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-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE

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CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE

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AMENDMENTS

1992 - Pub. L. 102-568, title III, Sec. 313(a)(3)(B), Oct. 29, 1992, 106 Stat. 4332, struck out item 3473 "Disapproval of enrollment in certain courses".

1991 - Pub. L. 102-83, Sec. 5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 1651 to 1693 as 3451 to 3493, respectively.

Pub. L. 102-16, Sec. 2(b)(1)(B), Mar. 22, 1991, 105 Stat. 49, struck out item 1663 "Educational and vocational counseling".

1989 - Pub. L. 101-237, title IV, Sec. 405(d)(4)(B), Dec. 18, 1989, 103 Stat. 2082, substituted "Work-study allowance" for "Veteran-student services" in item 1685.

1988 - Pub. L. 100-689, title I, Secs. 107(c)(2)(B), 124(c)(1), Nov. 18, 1988, 102 Stat. 4169, 4175, substituted "Tutorial assistance" for "Special supplementary assistance" in item 1692 and struck out items 1682A "Accelerated payment of educational

assistance allowances" and 1686 "Education loans".

1981 - Pub. L. 97-35, title XX, Sec. 2003(b)(3)(B), Aug. 13, 1981, 95 Stat. 782, struck out item 1677 "Flight training".

1980 - Pub. L. 96-466, title VI, Sec. 601(a)(2), Oct. 17, 1980, 94 Stat. 2208, struck out "SUBCHAPTER VI - PREDISCHARGE EDUCATION PROGRAM" heading and items 1695 "Purpose; definition", 1696 "Payment of educational assistance allowance", 1697 "Educational and vocational guidance", and 1698 "Coordination with and participation by Department of Defense".

1977 - Pub. L. 95-202, title II, Sec. 201(c)(1), Nov. 23, 1977, 91 Stat. 1438, added item 1682A.

1976 - Pub. L. 94-502, title II, Sec. 210(4), Oct. 15, 1976, 90 Stat. 2388, renumbered item 1697A as 1698.

1974 - Pub. L. 93-508, title III, Sec. 302(b), Dec. 3, 1974, 88 Stat. 1591, added item 1686.

1972 - Pub. L. 92-540, title IV, Sec. 404(a), Oct. 24, 1972, 86 Stat. 1090, inserted in Subchapter IV heading "VETERAN-STUDENT SERVICES", and substituted in item 1683 "Approval of courses" for "Apprenticeship or other on-job training"; in item 1684 "Apprenticeship or other on-job training; correspondence courses" for "Measurement of courses", and in item 1685 "Veteran-student services" for "Overcharges by educational institutions", struck out item 1672 "Change of program", item 1675 "Period of operation for approval", item 1686 "Approval of courses", and item 1687 "Discontinuance of allowances", and added item 1697A.

1970 - Pub. L. 91-219, title II, Sec. 204(b), Mar. 26, 1970, 84 Stat. 81, struck out item 1678 "Special training for the educationally disadvantaged" and added subchapters V and VI.

1967 - Pub. L. 90-77, title III, Secs. 302(c), 304(b), 306(b)(1), Aug. 31, 1967, 81 Stat. 185, 186, 188, added items 1677, 1678, and 1683, and renumbered former items 1683 to 1686 as 1684 to 1687, respectively.

1966 - Pub. L. 89-358, Sec. 2, Mar. 3, 1966, 80 Stat. 12, added "CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE".

-End-

-CITE-

38 USC SUBCHAPTER I - PURPOSE - DEFINITIONS

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
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38 USC Sec. 3451

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE

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Sec. 3451. Purpose

-STATUTE-

The Congress of the United States hereby declares that the education program created by this chapter is for the purpose of (1) enhancing and making more attractive service in the Armed Forces of the United States, (2) extending the benefits of a higher education to qualified and deserving young persons who might not otherwise be able to afford such an education, (3) providing vocational readjustment and restoring lost educational opportunities to those service men and women whose careers have been interrupted or impeded by reason of active duty after January 31, 1955, and (4) aiding such persons in attaining the vocational and educational status which they might normally have aspired to and obtained had they not served their country.

-SOURCE-

(Added Pub. L. 89-358, Sec. 2, Mar. 3, 1966, 80 Stat. 12, Sec. 1651; renumbered Sec. 3451, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

PRIOR PROVISIONS

Provisions similar to those comprising clauses (3) and (4) of this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1175, which was classified to former section 1601(c) of this title, prior to repeal by section 4(a) of Pub. L. 89-358.

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1651 of this title as this section.

EFFECTIVE DATE

Section 12(a) of Pub. L. 89-358 provided that: "Except as otherwise specifically provided, the provisions of this Act [see Tables for classification] shall take effect on the date of its enactment [Mar. 3, 1966], but no educational assistance allowance shall be payable under chapter 34 of title 38, United States Code, as added by section 2 of this Act, for any period before June 1, 1966, nor for the month of June 1966, unless (1) the eligible veteran commenced the pursuit of the course of education on or after June 1, 1966, or (2) the pursuit of such course continued through June 30, 1966."

SAVINGS PROVISION

Section 4(b) of Pub. L. 89-358 provided that: "Nothing in this Act or any amendment or repeal made by it [see Tables for classification], shall affect any right or liability (civil or criminal) which matured under chapter 33 of this title 38 before the date of enactment of this Act [Mar. 3, 1966]: and all offenses committed, and all penalties and forfeitures incurred, under any provision of law amended or repealed by this Act, may be punished or recovered, as the case may be, in the same manner and with the same effect as if such amendments or repeals had not been made."

-End-

-CITE-

38 USC Sec. 3452

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
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Sec. 3452. Definitions

-STATUTE-

For the purposes of this chapter and chapter 36 of this title -

(a)(1) The term "eligible veteran" means any veteran who -

(A) served on active duty for a period of more than 180 days, any part of which occurred after January 31, 1955, and before January 1, 1977, and was discharged or released therefrom under conditions other than dishonorable;

(B) contracted with the Armed Forces and was enlisted in or assigned to a reserve component prior to January 1, 1977, and as a result of such enlistment or assignment served on active duty for a period of more than 180 days, any part of which commenced within 12 months after January 1, 1977, and was discharged or released from such active duty under conditions other than dishonorable; or

(C) was discharged or released from active duty, any part of which was performed after January 31, 1955, and before January 1, 1977, or following entrance into active service from an enlistment provided for under subparagraph (B), because of a service-connected disability.

(2) The requirement of discharge or release, prescribed in subparagraph (A) or (B) of paragraph (1), shall be waived in the case of any individual who served more than 180 days in an active-duty status for so long as such individual continues on active duty without a break therein.

(3) For purposes of paragraph (1)(A) and section 3461(a), the term "active duty" does not include any period during which an individual (A) was assigned full time by the Armed Forces to a civilian institution for a course of education which was substantially the same as established courses offered to civilians, (B) served as a cadet or midshipman at one of the service academies, or (C) served under the provisions of section 12103(d) of title 10 pursuant to an enlistment in the Army National Guard or the Air National Guard or as a Reserve for service in the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve unless at some time subsequent to the completion of such period of active duty for training such individual served on active duty for a consecutive period of one year or more (not including any service as a cadet or midshipman at one of the service academies).

(b) The term "program of education" means any curriculum or any combination of unit courses or subjects pursued at an educational institution which is generally accepted as necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective. Such term also means any curriculum of unit courses or subjects pursued at an educational institution which fulfill requirements for the

attainment of more than one predetermined and identified educational, professional, or vocational objective if all the objectives pursued are generally recognized as being reasonably related to a single career field. Such term also means any unit course or subject, or combination of courses or subjects, pursued by an eligible veteran at an educational institution, required by the Administrator of the Small Business Administration as a condition to obtaining financial assistance under the provisions of section 7(i)(1) of the Small Business Act (15 U.S.C. 636(i)(1)). Such term also includes licensing or certification tests, the successful completion of which demonstrates an individual's possession of the knowledge or skill required to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession, provided such tests and the licensing or credentialing organizations or entities that offer such tests are approved by the Secretary in accordance with section 3689 of this title. Such term also includes any course, or combination of courses, offered by a qualified provider of entrepreneurship courses. Such term also includes national tests for admission to institutions of higher learning or graduate schools (such as the Scholastic Aptitude Test (SAT), Law School Admission Test (LSAT), Graduate Record Exam (GRE), and Graduate Management Admission Test (GMAT)) and national tests providing an opportunity for course credit at institutions of higher learning (such as the Advanced Placement (AP) exam and College-Level Examination Program (CLEP)).

(c) The term "educational institution" means any public or private elementary school, secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution, or other institution furnishing education for adults. Such term includes any entity that provides training required for completion of any State-approved alternative teacher certification program (as determined by the Secretary). Such term also includes any private entity (that meets such requirements as the Secretary may establish) that offers, either directly or under an agreement with another entity (that meets such requirements), a course or courses to fulfill requirements for the attainment of a license or certificate generally recognized as necessary to obtain, maintain, or advance in employment in a profession or vocation in a high technology occupation (as determined by the Secretary). Such term also includes any qualified provider of entrepreneurship courses.

(d) The term "dependent" means -

- (1) a child of an eligible veteran;
- (2) a dependent parent of an eligible veteran; and
- (3) the spouse of an eligible veteran.

(e) The term "training establishment" means any of the following:

- (1) An establishment providing apprentice or other on-job training, including those under the supervision of a college or university or any State department of education.
- (2) An establishment providing self-employment on-job training consisting of full-time training for a period of less than six months that is needed or accepted for purposes of obtaining licensure to engage in a self-employment occupation or required for ownership and operation of a franchise that is the objective of the training.
- (3) A State board of vocational education.
- (4) A Federal or State apprenticeship registration agency.
- (5) The sponsor of a program of apprenticeship.

(6) An agency of the Federal Government authorized to supervise such training.

(f) The term "institution of higher learning" means a college, university, or similar institution, including a technical or business school, offering postsecondary level academic instruction that leads to an associate or higher degree if the school is empowered by the appropriate State education authority under State law to grant an associate or higher degree. When there is no State law to authorize the granting of a degree, the school may be recognized as an institution of higher learning if it is accredited for degree programs by a recognized accrediting agency. Such term shall also include a hospital offering educational programs at the postsecondary level without regard to whether the hospital grants a postsecondary degree. Such term shall also include an educational institution which is not located in a State, which offers a course leading to a standard college degree, or the equivalent, and which is recognized as such by the secretary of education (or comparable official) of the country or other jurisdiction in which the institution is located.

(g) The term "standard college degree" means an associate or higher degree awarded by (1) an institution of higher learning that is accredited as a collegiate institution by a recognized regional or national accrediting agency; or (2) an institution of higher learning that is a "candidate" for accreditation as that term is used by the regional or national accrediting agencies; or (3) an institution of higher learning upon completion of a course which is accredited by an agency recognized to accredit specialized degree-level programs. For the purpose of this section, the accrediting agency must be one recognized by the Secretary of Education under the provisions of section 3675 of this title.

(h) The term "qualified provider of entrepreneurship courses" means any of the following entities insofar as such entity offers, sponsors, or cosponsors an entrepreneurship course (as defined in section 3675(c)(2) of this title):

(1) Any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648).

(2) The National Veterans Business Development Corporation (established under section 33 of the Small Business Act (15 U.S.C. 657c)).

-SOURCE-

(Added Pub. L. 89-358, Sec. 2, Mar. 3, 1966, 80 Stat. 13, Sec. 1652; amended Pub. L. 90-77, title III, Sec. 304(c), Aug. 31, 1967, 81 Stat. 186; Pub. L. 91-219, title II, Sec. 201, Mar. 26, 1970, 84 Stat. 78; Pub. L. 91-584, Sec. 10, Dec. 24, 1970, 84 Stat. 1577; Pub. L. 93-508, title II, Sec. 201, Dec. 3, 1974, 88 Stat. 1581; Pub. L. 94-502, title II, Secs. 202, 210(1), 211(1), title IV, Sec. 402, Oct. 15, 1976, 90 Stat. 2385, 2388, 2392; Pub. L. 96-466, title III, Sec. 307(a), title VIII, Sec. 801(a), Oct. 17, 1980, 94 Stat. 2193, 2216; Pub. L. 97-295, Sec. 4(38), Oct. 12, 1982, 96 Stat. 1307; renumbered Sec. 3452 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title VI, Sec. 603(a), Nov. 2, 1994, 108 Stat. 4671; Pub. L. 104-275, title I, Sec. 102, Oct. 9, 1996, 110 Stat. 3326; Pub. L. 106-419, title I, Sec. 122(a), Nov. 1, 2000, 114 Stat. 1833; Pub. L. 107-14, Sec. 8(a)(4), June 5, 2001, 115 Stat. 34; Pub. L. 107-103, title I, Sec. 110(a), Dec. 27, 2001, 115 Stat. 986; Pub. L. 108-183, title III, Sec. 301(a), Sec. 305(c)-(e), Dec. 16, 2003, 117 Stat. 2658, 2660; Pub. L. 108-454, title I, Secs. 106(a), 110(a), Dec. 10, 2004, 118 Stat. 3602, 3605; Pub. L. 109-163, div. A, title V, Sec.

-MISC1-

PRIOR PROVISIONS

Provisions similar to those comprising subsecs. (a) to (d) of this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1174, 1176, which was classified to former sections 1601(a)(2) and 1611(a)(1), and 1601(a)(3), (5), and (6) of this title, respectively, prior to repeal by section 4(a) of Pub. L. 89-358.

AMENDMENTS

2006 - Subsec. (a)(3)(C). Pub. L. 109-163 substituted "Navy Reserve" for "Naval Reserve".

2004 - Subsec. (b). Pub. L. 108-454, Sec. 106(a), inserted at end "Such term also includes national tests for admission to institutions of higher learning or graduate schools (such as the Scholastic Aptitude Test (SAT), Law School Admission Test (LSAT), Graduate Record Exam (GRE), and Graduate Management Admission Test (GMAT)) and national tests providing an opportunity for course credit at institutions of higher learning (such as the Advanced Placement (AP) exam and College-Level Examination Program (CLEP))."

Subsec. (e)(5). Pub. L. 108-454, Sec. 110(a), amended par. (5) generally. Prior to amendment, par. (5) read as follows: "A joint apprenticeship committee established pursuant to the Act of August 16, 1937, popularly known as the 'National Apprenticeship Act' (29 U.S.C. 50 et seq.)."

2003 - Subsec. (b). Pub. L. 108-183, Sec. 305(c), inserted at end "Such term also includes any course, or combination of courses, offered by a qualified provider of entrepreneurship courses."

Subsec. (c). Pub. L. 108-183, Sec. 305(d), inserted at end "Such term also includes any qualified provider of entrepreneurship courses."

Subsec. (e). Pub. L. 108-183, Sec. 301(a), substituted "means any of the following:" and pars. (1) to (6) for "means any establishment providing apprentice or other training on the job, including those under the supervision of a college or university or any State department of education, or any State apprenticeship agency, or any State board or vocational education, or any joint apprenticeship committee, or the Bureau of Apprenticeship and Training established pursuant to the Act of August 16, 1937, popularly known as the 'National Apprenticeship Act' (29 U.S.C. 50 et seq.), or any agency of the Federal Government authorized to supervise such training."

Subsec. (h). Pub. L. 108-183, Sec. 305(e), added subsec. (h).

2001 - Subsec. (a)(1)(A). Pub. L. 107-14, Sec. 8(a)(4)(A)(i), struck out "or" at end.

Subsec. (a)(1)(C). Pub. L. 107-14, Sec. 8(a)(4)(A)(ii), substituted "subparagraph (B)" for "clause (B) of this paragraph".

Subsec. (a)(2). Pub. L. 107-14, Sec. 8(a)(4)(B), substituted "subparagraph (A) or (B) of paragraph (1)" for "paragraph (1)(A) or (B)" and "180 days" for "one hundred and eighty days".

Subsec. (a)(3). Pub. L. 107-14, Sec. 8(a)(4)(C), substituted "section 12103(d) of title 10" for "section 511(d) of title 10".

Subsec. (c). Pub. L. 107-103 inserted at end "Such term also includes any private entity (that meets such requirements as the Secretary may establish) that offers, either directly or under an agreement with another entity (that meets such requirements), a course or courses to fulfill requirements for the attainment of a license or certificate generally recognized as necessary to obtain,

maintain, or advance in employment in a profession or vocation in a high technology occupation (as determined by the Secretary)."

Subsec. (e). Pub. L. 107-14, Sec. 8(a)(4)(D), substituted "the Act of August 16, 1937, popularly known as the 'National Apprenticeship Act' (29 U.S.C. 50 et seq.)," for "chapter 4C of title 29,".

