

[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)<sup>1</sup> 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)<sup>1</sup> 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, §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.

<sup>1</sup> See References in Text note below.