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-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

-HEAD-

CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

-MISC1-

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AMENDMENTS

2000 - Pub. L. 106-419, title I, Sec. 111(f)(1)(B), Nov. 1, 2000,

114 Stat. 1831, added item 3564.

1991 - Pub. L. 102-83, Sec. 5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 1700 to 1766 as 3500 to 3566, respectively.

1989 - Pub. L. 101-237, title IV, Secs. 406(a)(2), 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2082, 2092, added item 1737 and substituted "Secretary" for "Administrator" in item 1761.

1988 - Pub. L. 100-689, title I, Sec. 124(c)(2), Nov. 18, 1988, 102 Stat. 4175, struck out items 1737 "Education loans" and 1738 "Accelerated payment of educational assistance allowances".

1986 - Pub. L. 99-576, title III, Sec. 314(b)(3), Oct. 28, 1986, 100 Stat. 3274, amended items 1720 and 1721 generally.

1977 - Pub. L. 95-202, title II, Sec. 201(c)(2), Nov. 23, 1977, 91 Stat. 1438, added item 1738.

1976 - Pub. L. 94-502, title III, Sec. 309(a), Oct. 15, 1976, 90 Stat. 2391, substituted "SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE" for "WAR ORPHANS' AND WIDOWS' EDUCATION ASSISTANCE" in chapter heading.

1974 - Pub. L. 93-508, title III, Sec. 303(b), Dec. 3, 1974, 88 Stat. 1592, added item 1737.

1972 - Pub. L. 92-540, title IV, Sec. 405, Oct. 24, 1972, 86 Stat. 1091, substituted in item 1733 "Special assistance for the educationally disadvantaged" for "Measurement of courses", in item 1734 "Apprenticeship or other on-job training; correspondence courses" for "Overcharges by educational institutions", and in item 1736 "Specialized vocational training courses" for "Discontinuance of allowances", and struck out item 1722 "Change of program", item 1725 "Period of operation for approval", and item 1737 "Specialized vocational training courses".

1970 - Pub. L. 91-219, title II, Sec. 207(b), Mar. 26, 1970, 84 Stat. 82, inserted item 1763.

1968 - Pub. L. 90-631, Sec. 2(a)(2), (h)(1), Oct. 23, 1968, 82 Stat. 1332, 1333, inserted "AND WIDOWS' " after "WAR ORPHANS' " in chapter heading, and added item 1700.

1966 - Pub. L. 89-613, Sec. 2, Sept. 30, 1966, 80 Stat. 862, added heading of Subchapter VII "PHILIPPINE COMMONWEALTH ARMY AND PHILIPPINE SCOUTS" and items 1765 and 1766.

Pub. L. 89-358, Sec. 3(a)(10), Mar. 3, 1966, 80 Stat. 21, struck out items 1726, 1763 to 1768, and subchapter VII heading and items 1771 to 1778 thereunder.

1963 - Pub. L. 88-126, Sec. 5, Sept. 23, 1963, 77 Stat. 163, added heading of Subchapter VII "STATE APPROVING AGENCIES" and items 1771 to 1778.

-End-

-CITE-

38 USC SUBCHAPTER I - DEFINITIONS

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

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38 USC Sec. 3500

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SUBCHAPTER I - DEFINITIONS

-HEAD-

Sec. 3500. Purpose

-STATUTE-

The Congress hereby declares that the educational program established by this chapter is for the purpose of providing opportunities for education to children whose education would otherwise be impeded or interrupted by reason of the disability or death of a parent from a disease or injury incurred or aggravated in the Armed Forces after the beginning of the Spanish-American War, and for the purpose of aiding such children in attaining the educational status which they might normally have aspired to and obtained but for the disability or death of such parent. The Congress further declares that the educational program extended to the surviving spouses of veterans who died of service-connected disabilities and to spouses of veterans with a service-connected total disability permanent in nature is for the purpose of assisting them in preparing to support themselves and their families at a standard of living level which the veteran, but for the veteran's death or service disability, could have expected to provide for the veteran's family.

-SOURCE-

(Added Pub. L. 90-631, Sec. 2(a)(1), Oct. 23, 1968, 82 Stat. 1331, Sec. 1700; amended Pub. L. 94-502, title III, Sec. 310(1), Oct. 15, 1976, 90 Stat. 2391; renumbered Sec. 3500, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1700 of this title as this section.

1976 - Pub. L. 94-502 substituted "surviving spouses" for "widows", "spouses" for "wives", and "the veteran's" for "his" in two places.

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

Section 6(a) of Pub. L. 90-631 provided that: "The amendments made by the first section and sections 2, 3, and 5 of this Act [see Tables for classification] shall take effect on the first day of the second calendar month which begins after the date of the enactment of this Act [Oct. 23, 1968]."

-End-

-CITE-

38 USC Sec. 3501

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SUBCHAPTER I - DEFINITIONS

-HEAD-

Sec. 3501. Definitions

-STATUTE-

(a) For the purposes of this chapter and chapter 36 of this title

(1) The term "eligible person" means any of the following:

(A) A child of a person who, as a result of qualifying service -

(i) died of a service-connected disability; or

(ii) has a total disability permanent in nature resulting from a service-connected disability, or who died while a disability so evaluated was in existence.

(B) The surviving spouse of any person who died of a service-connected disability sustained during a period of qualifying service.

(C) The spouse or child of any member of the Armed Forces serving on active duty who, at the time of application for benefits under this chapter is listed, pursuant to section 556 of title 37 and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (i) missing in action, (ii) captured in line of duty by a hostile force, or (iii) forcibly detained or interned in line of duty by a foreign government or power.

(D)(i) The spouse of any person who has a total disability permanent in nature resulting from a service-connected disability sustained during a period of qualifying service, or (ii) the surviving spouse of a veteran who died while a disability so evaluated was in existence.

(E) The spouse or child of a person who -

(i) at the time of the Secretary's determination under clause (ii), is a member of the Armed Forces who is hospitalized or receiving outpatient medical care, services, or treatment;

(ii) the Secretary determines has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service; and

(iii) is likely to be discharged or released from such service for such disability.

(2) The term "child" includes individuals who are married and individuals who are above the age of twenty-three years.

(3) The term "duty with the Armed Forces" as used in section 3512 of this title means (A) active duty, (B) active duty for training for a period of six or more consecutive months, or (C) active duty for training required by section 12103(d) of title 10.

(4) The term "guardian" includes a fiduciary legally appointed

by a court of competent jurisdiction, or any other person who has been appointed by the Secretary under section 5502 of this title to receive payment of benefits for the use and benefit of the eligible person.

(5) 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 the requirements for the attainment of a predetermined and identified educational, professional, or vocational objective. Such term also includes any preparatory course described in section 3002(3)(B) of this title. 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 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)).

(6) The term "educational institution" means any public or private secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution, or any other institution if it furnishes education at the secondary school level or above. 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).

(7) The term "special restorative training" means training furnished under subchapter V of this chapter.

(8) The term "total disability permanent in nature" means any disability rated total for the purposes of disability compensation which is based upon an impairment reasonably certain to continue throughout the life of the disabled person.

(9) The term "training establishment" 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 of 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.

(10) 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 by the secretary of education (or comparable official) of the country or other jurisdiction in which the institution is located.

(11) The term "standard college degree" means an associate or higher degree awarded by (A) an institution of higher learning that is accredited as a collegiate institution by a recognized regional or national accrediting agency; or (B) an institution of higher learning that is a "candidate" for accreditation as that term is used by the regional or national accrediting agencies; or (C) 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.

(12) The term "qualifying service" means service in the active military, naval, or air service after the beginning of the Spanish-American War that did not terminate under dishonorable conditions.

(b) If an eligible person has attained the person's majority and is under no known legal disability, all references in this chapter to "parent or guardian" shall refer to the eligible person.

(c) Any provision of this chapter which requires any action to be taken by or with respect to the parent or guardian of an eligible person who has not attained such person's majority, or who, having attained such person's majority, is under a legal disability, shall not apply when the Secretary determines that its application would not be in the best interest of the eligible person, would result in undue delay, or would not be administratively feasible. In such a case the Secretary, where necessary to protect the interest of the eligible person, may designate some other person (who may be the eligible person) as the person by or with respect to whom the action so required should be taken.