2000 - Subsec. (b). Pub. L. 106-419 inserted at end "Such term also includes licensing or certification tests, the successful completion of which demonstrates an individual's possession of the knowledge or skill required to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession, provided such tests and the licensing or credentialing organizations or entities that offer such tests are approved by the Secretary in accordance with section 3689 of this title."

1996 - Subsec. (c). Pub. L. 104-275 substituted "Such" for "For the period ending on September 30, 1996, such".

1994 - Subsec. (c). Pub. L. 103-446 inserted at end "For the period ending on September 30, 1996, such term includes any entity that provides training required for completion of any State-approved alternative teacher certification program (as determined by the Secretary)."

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1652 of this title as this section.

Subsec. (a)(3). Pub. L. 102-83, Sec. 5(c)(1), substituted "3461(a)" for "1661(a)".

Subsec. (g). Pub. L. 102-83, Sec. 5(c)(1), substituted "3675" for "1775".

1982 - Subsec. (b). Pub. L. 97-295 substituted "section 7(i)(1) of the Small Business Act (15 U.S.C. 636(i)(1))" for "402(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2902(a))".

1980 - Pub. L. 96-466, Sec. 801(a)(1), inserted "and chapter 36 of this title" after "chapter" in introductory text.

Subsec. (e). Pub. L. 96-466, Sec. 801(a)(2), substituted "The" for "For the purposes of this chapter and chapter 36 of this title, the".

Subsec. (f). Pub. L. 96-466, Secs. 307(a), 801(a)(2), substituted "The" for "For the purposes of this chapter and chapter 36 of this title, the" and inserted provision including within "institution of higher learning" an educational institution which is not located in a State, which offers a course leading to a standard college degree, or the equivalent, and which is recognized as such by the secretary of education (or comparable official) of the country or other jurisdiction in which the institution is located.

Subsec. (g). Pub. L. 96-466, Sec. 801(a)(2), (3), substituted "The" for "For the purposes of this chapter and chapter 36 of this title, the" and "Secretary of Education" for "Commissioner of Education".

1976 - Subsec. (a)(1). Pub. L. 94-502, Sec. 402(1), restricted the definition of an eligible veteran to a veteran who commenced his active duty requirement after Jan. 31, 1955 but before Jan. 1, 1977, with the exception of a veteran who enlisted or was assigned to a reserve component before Jan. 1, 1977 and commenced his active duty requirement within 12 months following Jan. 1, 1977.

Subsec. (a)(2). Pub. L. 94-502, Secs. 211(1), 402(2), substituted "such individual" for "he" and inserted "or (B)" after "paragraph (1)(A)".

Subsec. (d)(3). Pub. L. 94-502, Sec. 211(1), substituted "spouse" for "wife".

Subsec. (e). Pub. L. 94-502, Sec. 210(1), struck out "United States Code," after "chapter 4C of title 29,".

Subsecs. (f), (g). Pub. L. 94-502, Sec. 202, added subsecs. (f)

and (g).

1974 - Subsec. (a)(3). Pub. L. 93-508 substituted "Coast Guard Reserve unless at some time subsequent to the completion of such period of active duty for training such individual served on active duty for a consecutive period of one year or more (not including any service as a cadet or midshipman at one of the service academies)" for "Coast Guard Reserve".

1970 - Subsec. (a)(2). Pub. L. 91-584, Sec. 10(1), substituted "more than one hundred eighty days" for "at least two years".

Subsec. (b). Pub. L. 91-584, Sec. 10(2), expanded the definition of "program of education" to include unit course or subject, or combination of courses or subjects, pursued by eligible veterans at an educational institution, required by the Administrator of the Small Business Administration as a condition to obtaining financial assistance under section 2902(a) of title 42.

Pub. L. 91-219, Sec. 201(a), provided that a program of education may include more than one predetermined and identified educational, professional, or vocational objective if all the objectives pursued are generally recognized as being reasonably related to single career field.

Subsec. (c). Pub. L. 91-219, Sec. 201(b), included within the term "educational institution" any public or private "elementary" school, and substituted "other institution furnishing education for adults", for "any other institution if it furnishes education at the secondary school level or above".

1967 - Subsec. (e). Pub. L. 90-77 added subsec. (e).

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-183, title III, Sec. 301(b), Dec. 16, 2003, 117 Stat. 2658, provided that: "The amendment made by subsection (a) [amending this section] shall take effect on the date that is six months after the date of the enactment of this Act [Dec. 16, 2003] and shall apply to self-employment on-job training approved and pursued on or after that date."

Pub. L. 108-183, title III, Sec. 305(f), Dec. 16, 2003, 117 Stat. 2661, provided that: "The amendments made by this section [amending this section and sections 3471 and 3675 of this title] shall apply to courses approved by State approving agencies after the date of the enactment of this Act [Dec. 16, 2003]."

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-103, title I, Sec. 110(b), Dec. 27, 2001, 115 Stat. 986, provided that: "The amendments made by subsection (a) [amending this section and section 3501 of this title] shall apply to enrollments in courses beginning on or after the date of the enactment of this Act [Dec. 27, 2001]."

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-419 effective Mar. 1, 2001, and applicable with respect to licensing and certification tests approved by the Secretary of Veterans Affairs on or after such date, see section 122(d) of Pub. L. 106-419, set out as a note under section 3032 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 802(c) of Pub. L. 96-466 provided that:

"(1) Except as provided in paragraph (2), the amendments made by title III [see Tables for classification] shall become effective on October 1, 1980.

"(2) Paragraph (2) of section 1691(a) [probably means 1691(b), now 3491(b)] of title 38, United States Code, as added by section

311(2), shall not apply to any person receiving educational assistance under chapter 34 of title 38, United States Code, on October 1, 1980, for the pursuit of a program of education, as defined in section 1652(b) [now 3452(b)] of such title, in which such person is enrolled on that date, for as long as such person continuously thereafter is so enrolled and meets the requirements of eligibility for such assistance for pursuit of such program."

Section 802(h) of Pub. L. 96-466 provided that: "Section 801 [see Tables for classification] shall become effective on October 1, 1980."

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by sections 202, 210(1), and 211(1) of Pub. L. 94-502 effective Oct. 15, 1976, see section 703(b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

Amendment by section 402 of Pub. L. 94-502 effective Jan. 1, 1977, see section 406 of Pub. L. 94-502, set out as an Effective Date note under section 3201 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Section 503 of Pub. L. 93-508 provided that: "Titles II and IV of this Act [see Tables for classification] shall become effective on the date of their enactment [Dec. 3, 1974]."

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

-TRANS-

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.

-End-

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38 USC SUBCHAPTER II - ELIGIBILITY AND ENTITLEMENT 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
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SUBCHAPTER II - ELIGIBILITY AND ENTITLEMENT

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38 USC Sec. 3461

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
SUBCHAPTER II - ELIGIBILITY AND ENTITLEMENT

-HEAD-

Sec. 3461. Eligibility; entitlement; duration

-STATUTE-

(a) Entitlement. - Except as provided in subsection (c) and in the second sentence of this subsection, each eligible veteran shall be entitled to educational assistance under this chapter or chapter 36 for a period of one and one-half months (or the equivalent thereof in part-time educational assistance) for each month or fraction thereof of the veteran's service on active duty after January 31, 1955. If an eligible veteran has served a period of 18 months or more on active duty after January 31, 1955, and has been released from such service under conditions that would satisfy the veteran's active duty obligation, the veteran shall be entitled to educational assistance under this chapter for a period of 45 months (or the equivalent thereof in part-time educational assistance). In the case of any person serving on active duty on December 31, 1976, or a person whose eligibility is based on section 3452(a)(1)(B) of this chapter, the ending date for computing such person's entitlement shall be the date of such person's first discharge or release from active duty after December 31, 1976.

(b) Entitlement Limitations. - Whenever the period of entitlement under this section of an eligible veteran who is enrolled in an educational institution regularly operated on the quarter or semester system ends during a quarter or semester, such period shall be extended to the termination of such unexpired quarter or semester. In educational institutions not operated on the quarter or semester system, whenever the period of eligibility ends after a major portion of the course is completed such period shall be extended to the end of the course or for twelve weeks, whichever is the lesser period.

(c) Duration of Entitlement. - Except as provided in subsection (b) and in subchapter V of this chapter, no eligible veteran shall receive educational assistance under this chapter in excess of 45 months.

-SOURCE-

(Added Pub. L. 89-358, Sec. 2, Mar. 3, 1966, 80 Stat. 13, Sec. 1661; amended Pub. L. 90-77, title III, Sec. 306(b)(2), Aug. 31, 1967, 81 Stat. 188; Pub. L. 90-631, Sec. 1(b), Oct. 23, 1968, 82 Stat. 1331; Pub. L. 91-219, title II, Sec. 204(a)(1), Mar. 26, 1970, 84 Stat. 79; Pub. L. 92-540, title IV, Sec. 401(1), Oct. 24, 1972, 86 Stat. 1089; Pub. L. 93-508, title II, Sec. 202, Dec. 3, 1974, 88 Stat. 1581; Pub. L. 94-502, title II, Secs. 203, 211(2), title IV, Sec. 403(a), Oct. 15, 1976, 90 Stat. 2386, 2388, 2393; Pub. L. 96-466, title VI, Sec. 601(b), Oct. 17, 1980, 94 Stat. 2208; renumbered Sec. 3461 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 109-233, title V, Sec. 503(8)(A), (B), June 15, 2006, 120 Stat. 416.)

-MISC1-

PRIOR PROVISIONS

Provisions similar to those comprising subsecs. (a) to (c) of this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1176, which was classified to former sections 1610 and 1611(a), 1611(a)(2), (3), and 1611(b) of this title, respectively, prior to repeal by section 4(a) of Pub. L. 89-358.

AMENDMENTS

2006 - Subsecs. (a), (b). Pub. L. 109-233, Sec. 503(8)(A), revised style of headings.

Subsec. (c). Pub. L. 109-233, Sec. 503(8)(B), inserted heading.

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1661 of this title as this section.

Subsec. (a). Pub. L. 102-83, Sec. 5(c)(1), substituted "3452(a)(1)(B)" for "1652(a)(1)(B)".

1980 - Subsec. (c). Pub. L. 96-466 substituted "subchapter V of this chapter" for "subchapters V and VI of this chapter".

1976 - Subsec. (a). Pub. L. 94-502, Secs. 203(1), 211(2), 403(a), substituted "45 months" for "36 months", "the veteran's" for "his" in two places, and "the veteran" for "he", inserted provision establishing the final date of entitlement for person serving on active duty on Dec. 31, 1976 or whose eligibility is based on section 1652(a)(1)(B) of this title as the date of discharge or release from active duty after Dec. 31, 1976, and struck out provision which authorized an additional number of months not exceeding nine to be used for a program leading to a standard undergraduate degree.

Subsec. (c). Pub. L. 94-502, Sec. 203(2), substituted "subsection (b)" for "subsections (a) and (b)" and "45 months" for "thirty-six months".

1974 - Subsec. (a). Pub. L. 93-508, Sec. 202(1), inserted "plus an additional number of months, not exceeding nine, as may be utilized in pursuit of a program of education leading to a standard undergraduate college degree".

Subsec. (c). Pub. L. 93-508, Sec. 202(2), inserted reference to subsec. (a).

1972 - Subsec. (a). Pub. L. 92-540 inserted reference to chapter 36.

1970 - Subsec. (c). Pub. L. 91-219 substituted "subchapters V and VI of this chapter" for "section 1678 of this title".

1968 - Subsec. (a). Pub. L. 90-631, Sec. 1(b)(1), substituted references to subsec. (c) and the second sentence of this subsec. for reference to subsec. (b), increased from one month to one and one-half months the amount of educational assistance each eligible veteran shall receive for each month or fraction thereof of active duty service after Jan. 31, 1955, and inserted provisions that an eligible veteran who has served 18 months or more on active duty after Jan. 31, 1955, and has been released under conditions that would satisfy his active duty obligation, shall be entitled to educational assistance under this chapter for a period of 36 months.

Subsec. (b). Pub. L. 90-631, Sec. 1(b)(2), (3), redesignated subsec. (c) as (b). Former subsec. (b), which set forth entitlement limitations on the amount of educational assistance an eligible veteran, shall receive under this chapter, was struck out.

Subsec. (c). Pub. L. 90-631, Sec. 1(b), (3), (4), added subsec. (c). Former subsec. (c) redesignated (b).

Subsec. (d). Pub. L. 90-631, Sec. 1(b)(2), struck out subsec. (d) which required an eligible veteran to elect either educational assistance or vocational rehabilitation when such veteran is entitled to both, or becomes entitled to vocational rehabilitation

after receiving educational assistance.

1967 - Subsec. (b). Pub. L. 90-77 inserted "and in section 1678 of this chapter" after "subsection (c)".

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(f) of Pub. L. 96-466, set out as an Effective Date note under section 5314 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by sections 203 and 211(2) of Pub. L. 94-502 effective Oct. 1, 1976, and Oct. 15, 1976, respectively, see section 703(a), (b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

Amendment by section 403(a) of Pub. L. 94-502 effective Jan. 1, 1977, see section 406 of Pub. L. 94-502, set out as a note under section 3201 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-631 effective first day of second calendar month which begins after Oct. 23, 1968, see section 6(a) of Pub. L. 90-631, set out as an Effective Date note under section 3500 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

-End-

-CITE-

38 USC Sec. 3462

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
SUBCHAPTER II - ELIGIBILITY AND ENTITLEMENT

-HEAD-

Sec. 3462. Time limitations for completing a program of education

-STATUTE-

(a) Delimiting Period for Completion. - (1) Subject to paragraph (4) of this subsection, no educational assistance shall be afforded an eligible veteran under this chapter beyond the date 10 years after the veteran's last discharge or release from active duty after January 31, 1955; except that, in the case of any eligible veteran who was prevented from initiating or completing such veteran's chosen program of education within such time period because of a physical or mental disability which was not the result

of such veteran's own willful misconduct, such veteran shall, upon application made within one year after (A) the last date of the delimiting period otherwise applicable under this section, (B) the termination of the period of such mental or physical disability, or (C) October 1, 1980, whichever is the latest, be granted an extension of the applicable delimiting period for such length of time as the Secretary determines, from the evidence, that such veteran was so prevented from initiating or completing such program of education. When an extension of the applicable delimiting period is granted a veteran under the preceding sentence, the delimiting period with respect to such veteran will again begin running on the first day following such veteran's recovery from such disability on which it is reasonably feasible, as determined in accordance with regulations which the Secretary shall prescribe, for such veteran to initiate or resume pursuit of a program of education with educational assistance under this chapter.

[(2) Repealed. Pub. L. 108-183, title III, Sec. 306(d), Dec. 16, 2003, 117 Stat. 2661.]

[(3) Repealed. Pub. L. 107-14, Sec. 8(a)(5), June 5, 2001, 115 Stat. 34.]

(4) For purposes of paragraph (1) of this subsection, a veteran's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service unless the individual involved is discharged or released for a service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, for hardship, or as a result of a reduction in force as described in section 3011(a)(1)(A)(ii)(III) of this title.

(b) Correction of Discharge. - In the case of any eligible veteran who has been prevented, as determined by the Secretary, from completing a program of education under this chapter within the period prescribed by subsection (a), because the veteran had not met the nature of discharge requirements of this chapter before a change, correction, or modification of a discharge or dismissal made pursuant to section 1553 of title 10, the correction of the military records of the proper service department under section 1552 of title 10, or other corrective action by competent authority, then the 10-year delimiting period shall run from the date the veteran's discharge or dismissal was changed, corrected, or modified.

(c) Savings Clause. - In the case of any eligible veteran who was discharged or released from active duty before June 1, 1966, the 10-year delimiting period shall run from such date, if it is later than the date which otherwise would be applicable. In the case of any eligible veteran who was discharged or released from active duty before August 31, 1967, and who pursues a course of farm cooperative training, apprenticeship or other training on the job, the 10-year delimiting period shall run from August 31, 1967, if it is later than the date which would otherwise be applicable.

(d) Prisoners of War. - In the case of any veteran (1) who served on or after January 31, 1955, (2) who became eligible for educational assistance under the provisions of this chapter or chapter 36 of this title, and (3) who, subsequent to the veteran's last discharge or release from active duty, was captured and held as a prisoner of war by a foreign government or power, there shall be excluded, in computing the veteran's 10-year period of eligibility for educational assistance, any period during which the veteran was so detained and any period immediately following the veteran's release from such detention during which the veteran was hospitalized at a military, civilian, or Department of Veterans

Affairs medical facility.

(e) Termination of Assistance. - No educational assistance shall be afforded any eligible veteran under this chapter or chapter 36 of this title after December 31, 1989.

