

§ 1663(b)(2), (5), Oct. 5, 1994, 108 Stat. 3006, 3007; Pub. L. 105-85, div. A, title V, § 553(b), Nov. 18, 1997, 111 Stat. 1748; Pub. L. 105-261, div. A, title V, § 561(q), Oct. 17, 1998, 112 Stat. 2027; Pub. L. 106-398, § 1 [[div. A], title V, § 571(p)], Oct. 30, 2000, 114 Stat. 1654, 1654A-135; Pub. L. 107-314, div. A, title VI, § 641(a), Dec. 2, 2002, 116 Stat. 2576; Pub. L. 110-181, div. A, title V, § 529, Jan. 28, 2008, 122 Stat. 110; Pub. L. 110-252, title V, § 5006(d), June 30, 2008, 122 Stat. 2386; Pub. L. 114-315, title IV, § 416(b), Dec. 16, 2016, 130 Stat. 1565.)

### Editorial Notes

#### AMENDMENTS

2016—Subsec. (b)(4). Pub. L. 114-315 substituted “12304, 12304a, or 12304b” for “or 12304” in introductory provisions.

2008—Subsec. (a). Pub. L. 110-252 substituted “on the date the person is separated from the Selected Reserve.” for “(1) at the end of the 14-year period beginning on the date on which such person becomes entitled to such assistance, or (2) on the date the person is separated from the Selected Reserve, whichever occurs first.”

Subsec. (b)(1)(B). Pub. L. 110-181 inserted “or the period beginning on October 1, 2007, and ending on September 30, 2014,” after “December 31, 2001.”

2002—Subsec. (a)(1). Pub. L. 107-314 substituted “14-year” for “10-year”.

2000—Subsec. (b)(1)(B). Pub. L. 106-398 substituted “December 31, 2001” for “September 30, 2001”.

1998—Subsec. (b)(1)(B). Pub. L. 105-261 substituted “September 30, 2001” for “September 30, 1999”.

1997—Subsec. (b)(4). Pub. L. 105-85 struck out “(A)” before “In the case of”, redesignated cls. (i) and (ii) as subpars. (A) and (B), respectively, struck out “, during the Persian Gulf War,” after “Ready Reserve who”, and struck out former subpar. (B) which read as follows: “For the purposes of this paragraph, the term ‘Persian Gulf War’ shall have the meaning given such term in section 101(33) of title 38.”

1994—Pub. L. 103-337, § 1663(b)(2), renumbered section 2133 of this title as this section.

Subsec. (b)(1)(B). Pub. L. 103-337, § 1663(b)(5)(A), substituted “10143(a)” for “268(b)”.

Subsec. (b)(4)(A). Pub. L. 103-337, § 1663(b)(5)(B), substituted “12301(a), 12301(d), 12301(g), 12302, or 12304” for “672(a), (d), or (g), 673, or 673b”.

1993—Subsec. (b)(1)(B). Pub. L. 103-160 substituted “September 30, 1999” for “September 30, 1995”.

1992—Subsec. (b)(1). Pub. L. 102-484 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “In the case of a person separated from the Selected Reserve because of a disability which was not the result of the individual’s own willful misconduct incurred on or after the date on which such person became entitled to educational assistance under this chapter, the period for using entitlement prescribed by subsection (a) shall be determined without regard to clause (2) of such subsection.”

Subsec. (b)(2), (3). Pub. L. 102-568 substituted “section 3031(f) of title 38” for “section 1431(f) of title 38” in par. (2) and “section 3031(d) of title 38” for “section 1431(d) of title 38” in par. (3).

1991—Subsec. (b)(4). Pub. L. 102-127 added par. (4).

1988—Subsec. (a). Pub. L. 100-689, § 111(b)(5)(A), substituted “chapter” for “section”.

Subsec. (b). Pub. L. 100-689, § 111(b)(5)(B), added par. (1), redesignated existing pars. (1) and (2) as (2) and (3), respectively, and directed the substitution of “1431(f)” for “1431(e)” in par. (2) as redesignated, which could not be executed because such substitution was previously made by Pub. L. 100-456, prior to redesignation of par. (1) as (2), see below.