(d) No eligible person may be afforded educational assistance under this chapter unless such person was discharged or released after each period such person was on duty with the Armed Forces under conditions other than dishonorable, or while such person is on duty with the Armed Forces.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1193, Sec. 1701; Pub. L. 86-236, Sec. 1, Sept. 8, 1959, 73 Stat. 471; Pub. L. 86-785, Secs. 1-3, Sept. 14, 1960, 74 Stat. 1023; Pub. L. 88-361, Sec. 1, July 7, 1964, 78 Stat. 297; Pub. L. 89-222, Sec. 3, Sept. 30, 1965, 79 Stat. 896; Pub. L. 89-349, Sec. 1, Nov. 8, 1965, 79 Stat. 1313; Pub. L. 89-358, Sec. 4(j), Mar. 3, 1966, 80 Stat. 24; Pub. L. 90-631, Sec. 2(b), (c), Oct. 23, 1968, 82 Stat. 1332; Pub. L. 91-24, Sec. 9(a), June 11, 1969, 83 Stat. 34; Pub. L. 91-584, Sec. 1, Dec. 24, 1970, 84 Stat. 1575; Pub. L. 92-540, title III, Sec. 309, Oct. 24, 1972, 86 Stat. 1083; Pub. L. 93-295, title III, Sec. 302, May 31, 1974, 88 Stat. 184; Pub. L. 94-502, title III, Secs. 302, 310(2)-(5), Oct. 15, 1976, 90 Stat. 2389, 2391; Pub. L. 96-466,

title III, Sec. 327(a), title VIII, Sec. 801(c), Oct. 17, 1980, 94 Stat. 2197, 2216; Pub. L. 98-160, title VII, Sec. 702(12), Nov. 21, 1983, 97 Stat. 1009; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 102-40, title IV, Sec. 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered Sec. 3501 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 104-106, div. A, title XV, Sec. 1501(e)(2)(C), Feb. 10, 1996, 110 Stat. 501; Pub. L. 106-419, title I, Secs. 114(a), 122(a), Nov. 1, 2000, 114 Stat. 1833; Pub. L. 107-103, title I, Secs. 108(a), 110(a), Dec. 27, 2001, 115 Stat. 985, 986; Pub. L. 108-454, title I, Sec. 106(a), Dec. 10, 2004, 118 Stat. 3602; Pub. L. 109-444, Sec. 3(a), (b)(1), Dec. 21, 2006, 120 Stat. 3305; Pub. L. 109-461, title III, Sec. 301(a), (b)(1), title X, Sec. 1006(b), Dec. 22, 2006, 120 Stat. 3425, 3468.)

-REFTEXT-

REFERENCES IN TEXT

The National Apprenticeship Act, referred to in subsec. (a)(9), is act Aug. 16, 1937, ch. 663, 50 Stat. 664, as amended which is classified generally to chapter 4C (Sec. 50 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 50 of Title 29 and Tables.

-MISC1-

PRIOR PROVISIONS

Prior sections 3501 to 3505 were renumbered sections 6101 to 6105 of this title, respectively.

AMENDMENTS

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)(1). Pub. L. 109-461, Sec. 301(a)(1), (8), substituted "means any of the following:" for "means - " in introductory provisions and struck out concluding provisions, which read as follows: "arising out of active military, naval, or air service after the beginning of the Spanish-American War, but only if such service did not terminate under dishonorable conditions. The standards and criteria for determining whether or not a disability arising out of such service is service connected shall be those applicable under chapter 11 of this title."

Pub. L. 109-444, Sec. 3(a)(1), (8), which substituted "means any of the following:" for "means - " in introductory provisions and struck out concluding provisions, was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (a)(1)(A). Pub. L. 109-461, Sec. 301(a)(2), (3), substituted "A child of a person who, as a result of qualifying service" for "a child of a person who" in introductory provisions substituted "; or" for a comma in cl. (i) and a period for ", or" in cl. (ii), and struck out cl. (iii) which read as follows: "at the time of application for benefits under this chapter is a member of the Armed Forces serving on active duty listed, pursuant to section 556 of title 37 and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (A) missing in action, (B) captured in line of duty by a hostile force,

or (C) forcibly detained or interned in line of duty by a foreign government or power."

Pub. L. 109-444, Sec. 3(a)(2), (3), which substituted "A child of a person who, as a result of qualifying service" for "a child of a person who" in introductory provisions substituted "; or" for a comma in cl. (i) and a period for ", or" in cl. (ii), and struck out cl. (iii), was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (a)(1)(B). Pub. L. 109-461, Sec. 301(a)(2), (4), substituted "The surviving spouse of any person who died of a service-connected disability sustained during a period of qualifying service." for "the surviving spouse of any person who died of a service-connected disability,".

Pub. L. 109-444, Sec. 3(a)(2), (4), which substituted "The surviving spouse of any person who died of a service-connected disability sustained during a period of qualifying service." for "the surviving spouse of any person who died of a service-connected disability," was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (a)(1)(C). Pub. L. 109-461, Sec. 301(a)(2), (5), substituted "The spouse or child" for "the spouse" and a period at end for ", or".

Pub. L. 109-444, Sec. 3(a)(2), (5), which substituted "The spouse or child" for "the spouse" and a period at end for ", or", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (a)(1)(D). Pub. L. 109-461, Sec. 301(a)(2), (6), substituted "The spouse" for "the spouse", inserted "sustained during a period of qualifying service" before comma in cl. (i), and substituted period for comma at end of cl. (ii).

Pub. L. 109-444, Sec. 3(a)(2), (6), which substituted "The spouse" for "the spouse", inserted "sustained during a period of qualifying service" before comma in cl. (i), and substituted period for comma at end of cl. (ii), was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (a)(1)(E). Pub. L. 109-461, Sec. 301(a)(7), added subpar. (E).

Pub. L. 109-444, Sec. 3(a)(7), which added subpar. (E) identical to that added by Pub. L. 109-461, Sec. 301(a)(7), was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (a)(12). Pub. L. 109-461, Sec. 301(b)(1), added par. (12).

Pub. L. 109-444, Sec. 3(b)(1), which added par. (12) identical to that added by Pub. L. 109-461, Sec. 301(b)(1), was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

2004 - Subsec. (a)(5). Pub. L. 108-454 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))."

2001 - Subsec. (a)(1)(D). Pub. L. 107-103, Sec. 108(a), inserted cl. (i) designation after "(D)" and cl. (ii) designation after "or".

Subsec. (a)(6). Pub. L. 107-103, Sec. 110(a), 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)."

2000 - Subsec. (a)(5). Pub. L. 106-419, Sec. 122(a), 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."

Pub. L. 106-419, Sec. 114(a), inserted at end "Such term also includes any preparatory course described in section 3002(3)(B) of this title."

1996 - Subsec. (a)(3)(C). Pub. L. 104-106 substituted "section 12103(d) of title 10" for "section 511(d) of title 10".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1701 of this title as this section.

Subsec. (a)(3). Pub. L. 102-83, Sec. 5(c)(1), substituted "3512" for "1712".

Subsec. (a)(4). Pub. L. 102-40 substituted "5502" for "3202".

Subsec. (a)(11). Pub. L. 102-83, Sec. 5(c)(1), substituted "3675" for "1775".

1989 - Subsecs. (a)(4), (c). Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

1983 - Subsec. (a)(1)(A)(iii), (C). Pub. L. 98-160, Sec. 702(12)(A), struck out ", United States Code," after "title 37" and inserted a comma after "regulations issued thereunder".

Subsec. (a)(9). Pub. L. 98-160, Sec. 702(12)(B), 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".

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

Subsec. (a)(9). Pub. L. 96-466, Sec. 801(c)(2), substituted "The" for "For the purposes of this chapter and chapter 36 of this title, the".

Subsec. (a)(10). Pub. L. 96-466, Secs. 327(a), 801(c)(2), substituted "The" for "For the purposes of this chapter and chapter 36 of this title, the" and inserted provision including within the term "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. (a)(11). Pub. L. 96-466, Sec. 801(c)(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. 310(2), substituted "surviving spouse" for "widow" and "spouse" for "wife" in two places.

Subsec. (a)(10), (11). Pub. L. 94-502, Sec. 302, added pars. (10), (11).

Subsec. (b). Pub. L. 94-502, Sec. 310(3), substituted "the person's" for "his" and "the eligible person" for "the eligible person himself".

Subsec. (c). Pub. L. 94-502, Sec. 310(4), substituted "such

person's" for "his" and "be the eligible person" for "be the eligible person himself" in the parenthetical phrase.

Subsec. (d). Pub. L. 94-502, Sec. 310(5), substituted "such person" for "he" in three places.

1974 - Subsec. (a)(4). Pub. L. 93-295 substituted "any other person who has been appointed by the Administrator under section 3202 of this title to receive payment of benefits for the use and benefit of the eligible person" for "any person who is determined by the Administrator in accordance with section 3202 of this title to be otherwise legally vested with the care of the eligible person".

1972 - Subsec. (a)(6). Pub. L. 92-540, Sec. 309(1), inserted reference to correspondence school within the definition of "educational institution".

Subsec. (a)(9). Pub. L. 92-540, Sec. 309(2), added par. (9).

1970 - Subsec. (a)(1)(A). Pub. L. 91-584, Sec. 1(3), added cl. (iii).

Subsec. (a)(1)(C), (D). Pub. L. 91-584, Sec. 1(5), (6), added subpar. (C) and redesignated former subpar. (C) as (D).

1969 - Subsec. (a)(2). Pub. L. 91-24 substituted "the age of twenty-three years" for "the age of twenty-one years".

1968 - Subsec. (a)(1). Pub. L. 90-631, Sec. 2(b), extended the definition of "eligible person" to include the widow of any person who died of a service-connected disability, or the wife of any person who has a total disability permanent in nature resulting from a service-connected disability, or the widow of a veteran who died while a disability so evaluated was in existence.

Subsec. (d). Pub. L. 90-631, Sec. 2(c), substituted provisions requiring that any eligible person seeking educational assistance under this chapter to have been discharged or released after each period he was on duty with the armed forces under conditions other than dishonorable, or while he is on duty with the armed forces, for provisions setting forth the purposes of educational assistance programs established under this chapter.

1966 - Subsec. (a)(1). Pub. L. 89-358, Sec. 4(j)(3), struck out "and prior to the end of the induction period" after "Spanish-American War".

Subsec. (a)(3)(C). Pub. L. 89-358, Sec. 4(j)(1), substituted "section 511(d) of title 10" for "section 1013(c)(1) of title 50".