-SOURCE-

(Added Pub. L. 89-358, Sec. 2, Mar. 3, 1966, 80 Stat. 14, Sec. 1662; amended Pub. L. 90-77, title III, Sec. 305, Aug. 31, 1967, 81 Stat. 188; Pub. L. 93-337, Sec. 1, July 10, 1974, 88 Stat. 292; Pub. L. 94-502, title II, Sec. 211(3), title IV, Sec. 403(b), Oct. 15, 1976, 90 Stat. 2388, 2393; Pub. L. 95-202, title II, Sec. 203(a)(1), (b)(1), Nov. 23, 1977, 91 Stat. 1439; Pub. L. 96-466, title III, Sec. 301, Oct. 17, 1980, 94 Stat. 2191; Pub. L. 97-35, title XX, Sec. 2003(b)(1), Aug. 13, 1981, 95 Stat. 782; Pub. L. 97-72, title II, Sec. 201(a), Nov. 3, 1981, 95 Stat. 1054; Pub. L. 97-295, Sec. 4(39), Oct. 12, 1982, 96 Stat. 1307; Pub. L. 97-306, title II, Sec. 206(a), Oct. 14, 1982, 96 Stat. 1435; Pub. L. 98-160, title VII, Sec. 702(10), Nov. 21, 1983, 97 Stat. 1009; Pub. L. 101-237, title IV, Secs. 420(a)(3), 423(b)(1), Dec. 18, 1989, 103 Stat. 2087, 2092; renumbered Sec. 3462 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 107-14, Sec. 8(a)(5), June 5, 2001, 115 Stat. 34; Pub. L. 108-183, title III, Sec. 306(d), Dec. 16, 2003, 117 Stat. 2661; Pub. L. 109-233, title V, Sec. 503(8)(A), (C), June 15, 2006, 120 Stat. 416.)

-MISC1-

PRIOR PROVISIONS

Provisions similar to those comprising subsecs. (a) and (b) of this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1176, which was classified to former sections 1612(c) and 1613(a), and 1612(a) of this title, respectively, prior to repeal by section 4(a) of Pub. L. 89-358.

AMENDMENTS

2006 - Subsecs. (a) to (c). Pub. L. 109-233, Sec. 503(8)(A), revised style of headings.

Subsecs. (d), (e). Pub. L. 109-233, Sec. 503(8)(C), inserted headings.

2003 - Subsec. (a)(2). Pub. L. 108-183 struck out par. (2) which related to loans under subchapter III of chapter 36 of this title.

2001 - Subsec. (a)(3). Pub. L. 107-14 struck out par. (3) which permitted eligible Vietnam-era veterans to use unused entitlements under section 3461 for enumerated educational purposes and directed that veterans be provided with employment counseling.

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1662 of this title as this section.

Subsec. (a)(2)(A), (3)(A). Pub. L. 102-83, Sec. 5(c)(1), substituted "3461" for "1661".

Subsec. (a)(3)(C)(ii). Pub. L. 102-83, Sec. 5(c)(1), substituted "3491(b)(2)" for "1691(b)(2)".

Subsec. (a)(4). Pub. L. 102-83, Sec. 5(c)(1), substituted "3011(a)(1)(A)(ii)(III)" for "1411(a)(1)(A)(ii)(III)".

1989 - Subsec. (a)(1). Pub. L. 101-237, Sec. 423(b)(1)(A), substituted "Secretary" for "Administrator" wherever appearing.

Pub. L. 101-237, Sec. 420(a)(3)(B), substituted "Subject to paragraph (4) of this subsection, no" for "No".

Subsec. (a)(3)(B), (C)(i). Pub. L. 101-237, Sec. 423(b)(1)(A), substituted "Secretary" for "Administrator" wherever appearing.

Subsec. (a)(4). Pub. L. 101-237, Sec. 420(a)(3)(A), added par. (4).

Subsec. (b). Pub. L. 101-237, Sec. 423(b)(1)(A), substituted "Secretary" for "Administrator".

Subsec. (d). Pub. L. 101-237, Sec. 423(b)(1)(B), substituted "Department of Veterans Affairs" for "Veterans' Administration".

1983 - Subsec. (a)(1)(C). Pub. L. 98-160 substituted "October 1, 1980" for "the effective date of the Veterans' Rehabilitation and Education Amendments of 1980".

1982 - Subsec. (a)(2)(B). Pub. L. 97-295, Sec. 4(39)(A), substituted "November 23, 1977," for "the date of enactment of this paragraph".

Subsec. (a)(3)(C)(i). Pub. L. 97-306, Sec. 206(a)(1), substituted "shall" for "may" after "Educational assistance", and substituted "unless the Administrator determines, based on an examination of the veteran's employment and training history, that the veteran is not in need of such a program or course in order to obtain a reasonably stable employment situation consistent with the veteran's abilities and aptitudes" for "only if the veteran has been determined by the Administrator to be in need of such a program or course in order to achieve a suitable occupational or vocational objective".

Subsec. (a)(3)(D). Pub. L. 97-306, Sec. 206(a)(2), substituted "December 31, 1984" for "December 31, 1983".

Subsec. (c). Pub. L. 97-295, Sec. 4(39)(B), substituted "June 1, 1966" for "the date for which an educational assistance allowance is first payable under this chapter", "August 31, 1967," for "the date of enactment of this sentence" after "active duty before", and "August 31, 1967" for "the date of enactment of this sentence" after "shall run from".

1981 - Subsec. (a)(3). Pub. L. 97-72 added par. (3).

Subsec. (c). Pub. L. 97-35 struck out provisions relating to applicability to flight training.

1980 - Subsec. (a)(1). Pub. L. 96-466 inserted "made within one year after (A) the last date of the delimiting period otherwise applicable under this section, (B) the termination of the period of such mental or physical disability, or (C) the effective date of the Veterans' Rehabilitation and Education Amendments of 1980, whichever is the latest" after "application", inserted "so" after "that such veteran was"; and inserted provision relating to the running of the delimiting period when an extension of the applicable delimiting period is granted a veteran.

1977 - Subsec. (a). Pub. L. 95-202 designated existing provisions as par. (1), added par. (2), and inserted "except that, in the case of any eligible veteran who was prevented from initiating or completing such veteran's chosen program of education within such time period because of a physical or mental disability which was not the result of such veteran's own willful misconduct, such veteran shall, upon application, be granted an extension of the applicable delimiting period for such length of time as the Administrator determines, from the evidence, that such veteran was prevented from initiating or completing such program of education" after "active duty after January 31, 1955" in par. (1) as so redesignated.

1976 - Subsec. (a). Pub. L. 94-502, Sec. 211(3), substituted "the veteran's" for "his".

Subsecs. (b), (d). Pub. L. 94-502, Sec. 211(3), substituted "the veteran's" for "his" and "the veteran" for "he", wherever appearing.

Subsec. (e). Pub. L. 94-502, Sec. 403(b), added subsec. (e).

1974 - Subsec. (a). Pub. L. 93-337, Sec. 1(1), substituted "10" for "eight".

Subsec. (b). Pub. L. 93-337, Sec. 1(2), substituted "10-year" for

"8-year".

Subsec. (c). Pub. L. 93-337, Sec. 1(3), substituted "10-year" for "8-year" and "eight year," respectively.

Subsec. (d). Pub. L. 93-337, Sec. 1(4), added subsec. (d).

1967 - Subsec. (c). Pub. L. 90-77 inserted second sentence respecting commencement of the delimiting period in the case of an eligible veteran discharged from active duty and pursuing training on the job or flight training.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-183, title III, Sec. 306(h)(1), Dec. 16, 2003, 117 Stat. 2661, provided that: "The amendments made by subsection (d) [amending this section] shall take effect on the date of the enactment of this Act [Dec. 16, 2003]."

EFFECTIVE DATE OF 1982 AMENDMENT

Section 206(c) of Pub. L. 97-306 provided that: "The amendments made by subsection (a) [amending this section] shall take effect as of January 1, 1982."

EFFECTIVE DATE OF 1981 AMENDMENTS

Section 201(b) of Pub. L. 97-72 provided that: "The amendment made by subsection (a) [amending this section] shall take effect on January 1, 1982."

Amendment by Pub. L. 97-35 effective Oct. 1, 1981, except as otherwise provided, see section 2006 of Pub. L. 97-35, set out as a note under section 3231 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(c) of Pub. L. 96-466, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective retroactively to May 31, 1976, see section 501 of Pub. L. 95-202, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by section 211(3) of Pub. L. 94-502 effective Oct. 15, 1976, see section 703(b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

Amendment by section 403(b) of Pub. L. 94-502 effective Jan. 1, 1977, see section 406 of Pub. L. 94-502, set out as an Effective Date note under section 3201 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

PROPOSAL OF REGULATIONS

Section 206(b) of Pub. L. 97-306 directed Administrator of Veterans' Affairs to publish, not later than 30 days after Oct. 14, 1982, proposed regulations under subsec. (a)(3)(C)(i) of this section and to publish, not later than 90 days after Oct. 14, 1982, final regulations under subsec. (a)(3)(C)(i).

EXTENSION OF TIME FOR PURSUIT OF EDUCATIONAL PROGRAMS

Pub. L. 93-293, May 31, 1974, 88 Stat. 176, provided that the

eight-year delimiting date for pursuit of educational programs under this chapter for eligible veterans discharged or released from active duty between Jan. 31, 1955, and Sept. 1, 1966, with certain exceptions, was to run from July 1, 1966.

-End-

-CITE-

38 USC Sec. 3463

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
SUBCHAPTER II - ELIGIBILITY AND ENTITLEMENT

-HEAD-

[Sec. 3463. Vacant]

-COD-

CODIFICATION

Prior to renumbering of sections 1651 to 1693 of this chapter as sections 3451 to 3493 by Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406, section 1663 of this chapter, added Pub. L. 89-358, Sec. 2, Mar. 3, 1966, 80 Stat. 15; and amended Pub. L. 94-502, title II, Sec. 211(4), Oct. 15, 1976, 90 Stat. 2388; Pub. L. 95-202, title III, Sec. 302(a), Nov. 23, 1977, 91 Stat. 1440; Pub. L. 99-576, title III, Sec. 312, Oct. 28, 1986, 100 Stat. 3273; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092, which related to educational and vocational counseling, was repealed by Pub. L. 102-16, Sec. 2(b)(1)(A), Mar. 22, 1991, 105 Stat. 49.

-End-

-CITE-

38 USC SUBCHAPTER III - ENROLLMENT

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
SUBCHAPTER III - ENROLLMENT

-HEAD-

SUBCHAPTER III - ENROLLMENT

-End-

-CITE-

38 USC Sec. 3470

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE

SUBCHAPTER III - ENROLLMENT

-HEAD-

Sec. 3470. Selection of program

-STATUTE-

Subject to the provisions of this chapter, each eligible veteran may select a program of education to assist the veteran in attaining an educational, professional, or vocational objective at any educational institution (approved in accordance with chapter 36 of this title) selected by the veteran, which will accept and retain the veteran as a student or trainee in any field or branch of knowledge which such institution finds the veteran qualified to undertake or pursue.

-SOURCE-

(Added Pub. L. 89-358, Sec. 2, Mar. 3, 1966, 80 Stat. 15, Sec. 1670; amended Pub. L. 94-502, title II, Sec. 211(5), Oct. 15, 1976, 90 Stat. 2388; renumbered Sec. 3470, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1177, which was classified to section 1620 (first sentence) of this title, prior to repeal by section 4(a) of Pub. L. 89-358.

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1670 of this title as this section.

1976 - Pub. L. 94-502 substituted "the veteran" for "him" wherever appearing.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 15, 1976, see section 703(b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

-End-

-CITE-

38 USC Sec. 3471

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
SUBCHAPTER III - ENROLLMENT

-HEAD-

Sec. 3471. Applications; approval

-STATUTE-

Any eligible veteran, or any person on active duty (after consultation with the appropriate service education officer), who desires to initiate a program of education under this chapter shall submit an application to the Secretary which shall be in such form,

and contain such information, as the Secretary shall prescribe. The Secretary shall approve such application unless the Secretary finds that (1) such veteran or person is not eligible for or entitled to the educational assistance for which application is made, (2) the veteran's or person's selected educational institution or training establishment fails to meet any requirement of this chapter or chapter 36 of this title, (3) the veteran's or person's enrollment in, or pursuit of, the program of education selected would violate any provision of this chapter or chapter 36 of this title, or (4) the veteran or person is already qualified, by reason of previous education or training, for the educational, professional, or vocational objective for which the program of education is offered. The Secretary shall not treat a person as already qualified for the objective of a program of education offered by a qualified provider of entrepreneurship courses solely because such person is the owner or operator of a business. The Secretary shall notify the veteran or person of the approval or disapproval of the veteran's or person's application.

-SOURCE-

(Added Pub. L. 89-358, Sec. 2, Mar. 3, 1966, 80 Stat. 15, Sec. 1671; amended Pub. L. 92-540, title III, Sec. 302, Oct. 24, 1972, 86 Stat. 1080; Pub. L. 94-502, title II, Sec. 211(6), Oct. 15, 1976, 90 Stat. 2388; Pub. L. 96-466, title III, Sec. 302, Oct. 17, 1980, 94 Stat. 2192; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3471, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 108-183, title III, Sec. 305(b), Dec. 16, 2003, 117 Stat. 2660.)

-MISC1-

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1177, which was classified to section 1621 of this title, prior to repeal by section 4(a) of Pub. L. 89-358.

AMENDMENTS

2003 - Pub. L. 108-183 inserted before last sentence "The Secretary shall not treat a person as already qualified for the objective of a program of education offered by a qualified provider of entrepreneurship courses solely because such person is the owner or operator of a business."

1991 - Pub. L. 102-83 renumbered section 1671 of this title as this section.

1989 - Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

1980 - Pub. L. 96-466, among other changes, substituted reference to the veteran's or person's selected educational institution or training establishment failing to meet any requirement of this chapter or chapter 36 of this title for reference to the veteran's or person's program of education failing to meet any of the requirements of this chapter, inserted provision for disapproval of an application upon a finding that the veteran's or person's enrollment in, or pursuit of, the program of education selected would violate this chapter or chapter 36 of this title, and substituted reference to the veteran or person being already qualified, by reason of previous education or training, for the educational, professional, or vocational objective for which the program of education is offered for reference simply to the veteran or person being already qualified.

1976 - Pub. L. 94-502 substituted "unless the Administrator finds" for "unless he finds", "the veteran or person" for "he", and "the veteran's or person's" for "his" in two places.

1972 - Pub. L. 92-540 inserted provision authorizing any person on active duty, after consultation with the appropriate service education officer, to submit an application to the Administrator.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-183 applicable to courses approved by State approving agencies after Dec. 16, 2003, see section 305(f) of Pub. L. 108-183, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(c) of Pub. L. 96-466, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 15, 1976, see section 703(b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

-End-

-CITE-

38 USC Sec. 3472

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
SUBCHAPTER III - ENROLLMENT

-HEAD-

[Sec. 3472. Vacant]

-COD-

CODIFICATION

Prior to renumbering of sections 1651 to 1693 of this chapter as sections 3451 to 3493 by Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406, section 1672 of this chapter, added Pub. L. 89-358, Sec. 2, Mar. 3, 1966, 80 Stat. 15, which related to change of program by veteran, was repealed by Pub. L. 92-540, title IV, Sec. 401(6), Oct. 24, 1972, 86 Stat. 1090.

-End-

-CITE-

38 USC Sec. 3473

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
SUBCHAPTER III - ENROLLMENT

-HEAD-

Sec. 3473. Repealed.

-MISC1-

[Sec. 3473. Repealed. Pub. L. 102-568, title III, Sec. 313(a)(3)(A), Oct. 29, 1992, 106 Stat. 4332].
Section, added Pub. L. 89-358, Sec. 2, Mar. 3, 1966, 80 Stat. 16, Sec. 1673; amended Pub. L. 90-77, title III, Secs. 302(a), 303(a), Aug. 31, 1967, 81 Stat. 185; Pub. L. 91-219, title II, Sec. 202, Mar. 26, 1970, 84 Stat. 78; Pub. L. 92-540, title IV, Sec. 401(2), Oct. 24, 1972, 86 Stat. 1090; Pub. L. 93-508, title II, Sec. 203, Dec. 3, 1974, 88 Stat. 1582; Pub. L. 94-502, title II, Secs. 205, 211(7), Oct. 15, 1976, 90 Stat. 2387, 2388; Pub. L. 95-202, title III, Sec. 305(a)(2), Nov. 23, 1977, 91 Stat. 1443; Pub. L. 96-466, title III, Secs. 303-305, Oct. 17, 1980, 94 Stat. 2192, 2193; Pub. L. 97-35, title XX, Sec. 2003(b)(2), Aug. 13, 1981, 95 Stat. 782; Pub. L. 97-295, Sec. 4(40), Oct. 12, 1982, 96 Stat. 1308; Pub. L. 97-306, title II, Secs. 202(a), 203(a), Oct. 14, 1982, 96 Stat. 1433; Pub. L. 98-525, title VII, Sec. 703(b), Oct. 19, 1984, 98 Stat. 2564; Pub. L. 100-689, title I, Sec. 111(a)(9), Nov. 18, 1988, 102 Stat. 4172; Pub. L. 101-237, title IV, Sec. 423(b)(1), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3473 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406, related to disapproval of enrollment in certain courses.

