

Subsec. (f)(1). Pub. L. 103–446, §1201(e)(10), substituted ''the length of which'' for ''whose length''.

1992—Subsec. (a)(1)(B). Pub. L. 102–568, §302(a)(1), 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)(1)(A), inserted '', except as provided in subsection (e) of this section,'' after ''who''.

Subsec. (e). Pub. L. 102–568, §303(a)(1)(B), added subsec. (e).

Subsec. (f). Pub. L. 102–568, §304(a), added subsec. (f).

Subsec. (g). Pub. L. 102–568, §305(a), added subsec. (g).

Subsec. (h). Pub. L. 102–568, §306(a), added subsec. (h).

1991—Pub. L. 102–83 renumbered section 1411 of this title as this section.

Subsec. (a)(3). Pub. L. 102–16 added cls. (A) to (C), redesignated former cl. (C) as (D), and struck out former cls. (A) and (B) which read as follows:

''(A) is discharged from service with an honorable discharge, is placed on the retired list, is transferred to the Fleet Reserve or Fleet Marine Corps Reserve, or is placed on the temporary disability retired list;

''(B) continues on active duty; or''.

1990—Subsec. (a)(1)(A)(ii)(I). Pub. L. 101–510, §562(a)(1), substituted ''for'' for ''or for'' and inserted '', or for a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary of each military department in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy'' after ''hardship''.

Subsec. (a)(1)(B)(ii)(I). Pub. L. 101–510, §562(a)(2), substituted ''for'' for ''or for'' and inserted '', or for a physical or mental condition that was not characterized as a disability, as described in subparagraph (A)(ii)(I) of this paragraph'' after ''hardship''.

Subsec. (d)(1). Pub. L. 101–510, §562(b)(1), substituted ''paragraphs (2) and (3)'' for ''paragraph (2)''.

Subsec. (d)(3). Pub. L. 101–510, §562(b)(2), added par. (3).

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

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

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

Subsec. (a)(1)(A)(ii). Pub. L. 100–689, §102(a), inserted in subcl. (I) '', for a medical condition which preexisted such service on active duty and which the Administrator determines is not service connected,'', substituted a semicolon for '', or'' before subcl. (II), and added subcl. (III).

Subsec. (a)(1)(B)(ii). Pub. L. 100–689, §102(a), inserted in subcl. (I) '', for a medical condition which preexisted such service on active duty and which the Administrator determines is not service connected,'', substituted a semicolon for '', or'' before subcl. (II), and added subcl. (III).

Subsec. (a)(2). Pub. L. 100–689, §104(a), amended par. (2) generally. Prior to amendment, par. (2) read as follows: ''who, before completion of the service described in clause (1) of this subsection, has received a secondary school diploma (or an equivalency certificate); and''.

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

Subsec. (d). Pub. L. 100–689, §111(a)(3), added subsec. (d).

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, §702(8), inserted a comma after ''of this section''.

Subsec. (a)(1)(A)(ii)(II). Pub. L. 99–576, §321(1)(A), inserted ''continuous'' after ''months of'' in two places.

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

Subsec. (a)(1)(B)(ii)(II). Pub. L. 99–576, §321(1)(B), inserted ''continuous'' after ''months of''.

Subsec. (b). Pub. L. 99–576, §303(a)(1), 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 ''Amounts withheld from basic pay under this subsection 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 2006 AMENDMENT

Pub. L. 109–461, title X, §1004(b), Dec. 22, 2006, 120 Stat. 3466, provided that the amendment made by section 1004(b) is effective Nov. 25, 2002.

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

Pub. L. 107–103, title I, §106(b), Dec. 27, 2001, 115 Stat. 983, provided that: ''The amendments made by subsection (a) [amending this section and section 3012 of this title] shall apply with respect to educational assistance allowances paid under chapter 30 of title 38, United States Code, for months beginning after the date of the enactment of this Act [Dec. 27, 2001].''

Pub. L. 107–14, §7(a)(2), June 5, 2001, 115 Stat. 31, provided that: ''The amendment made by paragraph (1) [amending this section] shall take effect as if enacted on November 1, 2000, immediately after the enactment of the Veterans Benefits and Health Care Improvement Act of 2000 (Public Law 106–419).''

Pub. L. 107–14, §7(c)(4), June 5, 2001, 115 Stat. 33, provided that: ''The amendments made by this subsection [amending this section and sections 3012 and 3015 of this title] shall take effect as if included in the enactment of section 105 of the Veterans Benefits and Health Care

Improvement Act of 2000 (Public Law 106–419; 114 Stat. 1828).''

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106–419, title I, § 105(c), Nov. 1, 2000, 114 Stat. 1829, provided that: ''The amendments made by this section [amending this section and sections 3012 and 3015 of this title] shall take effect on May 1, 2001.''

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106–117, title VII, § 702(c), Nov. 30, 1999, 113 Stat. 1583, provided that: ''The amendments made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [Nov. 30, 1999] and apply with respect to an individual first appointed as a commissioned officer on or after July 1, 1985.''

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–368, title II, § 203(b), Nov. 11, 1998, 112 Stat. 3326, provided that: ''The amendments made by subsection (a) [amending this section and sections 3012 and 3018 to 3018C of this title] shall take effect on October 1, 1998.''

Pub. L. 105–368, title II, § 207(d)(1), Nov. 11, 1998, 112 Stat. 3328, provided that: ''The amendments made by subsections (a) and (b) [amending this section and section 3012 of this title] shall take effect 120 days after the date of the enactment of this Act [Nov. 11, 1998].''

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

Section 302(b) of Pub. L. 102–568 provided that: ''The amendments made by this section [amending this section and sections 3012 and 3031 of this title] shall take effect as of October 28, 1986.''

Section 304(b) of Pub. L. 102–568 provided that: ''The amendments made by subsection (a) [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 October 1, 1993.''

Section 305(b) of Pub. L. 102–568 provided that: ''The amendment made by subsection (a) [amending this section] shall take effect as if enacted on October 19, 1984.''

Section 306(b) of Pub. L. 102–568 provided that: ''The amendment made by subsection (a) [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 October 1, 1993.''

EFFECTIVE DATE OF 1990 AMENDMENT

Section 562(c) of Pub. L. 101–510 provided that: ''The amendments made by this section [amending this section and sections 1412 and 3103A [now 3012 and 5303A] of this title] shall take effect as of October 19, 1984.''

EFFECTIVE DATE OF 1988 AMENDMENT

Section 102(c) of Pub. L. 100–689 provided that: ''The amendments made by this section [amending this section and sections 1412, 1413, and 3103A [now 3012, 3013, and 5303A] of this title] shall take effect—

''(1) as of July 1, 1985, with respect to individuals discharged or released for a medical condition which preexisted service on active duty or in the Selected Reserve and which the Administrator determines is not service connected; and

''(2) as of October 1, 1987, with respect to individuals involuntarily discharged or released for the convenience of the Government as a result of a reduction in force.''

EFFECTIVE DATE OF 1986 AMENDMENT

Section 303(b) of Pub. L. 99–576 provided that: ''The amendments made by subsection (a) [amending this section and section 1412 [now 3012] of this title] shall apply to any reduction in basic pay made under section 1411(b) [now 3011(b)] or 1412(c) [now 3012(c)] of title 38, United States Code, after December 31, 1985.''

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.

TRANSITIONAL PROVISION FOR INDIVIDUALS DISCHARGED BETWEEN ENACTMENT AND EFFECTIVE DATE

Pub. L. 106–419, title I, § 105(d), Nov. 1, 2000, 114 Stat. 1830, provided that:

''(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