Subsec. (a)(8) to (10). Pub. L. 89-358, Sec. 4(j)(2), struck out par. (8) including the Canal Zone in the term "State" (now incorporated in section 101(20) of this title) and par. (9) defining "induction period" and redesignated par. (10) as (8).

Subsec. (d). Pub. L. 89-358, Sec. 4(j)(3), struck out "and prior to the end of the induction period" after "Spanish-American War".

1965 - Subsec. (a)(1). Pub. L. 89-349, Sec. 1(a), (b), generally amended par. (1) and, among other changes, substituted "after the beginning of the Spanish-American War and prior to the end of the induction period" for "during the Spanish-American War, World War I, World War II, the Korean conflict, or the induction period" in first sentence.

Pub. L. 89-222 substituted "such service" the second time it appears for "service during the Spanish-American War, World War I, World War II, or the Korean conflict" and struck out provisions which prescribed the applicable standards and criteria for determining whether or not a disability arising out of service during the induction period is service-connected.

Subsec. (a)(9). Pub. L. 89-349, Sec. 1(c), struck out provisions which included the period beginning Sept. 16, 1940, and ending Dec. 6, 1941, and the period beginning Jan. 1, 1947, and ending June 26, 1950, within the term "induction period".

Subsec. (d). Pub. L. 89-349, Sec. 1(d), substituted "after the beginning of the Spanish-American War and prior to the end of the induction period" for "during the Spanish-American War, World War I, World War II, the Korean conflict, or the induction period".

1964 - Subsec. (a)(1). Pub. L. 88-361, Sec. 1(a), included the child of a person who has a service-connected disability, or who died while such disability existed.

Subsec. (a)(10). Pub. L. 88-361, Sec. 1(b), added par. (10).

Subsec. (d). Pub. L. 88-361, Sec. 1(c), inserted "disability or" before "death" wherever appearing.

1960 - Subsec. (a)(1). Pub. L. 86-785, Sec. 1, substituted "the Korean conflict, or the induction period" for "or the Korean conflict", inserted "arising out of service during the Spanish-American War, World War I, World War II, or the Korean conflict" after "whether or not a disability", and inserted the sentence relating to the criteria for determining whether a disability arising out of service during the induction period is service connected.

Subsec. (a)(9). Pub. L. 86-785, Sec. 2, added par. (9).

Subsec. (d). Pub. L. 86-785, Sec. 3, substituted "the Korean conflict, or the induction period" for "or the Korean conflict".

1959 - Subsecs. (a)(1), (d). Pub. L. 86-236 inserted reference to Spanish-American War.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-461, title III, Sec. 301(d), Dec. 22, 2006, 120 Stat. 3427, provided that: "The amendments made by this section [amending this section and sections 3511, 3512, 3540, 3563, 3686, and 5113 of this title] shall apply with respect to a payment of educational assistance for a course of education pursued after the date of the enactment of this Act [Dec. 22, 2006]."

Pub. L. 109-444, Sec. 3(d), Dec. 21, 2006, 120 Stat. 3307, which provided that amendments made by section 3 of Pub. L. 109-444 would apply with respect to a payment of educational assistance for a course of education pursued after Dec. 21, 2006, was repealed by Pub. L. 109-461, title X, Sec. 1006(b), Dec. 22, 2006, 120 Stat. 3468, set out as a Coordination of Provisions With Pub. L. 109-444 note under section 101 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by section 110(a) of Pub. L. 107-103 applicable to enrollments in courses beginning on or after Dec. 27, 2001, see section 110(b) of Pub. L. 107-103, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by section 122(a) of 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 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as enacted on Oct. 5, 1994, see section 1501(f)(3) of Pub. L. 104-106, set out as a note under section 113 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, see section

802(c), (h) 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.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-295 effective first day of second calendar month following May 31, 1974, see section 401 of Pub. L. 93-295, set out as a note under section 1114 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.

ELIGIBLE PERSON

Pub. L. 86-785, Sec. 5, Sept. 14, 1960, 74 Stat. 1024, as amended by Pub. L. 87-815, Sec. 2(b), Oct. 15, 1962, 76 Stat. 927, which contained a savings clause which granted five years of educational training to certain children of veterans dying of disabilities incurred subsequent to the Korean War, was repealed by Pub. L. 91-24, Sec. 14(c), June 11, 1969, 83 Stat. 35, effective June 11, 1969, except as to any indebtedness which may be due the Government as the result of any benefits granted thereunder.

CHILDREN OF SPANISH-AMERICAN WAR VETERANS

Period of eligibility for educational assistance of children of Spanish-American War Veterans, see section 2 of Pub. L. 86-236, set out as a note under section 3512 of this title.

TERMINATION OF ELIGIBILITY PERIOD

Termination of eligibility period for a wife or widow, or an eligible person eight years from Oct. 24, 1972, see section 604 of Pub. L. 92-540, set out as a note under section 3512 of this title.

The period referred to in section 1712 [now 3512] of this title as ending five years from Nov. 8, 1965, in the case of any individual who is an "eligible person" within the meaning of subsec. (a)(1) of this section solely by virtue of the amendment made by section 1 of Pub. L. 89-349 to this section, and who is above the age of seventeen years and below the age of twenty-three years on Nov. 8, 1965, see section 2 of Pub. L. 89-349, set out as a note under section 3512 of this title.

-End-

-CITE-

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

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE
SUBCHAPTER II - ELIGIBILITY AND ENTITLEMENT

-HEAD-

SUBCHAPTER II - ELIGIBILITY AND ENTITLEMENT

-End-

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38 USC Sec. 3510

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE
SUBCHAPTER II - ELIGIBILITY AND ENTITLEMENT

-HEAD-

Sec. 3510. Eligibility and entitlement generally

-STATUTE-

Each eligible person shall, subject to the provisions of this chapter, be entitled to receive educational assistance.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1194, Sec. 1710;
renumbered Sec. 3510, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105
Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1710 of this title as this section.

-End-

-CITE-

38 USC Sec. 3511

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE
SUBCHAPTER II - ELIGIBILITY AND ENTITLEMENT

-HEAD-

Sec. 3511. Duration of educational assistance

-STATUTE-

(a)(1) Each eligible person, whether made eligible by one or more of the provisions of section 3501(a)(1) of this title, shall be entitled to educational assistance under this chapter for an aggregate period not in excess of 45 months (or to the equivalent thereof in part-time training).

(2)(A) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall not

-

(i) be charged against the entitlement of any individual under this chapter; or

(ii) be counted toward the aggregate period for which section

3695 of this title limits an individual's receipt of assistance.

(B) The payment of the educational assistance allowance referred to in subparagraph (A) of this paragraph is the payment of such an allowance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual -

(i) had to discontinue such course pursuit as a result of being ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10 or of being involuntarily ordered to full-time National Guard duty under section 502(f) of title 32; and

(ii) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in clause (i) of this subparagraph, his or her course pursuit.

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

(b) If any eligible person pursuing a program of education, or of special restorative training, under this chapter ceases to be an "eligible person" because -

(1) the parent or spouse from whom eligibility is derived is found no longer to have a "total disability permanent in nature", as defined in section 3501(a)(8) of this title,

(2) the parent or spouse from whom eligibility is derived based upon section 3501(a)(1)(C) of this title is no longer listed in one of the categories specified therein,

(3) the spouse, as an eligible person under subparagraph (D) or (E) of section 3501(a)(1) of this title, is divorced, without fault on such person's part, from the person upon whose disability such person's eligibility is based, or

(4) the parent or spouse from whom such eligibility is derived based upon subparagraph (E) of section 3501(a)(1) of this title no longer meets a requirement under clause (i), (ii), or (iii) of that subparagraph,

then such eligible person (if such person has sufficient remaining entitlement) may, nevertheless, be afforded educational assistance under this chapter until the end of the quarter or semester for which enrolled if the educational institution in which such person is enrolled is operated on a quarter or semester system, or if the educational institution is not so operated until the end of the course, or until 12 weeks have expired, whichever first occurs.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1194, Sec. 1711; Pub. L. 88-361, Sec. 2, July 7, 1964, 78 Stat. 297; Pub. L. 89-358, Sec. 4(k), Mar. 3, 1966, 80 Stat. 24; Pub. L. 90-631, Secs. 1(c), 2(d), Oct. 23, 1968, 82 Stat. 1331, 1332; Pub. L. 91-24, Sec. 9(b), June 11, 1969, 83 Stat. 34; Pub. L. 91-584, Sec. 2, Dec. 24, 1970, 84 Stat. 1575; Pub. L. 94-502, title III, Secs. 303, 310(6), Oct. 15, 1976, 90 Stat. 2390, 2391; renumbered Sec. 3511 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-127, Sec. 2(c), Oct. 10, 1991, 105 Stat. 620; Pub. L. 107-103,

title I, Secs. 103(a), 108(b)(1), (c)(1), Dec. 27, 2001, 115 Stat. 979, 985; Pub. L. 109-233, title V, Sec. 503(7), June 15, 2006, 120 Stat. 416; Pub. L. 109-444, Sec. 3(b)(2), Dec. 21, 2006, 120 Stat. 3306; Pub. L. 109-461, title III, Secs. 301(b)(2), 302(a), title X, Sec. 1006(b), Dec. 22, 2006, 120 Stat. 3425, 3428, 3468.)