SAVINGS PROVISION

Repeal not applicable to any person receiving educational assistance for pursuit of an independent study program in which the person was enrolled on Oct. 29, 1992, for as long as such person is continuously thereafter so enrolled and meets requirements of eligibility for such assistance, see section 313(b) of Pub. L. 102-568, set out as a note under section 16136 of Title 10, Armed Forces.

-End-

-CITE-

38 USC Sec. 3474

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
SUBCHAPTER III - ENROLLMENT

-HEAD-

Sec. 3474. Discontinuance for unsatisfactory conduct or progress

-STATUTE-

The Secretary shall discontinue the educational assistance allowance of an eligible veteran if, at any time, the Secretary finds that according to the regularly prescribed standards and practices of the educational institution, the veteran's attendance, conduct, or progress is unsatisfactory. The Secretary may renew the payment of the educational assistance allowance only if the Secretary finds that -

(1) the veteran will be resuming enrollment at the same educational institution in the same program of education and the educational institution has both approved such veteran's

reenrollment and certified it to the Department of Veterans Affairs; or

(2) in the case of a proposed change of either educational institution or program of education by the veteran -

(A) the cause of the unsatisfactory attendance, conduct, or progress has been removed;

(B) the program proposed to be pursued is suitable to the veteran's aptitudes, interests, and abilities; and

(C) if a proposed change of program is involved, the change meets the requirements for approval under section 3691 of this title.

-SOURCE-

(Added Pub. L. 89-358, Sec. 2, Mar. 3, 1966, 80 Stat. 16, Sec. 1674; amended Pub. L. 94-502, title II, Secs. 206, 211(8), Oct. 15, 1976, 90 Stat. 2387, 2388; Pub. L. 95-202, title III, Sec. 305(b)(1), Nov. 23, 1977, 91 Stat. 1443; Pub. L. 96-466, title III, Sec. 306, Oct. 17, 1980, 94 Stat. 2193; Pub. L. 101-237, title IV, Secs. 411(a), 412(b), 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2084, 2085, 2092; renumbered Sec. 3474 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

PRIOR PROVISIONS

Provisions similar to those comprising the first sentence of this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1178, which was classified to former section 1624 of this title, prior to repeal by section 4(a) of Pub. L. 89-358.

AMENDMENTS

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1674 of this title as this section.

Par. (2)(C). Pub. L. 102-83, Sec. 5(c)(1), substituted "3691" for "1791".

1989 - Pub. L. 101-237, Sec. 423(b)(1)(A), substituted "Secretary" for "Administrator" wherever appearing.

Pub. L. 101-237, Sec. 412(b), substituted "attendance, conduct," for "conduct".

Pars. (1), (2). Pub. L. 101-237, Sec. 411(a), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

"(1) the cause of the unsatisfactory conduct or progress of the eligible veteran has been removed; and

"(2) the program which the eligible veteran now proposes to pursue (whether the same or revised) is suitable to the veteran's aptitudes, interests, and abilities."

1980 - Pub. L. 96-466 struck out provisions relating to the conditions upon which a veteran's progress would be considered unsatisfactory.

1977 - Pub. L. 95-202 inserted provisions authorizing the Administrator to determine the veteran's progress to be satisfactory even though the veteran will graduate within a length of time exceeding the approved length if the additional length of time is reasonable in accordance with regulations.

1976 - Pub. L. 94-502, Sec. 211(8), inserted provision specifying progress as unsatisfactory when the veteran will not be able to graduate within the approved length of the course.

Pub. L. 94-502, Sec. 206, substituted "the veteran's" for "his" in two places and "if the Administrator finds" for "if he finds".

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(c) of Pub. L. 96-466, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective first day of first month beginning 60 days after Nov. 23, 1977, see section 501 of Pub. L. 95-202, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by sections 206 and 211(8) of Pub. L. 94-502 effective Dec. 1, 1976, and Oct. 15, 1976, respectively, see section 703(b), (c) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

STUDY OF METHODS TO IMPROVE PROCESS UNDER WHICH POSTSECONDARY EDUCATIONAL INSTITUTIONS AND COURSES ARE APPROVED; REPORT BY SEPTEMBER 30, 1979; SUSPENSION OF IMPLEMENTATION OF 1976 AMENDMENT

Section 305(b)(2)-(4) of Pub. L. 95-202, as amended by Pub. L. 96-466, title VIII, Sec. 801(m)(2), Oct. 17, 1980, 94 Stat. 2217, directed Administrator of Veterans' Affairs to study specific methods for improving process by which postsecondary educational institutions and courses at such institutions are approved for purposes of chapters 32, 34, 35, and 36 of this title, and need for legislative and administrative action regarding discontinuing educational assistance allowances to eligible veterans whose conduct or progress is unsatisfactory, required submission of a report on the study to President and Congress not later than Sept. 30, 1979, and directed Administrator to suspend implementation of certain amendments by Pub. L. 94-502 until submission of report.

-End-

-CITE-

38 USC Sec. 3475

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
SUBCHAPTER III - ENROLLMENT

-HEAD-

[Sec. 3475. Vacant]

-COD-

CODIFICATION

Prior to renumbering of sections 1651 to 1693 of this chapter as sections 3451 to 3493 by Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406, section 1675 of this chapter, added Pub. L. 89-358, Sec. 2, Mar. 3, 1966, 80 Stat. 16, which related to period of operation for approval by Administrator, was repealed by Pub. L. 92-540, title IV, Sec. 401(6), Oct. 24, 1972, 86 Stat. 1090.

-End-

-CITE-

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
 PART III - READJUSTMENT AND RELATED BENEFITS
 CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
 SUBCHAPTER III - ENROLLMENT

-HEAD-

Sec. 3476. Education outside the United States

-STATUTE-

An eligible veteran may not enroll in any course offered by an educational institution not located in a State unless that educational institution is an approved institution of higher learning and the course is approved by the Secretary. The Secretary may deny or discontinue educational assistance under this chapter in the case of any veteran enrolled in an institution of higher learning not located in a State if the Secretary determines that such enrollment is not in the best interest of the veteran or the Federal Government.

-SOURCE-

(Added Pub. L. 89-358, Sec. 2, Mar. 3, 1966, 80 Stat. 17, Sec. 1676; amended Pub. L. 94-502, title II, Sec. 211(9), Oct. 15, 1976, 90 Stat. 2389; Pub. L. 96-466, title III, Sec. 307(b), Oct. 17, 1980, 94 Stat. 2193; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3476, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title VI, Sec. 604(a), Nov. 2, 1994, 108 Stat. 4671.)

-MISC1-**PRIOR PROVISIONS**

Provisions similar to those comprising this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1177, which was classified to former section 1620 (second and third sentences) of this title, prior to repeal by section 4(a) of Pub. L. 89-358.

AMENDMENTS

1994 - Pub. L. 103-446 amended first sentence generally. Prior to amendment, first sentence read as follows: "An eligible veteran may not enroll in any course at an educational institution not located in a State unless such course is pursued at an approved institution of higher learning and the course is approved by the Secretary."

1991 - Pub. L. 102-83 renumbered section 1676 of this title as this section.

1989 - Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

1980 - Pub. L. 96-466, among other changes, substituted reference to an eligible veteran not enrolling in any course for reference to an eligible veteran not pursuing a program of education, inserted provision that the course be approved by the Administrator, and substituted reference to any veteran enrolled in an institution of higher learning not located in a State for reference to any veteran in a foreign educational institution.

1976 - Pub. L. 94-502 substituted "the Administrator's" for "his" and "if the Administrator finds" for "if he finds".

EFFECTIVE DATE OF 1994 AMENDMENT

Section 604(b) of Pub. L. 103-446 provided that: "The amendment

made by subsection (a) [amending this section] shall apply with respect to courses approved on or after the date of the enactment of this Act [Nov. 2, 1994]."

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(c) of Pub. L. 96-466, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 15, 1976, see section 703(b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

-End-

-CITE-

38 USC Secs. 3477, 3478 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
SUBCHAPTER III - ENROLLMENT

-HEAD-

[Secs. 3477, 3478. Vacant]

-COD-

CODIFICATION

Prior to renumbering of sections 1651 to 1693 of this chapter as sections 3451 to 3493 by Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406, sections 1677 and 1678 of this chapter were repealed.

Section 1677, added Pub. L. 90-77, title III, Sec. 302(b), Aug. 31, 1967, 81 Stat. 185; Pub. L. 90-631, Sec. 5, Oct. 23, 1968, 82 Stat. 1335; Pub. L. 91-219, title I, Sec. 102, title II, Sec. 203, Mar. 26, 1970, 84 Stat. 76, 78; Pub. L. 92-540, title I, Sec. 102(1), title IV, Sec. 401(3), Oct. 24, 1972, 86 Stat. 1075, 1090; Pub. L. 93-508, title I, Sec. 102(1), Dec. 3, 1974, 88 Stat. 1579; Pub. L. 93-602, title II, Sec. 203(a), Jan. 2, 1975, 88 Stat. 1958; Pub. L. 95-202, title I, Sec. 102(1), Nov. 23, 1977, 91 Stat. 1433; Pub. L. 96-466, title II, Secs. 201(1), 211(1), title VI, Sec. 603(a), Oct. 17, 1980, 94 Stat. 2187, 2189, 2209, which set forth provisions respecting eligibility, approval, etc., for flight training, was repealed by Pub. L. 97-35, title XX, Secs. 2003(b)(3)(A), 2006, Aug. 13, 1981, 95 Stat. 782, 783, effective Oct. 1, 1981, except as otherwise provided for persons receiving educational assistance.

Section 1678, added Pub. L. 90-77, title III, Sec. 306(a), Aug. 31, 1967, 81 Stat. 188, which related to special training for educationally disadvantaged, was repealed by Pub. L. 91-219, title II, Sec. 204(a)(2), Mar. 26, 1970, 84 Stat. 79.

-End-

-CITE-

38 USC SUBCHAPTER IV - PAYMENTS TO ELIGIBLE VETERANS;

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
SUBCHAPTER IV - PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

-HEAD-

SUBCHAPTER IV - PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

-MISC1-

AMENDMENTS

1972 - Pub. L. 92-540, title IV, Sec. 404(b), Oct. 24, 1972, 86 Stat. 1091, inserted "; VETERAN-STUDENT SERVICES".

-End-

-CITE-

38 USC Sec. 3481

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
SUBCHAPTER IV - PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

-HEAD-

Sec. 3481. Educational assistance allowance

-STATUTE-

(a) General. - The Secretary shall, in accordance with the applicable provisions of this section and chapter 36 of this title, pay to each eligible veteran who is pursuing a program of education under this chapter an educational assistance allowance to meet, in part, the expenses of the veteran's subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

(b) Institutional Training. - The educational assistance allowance of an eligible veteran pursuing a program of education, other than a program exclusively by correspondence, at an educational institution shall be paid as provided in chapter 36 of this title.

-SOURCE-

(Added Pub. L. 89-358, Sec. 2, Mar. 3, 1966, 80 Stat. 17, Sec. 1681; amended Pub. L. 91-219, title II, Sec. 205, Mar. 26, 1970, 84 Stat. 81; Pub. L. 91-584, Sec. 6, Dec. 24, 1970, 84 Stat. 1576; Pub. L. 92-540, title II, Sec. 202, Oct. 24, 1972, 86 Stat. 1079; Pub. L. 94-502, title II, Secs. 210(2), 211(10), Oct. 15, 1976, 90 Stat. 2388, 2389; Pub. L. 97-35, title XX, Sec. 2003(b)(4), Aug. 13, 1981, 95 Stat. 782; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3481, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 109-233, title V, Sec. 503(8)(A), June 15, 2006, 120 Stat. 416.)

-MISC1-

PRIOR PROVISIONS

Provisions similar to those comprising subsecs. (a), (b), (d), and (e) of this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1179, which was classified to former section 1631 of this title, prior to repeal by section 4(a) of Pub. L. 89-358.

AMENDMENTS

2006 - Pub. L. 109-233 revised style of subsec. headings.

1991 - Pub. L. 102-83 renumbered section 1681 of this title as this section.

1989 - Subsec. (a). Pub. L. 101-237 substituted "Secretary" for "Administrator".

1981 - Subsec. (b). Pub. L. 97-35, Sec. 2003(b)(4)(A), struck out applicability to flight training program.

Subsec. (c). Pub. L. 97-35, Sec. 2003(b)(4)(B), struck out subsec. (c) which related to flight training.

1976 - Subsec. (a). Pub. L. 94-502, Secs. 210(2), 211(10), substituted "chapter 36" for "section 1780" and "the veteran's" for "his".

Subsec. (b). Pub. L. 94-502, Sec. 210(2), substituted "chapter 36" for "section 1780".

1972 - Subsec. (a). Pub. L. 92-540 inserted heading and provisions requiring allowances to be paid in accordance with the applicable provisions of this section and section 1780 of this title.

Subsec. (b). Pub. L. 92-540 inserted heading and substituted provisions requiring allowances of an eligible veteran pursuing a program of education, other than a program exclusively by correspondence or a program of flight training, at an educational institution to be paid as provided in section 1780 of this title, for provisions requiring allowances of an eligible veteran to be paid, as provided in section 1682 of this title, only for the period of his enrollment as approved by the Administrator, but limiting such payments to veterans meeting certain specified requirements while pursuing standard college degrees.

Subsec. (c). Pub. L. 92-540 inserted heading and substituted provisions relating to the payment of allowances to eligible veterans pursuing a program of education consisting exclusively of flight training, for provisions authorizing the Administrator to prescribe regulations to determine enrollment in, pursuit of, and attendance at, any program of education or course by an eligible veteran.

Subsec. (d). Pub. L. 92-540 struck out subsec. (d) which related to certification to the Administrator from the eligible veteran as to his actual attendance or completion of lessons by correspondence, and from the educational institution that such veteran was enrolled in and pursuing a course of education during such period or completion of lessons by correspondence by the veteran and serviced by the institution.

Subsec. (e). Pub. L. 92-540 struck out subsec. (e) which related to the prompt payment of the educational assistance allowance to the veteran.

1970 - Subsec. (b)(2). Pub. L. 91-584 excluded programs of apprenticeship and programs of other on-job training authorized by section 1683 of this title for educational assistance to veterans.

Subsec. (d). Pub. L. 91-219 inserted provision that the Administrator may pay an educational assistance allowance representing the initial payment of an enrollment period, not exceeding one full month, upon receipt of a certificate of

enrollment.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-35 effective Oct. 1, 1981, except as otherwise provided, see section 2006 of Pub. L. 97-35, set out as a note under section 3231 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 15, 1976, see section 703(b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

-End-

-CITE-

38 USC Sec. 3482

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
SUBCHAPTER IV - PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

-HEAD-

Sec. 3482. Computation of educational assistance allowances

-STATUTE-

(a)(1) Except as provided in subsection (b), (c), or (g) of this section, or section 3687 of this title, while pursuing a program of education under this chapter of half-time or more, each eligible veteran shall be paid the monthly educational assistance allowance set forth in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the applicable type of program as shown in column I:

Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents

			The amount in column IV, plus the following for each dependent in excess of two:	
Institutional training:				
Full-time	\$376	\$448	\$510	\$32
Three-quarter time	283	336	383	24
Half-time	188	224	255	17
Cooperativ	304	355	404	23

(2) A "cooperative" program, other than a "farm cooperative" program, means a full-time program of education which consists of institutional courses and alternate phases of training in a business or industrial establishment with the training in the business or industrial establishment being strictly supplemental to the institutional portion.

(b) The educational assistance allowance of an individual pursuing a program of education -

- (1) while on active duty, or
- (2) on less than a half-time basis,

shall be computed at the rate of (A) the established charges for tuition and fees which the institution requires similarly circumstanced nonveterans enrolled in the same program to pay, or (B) \$376 per month for a full-time course, whichever is the lesser. An individual's entitlement shall be charged for institutional courses on the basis of the applicable monthly training time rate as determined under section 3688 of this title.