Pub. L. 100-456 substituted “section 1431(f)” for “section 1431(e)” in par. (1).

1984—Pub. L. 98-525 amended section generally, substituting provisions setting a time limit for the use of

educational entitlement for provisions covering the termination of assistance and refund by members. See section 2134 of this title.

1980—Subsec. (a). Pub. L. 96-513 inserted “of this title” after “2131” and “2107”.

1979—Subsec. (b). Pub. L. 96-107 redesignated existing provisions as par. (1), inserted provisions respecting agreement for term of enlistment, substituted provisions relating to computation under par. (2) for provisions relating to computation under section 2131, and added par. (2).

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-314, div. A, title VI, § 641(b), Dec. 2, 2002, 116 Stat. 2577, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 2002, and shall apply with respect to periods of entitlement to educational assistance under chapter 1606 of title 10, United States Code, that begin on or after October 1, 1992.”

#### 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 this title.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-525 effective July 1, 1985, applicable only to members of the Armed Forces who qualify for educational assistance under this chapter on or after such date, see section 705(b) of Pub. L. 98-525, set out as a note under section 16131 of this title.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

#### EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-107 applicable only to individuals enlisting in the Reserves after Sept. 30, 1979, see section 402(c) of Pub. L. 96-107, set out as a note under section 16131 of this title.

#### EXTENSION OF TIME LIMITATIONS FOR USE OF ENTITLEMENT: EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE

Pub. L. 116-140, § 6(d), Apr. 28, 2020, 134 Stat. 634, provided that: “During the covered period, the Secretary concerned shall apply section 16133(b) of title 10, United States Code, as if it were amended by adding at the end the following new paragraph:

“(5) In any case in which the Secretary concerned determines that a person entitled to educational assistance under this chapter has been prevented from using such person’s entitlement by reason of an Executive order of the President or due to an emergency situation, the Secretary concerned shall extend the period of entitlement prescribed in subsection (a) for a period equal to the number of months that the person was so prevented from using such entitlement, as determined by the Secretary.”

[The term “covered period” as used in section 6(d) of Pub. L. 116-140, set out above, means Mar. 1, 2020, to June 1, 2022, see section 2 of Pub. L. 116-140, set out as a note under section 3031 of Title 38, Veterans’ Benefits.]

### § 16134. Termination of assistance

Educational assistance may not be provided under this chapter—

- (1) to a member receiving financial assistance under section 2107 of this title as a member of the Senior Reserve Officers’ Training Corps program; or

(2) to a member who fails to participate satisfactorily in required training as a member of the Selected Reserve.

(Added Pub. L. 95-79, title IV, §402(a), July 30, 1977, 91 Stat. 330, §2134; amended Pub. L. 98-94, title XII, §1268(14), Sept. 24, 1983, 97 Stat. 707; Pub. L. 98-525, title VII, §705(a)(1), Oct. 19, 1984, 98 Stat. 2566; renumbered §16134, Pub. L. 103-337, div. A, title XVI, §1663(b)(2), Oct. 5, 1994, 108 Stat. 3006.)

#### Editorial Notes

##### AMENDMENTS

1994—Pub. L. 103-337 renumbered section 2134 of this title as this section.

1984—Pub. L. 98-525 amended section generally, substituting provisions covering termination of educational assistance for provisions relating to reports to Congress. See section 16137 of this title.

1983—Pub. L. 98-94 struck out provision requiring the first report under this section to be submitted not later than Dec. 31, 1977.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-525 effective July 1, 1985, applicable only to members of the Armed Forces who qualify for educational assistance under this chapter on or after such date, see section 705(b) of Pub. L. 98-525, set out as a note under section 16131 of this title.

#### § 16135. Failure to participate satisfactorily; penalties

(a) PENALTIES.—At the option of the Secretary concerned, a member of the Selected Reserve of an armed force who does not participate satisfactorily in required training as a member of the Selected Reserve during a term of enlistment or other period of obligated service that created entitlement of the member to educational assistance under this chapter, and during which the member has received such assistance, may—

(1) be ordered to active duty for a period of two years or the period of obligated service the person has remaining under section 16132 of this title, whichever is less; or

(2) be subject to the repayment provisions under section 303a(e) or 373 of title 37.