-MISC1-

AMENDMENTS

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)(1). Pub. L. 109-461, Sec. 301(b)(2)(A), substituted "Each eligible person, whether made eligible by one or more of the provisions of section 3501(a)(1) of this title," for "Each eligible person" and "an aggregate period" for "a period" in first sentence and struck out second sentence, which read as follows: "In no event may the aggregate educational assistance afforded to a spouse made eligible under both sections 3501(a)(1)(D)(i) and 3501(a)(1)(D)(ii) of this title exceed 45 months."

Pub. L. 109-444, Sec. 3(b)(2)(A), which substituted "Each eligible person, whether made eligible by one or more of the provisions of section 3501(a)(1) of this title," for "Each eligible person" and "an aggregate period" for "a period" in first sentence and struck out second sentence, was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Pub. L. 109-233 inserted "sections" after "under both".

Subsec. (a)(2)(B)(i). Pub. L. 109-461, Sec. 302(a), inserted "or of being involuntarily ordered to full-time National Guard duty under section 502(f) of title 32" after "title 10".

Subsec. (b)(2). Pub. L. 109-461, Sec. 301(b)(2)(B)(i), substituted "section" for "the provisions of section 3501(a)(1)(A)(iii) or" and struck out "or" at end.

Pub. L. 109-444, Sec. 3(b)(2)(B)(i), which substituted "section" for "the provisions of section 3501(a)(1)(A)(iii) or" and struck out "or" at end, was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (b)(3). Pub. L. 109-461, Sec. 301(b)(2)(B)(ii), substituted "subparagraph (D) or (E) of section 3501(a)(1)" for "section 3501(a)(1)(D)" and inserted "or" after comma at end.

Pub. L. 109-444, Sec. 3(b)(2)(B)(ii), which substituted "subparagraph (D) or (E) of section 3501(a)(1)" for "section 3501(a)(1)(D)" and inserted "or" after comma at end, was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (b)(4). Pub. L. 109-461, Sec. 301(b)(2)(B)(iii), added par. (4).

Pub. L. 109-444, Sec. 3(b)(2)(B)(iii), which added par. (4) identical to that added by Pub. L. 109-461, Sec. 301(b)(2)(B)(iii), was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (c). Pub. L. 109-461, Sec. 301(b)(2)(C), struck out subsec. (c), which read as follows: "Any entitlement used by an eligible person as a result of eligibility under section 3501(a)(1)(A)(iii), 3501(a)(1)(C), or 3501(a)(1)(D)(i) of this title shall be deducted from any entitlement to which such person may subsequently be entitled under this chapter."

Pub. L. 109-444, Sec. 3(b)(2)(C), which struck out subsec. (c),

was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

2001 - Subsec. (a)(1). Pub. L. 107-103, Sec. 108(c)(1), inserted at end "In no event may the aggregate educational assistance afforded to a spouse made eligible under both 3501(a)(1)(D)(i) and 3501(a)(1)(D)(ii) of this title exceed 45 months."

Subsec. (a)(2)(B)(i). Pub. L. 107-103, Sec. 103(a), substituted "to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10;" for ", in connection with the Persian Gulf War, to serve on active duty under section 672(a), (d), or (g), 673, 673b, or 688 of title 10;".

Subsec. (c). Pub. L. 107-103, Sec. 108(b)(1), added subsec. (c).

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1711 of this title as this section.

Subsec. (a). Pub. L. 102-127 designated existing provisions as par. (1) and added par. (2).

Subsec. (b). Pub. L. 102-83, Sec. 5(c)(1), substituted "3501(a)(8)" for "1701(a)(8)" in par. (1), "3501(a)(1)(A)(iii) or 3501(a)(1)(C)" for "1701(a)(1)(A)(iii) or 1701(a)(1)(C)" in par. (2), and "3501(a)(1)(D)" for "1701(a)(1)(D)" in par. (3).

1976 - Subsec. (a). Pub. L. 94-502, Sec. 303(1), substituted "45 months" for "thirty-six months".

Subsec. (b). Pub. L. 94-502, Secs. 303(2), 310(6), substituted "the spouse" for "she", "such person's" for "her" in two places, "such person" for "he or she" in two places, and "12 weeks" for "nine weeks".

1970 - Subsec. (b). Pub. L. 91-584 added par. (2), redesignated former par. (2) as (3), and substituted "1701(a)(1)(D)" for "1701(a)(1)(C)".

1969 - Subsec. (b)(1). Pub. L. 91-24 substituted "section 1701(a)(8) of this title" for "section 1701(a)(10) of this title".

1968 - Subsec. (b). Pub. L. 90-631, Secs. 1(c), 2(d), redesignated subsec. (d) as (b) and extended applicability of subsec. from any child pursuing a program of education or training to any eligible person pursuing such program, and expanded causes of persons ceasing to be "eligible persons" to include spouses no longer found to have a "total disability permanent in nature" as defined under section 1701(a)(10) of this title, and the individual, as an eligible person under section 1701(a)(1)(C) of this title, is divorced, without fault on her part, from the person upon whose disability her eligibility is based. Former subsec. (b), setting forth reductions in the period of entitlement of an eligible person, was struck out.

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

Subsec. (d). Pub. L. 90-631, Sec. 1(c), redesignated subsec. (d) as (b).

1966 - Subsec. (b). Pub. L. 89-358 substituted "34" for "33" and inserted "or under chapter 33 of this title as in effect before February 1, 1965".

1964 - Subsec. (d). Pub. L. 88-361 added subsec. (d).

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by section 301(b)(2) of Pub. L. 109-461 applicable with respect to a payment of educational assistance for a course of education pursued after Dec. 22, 2006, see section 301(d) of Pub. L. 109-461, set out as a note under section 3501 of this title.

Pub. L. 109-461, title III, Sec. 302(b), Dec. 22, 2006, 120 Stat.

3428, provided that: "The amendment made by subsection (a) [amending this section] shall apply with respect to a payment of educational assistance allowance made after September 11, 2001."

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by section 103(a) of Pub. L. 107-103 effective Sept. 11, 2001, see section 103(e) of Pub. L. 107-103, set out as a note under section 3013 of this title.

Pub. L. 107-103, title I, Sec. 108(c)(4), Dec. 27, 2001, 115 Stat. 985, provided that: "The amendments made by this subsection [amending this section and section 3512 of this title] shall apply with respect to any determination (whether administrative or judicial) of the eligibility of a spouse or surviving spouse for educational assistance under chapter 35 of title 38, United States Code, made on or after the date of the enactment of this Act [Dec. 27, 2001], whether pursuant to an original claim for such assistance or pursuant to a reapplication or attempt to reopen or readjudicate a claim for such assistance."

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by sections 303 and 310(6) 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.

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.

-End-

-CITE-

38 USC Sec. 3512

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SUBCHAPTER II - ELIGIBILITY AND ENTITLEMENT

-HEAD-

Sec. 3512. Periods of eligibility

-STATUTE-

(a) The educational assistance to which an eligible person whose eligibility is based on the death or disability of a parent or on a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title is entitled under section 3511 of this title or subchapter V of this chapter may be afforded the person during the period beginning on the person's eighteenth birthday, or on the successful completion of the person's secondary schooling, whichever first occurs, and ending on the person's twenty-sixth birthday, except that -

(1) if the person is above the age of compulsory school attendance under applicable State law, and the Secretary determines that the person's best interests will be served thereby, such period may begin before the person's eighteenth

birthday;

(2) if the person has a mental or physical handicap, and the Secretary determines that the person's best interests will be served by pursuing a program of special restorative training or a specialized course of vocational training approved under section 3536 of this title, such period may begin before the person's eighteenth birthday, but not before the person's fourteenth birthday;

(3) if the Secretary first finds that the parent from whom eligibility is derived has a service-connected total disability permanent in nature, or if the death of the parent from whom eligibility is derived occurs, after the eligible person's eighteenth birthday but before the person's twenty-sixth birthday, then (unless paragraph (4) or (5) applies) such period shall end 8 years after the date that is elected by that person to be the beginning date of entitlement under section 3511 of this title or subchapter V of this chapter if -

(A) the Secretary approves that beginning date;

(B) the eligible person elects that beginning date by not later than the end of the 60-day period beginning on the date on which the Secretary provides written notice to that person of that person's opportunity to make such election, such notice including a statement of the deadline for the election imposed under this subparagraph; and

(C) that beginning date -

(i) in the case of a person whose eligibility is based on a parent who has a service-connected total disability permanent in nature, is the date determined pursuant to subsection (d), or any date between the two dates described in subsection (d); and

(ii) in the case of a person whose eligibility is based on the death of a parent, is between -

(I) the date of the parent's death; and

(II) the date of the Secretary's decision that the death was service-connected;

(4) if the person otherwise eligible under paragraph (3) fails to elect a beginning date of entitlement in accordance with that paragraph, the beginning date of the person's entitlement shall be the date of the Secretary's decision that the parent has a service-connected total disability permanent in nature, or that the parent's death was service-connected, whichever is applicable;

(5) if the person serves on duty with the Armed Forces as an eligible person after the person's eighteenth birthday but before the person's twenty-sixth birthday, then such period shall end 8 years after the person's first discharge or release from such duty with the Armed Forces (excluding from such 8 years all periods during which the eligible person served on active duty before August 1, 1962, pursuant to (A) a call or order thereto issued to the person as a Reserve after July 30, 1961, or (B) an extension of enlistment, appointment, or period of duty with the Armed Forces pursuant to section 2 of Public Law 87-117); however, in no event shall such period be extended beyond the person's thirty-first birthday by reason of this paragraph;

(6) if the person becomes eligible by reason of a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title after the person's eighteenth birthday but before the person's twenty-sixth birthday, then (unless paragraph (5) applies) such period shall end eight years after the date on which the person becomes eligible by reason of

such provisions, but in no event shall such period be extended beyond the person's thirty-first birthday by reason of this paragraph;

(7)(A) if such person is enrolled in an educational institution regularly operated on the quarter or semester system and such period ends during a quarter or semester, such period shall be extended to the end of the quarter or semester; or

(B) if such person is enrolled in an educational institution operated on other than a quarter or semester system and such period ends after a major portion of the course is completed, such period shall be extended to the end of the course, or until 12 weeks have expired, whichever first occurs; and

(8) if the person is pursuing a preparatory course described in section 3002(3)(B) of this title, such period may begin on the date that is the first day of such course pursuit, notwithstanding that such date may be before the person's eighteenth birthday, except that in no case may such person be afforded educational assistance under this chapter for pursuit of secondary schooling unless such course pursuit would otherwise be authorized under this subsection.