(c)(1) An eligible veteran who is enrolled in an educational institution for a "farm cooperative" program consisting of institutional agricultural courses prescheduled to fall within 44 weeks of any period of 12 consecutive months and who pursues such program on -

- (A) a full-time basis (a minimum of ten clock hours per week or four hundred and forty clock hours in such year prescheduled to provide not less than eighty clock hours in any three-month period),
- (B) a three-quarter-time basis (a minimum of 7 clock hours per week), or
- (C) a half-time basis (a minimum of 5 clock hours per week),

shall be eligible to receive an educational assistance allowance at the appropriate rate provided in the table in paragraph (2) of this subsection, if such eligible veteran is concurrently engaged in agricultural employment which is relevant to such institutional agricultural courses as determined under standards prescribed by the Secretary. In computing the foregoing clock hour requirements there shall be included the time involved in field trips and individual and group instruction sponsored and conducted by the educational institution through a duly authorized instructor of such institution in which the veteran is enrolled.

(2) The monthly educational assistance allowance of an eligible veteran pursuing a farm cooperative program under this chapter shall be paid as set forth in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the basis shown in column I:

Column I	Column II	Column III	Column IV	Column V
Basis	No dependents	One dependent	Two dependents	More than two dependents
<div style="text-align: right; margin-right: 100px;"> The amount in column IV, plus the following for each dependent </div>				

			in excess of	
			two:	
Full-time	\$304	\$355	\$404	\$23
Three-quarter time	228	266	303	18
Half-time	152	178	202	12

(d)(1) Notwithstanding the prohibition in section 3471 of this title prohibiting enrollment of an eligible veteran in a program of education in which such veteran has "already qualified," a veteran shall be allowed up to six months of educational assistance (or the equivalent thereof in part-time assistance) for the pursuit of refresher training to permit such veteran to update such veteran's knowledge and skills and to be instructed in the technological advances which have occurred in such veteran's field of employment during and since the period of such veteran's active military service.

(2) A veteran pursuing refresher training under this subsection shall be paid an educational assistance allowance based upon the rate prescribed in the table in subsection (a)(1) or in subsection (c)(2) of this section, whichever is applicable.

(3) The educational assistance allowance paid under the authority of this subsection shall be charged against the period of entitlement the veteran has earned pursuant to section 3461(a) of this title.

(e) The educational assistance allowance of an eligible veteran pursuing an independent study program which leads to a standard college degree shall be computed at the rate provided in subsection (b) of this section. If the entire training is to be pursued by independent study, the amount of such veteran's entitlement to educational assistance under this chapter shall be charged in accordance with the rate at which the veteran is pursuing the independent study program but at not more than the rate at which such entitlement is charged for pursuit of such program on less than a half-time basis. In any case in which independent study is combined with resident training, the educational assistance allowance shall be paid at the applicable institutional rate based on the total training time determined by adding the number of semester hours (or the equivalent thereof) of resident training to the number of semester hours (or the equivalent thereof) of independent study that do not exceed the number of semester hours (or the equivalent thereof) required for the less than half-time institutional rate, as determined by the Secretary, for resident training. A veteran's entitlement shall be charged for a combination of independent study and resident training on the basis of the applicable monthly training time rate as determined under section 3688 of this title.

(f) The educational assistance allowance of an eligible veteran pursuing a course by open circuit television shall be computed in the same manner that such allowance is computed under subsection (e) of this section for an independent study program.

(g)(1) Subject to the provisions of paragraph (2) of this subsection, the amount of the educational assistance allowance paid to an eligible veteran who is pursuing a program of education under this chapter while incarcerated in a Federal, State, local, or other penal institution or correctional facility for conviction of a felony may not exceed such amount as the Secretary determines, in accordance with regulations which the Secretary shall prescribe, is necessary to cover the cost of established charges for tuition and fees required of similarly circumstanced nonveterans enrolled in

the same program and to cover the cost of necessary supplies, books, and equipment, or the applicable monthly educational assistance allowance prescribed for a veteran with no dependents in subsection (a)(1) or (c)(2) of this section or section 3687(b)(1) of this title, whichever is the lesser. The amount of the educational assistance allowance payable to a veteran while so incarcerated shall be reduced to the extent that the tuition and fees of the veteran for any course are paid under any Federal program (other than a program administered by the Secretary) or under any State or local program.

(2) Paragraph (1) of this subsection shall not apply in the case of any veteran who is pursuing a program of education under this chapter while residing in a halfway house or participating in a work-release program in connection with such veteran's conviction of a felony.

(h)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of \$2,000 or the fee charged for the test.

(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1), such individual would otherwise be paid under this chapter.

(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.

-SOURCE-

(Added Pub. L. 89-358, Sec. 2, Mar. 3, 1966, 80 Stat. 18, Sec. 1682; amended Pub. L. 90-77, title III, Secs. 301, 303(b), Aug. 31, 1967, 81 Stat. 184, 185; Pub. L. 90-631, Sec. 3, Oct. 23, 1968, 82 Stat. 1333; Pub. L. 91-219, title I, Sec. 103(a)-(d), title II, Sec. 204(a)(3), Mar. 26, 1970, 84 Stat. 76, 77, 79; Pub. L. 91-584, Sec. 9, Dec. 24, 1970, 84 Stat. 1577; Pub. L. 92-540, title I, Sec. 102(2)-(4), title III, Sec. 303, title IV, Sec. 401(4), (5), Oct. 24, 1972, 86 Stat. 1075, 1081, 1090; Pub. L. 93-508, title I, Sec. 102(2)-(4), title II, Sec. 204, Dec. 3, 1974, 88 Stat. 1579, 1582; Pub. L. 93-602, title II, Sec. 203(b), Jan. 2, 1975, 88 Stat. 1958; Pub. L. 94-502, title II, Secs. 201(1)-(3), 207, Oct. 15, 1976, 90 Stat. 2384, 2385, 2387; Pub. L. 95-202, title I, Sec. 102(2)-(4), Nov. 23, 1977, 91 Stat. 1434; Pub. L. 96-466, title II, Secs. 201(2)-(4), 211(2)-(4), title III, Secs. 308-310, title VI, Sec. 602(a), Oct. 17, 1980, 94 Stat. 2187-2190, 2194, 2208; Pub. L. 97-35, title XX, Sec. 2003(b)(5), Aug. 13, 1981, 95 Stat. 782; Pub. L. 97-306, title II, Secs. 204, 205(b), Oct. 14, 1982, 96 Stat. 1434; Pub. L. 98-160, title VII, Sec. 702(11), Nov. 21, 1983, 97 Stat. 1009; Pub. L. 98-543, title II, Sec. 202(1)-(3), Oct. 24, 1984, 98 Stat. 2741; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3482 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 104-275, title I, Sec. 104(a), Oct. 9, 1996, 110 Stat. 3327; Pub. L. 106-419, title I, Sec. 122(b)(3), Nov. 1, 2000, 114 Stat. 1834; Pub. L. 109-461, title X, Sec. 1002(d), Dec. 22, 2006, 120 Stat. 3465.)

-MISC1-

PRIOR PROVISIONS

Provisions similar to those comprising subsecs. (a), (b)(2), (c)(1), and (c)(2) of this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1176, 1180, which was classified to former sections 1632(a) and (b), (f), (e), and 1611(c) of this title, respectively, prior to repeal by section 4(a) of Pub. L. 89-358.

AMENDMENTS

2006 - Subsec. (g)(1). Pub. L. 109-461 substituted "local, or other penal institution or correctional facility" for "or local penal institution".

2000 - Subsec. (h). Pub. L. 106-419 added subsec. (h).

1996 - Subsec. (f). Pub. L. 104-275 struck out "in part" after "pursuing a course".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1682 of this title as this section.

Subsec. (a)(1). Pub. L. 102-83, Sec. 5(c)(1), substituted "3687" for "1787".

Subsec. (b). Pub. L. 102-83, Sec. 5(c)(1), substituted "3688" for "1788" in last sentence.

Subsec. (d)(1), (3). Pub. L. 102-83, Sec. 5(c)(1), substituted "3471" for "1671" in par. (1) and "3461(a)" for "1661(a)" in par. (3).

Subsec. (e). Pub. L. 102-83, Sec. 5(c)(1), substituted "3688" for "1788".

Subsec. (g)(1). Pub. L. 102-83, Sec. 5(c)(1), substituted "3687(b)(1)" for "1787(b)(1)".

1989 - Subsecs. (c)(1), (e), (g)(1). Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

1984 - Subsec. (a)(1). Pub. L. 98-543, Sec. 202(1), increased the monthly educational assistance allowance for eligible veterans in column II from \$342, \$257, \$171, and \$276 to \$376, \$283, \$188 and \$304; in column III from \$407, \$305, \$204 and \$323 to \$448, \$336, \$224 and \$355; in column IV from \$464, \$348, \$232, and \$367 to \$510, \$383, \$255, and \$404; in column V from \$29, \$22, \$15 and \$21 to \$32, \$24, \$17, and \$23, respectively.

Subsec. (b). Pub. L. 98-543, Sec. 202(2), substituted "\$376" for "\$342".

Subsec. (c)(2). Pub. L. 98-543, Sec. 202(3), increased the monthly educational assistance allowance for eligible veterans pursuing a farm cooperative program in column II from \$276, \$207, and \$138 to \$304, \$228 and \$152; in column III from \$323, \$242 and \$162 to \$355, \$266 and \$178; in column IV from \$367, \$275 and \$184 to \$404, \$303 and \$202; in column V from \$21, \$16 and \$11 to \$23, \$18 and \$12, respectively.

1983 - Subsec. (c)(1)(C). Pub. L. 98-160 inserted a comma after "hours per week)".

1982 - Subsec. (a)(1). Pub. L. 97-306, Sec. 204(1), substituted "(c), or (g)" for "or (c)" after "subsection (b)",.

Subsec. (e). Pub. L. 97-306, Sec. 204(2), substituted provision that the amount of such veteran's entitlement to educational assistance under this chapter shall be charged in accordance with the rate at which the veteran is pursuing the independent study program but at not more than the rate at which such entitlement is charged for pursuit of such program on less than a half-time basis for provision that the entitlement would be charged at one-half of the full-time institutional rate.

Subsec. (g)(1). Pub. L. 97-306, Sec. 205(b)(1), inserted provision that the amount of the educational assistance allowance payable to a veteran while incarcerated shall be reduced to the extent that the tuition and fees of the veteran for any course are

paid under any Federal program (other than a program administered by the Administrator) or under any State or local program.

Subsec. (g)(2). Pub. L. 97-306, Sec. 205(b)(2), inserted "not" after "shall", and struck out "if the Administrator determines that all the veteran's living expenses are being defrayed by a Federal, State, or local government" at the end.

1981 - Subsec. (a)(1). Pub. L. 97-35 struck out reference to section 1677 of this title.

1980 - Subsec. (a)(1). Pub. L. 96-466, Sec. 211(2), increased the monthly educational assistance allowance for eligible veterans in column II from \$327, \$245, \$164, and \$264 to \$342, \$257, \$171, and \$276; in column III from \$389, \$292, \$195, and \$309 to \$407, \$305, \$204, and \$323; in column IV from \$443, \$332, \$222, and \$351 to \$464, \$348, \$232, and \$367; in column V from \$27, \$20, and \$14 to \$29, \$22, and \$15, respectively.

Pub. L. 96-466, Sec. 201(2), increased the monthly educational assistance allowance for eligible veterans in column II from \$311, \$233, \$156, and \$251 to \$327, \$245, \$164, and \$264; in column III from \$370, \$277, \$185, and \$294 to \$389, \$292, \$195, and \$309; in column IV from \$422, \$317, \$211, and \$334 to \$443, \$332, \$222, and \$351; in column V from \$26, \$19, \$13, and \$19 to \$27, \$20, \$14, and \$21, respectively.

Subsec. (b). Pub. L. 96-466, Sec. 211(3), substituted "\$342" for "\$327".

Pub. L. 96-466, Sec. 201(3), substituted "\$327" for "\$311".

Pub. L. 96-466, Sec. 308, inserted provision that an individual's entitlement be charged for institutional courses on the basis of the applicable monthly training time rate as determined under section 1788 of this title.

Subsec. (c)(2). Pub. L. 96-466, Sec. 211(4), increased the monthly educational assistance allowance for eligible veterans pursuing a farm cooperative program in column II from \$264, \$198, and \$132 to \$276, \$207, and \$138; in column III from \$309, \$232, and \$155 to \$323, \$242, and \$162; in column IV from \$351, \$263, and \$176 to \$367, \$275, and \$184; in column V from \$20, \$15, and \$10 to \$21, \$16, and \$11, respectively.

Pub. L. 96-466, Sec. 201(4), increased the monthly educational assistance allowance for eligible veterans pursuing a farm cooperative program in column II from \$251, \$188, and \$126 to \$264, \$198, and \$132; in column III from \$294, \$221, and \$147 to \$309, \$232, and \$155; in column IV from \$334, \$251, and \$167 to \$351, \$263, and \$176; in column V from \$19 to \$20, respectively.

Subsec. (e). Pub. L. 96-466, Sec. 309, substituted reference to the rate provided in subsec. (b) of this section for reference to the rate provided in subsec. (b)(2) of this section, inserted provision that if the entire training be pursued by independent study, entitlement be charged at one-half of the full-time institutional rate, substituted provisions relating to the payment of the educational assistance allowance in any case in which independent study is combined with resident training for provisions relating to the maximum allowance in those cases where independent study is combined with resident training and the resident training constitutes the major portion of such training, and inserted provision that a veteran's entitlement be charged for a combination of independent study and resident training on the basis of the applicable monthly training time rate as determined under section 1788 of this title.

Subsec. (f). Pub. L. 96-466, Sec. 310, added subsec. (f).

Subsec. (g). Pub. L. 96-466, Sec. 602(a), added subsec. (g).

1977 - Subsec. (a)(1). Pub. L. 95-202, Sec. 102(2), increased the monthly educational assistance allowance for eligible veterans in

column II from \$292, \$219, \$146, and \$235 to \$311, \$233, \$156, and \$251; in column III from \$347, \$260, \$174, and \$276 to \$370, \$277, \$185, and \$294; in column IV from \$396, \$297, \$198, and \$313 to \$422, \$317, \$211, and \$334; in column V from \$24, \$18, \$12, and \$18 to \$26, \$19, \$13, and \$19, respectively.

Subsec. (b). Pub. L. 95-202, Sec. 102(3), substituted "\$311" for "\$292".

Subsec. (c)(2). Pub. L. 95-202, Sec. 102(4), increased the monthly educational assistance allowance for eligible veterans pursuing a farm cooperative program in column II from \$235, \$176, and \$118 to \$251, \$188, and \$126; in column III from \$276, \$207, and \$138 to \$294, \$221, and \$147; in column IV from \$313, \$235, and \$157 to \$334, \$251, and \$167; in column V from \$18, \$14, and \$9 to \$19, \$15, and \$10, respectively.

1976 - Subsec. (a)(1). Pub. L. 94-502, Sec. 201(1), increased the monthly educational assistance allowance for eligible veterans in column II from \$270, \$203, \$135, and \$217 to \$292, \$219, \$146 and \$235; in column III from \$321, \$240, \$160, and \$255 to \$347, \$260, \$174, and \$276; in column IV from \$366, \$275, \$182, and \$289 to \$396, \$297, \$198, and \$313; in column V from \$22, \$17, \$11, and \$17 to \$24, \$18, \$12, and \$18, respectively.

Subsec. (b). Pub. L. 94-502, Sec. 201(2), substituted "\$292" for "\$270".

Subsec. (c)(2). Pub. L. 94-502, Sec. 201(3), increased the monthly educational assistance allowance for eligible veterans pursuing a farm cooperative program in column II from \$217, \$163, and \$109 to \$235, \$176, and \$118; in column III from \$255, \$191, and \$128 to \$276, \$207 and \$138; in column IV from \$289, \$218, and \$145 to \$313, \$235, and \$157; in column V from \$17, and \$13 to \$18, and \$14, respectively.

Subsec. (e). Pub. L. 94-502, Sec. 207, added subsec. (e).

1975 - Subsec. (b). Pub. L. 93-602 substituted "\$270" for "\$260".

1974 - Subsec. (a)(1). Pub. L. 93-508, Sec. 102(2), increased the monthly educational assistance allowance for eligible veterans in column II from \$220, \$165, \$110, and \$177 to \$270, \$203, \$135, and \$217; in column III from \$261, \$196, \$131, and \$208 to \$321, \$240, \$160, and \$255; in column IV from \$298, \$224, \$149, and \$236 to \$366, \$275, \$182, and \$289; and in column V from \$18, \$14, \$9, and \$14 to \$22, \$17, \$11, and \$17, respectively.

Subsec. (b). Pub. L. 93-508, Sec. 102(3), substituted "\$260" for "\$220".

Subsec. (c)(2). Pub. L. 93-508, Sec. 102(4), increased the educational assistance allowance rates for eligible veterans pursuing a farm cooperative program in column II from \$177, \$133, and \$89 to \$217, \$163, and \$109; in column III from \$208, \$156, and \$104 to \$255, \$191, and \$128; in column IV from \$236, \$177, and \$118 to \$289, \$218, and \$145; and in column V from \$14, \$11, and \$7 to \$17, \$13, and \$9 respectively.

