

(3) The period for which, by reason of this subsection, an educational assistance allowance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the portion of the period of enrollment in the course or courses for which the individual failed to receive credit or with respect to which the individual lost training time, as determined under paragraph (2)(C) of this subsection.

(Added Pub. L. 98-525, title VII, §702(a)(1), Oct. 19, 1984, 98 Stat. 2557, §1413; amended Pub. L. 99-576, title III, §321(3), Oct. 28, 1986, 100 Stat. 3277; Pub. L. 100-689, title I, §§102(b)(2), 103(b)(2), 111(a)(4), Nov. 18, 1988, 102 Stat. 4163, 4165, 4171; Pub. L. 101-237, title IV, §423(a)(2), Dec. 18, 1989, 103 Stat. 2091; Pub. L. 101-510, div. A, title V, §561(b)(1), Nov. 5, 1990, 104 Stat. 1573; renumbered §3013 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-127, §2(a), Oct. 10, 1991, 105 Stat. 619; Pub. L. 102-484, div. D, title XLIV, §4404(b)(2), Oct. 23, 1992, 106 Stat. 2706; Pub. L. 104-275, title I, §106(b)(2), Oct. 9, 1996, 110 Stat. 3329; Pub. L. 106-419, title I, §103(c), Nov. 1, 2000, 114 Stat. 1826; Pub. L. 107-103, title I, §103(a), (d), Dec. 27, 2001, 115 Stat. 979.)

PRIOR PROVISIONS

Prior section 3013 was renumbered section 5113 of this title.

AMENDMENTS

2001—Subsec. (f)(2)(A). Pub. L. 107-103, §103(a), substituted “to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10;” for “, in connection with the Persian Gulf War, to serve on active duty under section 672(a), (d), or (g), 673b, or 688 of title 10;”.

Subsec. (f)(2)(B). Pub. L. 107-103, §103(d), struck out “, in connection with such War,” after “being ordered”.

2000—Subsecs. (a)(2), (b)(1). Pub. L. 106-419 substituted “obligated period of active duty on which such entitlement is based” for “individual’s initial obligated period of active duty”.

1996—Subsec. (d). Pub. L. 104-275 substituted “, 3018B, or 3018C” for “or 3018B”.

1992—Subsec. (d). Pub. L. 102-484 inserted “or 3018B” after “section 3018A” in introductory provisions.

1991—Pub. L. 102-83, §5(a), renumbered section 1413 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “3695” for “1795” in two places, “3011” for “1411”, “3011(a)(1)(A)(ii)(I)” for “1411(a)(1)(A)(ii)(I)” in two places, “3011(a)(1)(A)(i)” for “1411(a)(1)(A)(i)”, “3011(a)(1)(B)(ii)(I)” for “1411(a)(1)(B)(ii)(I)” in two places, and “3011(a)(1)(B)(i)” for “1411(a)(1)(B)(i)”.

Subsec. (b). Pub. L. 102-83, §5(c)(1), substituted “3695” for “1795”, “3012” for “1412”, “3012(a)(1)(A)” for “1412(a)(1)(A)”, and “3012(a)(1)(B)” for “1412(a)(1)(B)”.

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted “3695” for “1795” wherever appearing, “3018” for “1418”, “3018(b)(3)” for “1418(b)(3)” in two places, and “3018(c)” for “1418(c)”.

Subsec. (d). Pub. L. 102-83, §5(c)(1), substituted “3695” for “1795” and “3018A” for “1418A”.

Subsec. (f). Pub. L. 102-127 added subsec. (f).

1990—Subsecs. (d), (e). Pub. L. 101-510 added subsec. (d) and redesignated former subsec. (d) as (e).

1989—Subsec. (a)(2). Pub. L. 101-237, §423(a)(2)(A), substituted “subsection (d)” for “subsection (c)”.