(b)(1)(A) Except as provided in subparagraph (B), (C), or (D), a person made eligible by subparagraph (B) or (D) of section 3501(a)(1) of this title or a person made eligible by the disability of a spouse under section 3501(a)(1)(E) of this title may be afforded educational assistance under this chapter during the 10-year period beginning on the date (as determined by the Secretary) the person becomes an eligible person within the meaning of section 3501(a)(1)(B), 3501(a)(1)(D)(i), 3501(a)(1)(D)(ii), or 3501(a)(1)(E) of this title. In the case of a surviving spouse made eligible by clause (ii) of section 3501(a)(1)(D) of this title, the 10-year period may not be reduced by any earlier period during which the person was eligible for educational assistance under this chapter as a spouse made eligible by clause (i) of that section.

(B) Notwithstanding subparagraph (A), an eligible person referred to in that subparagraph may, subject to the Secretary's approval, elect a later beginning date for the 10-year period than would otherwise be applicable to the person under that subparagraph. The beginning date so elected may be any date between the beginning date determined for the person under subparagraph (A) and whichever of the following dates applies:

(i) The date on which the Secretary notifies the veteran from whom eligibility is derived that the veteran has a service-connected total disability permanent in nature.

(ii) The date on which the Secretary determines that the veteran from whom eligibility is derived died of a service-connected disability.

(iii) The date on which the Secretary notifies the member of the Armed Forces from whom eligibility is derived that the member has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service.

(C) Notwithstanding subparagraph (A), an eligible person referred to in that subparagraph who is made eligible under section 3501(a)(1)(B) of this title by reason of the death of a person on active duty may be afforded educational assistance under this chapter during the 20-year period beginning on the date (as determined by the Secretary) such person becomes an eligible person within the meaning of such section.

(D) Notwithstanding subparagraph (A), an eligible person referred

to in that subparagraph who is made eligible under section 3501(a)(1)(D)(i) of this title by reason of a service-connected disability that was determined to be a total disability permanent in nature not later than three years after discharge from service may be afforded educational assistance under this chapter during the 20-year period beginning on the date the disability was so determined to be a total disability permanent in nature, but only if the eligible person remains the spouse of the disabled person throughout the period.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, in the case of any eligible person (as defined in section 3501(a)(1)(B), (C), (D), or (E) of this title) whose eligibility is based on the death or disability of a spouse or on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title who was prevented from initiating or completing such person's chosen program of education within such period because of a physical or mental disability which was not the result of such person's own willful misconduct, such person 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 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 person was so prevented from initiating or completing such program of education. When an extension of the applicable delimiting period is granted under the exception in the preceding sentence, the delimiting period will again begin running on the first day following such eligible person's recovery from such disability on which it is reasonably feasible, as determined in accordance with regulations which the Secretary shall prescribe, for such eligible person to initiate or resume pursuit of a program of education with educational assistance under this chapter.

(c)(1) Notwithstanding subsection (a) and subject to paragraph (2), an eligible person may be afforded educational assistance beyond the age limitation applicable to the person under such subsection if -

(A) the person suspends pursuit of such person's program of education after having enrolled in such program within the time period applicable to such person under such subsection;

(B) the person is unable to complete such program after the period of suspension and before attaining the age limitation applicable to the person under such subsection; and

(C) the Secretary finds that the suspension was due to either of the following:

(i) The actions of the person as the primary provider of personal care services for a veteran or member of the Armed Forces under section 1720G(a) of this title.

(ii) Conditions otherwise beyond the control of the person.

(2) Paragraph (1) shall not apply with respect to the period of an individual as a primary provider of personal care services if the period concludes with the revocation of the individual's designation as such a primary provider under section 1720G(a)(7)(D) of this title.

(3) Educational assistance may not be afforded a person under paragraph (1) after the earlier of -

(A) the age limitation applicable to the person under subsection (a), plus a period of time equal to the period the person was required to suspend pursuit of the person's program of education as described in paragraph (1); or

(B) the date of the person's thirty-first birthday.

(d) The term "first finds" as used in this section means the effective date of the rating or date of notification to the person from whom eligibility is derived establishing a service-connected total disability permanent in nature whichever is more advantageous to the eligible person.

(e) No person made eligible by section 3501(a)(1)(C) of this title based on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title may be afforded educational assistance under this chapter beyond 10 years after the date on which the spouse was so listed.

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

[(g) Repealed. Pub. L. 107-103, title I, Sec. 108(b)(2), Dec. 27, 2001, 115 Stat. 985.]

(h) Notwithstanding any other provision of this section, if an eligible person, during the delimiting period otherwise applicable to such person under this section, serves on active duty pursuant to an order to active duty issued under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10, or is involuntarily ordered to full-time National Guard duty under section 502(f) of title 32, such person shall be granted an extension of such delimiting period for the length of time equal to the period of such active duty plus four months.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1194, Sec. 1712; Pub. L. 87-815, Sec. 2(a), Oct. 15, 1962, 76 Stat. 926; Pub. L. 87-819, Sec. 2, Oct. 15, 1962, 76 Stat. 935; Pub. L. 88-361, Sec. 3, July 7, 1964, 78 Stat. 297; Pub. L. 90-77, title III, Sec. 307(a), Aug. 31, 1967, 81 Stat. 189; Pub. L. 90-631, Sec. 2(e), Oct. 23, 1968, 82 Stat. 1333; Pub. L. 91-219, title II, Sec. 208, Mar. 26, 1970, 84 Stat. 83; Pub. L. 91-584, Sec. 3, Dec. 24, 1970, 84 Stat. 1575; Pub. L. 92-540, title IV, Sec. 402(1), Oct. 24, 1972, 86 Stat. 1090; Pub. L. 93-337, Sec. 2, July 10, 1974, 88 Stat. 292; Pub. L. 94-502, title III, Secs. 304, 310(7)-(9), Oct. 15, 1976, 90 Stat. 2390, 2391; Pub. L. 95-202, title II, Sec. 203(a)(2), (b)(2), Nov. 23, 1977, 91 Stat. 1439, 1440; Pub. L. 96-466, title III, Secs. 321, 322, Oct. 17, 1980, 94 Stat. 2195; Pub. L. 97-66, title VI, Sec. 605(a), Oct. 17, 1981, 95 Stat. 1036; Pub. L. 97-295, Sec. 4(44), Oct. 12, 1982, 96 Stat. 1308; Pub. L. 98-160, title VII, Sec. 702(13), Nov. 21, 1983, 97 Stat. 1009; Pub. L. 99-576, title III, Sec. 313, Oct. 28, 1986, 100 Stat. 3273; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3512 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 106-419, title I, Secs. 112, 114(b), Nov. 1, 2000, 114 Stat. 1831, 1833; Pub. L. 107-14, Secs. 7(f)(1), 8(a)(6), June 5, 2001, 115 Stat. 33, 34; Pub. L. 107-103, title I, Secs. 103(b), 108(b)(2), (c)(2), (3), Dec. 27, 2001, 115 Stat. 979, 985; Pub. L. 107-330, title III, Sec. 308(e)(1), Dec. 6, 2002, 116 Stat. 2828; Pub. L. 108-183, title III, Secs. 303(a), 306(f)(2), Dec. 16, 2003, 117 Stat. 2659, 2661; Pub. L. 108-454, title I, Sec. 105, Dec. 10, 2004, 118 Stat. 3602; Pub. L. 109-444, Sec. 3(b)(3), Dec. 21, 2006, 120 Stat. 3306; Pub. L. 109-461, title III, Sec. 301(b)(3), title X, Sec. 1006(b), Dec. 22, 2006, 120 Stat. 3426, 3468; Pub. L. 110-389, title III, Sec. 321, Oct. 10, 2008, 122 Stat. 4168; Pub. L. 111-275, title X, Sec. 1001(h), Oct. 13, 2010, 124 Stat. 2896; Pub. L. 111-377, title II, Sec. 201(c), Jan. 4, 2011, 124 Stat. 4124.)

-REFTEXT-

REFERENCES IN TEXT

Section 2 of Public Law 87-117 [75 Stat. 242], referred to in subsec. (a)(5), was set out as a note under former section 263 of Title 10, Armed Forces.