Subsec. (d). Pub. L. 93-508, Sec. 204, added subsec. (d).

1972 - Subsec. (a)(1), Pub. L. 92-540, Secs. 102(2), 401(4), substituted references to subsec. (c) of this section and section 1787 of this title for references to subsec. (c)(1) or (d) of this section and section 1683 of this title, respectively, and increased the monthly educational assistance allowance for eligible veterans in column II from \$175, \$128, \$81, and \$141 to \$220, \$165, \$110, and \$177; in column III from \$205, \$152, \$100, and \$167 to \$261, \$196, \$131, and \$208; in column IV from \$230, \$177, \$114, and \$192 to \$298, \$224, \$149, and \$236; and in column V from \$13, \$10, \$7, and \$10 to \$18, \$14, \$9, and \$14, respectively.

Subsec. (b). Pub. L. 92-540, Secs. 102(3), 401(5), substituted "\$220" for "\$175", and struck out provisions relating to payment of

the educational assistance allowance provided by this subsection and the educational assistance allowance provided by section 1696(b) of this title.

Subsecs. (c), (d). Pub. L. 92-540, Secs. 102(4), 303, struck out subsec. (c) which related to the computation of the educational assistance allowance of an eligible veteran pursuing a program of education exclusively by correspondence. Subsec. (d) redesignated (c), and, as so redesignated, in par. (1)(A) generally amended prerequisites for a full-time basis program, in par. (1)(B) substituted "7" for "9", in par. (1)(C) substituted "5" for "6", following par. (1)(C) inserted provision relating to the computation of the clock hour requirements, and in par. (2) increased the educational assistance allowance rates for eligible veterans pursuing a farm cooperative program in column II from \$141, \$101, and \$67 to \$177, \$133, and \$89; in column III from \$165, \$119, and \$79 to \$208, \$156, and \$104; in column IV from \$190, \$138, and \$92 to \$236, \$177, and \$118; and in column V from \$10, \$7, and \$4 to \$14, \$11, and \$7, respectively.

1970 - Subsec. (a)(1). Pub. L. 91-219, Sec. 103(a), increased the monthly educational assistance allowance for eligible veterans in column II from \$130, \$95, \$60, and \$105 to \$175, \$128, \$81, and \$141; in column III from \$155, \$115, \$75, and \$125 to \$205, \$152, \$100, and \$167; in column IV from \$175, \$135, \$85, and \$145 to \$230, \$177, \$114, and \$192; in column V from \$10, \$7, \$5, and \$7 to \$13, \$10, \$7, and \$10, respectively.

Subsec. (b). Pub. L. 91-219, Secs. 103(b), 204(a)(3), substituted "\$175" for "\$130" and inserted provision that educational assistance allowance provided by this subsection and the educational assistance allowance provided by section 1696(b) be made in an amount computed for the entire quarter, semester, or term during the month immediately following the month in which certification is received.

Subsec. (c)(1). Pub. L. 91-584 inserted definition of "established charge".

Subsec. (c)(2). Pub. L. 91-219, Sec. 103(c), substituted "\$175" for "\$130".

Subsec. (d)(2). Pub. L. 91-219, Sec. 103(d), increased the educational assistance allowance rates for eligible veterans pursuing a farm cooperative program in column II from \$105, \$75, and \$50 to \$141, \$101, and \$67; in column III from \$125, \$90, and \$60 to \$165, \$119 and \$79; in column IV from \$145, \$105, and \$70 to \$190, \$138, and \$92; in column V from \$7, \$5, and \$3 to \$10, \$7, and \$4, respectively.

1968 - Subsec. (a)(2). Pub. L. 90-631, Sec. 3(b)(1), inserted ", other than a 'farm cooperative' program," after "A 'cooperative' program".

Subsec. (c)(2). Pub. L. 90-631, Sec. 3(a), substituted provisions charging the period of entitlement of any eligible veteran with one month for each \$130 paid to such veteran as an educational assistance allowance when such veteran is pursuing a program of education exclusively by correspondence for provisions charging the period of entitlement of any eligible veteran with one-fourth of the elapsed time in following such program of education.

Subsec. (d). Pub. L. 90-631, Sec. 3(b)(2), inserted requirement that the "farm cooperative" program consist of institutional agricultural courses prescheduled to fall within 44 weeks of any period of 12 consecutive months, inserted provisions making veterans pursuing programs of 6 or 9 clock hours per week eligible to receive an educational assistance allowance, and substituted provisions that the appropriate rate for such allowance shall be as provided in the table set out in subsec. (d)(2) of this section for

provisions that the appropriate rate shall be as provided in the table set out in subsec. (a)(1) of this section opposite the word "Cooperative" under Column I of such table.

1967 - Subsec. (a)(1). Pub. L. 90-77, Sec. 301(a), (b), included in text preceding the table references to subsec. (d) of this section, sections 1677 and 1683 of this title, and column V; and, increased the monthly educational assistance allowance in column II from \$100, \$75, \$50, and \$80 to \$130, \$95, \$60, and \$105; in column III from \$125, \$95, \$65, and \$100 to \$155, \$115, \$75, and \$125; in column IV from \$150, \$115, \$75, and \$120 to \$175, \$135, \$85, and \$145 (restricting column IV to two dependents), and added column V (formerly covered in former column IV), respectively.

Subsec. (b)(2)(B). Pub. L. 90-77, Sec. 301(c), substituted "\$130" for "\$100".

Subsec. (d). Pub. L. 90-77, Sec. 303(b), added subsec. (d).

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-419 effective Mar. 1, 2001, and applicable with respect to licensing and certification tests approved by the Secretary of Veterans Affairs on or after such date, see section 122(d) of Pub. L. 106-419, set out as a note under section 3032 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-543 effective Oct. 1, 1984, see section 205 of Pub. L. 98-543, set out as a note under section 3108 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-35 effective Oct. 1, 1981, except as otherwise provided, see section 2006 of Pub. L. 97-35, set out as a note under section 3231 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 802(b) of Pub. L. 96-466 provided that:

"(1) The amendments made by part A of title II [sections 201 to 203 of Pub. L. 96-466, see Tables for classification] shall become effective on October 1, 1980.

"(2) The amendments made by part B of title II [sections 211 to 213 of Pub. L. 96-466, see Tables for classification] shall become effective on January 1, 1981."

Amendment by sections 308 to 310 of Pub. L. 96-466 [amending this section] effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(c) of Pub. L. 96-466, set out as a note under section 3452 of this title.

Amendment by section 602(a) of Pub. L. 96-466 [amending this section] effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(f) of Pub. L. 96-466, set out as an Effective Date note under section 5314 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective retroactively to Oct. 1, 1977, see section 501 of Pub. L. 95-202, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 1, 1976, see section 703(a) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Section 206 of title II of Pub. L. 93-602 provided that: "The provisions of this title [see Tables for classification] shall become effective on January 1, 1975."

EFFECTIVE DATE OF 1974 AMENDMENT

Section 501 of Pub. L. 93-508 provided that: "Title I of this Act [see Tables for classification] shall become effective on September 1, 1974."

Amendment by section 204 of Pub. L. 93-508 effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 601(a) of Pub. L. 92-540 provided that: "The rate increases provided in Title I of this Act [see Tables for classification] and the rate increases provided by the provisions of section 1787 [now 3687], title 38, United States Code (as added by section 316 of this Act) shall become effective October 1, 1972; except, for those veterans and eligible persons in training on the date of enactment [Oct. 24, 1972], the effective date shall be the date of the commencement of the current enrollment period, but not earlier than September 1, 1972."

Amendment by section 303 of Pub. L. 92-540 not to effect any enrollment agreement entered into by an eligible veteran prior to Jan. 1, 1973, see section 602 of Pub. L. 92-540, set out as an Effective Date note under section 3686 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Section 301 of Pub. L. 91-219 provided that: "Title I of this Act [see Tables for classification] takes effect February 1, 1970."

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-631 effective first day of second calendar month which begins after Oct. 23, 1968, see section 6(a) of Pub. L. 90-631, set out as an Effective Date note under section 3500 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

APPLICABILITY OF SUBSECTION (G)(1) TO APPORTIONMENTS MADE BEFORE OCTOBER 17, 1980

Section 602(d) of Pub. L. 96-466 provided that: "The provisions of section 1682(g)(1) [now 3482(g)(1)] of title 38, United States Code, as added by subsection (a) shall not apply to an apportionment made under section 3107(c) [now 5307(c)] of such title before the date of the enactment of this Act [Oct. 17, 1980]."

[Section 802(f) of Pub. L. 96-466 provided in part that, except as otherwise specifically provided, section 602(d) shall become effective Oct. 1, 1980.]

OVERPAYMENTS TO VETERANS BY TANGIPAHOA PARISH SCHOOL BOARD, AMITE, LOUISIANA

Pub. L. 90-493, Sec. 5, Aug. 19, 1968, 82 Stat. 809, provided that any veteran determined by the Administrator of Veterans' Affairs to have received overpayments of educational benefits under former chapter 33 of title 38, United States Code in connection

with the institutional on-farm training program conducted by the Tangipahoa Parish School Board, Amite, Louisiana, would be relieved of all liability to the United States for the amount of such overpayment, remaining due on Aug. 19, 1968, by making application for relief within two years following Aug. 19, 1968.

-End-

-CITE-

38 USC Sec. 3482A

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
SUBCHAPTER IV - PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

-HEAD-

[Sec. 3482A. Vacant]

-COD-

CODIFICATION

Prior to renumbering of sections 1651 to 1693 of this chapter as sections 3451 to 3493 by Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406, section 1682A of this chapter, added Pub. L. 95-202, title II, Sec. 201(a), Nov. 23, 1977, 91 Stat. 1436; amended Pub. L. 97-295, Sec. 4(41), Oct. 12, 1982, 96 Stat. 1308, which related to accelerated payment of educational assistance allowances, was repealed by Pub. L. 100-689, title I, Sec. 124(a), Nov. 18, 1988, 102 Stat. 4174.

-End-

-CITE-

38 USC Sec. 3483

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
SUBCHAPTER IV - PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

-HEAD-

Sec. 3483. Approval of courses

-STATUTE-

An eligible veteran shall receive the benefits of this chapter while enrolled in a course of education offered by an educational institution only if such course is approved in accordance with the provisions of subchapter I of chapter 36 of this title.

-SOURCE-

(Added Pub. L. 89-358, Sec. 2, Mar. 3, 1966, 80 Stat. 19, Sec. 1685; renumbered Sec. 1686, Pub. L. 90-77, title III, Sec. 304(a), Aug. 31, 1967, 81 Stat. 186; renumbered Sec. 1683, Pub. L. 92-540,

title IV, Sec. 401(7), Oct. 24, 1972, 86 Stat. 1090; renumbered
Sec. 3483, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1683 of this title as
this section.

-End-

-CITE-

38 USC Sec. 3484

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
SUBCHAPTER IV - PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT
SERVICES

-HEAD-

Sec. 3484. Apprenticeship or other on-job training; correspondence
courses

-STATUTE-

Any eligible veteran may pursue a program of apprenticeship or
other on-job training or a program of education exclusively by
correspondence and be paid an educational assistance allowance or
training assistance allowance, as applicable, under the provisions
of section 3687 or 3686 of this title.

-SOURCE-

(Added Pub. L. 92-540, title III, Sec. 304, Oct. 24, 1972, 86 Stat.
1081, Sec. 1684; renumbered Sec. 3484 and amended Pub. L. 102-83,
Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1684 of this title as
this section and substituted "3687 or 3686" for "1787 or 1786".

-End-

-CITE-

38 USC Sec. 3485

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
SUBCHAPTER IV - PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT
SERVICES

-HEAD-

Sec. 3485. Work-study allowance

-STATUTE-

(a)(1) Individuals utilized under the authority of subsection (b) shall be paid an additional educational assistance allowance (hereinafter in this section referred to as "work-study allowance"). Such allowance shall be paid in return for an individual's entering into an agreement described in paragraph (3).

(2) Such work-study allowance shall be paid in an amount equal to the product of -

- (A) the applicable hourly minimum wage; and
- (B) the number of hours worked during the applicable period.

(3) An agreement described in this paragraph is an agreement of an individual to perform services, during or between periods of enrollment, aggregating not more than a number of hours equal to 25 times the number of weeks in the semester or other applicable enrollment period, required in connection with a qualifying work-study activity.

(4) For the purposes of this section, the term "qualifying work-study activity" means any of the following:

(A) The outreach services program under chapter 63 of this title as carried out under the supervision of a Department employee or, during the period preceding June 30, 2013, outreach services to servicemembers and veterans furnished by employees of a State approving agency.

(B) The preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the Department.

(C) The provision of hospital and domiciliary care and medical treatment under chapter 17 of this title, including, during the period preceding June 30, 2013, the provision of such care to veterans in a State home for which payment is made under section 1741 of this title.

(D) Any other activity of the Department as the Secretary determines appropriate.

(E) In the case of an individual who is receiving educational assistance under chapter 1606 or 1607 of title 10, an activity relating to the administration of that chapter at Department of Defense, Coast Guard, or National Guard facilities.

(F) During the period preceding June 30, 2013, an activity relating to the administration of a national cemetery or a State veterans' cemetery.

(G) Any activity of a State veterans agency related to providing assistance to veterans in obtaining any benefit under the laws administered by the Secretary or the laws of the State.

(H) A position working in a Center of Excellence for Veteran Student Success, as established pursuant to part T of title VIII of the Higher Education Act of 1965 (20 U.S.C. 1161t et seq.).

(I) A position working in a cooperative program carried out jointly by the Department and an institution of higher learning.

(J) Any other veterans-related position in an institution of higher learning.

(5) An individual may elect, in a manner prescribed by the Secretary, to be paid in advance an amount equal to 40 percent of the total amount of the work-study allowance agreed to be paid under the agreement in return for the individual's agreement to perform the number of hours of work specified in the agreement (but not more than an amount equal to 50 times the applicable hourly minimum wage).

(6) For the purposes of this subsection and subsection (e), the

term "applicable hourly minimum wages" means -

(A) the hourly minimum wage under section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)); or

(B) the hourly minimum wage under comparable law of the State in which the services are to be performed, if such wage is higher than the wage referred to in subparagraph (A) and the Secretary has made a determination to pay such higher wage.

(b) Notwithstanding any other provision of law, the Secretary shall, subject to the provisions of subsection (e) of this section, utilize, in connection with the activities specified in subsection (a)(1) of this section, the service of individuals who are pursuing programs of rehabilitation, education, or training under chapter 30, 31, 32, 33, or 34 of this title or chapter 1606 or 1607 of title 10, at a rate equal to at least three-quarters of that required of a full-time student. In carrying out this section, the Secretary, wherever feasible, shall give priority to veterans with disabilities rated at 30 percent or more for purposes of chapter 11 of this title. In the event an individual ceases to be at least a three-quarter-time student before completing such agreement, the individual may, with the approval of the Secretary, be permitted to complete such agreement.

(c) The Secretary shall determine the number of individuals whose services the Department of Veterans Affairs can effectively utilize and the types of services that such individuals may be required to perform, on the basis of a survey, which the Secretary shall conduct annually, of each Department of Veterans Affairs regional office in order to determine the numbers of individuals whose services can effectively be utilized during an enrollment period in each geographical area where Department of Veterans Affairs activities are conducted, and shall determine which individuals shall be offered agreements under this section in accordance with regulations which the Secretary shall prescribe, including as criteria (1) the need of the individual to augment the veteran's educational assistance or subsistence allowance; (2) the availability to the individual of transportation to the place where the individual's services are to be performed; (3) the motivation of the individual; and (4) in the case of a disabled veteran pursuing a course of vocational rehabilitation under chapter 31 of this title, the compatibility of the work assignment to the veteran's physical condition.

(d) While performing the services authorized by this section, individuals shall be deemed employees of the United States for the purposes of the benefits of chapter 81 of title 5 but not for the purposes of laws administered by the Office of Personnel Management.

(e)(1) Subject to paragraph (2) of this subsection, the Secretary may, notwithstanding any other provision of law, enter into an agreement with an individual under this section, or a modification of such an agreement, whereby the individual agrees to perform a qualifying work-study activity described in subsection (a)(4) and agrees that the Secretary shall, in lieu of paying the work-study allowance payable for such services, as provided in subsection (a) of this section, deduct the amount of the allowance from the amount which the individual has been determined to be indebted to the United States by virtue of such individual's participation in a benefits program under this chapter, chapter 30, 31, 32, 33, 35, or 36 of this title, or chapter 1606 or 1607 of title 10 (other than an indebtedness arising from a refund penalty imposed under section 2135 (!1) of such title).