Pub. L. 101-237, §423(a)(2)(B), substituted “section 1411(a)(1)(A)(ii)(I) or (III) of this title, or” for “section 1411(a)(1)(B)(ii)(I) or (III) of this title, or”.

Subsec. (b). Pub. L. 101-237, §423(a)(2)(A), substituted “subsection (d)” for “subsection (c)”.

Subsec. (c)(1). Pub. L. 101-237, §423(a)(2)(C)(i), inserted reference to par. (3).

Subsec. (c)(3). Pub. L. 101-237, §423(a)(2)(C)(ii), added par. (3).

1988—Subsec. (a)(2). Pub. L. 100-689, §111(a)(4)(A), substituted “Subject to section 1795 of this title and subsection (c) of this section, in the case” for “In the case” and “continuous active duty served by such individual after June 30, 1985, as part of the individual’s initial obligated period of active duty in the case of an individual described in section 1411(a)(1)(B)(ii)(I) or (III) of this title, or in the case of an individual described in section 1411(a)(1)(B)(ii)(I) or (III) of this title, after June 30, 1985” for “active duty served by such individual after the date of the beginning of the period for which the individual’s basic pay is reduced under section 1411(b) of this title, in the case of an individual described in section 1411(a)(1)(A)(ii)(I) of this title, or after June 30, 1985, in the case of an individual described in section 1411(a)(1)(B)(ii)(I) of this title”.

Pub. L. 100-689, §102(b)(2), inserted “or (III)” after “section 1411(a)(1)(A)(ii)(I)” and after “section 1411(a)(1)(B)(ii)(I)”, the first place each appears.

Subsec. (b)(1). Pub. L. 100-689, §111(a)(4)(B), substituted “continuous active duty served by such individual after June 30, 1985, as part of the individual’s initial obligated period of active duty in the case of an individual described in section 1412(a)(1)(A) of this title, or in the case of an individual described in section 1412(a)(1)(B) of this title, after June 30, 1985” for “active duty served by such individual after the date of the beginning of the period for which such individual’s basic pay is reduced under section 1412(c) of this title, in the case of an individual described in section 1412(a)(1)(A), or after June 30, 1985, in the case of an individual described in section 1412(a)(1)(B) of this title”.

Subsecs. (c), (d). Pub. L. 100-689, §103(b)(2), added subsec. (c) and redesignated former subsec. (c) as (d).

1986—Subsec. (a)(2). Pub. L. 99-576, §321(3)(A), inserted “after the date of the beginning of the period for which the individual’s basic pay is reduced under section 1411(b) of this title, in the case of an individual described in section 1411(a)(1)(A)(ii)(I) of this title, or after June 30, 1985, in the case of an individual described in section 1411(a)(1)(B)(ii)(I) of this title”.

Subsec. (b)(1). Pub. L. 99-576, §321(3)(B)(i), inserted “after the date of the beginning of the period for which such individual’s basic pay is reduced under section 1412(c) of this title, in the case of an individual described in section 1412(a)(1)(A), or after June 30, 1985, in the case of an individual described in section 1412(a)(1)(B) of this title”.

Subsec. (b)(2). Pub. L. 99-576, §321(3)(B)(ii), inserted “after the applicable date specified in clause (1) of this subsection” after “Selected Reserve”.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-103, title I, §103(e), Dec. 27, 2001, 115 Stat. 980, provided that: “The amendments made by this section [amending this section and sections 3103, 3105, 3231, 3511, and 3512 of this title] shall take effect as of September 11, 2001.”

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 102(b)(2) of Pub. L. 100-689 effective July 1, 1985, with respect to individuals discharged or released for medical condition which pre-existed 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.