-MISC1-

AMENDMENTS

2011 - Subsec. (c). Pub. L. 111-377 amended subsec. (c) generally. Prior to amendment, text read as follows:

"Notwithstanding the provisions of subsection (a) of this section, an eligible person may be afforded educational assistance beyond the age limitation applicable to such person under such subsection if (1) such person suspends pursuit of such person's program of education after having enrolled in such program within the time period applicable to such person under such subsection, (2) such person is unable to complete such program after the period of suspension and before attaining the age limitation applicable to such person under such subsection, and (3) the Secretary finds that the suspension was due to conditions beyond the control of such person; but in no event shall educational assistance be afforded such person by reason of this subsection beyond the age limitation applicable to such person under subsection (a) of this section plus a period of time equal to the period such person was required to suspend the pursuit of such person's program, or beyond such person's thirty-first birthday, whichever is earlier."

2010 - Subsec. (a)(6). Pub. L. 111-275 substituted "this paragraph" for "this clause".

2008 - Subsec. (b)(1). Pub. L. 110-389 substituted "subparagraph (B), (C), or (D)" for "subparagraph (B) or (C)" in subpar. (A) and added subpar. (D).

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). Pub. L. 109-461, Sec. 301(b)(3)(A)(i), substituted "an eligible person whose eligibility is based on the death or disability of a parent or on a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title" for "an eligible person (within the meaning of section 3501(a)(1)(A) of this title)".

Pub. L. 109-444, Sec. 3(b)(3)(A)(i), which substituted "an eligible person whose eligibility is based on the death or disability of a parent or on a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title" for "an eligible person (within the meaning of section 3501(a)(1)(A) of this title)", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (a)(6). Pub. L. 109-461, Sec. 301(b)(3)(A)(ii), substituted "a parent being listed in one of the categories referred to in section 3501(a)(1)(C)" for "the provisions of section 3501(a)(1)(A)(iii)".

Pub. L. 109-444, Sec. 3(b)(3)(A)(ii), which substituted "a parent being listed in one of the categories referred to in section 3501(a)(1)(C)" for "the provisions of section 3501(a)(1)(A)(iii)", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (b)(1)(A). Pub. L. 109-461, Sec. 301(b)(3)(B)(i), inserted "or a person made eligible by the disability of a spouse under section 3501(a)(1)(E) of this title" after "section 3501(a)(1) of this title" and substituted "3501(a)(1)(D)(ii), or 3501(a)(1)(E) of this title" for "or 3501(a)(1)(D)(ii) of this title".

Pub. L. 109-444, Sec. 3(b)(3)(B)(i), which inserted "or a person made eligible by the disability of a spouse under section 3501(a)(1)(E) of this title" after "section 3501(a)(1) of this title" and substituted "3501(a)(1)(D)(ii), or 3501(a)(1)(E) of this title" for "or 3501(a)(1)(D)(ii) of this title", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (b)(1)(B)(iii). Pub. L. 109-461, Sec. 301(b)(3)(B)(ii), added cl. (iii).

Pub. L. 109-444, Sec. 3(b)(3)(B)(ii), which added cl. (iii) identical to that added by Pub. L. 109-461, Sec. 301(b)(3)(B)(ii), was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (b)(2). Pub. L. 109-461, Sec. 301(b)(3)(B)(iii), substituted "(D), or (E) of this title) whose eligibility is based on the death or disability of a spouse or on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title" for "or (D) of this title)".

Pub. L. 109-444, Sec. 3(b)(3)(B)(iii), which substituted "(D), or (E) of this title) whose eligibility is based on the death or disability of a spouse or on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title" for "or (D) of this title)", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (d). Pub. L. 109-461, Sec. 301(b)(3)(C), substituted "person from whom eligibility" for "veteran from whom eligibility".

Pub. L. 109-444, Sec. 3(b)(3)(C), which substituted "person from whom eligibility" for "veteran from whom eligibility", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

Subsec. (e). Pub. L. 109-461, Sec. 301(b)(3)(D), inserted "based on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title" after "of this title" and "so" after "the spouse was" and struck out "by the Secretary concerned in one of the categories referred to in such section or December 24, 1970, whichever last occurs" before period at end.

Pub. L. 109-444, Sec. 3(b)(3)(D), which inserted "based on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title" after "of this title" and "so" after "the spouse was" and struck out "by the Secretary concerned in one of the categories referred to in such section or December 24, 1970, whichever last occurs" before period at end, was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

2004 - Subsec. (b)(1)(A). Pub. L. 108-454, Sec. 105(1), substituted "in subparagraph (B) or (C)" for "in subparagraph (B)".

Subsec. (b)(1)(C). Pub. L. 108-454, Sec. 105(2), added subpar.(C).

2003 - Subsec. (f). Pub. L. 108-183, Sec. 306(f)(2), struck out subsec. (f) which related to period of eligibility for loans under subchapter III of chapter 36 of this title.

Subsec. (h). Pub. L. 108-183, Sec. 303(a), inserted "or is involuntarily ordered to full-time National Guard duty under section 502(f) of title 32," after "title 10,".

2002 - Subsec. (a)(3). Pub. L. 107-330, Sec. 308(e)(1)(A)(i), substituted "paragraph (4) or (5)" for "paragraph (4)" in introductory provisions.

Subsec. (a)(3)(C)(i). Pub. L. 107-330, Sec. 308(e)(1)(A)(ii), substituted "subsection (d), or any date between the two dates described in subsection (d)" for "subsection (d)".

Subsec. (a)(4) to (8). Pub. L. 107-330, Sec. 308(e)(1)(B)-(D), added par. (4), redesignated former pars. (4) to (7) as (5) to (8), respectively, and substituted "paragraph (5)" for "paragraph (4)" in par. (6).

2001 - Subsec. (a)(3)(B). Pub. L. 107-14, Sec. 7(f)(1)(A), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: "the eligible person makes that election after the person's eighteenth birthday but before the person's twenty-sixth birthday; and".

Subsec. (a)(3)(C)(i). Pub. L. 107-14, Sec. 7(f)(1)(B), substituted "the date determined pursuant to" for "between the dates described in".

Subsec. (a)(5). Pub. L. 107-14, Sec. 8(a)(6)(A), substituted "paragraph (4)" for "clause (4) of this subsection".

Subsec. (b)(1). Pub. L. 107-103, Sec. 108(c)(2), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "No person made eligible by section 3501(a)(1)(B) or (D) of this title may be afforded educational assistance under this chapter beyond 10 years after whichever of the following last occurs:

"(A) The date on which the Secretary first finds the spouse from whom eligibility is derived has a service-connected total disability permanent in nature.

"(B) The date of death of the spouse from whom eligibility is derived who dies while a total disability evaluated as permanent in nature was in existence.

"(C) The date on which the Secretary determines that the spouse from whom eligibility is derived died of a service-connected disability."

Subsec. (b)(2). Pub. L. 107-14, Sec. 8(a)(6)(B), substituted "willful" for "willfull".

Subsec. (b)(3). Pub. L. 107-103, Sec. 108(c)(3), struck out par. (3) which read as follows:

"(3)(A) Notwithstanding the provisions of paragraph (1) of this subsection, any eligible person (as defined in clause (B) or (D) of section 3501(a)(1) of this title) may, subject to the approval of the Secretary, be permitted to elect a date referred to in subparagraph (B) of this paragraph to commence receiving educational assistance benefits under this chapter. The date so elected shall be the beginning date of the delimiting period applicable to such person under this section.

"(B) The date which an eligible person may elect under subparagraph (A) of this paragraph is any date during the period beginning on the date the person became an eligible person within the meaning of clause (B) or (D) of section 3501(a)(1) of this title and ending on the date determined under subparagraph (A), (B), or (C) of paragraph (1) of this subsection to be applicable to such person."

Subsec. (g). Pub. L. 107-103, Sec. 108(b)(2), struck out subsec. (g) which read as follows: "Any entitlement used by any eligible person as a result of eligibility under the provisions of section 3501(a)(1)(A)(iii) or 3501(a)(1)(C) of this title shall be deducted from any entitlement to which such person may subsequently become entitled under the provisions of this chapter."

Subsec. (h). Pub. L. 107-103, Sec. 103(b), added subsec. (h).

2000 - Subsec. (a)(3). Pub. L. 106-419, Sec. 112, substituted "8 years after the date that is elected by that person to be the beginning date of entitlement under section 3511 of this title or subchapter V of this chapter if - " and subpars. (A) to (C) for "8

years after, whichever date last occurs: (A) the date on which the Secretary first finds that the parent from whom eligibility is derived has a service-connected total disability permanent in nature, or (B) the date of death of the parent from whom eligibility is derived;"

Subsec. (a)(7). Pub. L. 106-419, Sec. 114(b), added par. (7).

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1712 of this title as this section.

Subsec. (a). Pub. L. 102-83, Sec. 5(c)(1), substituted "3501(a)(1)(A)" for "1701(a)(1)(A)" and "3511" for "1711" in introductory provisions, "3536" for "1736" in par. (2), and "3501(a)(1)(A)(iii)" for "1701(a)(1)(A)(iii)" in par. (5).

Subsec. (b). Pub. L. 102-83, Sec. 5(c)(1), substituted "3501(a)(1)(B)" for "1701(a)(1)(B)" in pars. (1) and (2) and "3501(a)(1)" for "1701(a)(1)" in par. (3)(A) and (B).