(2)(A) Subject to subparagraph (B) of this paragraph, the provisions of this section (other than those provisions which are determined by the Secretary to be inapplicable to an agreement under this subsection) shall apply to any agreement authorized under paragraph (1) of this subsection.

(B) For the purposes of this subsection, the Secretary may -

(i) waive, in whole or in part, the limitations in subsection (a) of this section concerning the number of hours and periods during which services can be performed by the individual and the provisions of subsection (b) of this section requiring the individual's pursuit of a program of rehabilitation, education, or training;

(ii) in accordance with such terms and conditions as may be specified in the agreement under this subsection, waive or defer charging interest and administrative costs pursuant to section 5315 of this title on the indebtedness to be satisfied by performance of the agreement; and

(iii) notwithstanding the indebtedness offset provisions of section 5314 of this title, waive or defer until the termination of an agreement under this subsection the deduction of all or any portion of the amount of indebtedness covered by the agreement from future payments to the individual as described in section 5314 of this title.

(3)(A) Subject to the provisions of subparagraphs (B) and (C) of this paragraph, an agreement authorized under this subsection shall terminate in accordance with the provisions of this section and the terms and conditions of the agreement which are consistent with this subsection.

(B) In no event shall an agreement under this subsection continue in force after the total amount of the individual's indebtedness described in paragraph (1) of this subsection has been recouped, waived, or otherwise liquidated.

(C) Notwithstanding the provisions of subparagraphs (A) and (B) of this paragraph, if the Secretary finds that an individual was without fault and was allowed to perform services described in the agreement after its termination, the Secretary shall, as reasonable compensation therefor, pay the individual at the applicable hourly minimum wage rate for such services as the Secretary determines were satisfactorily performed.

(4) The Secretary shall promulgate regulations to carry out this subsection.

-SOURCE-

(Added Pub. L. 92-540, title II, Sec. 203, Oct. 24, 1972, 86 Stat. 1079, Sec. 1685; amended Pub. L. 93-508, title II, Sec. 205, Dec. 3, 1974, 88 Stat. 1582; Pub. L. 94-502, title II, Secs. 208, 211(11), Oct. 15, 1976, 90 Stat. 2388, 2389; Pub. L. 95-202, title I, Sec. 105, Nov. 23, 1977, 91 Stat. 1435; Pub. L. 96-466, title VIII, Sec. 801(b), Oct. 17, 1980, 94 Stat. 2216; Pub. L. 97-295, Sec. 4(42), Oct. 12, 1982, 96 Stat. 1308; Pub. L. 99-576, title III, Sec. 308(c), Oct. 28, 1986, 100 Stat. 3270; Pub. L. 101-237, title IV, Secs. 405(a)-(d)(2), (4)(A), 423(b)(1), Dec. 18, 1989, 103 Stat. 2080, 2081, 2092; Pub. L. 102-16, Secs. 6(a)-(b)(2), 10(a)(5), Mar. 22, 1991, 105 Stat. 50, 51, 55; Pub. L. 102-40, title IV, Sec. 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered Sec. 3485 and amended Pub. L. 102-83, Secs. 2(c)(2), 5(a), Aug. 6, 1991, 105 Stat. 402, 406; Pub. L. 102-568, title III, Sec. 311, Oct. 29, 1992, 106 Stat. 4330; Pub. L. 105-368, title II, Sec. 202(a), Nov. 11, 1998, 112 Stat. 3326; Pub. L. 107-14, Sec. 8(a)(16), June 5, 2001, 115 Stat. 35; Pub. L. 107-103, title I,

Sec. 107(a), Dec. 27, 2001, 115 Stat. 983; Pub. L. 107-330, title III, Sec. 308(g)(11), Dec. 6, 2002, 116 Stat. 2829; Pub. L. 108-183, title III, Sec. 306(f)(1), Dec. 16, 2003, 117 Stat. 2661; Pub. L. 109-233, title IV, Sec. 402(e)(1), June 15, 2006, 120 Stat. 411; Pub. L. 109-444, Sec. 2(g), Dec. 21, 2006, 120 Stat. 3305; Pub. L. 109-461, title III, Secs. 304, 307, title X, Sec. 1006(b), Dec. 22, 2006, 120 Stat. 3428, 3429, 3468; Pub. L. 110-157, title III, Sec. 302, Dec. 26, 2007, 121 Stat. 1836; Pub. L. 110-252, title V, Sec. 5003(b)(2)(A)(i), June 30, 2008, 122 Stat. 2375; Pub. L. 111-275, title I, Sec. 101(a), (b), Oct. 13, 2010, 124 Stat. 2866.)

-REFTEXT-

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (a)(4)(H), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219. Part T of title VIII of the Act is classified generally to part T (Sec. 1161t) of subchapter IX of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

Section 2135 of title 10, referred to in subsec. (e)(1), was renumbered section 16135 of Title 10, Armed Forces, by Pub. L. 103-337, div. A, title XVI, Sec. 1663(b)(2), Oct. 5, 1994, 108 Stat. 3006.

-MISC1-

AMENDMENTS

2010 - Subsec. (a)(4)(A), (C), (F). Pub. L. 111-275, Sec. 101(a), substituted "June 30, 2013" for "June 30, 2010".

Subsec. (a)(4)(G) to (J). Pub. L. 111-275, Sec. 101(b), added subpars. (G) to (J).

2008 - Subsecs. (b), (e)(1). Pub. L. 110-252 inserted "33," after "32,".

2007 - Subsec. (a)(4)(A), (C), (F). Pub. L. 110-157 substituted "June 30, 2010" for "June 30, 2007".

2006 - Pub. L. 109-461, Sec. 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.

Subsec. (a)(4)(A). Pub. L. 109-461, Sec. 304, substituted "June 30, 2007" for "December 27, 2006".

Pub. L. 109-444, which substituted "June 30, 2007" for "December 27, 2006", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Pub. L. 109-233 substituted "chapter 63" for "subchapter II of chapter 77".

Subsec. (a)(4)(C). Pub. L. 109-461, Sec. 304, substituted "June 30, 2007" for "December 27, 2006".

Pub. L. 109-444, which substituted "June 30, 2007" for "December 27, 2006", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (a)(4)(E). Pub. L. 109-461, Sec. 307(1), inserted "or 1607" after "chapter 1606".

Subsec. (a)(4)(F). Pub. L. 109-461, Sec. 304, substituted "June 30, 2007" for "December 27, 2006".

Pub. L. 109-444, which substituted "June 30, 2007" for "December 27, 2006", was terminated by Pub. L. 109-461, Sec. 1006(b). See

Amendment notes above.

Subsec. (b). Pub. L. 109-461, Sec. 307(2), substituted "chapter 1606 or 1607" for "chapter 106".

Subsec. (e)(1). Pub. L. 109-461, Sec. 307(3), substituted "a qualifying work-study activity described in subsection (a)(4)" for "services of the kind described in clauses (A) through (E) of subsection (a)(1) of this section" and "chapter 1606 or 1607" for "chapter 106".

2003 - Subsec. (e)(1). Pub. L. 108-183 struck out "(other than an education loan under subchapter III)" after "chapter 30, 31, 32, 35, or 36".

2002 - Subsec. (a)(4)(A), (C), (F). Pub. L. 107-330 substituted "the period preceding December 27, 2006" for "the five-year period beginning on the date of the enactment of the Veterans Education and Benefits Expansion Act of 2001".

2001 - Subsec. (a). Pub. L. 107-103 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows:

"(a)(1) Individuals utilized under the authority of subsection (b) of this section shall be paid an additional educational assistance allowance (hereinafter referred to as 'work-study allowance'). Such work-study allowance shall be paid in an amount equal to the applicable hourly minimum wage times the number of hours worked during the applicable period, in return for such individual's agreement to perform services, during or between periods of enrollment, aggregating not more than a number of hours equal to 25 times the number of weeks in the semester or other applicable enrollment period, required in connection with (A) the out-reach services program under subchapter II of chapter 77 of this title as carried out under the supervision of a Department of Veterans Affairs employee, (B) the preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the Department of Veterans Affairs, (C) the provision of hospital and domiciliary care and medical treatment under chapter 17 of this title, (D) any other activity of the Department of Veterans Affairs as the Secretary shall determine appropriate, or (E) in the case of an individual who is receiving educational assistance under chapter 106 of title 10, activities relating to the administration of such chapter at Department of Defense, Coast Guard, or National Guard facilities. An individual may elect, in a manner prescribed by the Secretary, to be paid in advance an amount equal to 40 percent of the total amount of the work-study allowance agreed to be paid under the agreement in return for the individual's agreement to perform the number of hours of work specified in the agreement (but not more than an amount equal to 50 times the applicable hourly minimum wage).

"(2) For the purposes of paragraph (1) of this subsection and subsection (e) of this section, the term 'applicable hourly minimum wage' means (A) the hourly minimum wage under section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)), or (B) the hourly minimum wage under comparable law of the State in which the services are to be performed, if such wage is higher than the wage referred to in clause (A) and the Secretary has made a determination to pay such higher wage."

Subsec. (a)(1). Pub. L. 107-14 substituted "hereinafter" for "hereafter".

1998 - Subsec. (a)(1). Pub. L. 105-368 substituted "An individual may elect, in a manner prescribed by the Secretary, to be paid in advance" for "An individual shall be paid in advance" in last sentence.

1992 - Subsec. (a)(1). Pub. L. 102-568 substituted "40 percent"

for "40 per centum" and inserted before period at end "(but not more than an amount equal to 50 times the applicable hourly minimum wage)".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1685 of this title as this section.

Subsec. (a)(1). Pub. L. 102-83, Sec. 2(c)(2), substituted "subchapter II of chapter 77" for "subchapter IV of chapter 3".

Pub. L. 102-16, Sec. 10(a)(5), redesignated cls. (1) to (5) as cls. (A) to (E), respectively, and inserted in cl. (E) ", Coast Guard, or National Guard" after "Department of Defense".

Subsec. (a)(2). Pub. L. 102-16, Sec. 6(b)(1), inserted "and subsection (e) of this section" after "subsection".

Subsec. (b). Pub. L. 102-16, Sec. 6(b)(2), inserted ", subject to the provisions of subsection (e) of this section," after "shall" in first sentence.

Subsec. (e). Pub. L. 102-40 substituted "5315" for "3115" in par. (2)(B)(ii) and "5314" for "3114" in two places in par. (2)(B)(iii).

Pub. L. 102-16, Sec. 6(a), added subsec. (e).

1989 - Pub. L. 101-237, Sec. 405(d)(4)(A), substituted "Work-study allowance" for "Veteran-student services" as section catchline.

Subsec. (a). Pub. L. 101-237, Sec. 423(b)(1), substituted "Secretary" and "Department of Veterans Affairs" for "Administrator" and "Veterans' Administration", respectively, wherever appearing.

Pub. L. 101-237, Sec. 405(a)(1), (b), (d)(2)(A), (C), (D), designated existing provisions as par. (1), substituted "Such work-study allowance shall be paid in an amount equal to the applicable hourly minimum wage times the number of hours worked during the applicable period, in return for such individual's agreement to perform services, during or between periods of enrollment, aggregating not more than a number of hours equal to 25 times the number of weeks in the semester or other applicable enrollment period," for "Such work-study allowance shall be paid in an amount equal to either the amount of the hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)) times two hundred and fifty or \$625, whichever is the higher, in return for such veteran-student's agreement to perform services, during or between periods of enrollment, aggregating two hundred and fifty hours during a semester or other applicable enrollment period," in second sentence, added cl. (5), substituted references to individuals for references to veteran-students, struck out third and fourth sentences which read as follows: "An agreement may be entered into for the performance of services for periods of less than two hundred and fifty hours. The amount of the work-study allowance to be paid under any such agreement shall be determined by multiplying the number of hours of work performed by the veteran-student under such agreement times either the hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938 during the period the work is to be performed or \$2.50, whichever is the higher.", and added par. (2).

Subsec. (b). Pub. L. 101-237, Sec. 423(b)(1)(A), substituted "Secretary" for "Administrator" wherever appearing.

Pub. L. 101-237, Sec. 405(a)(2), (c), (d)(1), substituted "subsection (a)(1) of this section" for "subsection (a) of this section", "individuals who are pursuing programs of rehabilitation, education, or training under chapter 30, 31, 32, or 34 of this title or chapter 106 of title 10, at a rate equal to at least three-quarters of that required of a full-time student" for "veteran-students who are pursuing full-time programs of rehabilitation,

education, or training under chapter 30, 31, 32, or 34 of this title", "30 percent" for "30 per centum", and "an individual ceases to be at least a three-quarter-time student before completing such agreement, the individual" for "the veteran ceases to be a full-time student before completing such agreement, the veteran".

Subsec. (c). Pub. L. 101-237, Sec. 423(b)(1), substituted "Secretary" and "Department of Veterans Affairs" for "Administrator" and "Veterans' Administration", respectively, wherever appearing.

Pub. L. 101-237, Sec. 405(d)(2)(B), (E)-(G), substituted "individuals" for "veterans" and for "veteran-students" wherever appearing, substituted "individual's" for "veteran's" in cl. (2), and substituted "individual" for "veteran" wherever appearing in cls. (1) to (3).

Subsec. (d). Pub. L. 101-237, Sec. 405(d)(2)(B), substituted "individuals" for "veteran-students".

1986 - Subsec. (b). Pub. L. 99-576 substituted "rehabilitation, education, or training under chapter 30, 31, 32, or 34 of this title" for "education or training under chapters 31 and 34 of this title".

1982 - Subsec. (a). Pub. L. 97-295 inserted "(29 U.S.C. 206(a))" after "Act of 1938" the first time it appeared.

1980 - Subsec. (d). Pub. L. 96-466 substituted "Office of Personnel Management" for "Civil Service Commission".

1977 - Subsec. (a). Pub. L. 95-202 substituted "Such work-study allowance shall be paid in an amount equal to either the amount of the hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938 times two hundred and fifty or \$625, whichever is the higher," for "Such work-study allowance shall be paid in the amount of \$625" and, in the provisions relating to periods of service of less than two hundred and fifty hours, substituted "amount of the work-study allowance to be paid under any such agreement shall be determined by multiplying the number of hours of work performed by the veteran-student under such agreement times either the hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938 during the period the work is to be performed or \$2.50, whichever is the higher" for "amount of the work-study allowance to be paid shall bear the same ratio to the number of hours of work agreed to be performed as \$625 bears to two hundred and fifty hours" and "A veteran-student shall be paid in advance an amount equal to 40 per centum of the total amount of the work-study allowance agreed to be paid under the agreement to perform the number of hours of work specified in the agreement" for provisions setting a flat amount of \$250 in advance or a lesser amount in the case of any agreement providing for periods of less than one hundred hours.

1976 - Subsec. (b). Pub. L. 94-502, Sec. 208, inserted provision permitting the veteran who ceases to be a full-time student to complete the agreement, with the approval of the Administrator.

Subsec. (c). Pub. L. 94-502, Sec. 211(11), substituted "the Administrator shall conduct" for "he shall conduct", "the Administrator shall prescribe," for "he shall prescribe,", and "the veteran's" for "his" in two places.

1974 - Subsec. (a). Pub. L. 93-508, Sec. 205(1), (2), substituted "the amount of \$625" for "in advance in the amount of \$250", and "aggregating two hundred and fifty hours" for "aggregating one hundred hours", and substituted provisions that an agreement may be entered into for the performance of services for periods of less than two hundred and fifty hours, in which case the amount of the work-study allowance to be paid shall bear the same ratio to the number of hours of work agreed to be performed as \$625 bears to two

hundred and fifty hours and that in the case of any agreement providing for the performance of services for less than one hundred hours, the amount of the advance payment shall bear the same ratio to the number of hours of work agreed to be performed as \$625 bears to two hundred and fifty hours, for provisions that advances of lesser amounts may be made in return for agreements to perform services for periods of less than one hundred hours, and that the amount of such advance shall bear the same ratio to the number of hours of work agreed to be performed as \$250 bears to one hundred hours.

Subsec. (c). Pub. L. 93-508, Sec. 205(3), struck out parenthetical provisions relating to a limit of eight-hundred man-years or their equivalent during any fiscal year.

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-275, title I, Sec. 101(c), Oct. 13, 2010, 124 Stat. 2866, provided that: "The amendment made by subsection (b) [amending this section] shall take effect on October 1, 2011."

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-252 effective Aug. 1, 2009, see section 5003(d) of Pub. L. 110-252, set out as a note under section 16163 of Title 10, Armed Forces.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-183, title III, Sec. 306(h)(2), Dec. 16, 2003, 117 Stat. 2661, provided that: "The amendments made by subsections (e), (f), and (g) [amending this section and section 3512 of this title and repealing subchapter III of chapter 36 of this title] shall take effect 90 days after the date of the enactment of this Act [Dec. 16, 2003]."