§ 3014. Payment of basic educational assistance

(a) The Secretary shall pay to each individual entitled to basic educational assistance who is

pursuing an approved program of education a basic educational assistance allowance to help meet, in part, the expenses of such individual's subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

(b)(1) In the case of an individual entitled to basic educational assistance who is pursuing education or training described in subsection (a) or (c) of section 2007 of title 10, the Secretary shall, at the election of the individual, pay the individual a basic educational assistance allowance to meet all or a portion of the charges of the educational institution for the education or training that are not paid by the Secretary of the military department concerned under such subsection.

(2)(A) The amount of the basic educational assistance allowance payable to an individual under this subsection for a month shall be the amount of the basic educational assistance allowance to which the individual would be entitled for the month under section 3015 of this title.

(B) The maximum number of months for which an individual may be paid a basic educational assistance allowance under paragraph (1) is 36.

(C) The number of months of entitlement charged under this chapter in the case of an individual who has been paid a basic educational assistance allowance under this subsection shall be equal to the number (including any fraction) determined by dividing the total amount of such educational assistance allowance paid the individual by the full-time monthly institutional rate of educational assistance which such individual would otherwise be paid under subsection (a)(1), (b)(1), (c)(1), (d)(1), or (e)(1) of section 3015 of this title, as the case may be.

(Added Pub. L. 98-525, title VII, §702(a)(1), Oct. 19, 1984, 98 Stat. 2557, §1414; amended Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered §3014, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 106-398, §1 [[div. A], title XVI, §1602(b)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-359; Pub. L. 107-14, §7(b)(1), June 5, 2001, 115 Stat. 31.)

AMENDMENTS

2001—Subsec. (b)(2)(A). Pub. L. 107-14, §7(b)(1)(A), struck out “(without regard to subsection (g) of that section) were payment made under that section instead of under this subsection” before period at end.

Subsec. (b)(2)(C). Pub. L. 107-14, §7(b)(1)(B), added subpar. (C).

2000—Pub. L. 106-398 designated existing provisions as subsec. (a) and added subsec. (b).

1991—Pub. L. 102-83 renumbered section 1414 of this title as this section.

1989—Pub. L. 101-237 substituted “Secretary” for “Administrator”.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-14, §7(b)(3), June 5, 2001, 115 Stat. 32, provided that: “The amendments made by this subsection [amending this section and sections 3015 and 3032 of this title] 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).”

§3014A. Accelerated payment of basic educational assistance for education leading to employment in high technology occupation in high technology industry

(a) An individual described in subsection (b) who is entitled to basic educational assistance under this subchapter may elect to receive an accelerated payment of the basic educational assistance allowance otherwise payable to the individual under section 3015 of this title.

(b) An individual described in this subsection is an individual who is—

(1) enrolled in an approved program of education that leads to employment in a high technology occupation in a high technology industry (as determined pursuant to regulations prescribed by the Secretary); and

(2) charged tuition and fees for the program of education that, when divided by the number of months (and fractions thereof) in the enrollment period, exceeds the amount equal to 200 percent of the monthly rate of basic educational assistance allowance otherwise payable to the individual under section 3015 of this title.

(c)(1) The amount of the accelerated payment of basic educational assistance made to an individual making an election under subsection (a) for a program of education shall be the lesser of—

(A) the amount equal to 60 percent of the established charges for the program of education; or

(B) the aggregate amount of basic educational assistance to which the individual remains entitled under this chapter at the time of the payment.

(2) In this subsection, the term “established charges”, in the case of a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay. Established charges shall be determined on the following basis:

(A) In the case of an individual enrolled in a program of education offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the term, quarter, or semester.

(B) In the case of an individual enrolled in a program of education not offered on a term, quarter, or semester basis, the tuition and fees charged the individual for the entire program of education.

(3) The educational institution providing the program of education for which an accelerated payment of basic educational assistance allowance is elected by an individual under subsection (a) shall certify to the Secretary the amount of the established charges for the program of education.

(d) An accelerated payment of basic educational assistance made to an individual under this section for a program of education shall be made not later than the last day of the month immediately following the month in which the Secretary receives a certification from the educational institution regarding—