Subsec. (e). Pub. L. 102-83, Sec. 5(c)(1), substituted "3501(a)(1)(C)" for "1701(a)(1)(C)".

Subsec. (f). Pub. L. 102-83, Sec. 5(c)(1), substituted "3501(a)(1)(B)" for "1701(a)(1)(B)" and "3462(a)(2)" for "1662(a)(2)".

Subsec. (g). Pub. L. 102-83, Sec. 5(c)(1), substituted "3501(a)(1)(A)(iii) or 3501(a)(1)(C)" for "1701(a)(1)(A)(iii) or 1701(a)(1)(C)".

1989 - Subsecs. (a)(1) to (3), (b)(1)(A), (C), (2), (3)(A), (c). Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

1986 - Subsec. (b)(3). Pub. L. 99-576 added par. (3).

1983 - Subsec. (b)(2)(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). Pub. L. 97-295, Sec. 4(44)(A), inserted "of this title" after "section 1701(a)(1)(A)", and inserted a colon after "last occurs" in cl. (3).

Subsec. (b). Pub. L. 97-295, Sec. 4(44)(B), substituted "of this title" for "of this chapter" wherever appearing.

Subsec. (e). Pub. L. 97-295, Sec. 4(44)(C), substituted "December 24, 1970" for "the date of enactment of this subsection".

1981 - Subsec. (b)(1). Pub. L. 97-66 substituted "after whichever of the following last occurs" for "after whichever last occurs" in the provisions preceding subpar. (A), "The date" for "the date" and "permanent in nature." for "permanent in nature, or;" in subpar. (A), and "The date of death of the spouse from whom eligibility is derived who dies while a total disability evaluated as permanent in nature was in existence" for "the date of death of the spouse from whom eligibility is derived" in subpar. (B), and added subpar. (C).

1980 - Subsec. (a)(5), (6). Pub. L. 96-466, Sec. 321, added cl. (5) and redesignated former cl. (5) as (6).

Subsec. (b)(2). Pub. L. 96-466, Sec. 322, 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 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 an eligible person.

1977 - Subsec. (b). Pub. L. 95-202, Sec. 203(a)(2), designated existing provisions as par. (1) and former cls. (1) and (2) thereof as cls. (A) and (B), and added par. (2).

Subsecs. (f), (g). Pub. L. 95-202, Sec. 203(b)(2), added subsec. (f) and redesignated former subsec. (f) as (g).

1976 - Subsec. (a). Pub. L. 94-502, Secs. 304(1), (2), 310(7), substituted "the person" for "he" and "him" and "the person's" for "his" respectively, in the provision preceding cl. (1), and in cls. (1), (2), (3), and (4), in cls. (3) and (4) "8 years" for "five years", and cl. (5), "such person" for "he", "a quarter or semester" for "the last half of a quarter or semester", "period ends after a major portion of the course is completed" for "periods ends during the last half of the course", and "12 weeks" for "nine weeks".

Subsec. (c). Pub. L. 94-502, Sec. 310(8), substituted "such person" for "him" and "he" wherever appearing, and "such person's" for "his" wherever appearing.

Subsec. (d). Pub. L. 94-502, Sec. 304(3), struck out subsec. (d) which authorized educational assistance to an eligible person beyond the age limits applicable to him under subsec. (a) of this section by a period of time equivalent to the period of time between his eighteenth birthday or the date of his application, whichever was later, and the date of approval of his application, but in no event beyond his thirty-first birthday. Former subsec. (e) redesignated (d).

Subsec. (e). Pub. L. 94-502, Secs. 304(3), 310(9), redesignated subsec. (f) as (e) and substituted "the spouse" for "her spouse". Former subsec. (e) redesignated (d).

Subsecs. (f), (g). Pub. L. 94-502, Secs. 304(3), 310(9), redesignated subsec. (g) as (f) and substituted "such person" for "he". Former subsec. (f) redesignated (e).

1974 - Subsec. (b). Pub. L. 93-337, Sec. 2(1), substituted "may be afforded educational assistance under this chapter beyond 10 years" for "may be afforded educational assistance under this chapter beyond eight years".

Subsec. (f). Pub. L. 93-337, Sec. 2(2), substituted "may be afforded educational assistance under this chapter beyond 10 years" for "may be afforded educational assistance under this chapter beyond eight years".

1972 - Subsec. (a)(2). Pub. L. 92-540 substituted reference to section 1736 of this title for reference to section 1737 of this title.

1970 - Subsec. (a)(3). Pub. L. 91-219, Sec. 208(1), substituted "last occurs" for "first occurs".

Subsec. (b). Pub. L. 91-584, Sec. 3(1), substituted "1701(a)(1)(B) or (D)" for "1701(a)(1)(B) or (C)".

Subsec. (e). Pub. L. 91-219, Sec. 208(2), added subsec. (e).

Subsecs. (f), (g). Pub. L. 91-584, Sec. 3(2), added subsecs. (f) and (g).

1968 - Subsec. (a). Pub. L. 90-631, Sec. 2(e)(1), inserted "(within the meaning of section 1701(a)(1)(A))" after "to which an eligible person".

Subsec. (b). Pub. L. 90-631, Sec. 2(e)(2), substituted provisions that no person made eligible by section 1701(a) (1)(B) or (C) may be afforded educational assistance under this chapter beyond 8 years after whichever of the specified events last occurs for provisions that no eligible person may be afforded educational assistance under this chapter unless he was discharged or released after each period he was on duty with the armed forces under conditions other than dishonorable, or while he is on duty with the armed forces.

1967 - Subsec. (a). Pub. L. 90-77 substituted "twenty-sixth" for "twenty-third" birthday in text preceding cl. (1) and in cls. (3) and (4).

1964 - Subsec. (a)(3). Pub. L. 88-361, Sec. 3(a), inserted provisions relating to parents with a service-connected total

disability permanent in nature.

Subsec. (d). Pub. L. 88-361, Sec. 3(b), added subsec. (d).

1962 - Subsec. (a). Pub. L. 87-815, among other changes, struck out from cl. (3), provisions which it incorporated into cl. (4), added to such cl. (4) the exclusion from the computation of the five year period, of all periods during which the person served on active duty before Aug. 1, 1962, pursuant to a call as a Reserve after July 30, 1961, or an extension of duty pursuant to Pub. L. 87-117, and redesignated former cl. (4) as (5).

Subsec. (c). Pub. L. 87-819 added subsec. (c).

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111-377 effective Aug. 1, 2011, and applicable with respect to preventions and suspension of pursuit of programs of education that commence on or after that date, see section 201(d) of Pub. L. 111-377, set out as a note under section 3031 of this title.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by section 301(b)(3) of Pub. L. 109-461 applicable with respect to a payment of educational assistance for a course of education pursued after Dec. 22, 2006, see section 301(d) of Pub. L. 109-461, set out as a note under section 3501 of this title.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-183, title III, Sec. 303(b), Dec. 16, 2003, 117 Stat. 2659, provided that: "The amendment made by subsection (a) [amending this section] shall take effect as of September 11, 2001."

Amendment by section 306(f)(2) of Pub. L. 108-183 effective 90 days after Dec. 16, 2003, see section 306(h)(2) of Pub. L. 108-183, set out as a note under section 3485 of this title.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-330, title III, Sec. 308(e)(2), Dec. 6, 2002, 116 Stat. 2828, provided that: "The amendments made by this subsection [amending this section] shall take effect November 1, 2000."

EFFECTIVE DATE OF 2001 AMENDMENTS

Amendment by section 103(b) of Pub. L. 107-103 effective Sept. 11, 2001, see section 103(e) of Pub. L. 107-103, set out as a note under section 3013 of this title.

Amendment by section 108(c)(2), (3) of Pub. L. 107-103 applicable with respect to any determination, whether administrative or judicial, of the eligibility of a spouse or surviving spouse for educational assistance under this chapter made on or after Dec. 27, 2001, whether pursuant to an original claim for such assistance or pursuant to a reapplication or attempt to reopen or readjudicate a claim for such assistance, see section 108(c)(4) of Pub. L. 107-103, set out as a note under section 3511 of this title.

Pub. L. 107-14, Sec. 7(f)(2), June 5, 2001, 115 Stat. 34, provided that: "The amendments made by paragraph (1) [amending this section] shall take effect as if enacted on November 1, 2000, immediately after the enactment of the Veterans Benefits and Health Care Improvement Act of 2000 [Public Law 106-419]."

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-66 effective Oct. 17, 1981, see section 701(b)(1) of Pub. L. 97-66, set out as a note under section 1114 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 sections 304 and 310(7)-(9) 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.

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.

TERMINATION OF ELIGIBILITY PERIOD FOR A WIFE, WIDOW, OR ELIGIBLE PERSON

Section 604 of Pub. L. 92-540, as amended by Pub. L. 93-337, Sec. 3, July 10, 1974, 88 Stat. 292, provided that a wife or widow who was eligible to pursue a program of education exclusively by correspondence under section 1786 [now 3686] of this title or entitled to the benefits of section 1733(a) [now 3533(a)] of this title, had 10 years from Oct. 24, 1972, to complete such program of education or receive such benefits and provided that an eligible person, as defined in section 1701(a)(1) [now 3501(a)(1)] of this title, who was entitled to pursue a program of apprenticeship or other on-job training under section 1787 [now 3687] of this title had 10 years from Oct. 24, 1972, to complete such program or training.