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-103, title I, Sec. 107(b), Dec. 27, 2001, 115 Stat. 984, provided that: "The amendment made by this section [amending this section] shall apply with respect to agreements entered into under section 3485 of title 38, United States Code, on or after the date of the enactment of this Act [Dec. 27, 2001]."

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-368, title II, Sec. 202(b), Nov. 11, 1998, 112 Stat. 3326, provided that: "The amendment made by subsection (a) [amending this section] shall apply with respect to agreements entered into under section 3485 of title 38, United States Code, on or after January 1, 1999."

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by section 405(a)-(d)(2), (4)(A) of Pub. L. 101-237 effective May 1, 1990, and applicable to services performed on or after that date, see section 405(e) of Pub. L. 101-237, set out as a note under section 16136 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, see section 802(h) of Pub. L. 96-466, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective retroactively to Oct. 1, 1977, see section 501 of Pub. L. 95-202, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 15, 1976, see section 703(b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as a note under section 3452 of this title.

-TRANS-

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.

-FOOTNOTE-

(!1) See References in Text note below.

-End-

-CITE-

38 USC Secs. 3486, 3487

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
SUBCHAPTER IV - PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

-HEAD-

[Secs. 3486, 3487. Vacant]

-COD-

CODIFICATION

Prior to renumbering of sections 1651 to 1693 of this chapter as sections 3451 to 3493 by Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406, sections 1686 and 1687 of this chapter were repealed.

Section 1686, added Pub. L. 93-508, title III, Sec. 302(a), Dec. 3, 1974, 88 Stat. 1591; amended Pub. L. 97-35, title XX, Sec. 2005(b), Aug. 13, 1981, 95 Stat. 783, which related to educational loans to any eligible veteran to whom former section 1662(a)(2) of this title applied, was repealed by Pub. L. 100-689, title I, Sec. 124(a), Nov. 18, 1988, 102 Stat. 4174.

Section 1687, added Pub. L. 89-358, Sec. 2, Mar. 3, 1966, 80 Stat. 19, Sec. 1686; renumbered Sec. 1687, Pub. L. 90-77, title III, Sec. 304(a), Aug. 31, 1967, 81 Stat. 186, which related to discontinuance of educational assistance allowance by Administrator, was repealed by Pub. L. 92-540, title IV, Sec.

401(6), Oct. 24, 1972, 86 Stat. 1090.

-End-

-CITE-

38 USC SUBCHAPTER V - SPECIAL ASSISTANCE FOR THE
EDUCATIONALLY DISADVANTAGED 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
SUBCHAPTER V - SPECIAL ASSISTANCE FOR THE EDUCATIONALLY
DISADVANTAGED

-HEAD-

SUBCHAPTER V - SPECIAL ASSISTANCE FOR THE EDUCATIONALLY
DISADVANTAGED

-End-

-CITE-

38 USC Sec. 3490 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
SUBCHAPTER V - SPECIAL ASSISTANCE FOR THE EDUCATIONALLY
DISADVANTAGED

-HEAD-

Sec. 3490. Purpose

-STATUTE-

It is the purpose of this subchapter (1) to encourage and assist veterans who have academic deficiencies to attain a high school education or its equivalent and to qualify for and pursue courses of higher education, (2) to assist eligible veterans to pursue postsecondary education through tutorial assistance where required, and (3) to encourage educational institutions to develop programs which provide special tutorial, remedial, preparatory, or other educational or supplementary assistance to such veterans.

-SOURCE-

(Added Pub. L. 91-219, title II, Sec. 204(a)(4), Mar. 26, 1970, 84 Stat. 79, Sec. 1690; renumbered Sec. 3490, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1690 of this title as this section.

-End-

-CITE-

38 USC Sec. 3491

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE

SUBCHAPTER V - SPECIAL ASSISTANCE FOR THE EDUCATIONALLY
DISADVANTAGED

-HEAD-

Sec. 3491. Elementary and secondary education and preparatory
educational assistance

-STATUTE-

(a) In the case of any eligible veteran who -

(1) has not received a secondary school diploma (or an
equivalency certificate), or

(2) is not on active duty and who, in order to pursue a program
of education for which the veteran would otherwise be eligible,
needs refresher courses, deficiency courses, or other preparatory
or special educational assistance to qualify for admission to an
appropriate educational institution,

the Secretary may, without regard to so much of the provisions of
section 3471 of this title as prohibit the enrollment of an
eligible veteran in a program of education in which the veteran is
"already qualified", approve the enrollment of such veteran in an
appropriate course or courses or other special educational
assistance program.

(b)(1) The Secretary shall pay to an eligible veteran pursuing a
course or courses or program pursuant to subsection (a)(2) of this
section, an educational assistance allowance as provided in
sections 3481 and 3482(a) or (b) of this title.

(2) The Secretary shall pay to an eligible veteran described in
subsection (a)(1) of this section who is pursuing a course or
courses or program under this subchapter for the purpose of
attaining a secondary school diploma (or an equivalency
certificate) an educational assistance allowance (A) at the rate of
established charges for tuition and fees required of similarly
circumstanced nonveterans enrolled in the same course, courses, or
program, or (B) at the institutional full-time rate provided in
section 3482(a) of this title, whichever is the lesser.

(c) The provisions of section 3473(d)(1) (!1) of this title,
relating to the disapproval of enrollment in certain courses, shall
be applicable to the enrollment of an eligible veteran who, while
serving on active duty, enrolls in one or more courses under this
subchapter for the purpose of attaining a secondary school diploma
(or an equivalency certificate).

-SOURCE-

(Added Pub. L. 91-219, title II, Sec. 204(a)(4), Mar. 26, 1970, 84
Stat. 79, Sec. 1691; amended Pub. L. 92-540, title III, Sec. 305,
Oct. 24, 1972, 86 Stat. 1081; Pub. L. 94-502, title II, Sec.
211(12), Oct. 15, 1976, 90 Stat. 2389; Pub. L. 96-466, title III,
Sec. 311, Oct. 17, 1980, 94 Stat. 2194; Pub. L. 97-295, Sec. 4(43),
Oct. 12, 1982, 96 Stat. 1308; Pub. L. 97-306, title II, Sec.
203(b), Oct. 14, 1982, 96 Stat. 1434; Pub. L. 101-237, title IV,
Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec.

3491 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

-REFTEXT-

REFERENCES IN TEXT

Section 3473(d)(1) of this title, referred to in subsec. (c), was repealed by Pub. L. 102-568, title III, Sec. 313(a)(3)(A), Oct. 29, 1992, 106 Stat. 4332.

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1691 of this title as this section.

Subsec. (a). Pub. L. 102-83, Sec. 5(c)(1), substituted "3471" for "1671" in concluding provisions.

Subsec. (b). Pub. L. 102-83, Sec. 5(c)(1), substituted "3481 and 3482(a)" for "1681 and 1682(a)" in par. (1) and "3482(a)" for "1682(a)" in par. (2).

Subsec. (c). Pub. L. 102-83, Sec. 5(c)(1), substituted "3473(d)(1)" for "1673(d)(1)".

1989 - Subsecs. (a), (b). Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

1982 - Subsec. (a). Pub. L. 97-295, Sec. 4(43)(A), inserted "of this title" after "section 1671".

Subsec. (b)(2). Pub. L. 97-295, Sec. 4(43)(B), inserted "of this title" after "section 1682(a)".

Subsec. (c). Pub. L. 97-306 substituted "section 1673(d)(1)" for "section 1673(d)".

1980 - Subsec. (a). Pub. L. 96-466, Sec. 311(1), in provisions preceding par. (1) struck out "not on active duty" after "eligible veteran", in par. (1) struck out "at the time of the veteran's discharge or release from active duty" after "(or an equivalency certificate)", and in par. (2) inserted "is not on active duty and who," before "in order to pursue".

Subsec. (b). Pub. L. 96-466, Sec. 311(2), designated existing provisions as par. (1), substituted reference to subsec. (a)(2) of this section for reference to subsec. (a) of this section, and added par. (2).

Subsec. (c). Pub. L. 96-466, Sec. 311(3), added subsec. (c).

1976 - Subsec. (a). Pub. L. 94-502 substituted "the veteran's" for "his" and "the veteran" for "he" wherever appearing.

1972 - Subsec. (b). Pub. L. 92-540 struck out provision relating to the approval in excess of half-time training as defined pursuant to section 1684 of this title of enrollment in adult evening secondary school courses.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, except that subsec. (b)(2) of this section, as added by section 311(2)(C) of Pub. L. 96-466, not applicable to any person receiving educational assistance under this chapter on Oct. 1, 1980, for the pursuit of a program of education in which such person is enrolled on that date, for as long as such person continuously thereafter is so enrolled and meets the requirements of eligibility for such assistance for pursuit of such program, see section 802(c) of Pub. L. 96-466, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 15, 1976, see section 703(b) of Pub. L. 94-502, set out as an Effective Date note under

section 3693 of this title.

-FOOTNOTE-

(!1) See References in Text note below.

-End-

-CITE-

38 USC Sec. 3492

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
SUBCHAPTER V - SPECIAL ASSISTANCE FOR THE EDUCATIONALLY
DISADVANTAGED

-HEAD-

Sec. 3492. Tutorial assistance

-STATUTE-

- (a) In the case of any eligible veteran who -
- (1) is enrolled in and pursuing a postsecondary course of education on a half-time or more basis at an educational institution; and
 - (2) has a deficiency in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved program of education,

the Secretary may approve individualized tutorial assistance for such veteran if such assistance is necessary for the veteran to complete such program successfully.

(b) The Secretary shall pay to an eligible veteran receiving tutorial assistance pursuant to subsection (a) of this section, in addition to the educational assistance allowance provided in section 3482 of this title, the cost of such tutorial assistance in an amount not to exceed \$100 per month, for a maximum of twelve months, or until a maximum of \$1,200 is utilized, upon certification by the educational institution that -

- (1) the individualized tutorial assistance is essential to correct a deficiency of the eligible veteran in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved program of education;
- (2) the tutor chosen to perform such assistance is qualified and is not the eligible veteran's parent, spouse, child (whether or not married or over eighteen years of age), brother, or sister; and
- (3) the charges for such assistance do not exceed the customary charges for such tutorial assistance.

-SOURCE-

(Added Pub. L. 91-219, title II, Sec. 204(a)(4), Mar. 26, 1970, 84 Stat. 80, Sec. 1692; amended Pub. L. 92-540, title III, Sec. 306, Oct. 24, 1972, 86 Stat. 1081; Pub. L. 93-508, title II, Sec. 206, Dec. 3, 1974, 88 Stat. 1583; Pub. L. 94-502, title II, Sec. 209, Oct. 15, 1976, 90 Stat. 2388; Pub. L. 95-202, title I, Sec. 102(5), Nov. 23, 1977, 91 Stat. 1434; Pub. L. 96-466, title II, Secs.

201(5), 211(5), title III, Sec. 312, Oct. 17, 1980, 94 Stat. 2188, 2190, 2195; Pub. L. 98-543, title II, Sec. 202(4), Oct. 24, 1984, 98 Stat. 2742; Pub. L. 100-689, title I, Sec. 107(c)(1), (2)(A), Nov. 18, 1988, 102 Stat. 4169; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3492 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1692 of this title as this section.

Subsec. (b). Pub. L. 102-83, Sec. 5(c)(1), substituted "3482" for "1682".

1989 - Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

1988 - Pub. L. 100-689, Sec. 107(c)(2)(A), substituted "Tutorial assistance" for "Special supplementary assistance" in section catchline.

Subsec. (b). Pub. L. 100-689, Sec. 107(c)(1), substituted "\$100" and "\$1,200" for "\$84" and "\$1,008", respectively.

1984 - Subsec. (b). Pub. L. 98-543 substituted "\$84" and "\$1,008" for "\$76" and "\$911", respectively.

1980 - Subsec. (b). Pub. L. 96-466, Sec. 211(5), substituted "\$76" and "\$911" for "\$72" and "\$869", respectively.

Pub. L. 96-466, Sec. 201(5), substituted "\$72" and "\$869" for "\$69" and "\$828", respectively.

Subsec. (b)(2). Pub. L. 96-466, Sec. 312, inserted "and is not the eligible veteran's parent, spouse, child (whether or not married or over eighteen years of age), brother, or sister" after "is qualified".

1977 - Subsec. (b). Pub. L. 95-202 substituted "\$69" and "\$828" for "\$65" and "\$780", respectively.

1976 - Subsec. (b). Pub. L. 94-502 substituted "\$65" for "\$60" and "\$780" for "\$720", respectively.

1974 - Subsec. (b). Pub. L. 93-508 substituted "\$60 per month, for a maximum of twelve months, or until a maximum of \$720" for "\$50 per month, for a maximum of nine months, or until a maximum of \$450".

1972 - Subsec. (a)(2). Pub. L. 92-540, Sec. 306(1), struck out "marked" before "deficiency".

Subsec. (b). Pub. L. 92-540, Sec. 306(2), inserted "or until a maximum of \$450 is utilized," after "nine months".

Subsec. (b)(1). Pub. L. 92-540, Sec. 306(1), struck out "marked" before "deficiency".

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-543 effective Oct. 1, 1984, see section 205 of Pub. L. 98-543, set out as a note under section 3108 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by sections 201(5) and 211(5) of Pub. L. 96-466 effective Oct. 1, 1980, and Jan. 1, 1981, respectively, see section 802(b) of Pub. L. 96-466, set out as a note under section 3482 of this title.

Amendment by section 312 of Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(c) of Pub. L. 96-466, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective retroactively to Oct. 1, 1977, see section 501 of Pub. L. 95-202, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 1, 1976, see section 703(a) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as a note under section 3452 of this title.

-End-

-CITE-

38 USC Sec. 3493 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE
SUBCHAPTER V - SPECIAL ASSISTANCE FOR THE EDUCATIONALLY
DISADVANTAGED

-HEAD-

Sec. 3493. Effect on educational entitlement

-STATUTE-

The educational assistance allowance or cost of individualized tutorial assistance authorized by this subchapter shall be paid without charge to any period of entitlement the veteran may have earned pursuant to section 3461(a) of this title.

-SOURCE-

(Added Pub. L. 91-219, title II, Sec. 204(a)(4), Mar. 26, 1970, 84 Stat. 80, Sec. 1693; renumbered Sec. 3493 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1693 of this title as this section and substituted "3461(a)" for "1661(a)".

-End-

-CITE-

38 USC Secs. 3495 to 3498 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 34 - VETERANS' EDUCATIONAL ASSISTANCE

SUBCHAPTER V - SPECIAL ASSISTANCE FOR THE EDUCATIONALLY
DISADVANTAGED

-HEAD-

[Secs. 3495 to 3498. Vacant]

-COD-

CODIFICATION

Prior to renumbering of sections 1651 to 1693 of this chapter as sections 3451 to 3493 by Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406, sections 1695 to 1698 of this chapter, which comprised former subchapter VI of this chapter, were repealed by Pub. L. 96-466, title VI, Sec. 601(a)(1), title VIII, Sec. 802(f), Oct. 17, 1980, 94 Stat. 2208, 2218, effective Oct. 1, 1980.

Section 1695, added Pub. L. 91-219, title II, Sec. 204(a)(4), Mar. 26, 1970, 84 Stat. 80, set forth purpose of former subchapter VI relating to a predischarge education program and defined "eligible person" for purposes of such subchapter.

Section 1696, added Pub. L. 91-219, title II, Sec. 204(a)(4), Mar. 26, 1970, 84 Stat. 80; amended Pub. L. 92-540, title I, Sec. 102(5), title III, Sec. 307, Oct. 24, 1972, 86 Stat. 1075, 1081; Pub. L. 93-508, title I, Sec. 102(5), Dec. 3, 1974, 88 Stat. 1580; Pub. L. 93-602, title II, Sec. 203(c), Jan. 2, 1975, 88 Stat. 1958; Pub. L. 94-502, title II, Secs. 201(4), 210(5), 211(13), Oct. 15, 1976, 90 Stat. 2385, 2388, 2389; Pub. L. 95-202, title I, Sec. 102(6), Nov. 23, 1977, 91 Stat. 1434, related to payment of an educational assistance allowance.

Section 1697, added Pub. L. 91-219, title II, Sec. 204(a)(4), Mar. 26, 1970, 84 Stat. 81, related to educational and vocational guidance.

Section 1698, added Pub. L. 92-540, title III, Sec. 308, Oct. 24, 1972, 86 Stat. 1082, Sec. 1697A; renumbered Sec. 1698 and amended Pub. L. 94-502, title II, Secs. 210(3), 211(14), Oct. 15, 1976, 90 Stat. 2388, 2389; Pub. L. 95-202, title III, Sec. 302(b), Nov. 23, 1977, 91 Stat. 1441, related to coordination with and participation by Department of Defense in carrying out functions and duties of Department of Defense under predischarge education program.

-End-