(b) EFFECT OF REPAYMENT.—Any repayment under section 303a(e) or 373 of title 37 shall not affect the period of obligation of a member to serve as a Reserve in the Selected Reserve.

(Added Pub. L. 95-79, title IV, §402(a), July 30, 1977, 91 Stat. 330, §2135; amended Pub. L. 95-485, title IV, §402(b), Oct. 20, 1978, 92 Stat. 1613; Pub. L. 96-342, title IX, §906(b), Sept. 8, 1980, 94 Stat. 1117; Pub. L. 98-525, title VII, §705(a)(1), Oct. 19, 1984, 98 Stat. 2566; Pub. L. 100-689, title I, §111(b)(6), Nov. 18, 1988, 102 Stat. 4173; renumbered §16135 and amended Pub. L. 103-337, div. A, title XVI, §1663(b)(2), (6), Oct. 5, 1994, 108 Stat. 3006, 3007; Pub. L. 104-106, div. A, title XV, §1501(b)(35), Feb. 10, 1996, 110 Stat. 498; Pub. L. 107-314, div. A, title VI, §642, Dec. 2, 2002, 116 Stat. 2577; Pub. L. 109-163, div. A, title VI, §687(c)(12), Jan. 6, 2006, 119 Stat. 3335; Pub. L. 115-91, div. A, title VI, §618(a)(1)(N), Dec. 12, 2017, 131 Stat. 1426.)

#### Editorial Notes

##### AMENDMENTS

2017—Subsecs. (a)(2), (b). Pub. L. 115-91 inserted “or 373” before “of title 37”.

2006—Pub. L. 109-163 reenacted section catchline without change and amended text generally. Prior to amendment, section consisted of subsecs. (a) to (c) relating to penalties for failure of a member of the Selected Reserve of the Ready Reserve of an armed force to participate satisfactorily in required training.

2002—Subsec. (c). Pub. L. 107-314 added subsec. (c).

1996—Subsec. (b)(1)(A). Pub. L. 104-106 substituted “16131(a)” for “2131(a)”.

1994—Pub. L. 103-337, §1663(b)(2), renumbered section 2135 of this title as this section.

Subsec. (a)(1)(A). Pub. L. 103-337, §1663(b)(6)(A), substituted “16132” for “2132”.

Subsec. (b)(1)(A). Pub. L. 103-337, §1663(b)(6)(B), which directed substitution of “section 16132(a)” for “section 2132(a)”, could not be executed because “section 2132(a)” does not appear in subsec. (b)(1)(A).

1988—Subsec. (a)(1). Pub. L. 100-689, §111(b)(6)(A), inserted “, and during which the member has received such assistance,” after “chapter”.

Subsec. (b)(1)(A). Pub. L. 100-689, §111(b)(6)(B), added subpar. (A) and struck out former subpar. (A) which read as follows: “the number of months of obligated service remaining under the agreement entered into under section 2132(a)(3) divided by the original number of months of such obligation; and”.

1984—Pub. L. 98-525 amended section generally, substituting provisions relating to the failure to participate satisfactorily and penalties for provisions which had designated Sept. 30, 1985, as the termination date for enlistments qualifying for educational assistance.

1980—Pub. L. 96-342 substituted “1985” for “1980”.

1978—Pub. L. 95-485 substituted “1980” for “1978”.

#### Statutory Notes and Related Subsidiaries

##### 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 this title.

##### 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 this title.

##### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-525 effective July 1, 1985, applicable only to members of the Armed Forces who qualify for educational assistance under this chapter on or after such date, see section 705(b) of Pub. L. 98-525, set out as a note under section 16131 of this title.

##### SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(c) of Pub. L. 109-163, see section 687(f) of Pub. L. 109-163, set out as a note under section 510 of this title.

#### § 16136. Administration of program

(a) Educational assistance under this chapter shall be provided through the Department of Veterans Affairs, under agreements to be entered into by the Secretary of Defense, and by the Secretary of Homeland Security, with the Secretary of Veterans Affairs. Such agreements shall include administrative procedures to en-