COMMENCEMENT OF DELIMITING PERIOD IN CASES OF DEATH OR OF SERVICE-CONNECTED TOTAL DISABILITY PERMANENT IN NATURE OCCURRING BEFORE DECEMBER 1, 1968

Section 2(f) of Pub. L. 90-631, as amended Pub. L. 97-66, title VI, Sec. 605(b), Oct. 17, 1981, 95 Stat. 1036, provided that in the case of any person who was an eligible person by reason of section 1701(a)(1)(B) or (D) [now 3501(a)(1)(B) or (D)] of this title, if the date of death or the date of the determination of service-connected total disability permanent in nature of the person from whom eligibility was derived occurred before Dec. 1, 1968, the 10-year delimiting period referred to in subsec. (b)(1) of this section was to run from such date and provided that if the death of the person from whom such eligibility was derived occurred before Dec. 1, 1968, and the date on which the Administrator of Veterans' Affairs determined that such person died of a service-connected disability was later than Dec. 1, 1968, the delimiting period referred to in subsec. (b)(1) of this section was to run from the date on which the Administrator made such determination.

TERMINATION OF ELIGIBILITY PERIODS

Section 307(b) of Pub. L. 90-77 provided that anyone made eligible for educational assistance under this chapter by Pub. L. 90-77, and who, on the effective date of Pub. L. 90-77, was below the age of twenty-six, was to remain eligible for said assistance until the expiration of the five year period beginning on the effective date of Pub. L. 90-77 as set out in the Effective Date of 1967 Amendment note under section 101 of this title, excluding from such period any time which elapsed between applying for the assistance and the determination of eligibility by the Administrator of Veterans' Affairs, and also provided that the period of eligibility was to terminate regardless of the five year period when the eligible person reached the age of thirty-one.

Pub. L. 89-349, Sec. 2, Nov. 8, 1965, 79 Stat. 1313, provided that anyone made eligible for educational assistance under section 1701 [now 3501] of this title by reason of the amendment of that section by Pub. L. 89-349, and who was between the ages of seventeen and twenty-three on Nov. 8, 1965, was to remain eligible for said assistance until the expiration of the five year period beginning on Nov. 8, 1965.

Section 5 of Pub. L. 88-361 provided that anyone made eligible for educational assistance under section 1701 [now 3501] of this title by reason of the amendment of that section by Pub. L. 88-361, and who was between the ages of seventeen and twenty-three on July 7, 1964, was to remain eligible for said assistance until the expiration of the five year period beginning on July 7, 1964, excluding from such period any time which elapsed between applying for the assistance and the determination of eligibility by the Administrator of Veterans' Affairs, and also provided that the period of eligibility was to terminate regardless of the five year period when the eligible person reached the age of thirty-one.

EXTENSION OF PERIOD FOR COMPLETION OF EDUCATION

Pub. L. 87-377, Sec. 2, Oct. 4, 1961, 75 Stat. 806, which contained a savings clause which granted five years of educational training to certain children in the Philippines, was repealed by Pub. L. 91-24, Sec. 14(d), June 11, 1969, 83 Stat. 35, effective June 11, 1969, except as to any indebtedness which may be due the Government as the result of any benefits granted thereunder.

CHILDREN OF SPANISH-AMERICAN WAR VETERANS

Pub. L. 86-236, Sec. 2, Sept. 8, 1959, 73 Stat. 471, as amended by Pub. L. 87-815, Sec. 2(b), Oct. 15, 1962, 76 Stat. 927, which contained a savings clause which granted five years of educational training to certain children of Spanish-American War veterans, was repealed by Pub. L. 91-24, Sec. 14(b), June 11, 1969, 83 Stat. 35, effective June 11, 1969, except as to any indebtedness which may be due the Government as the result of any benefits granted thereunder.

-End-

-CITE-

38 USC Sec. 3513

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE
SUBCHAPTER II - ELIGIBILITY AND ENTITLEMENT

-HEAD-

Sec. 3513. Application

-STATUTE-

The parent or guardian of a person or the eligible person if such person has attained legal majority for whom educational assistance is sought 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. If the Secretary finds that the person on whose behalf the application is submitted is an eligible person, the Secretary shall approve the application provisionally. The Secretary shall notify the parent or guardian or eligible person (if the person has attained legal majority) of the provisional approval or of the disapproval of the application.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1195, Sec. 1713; Pub. L. 94-502, title III, Sec. 305, Oct. 15, 1976, 90 Stat. 2390; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3513, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1713 of this title as this section.

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

1976 - Pub. L. 94-502 inserted reference to eligible person who have attained legal majority and substituted "the Administrator shall approve" for "he shall approve".

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. 3514

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE
SUBCHAPTER II - ELIGIBILITY AND ENTITLEMENT

-HEAD-

Sec. 3514. Processing of applications

-STATUTE-

(a) Further processing of an application for educational assistance and the award of such assistance shall be pursuant to the requirements of subchapters III and IV of this chapter unless

the parent or guardian requests special restorative training for the eligible person, in which case the application will be processed under subchapter V of this chapter.

(b) If the request for special restorative training is approved, educational assistance will be afforded pursuant to the terms of subchapter V of this chapter. If the request for special restorative training is disapproved, or if approved the restorative training is completed or discontinued, any educational assistance subsequently afforded will be in accordance with subchapters III and IV of this chapter.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1195, Sec. 1714; renumbered Sec. 3514, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1714 of this title as this section.

-End-

-CITE-

38 USC SUBCHAPTER III - PROGRAM OF EDUCATION 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE
SUBCHAPTER III - PROGRAM OF EDUCATION

-HEAD-

SUBCHAPTER III - PROGRAM OF EDUCATION

-End-

-CITE-

38 USC Sec. 3520 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE
SUBCHAPTER III - PROGRAM OF EDUCATION

-HEAD-

Sec. 3520. Educational and vocational counseling

-STATUTE-

The Secretary may, upon request, arrange for educational or vocational counseling for persons eligible for benefits under this chapter to assist such persons in selecting their educational, vocational, or professional objectives and in developing their programs of education.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1195, Sec. 1720; Pub. L. 90-631, Sec. 2(g), Oct. 23, 1968, 82 Stat. 1333; Pub. L. 91-584, Sec. 4, Dec. 24, 1970, 84 Stat. 1576; Pub. L. 92-540, title III, Sec. 310, Oct. 24, 1972, 86 Stat. 1083; Pub. L. 94-502, title III, Sec. 310(10), Oct. 15, 1976, 90 Stat. 2391; Pub. L. 96-466, title III, Sec. 323(a), Oct. 17, 1980, 94 Stat. 2196; Pub. L. 97-295, Sec. 4(45), Oct. 12, 1982, 96 Stat. 1308; Pub. L. 99-576, title III, Sec. 314(a), Oct. 28, 1986, 100 Stat. 3273; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3520, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1720 of this title as this section.

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

1986 - Pub. L. 99-576 substituted "Educational and vocational counseling" for "Development of educational plan" in section catchline and amended text generally. Prior to amendment, text read as follows:

"(a) Upon provisional approval of an application for educational assistance for a person eligible within the meaning of section 1701(a)(1)(A) of this title, the Administrator may, upon request, arrange for educational or vocational counseling to assist the parent or guardian and the eligible person in selecting such person's educational, vocational, or professional objective and in developing such person's program of education. During, or after, such counseling, the parent or guardian shall prepare for the eligible person an educational plan which shall set forth the selected objective, the proposed program of education, a list of the educational institutions at which such program would be pursued, an estimate of the sum which would be required for tuition and fees in completion of such program, and such other information as the Administrator shall require. This educational plan shall be signed by the parent or guardian and shall become an integral part of the application for educational assistance under this chapter.

"(b) The Administrator may, on request, arrange for educational counseling for persons eligible for educational assistance under section 1701(a)(1)(B), (C), or (D) of this title."

1982 - Subsec. (a). Pub. L. 97-295, Sec. 4(45)(A), inserted "of this title" after "section 1701(a)(1)(A)".

Subsec. (b). Pub. L. 97-295, Sec. 4(45)(B), substituted "of this title" for "of this chapter".

1980 - Subsec. (a). Pub. L. 96-466 substituted "the Administrator may, upon request, arrange for" for "the Administrator shall arrange for, and the eligible person shall take advantage of," and struck out provision that educational or vocational counseling not be required where the eligible person has been accepted for, or is pursuing, courses which lead to a standard college degree, at an approved institution.

1976 - Subsec. (a). Pub. L. 94-502 substituted "such person's" for "his" in two places.

1972 - Subsec. (a). Pub. L. 92-540 inserted provisions exempting the eligible person from counseling where such person has been accepted for, or is pursuing, courses which lead to a standard college degree at an approved institution.

1970 - Subsec. (b). Pub. L. 91-584 substituted "section 1701(a)(1)(B), (C), or (D)" for "section 1701(a)(1) (B) or (C)".

1968 - Subsec. (a). Pub. L. 90-631, Sec. 2(g)(1), (2), designated existing provisions as subsec. (a) and inserted "for a person eligible within the meaning of section 1701(a)(1)(A)" after "for educational assistance".

Subsec. (b). Pub. L. 90-631, Sec. 2(g)(3), added subsec. (b).

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.

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.

-End-

-CITE-

38 USC Sec. 3521

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SUBCHAPTER III - PROGRAM OF EDUCATION

-HEAD-

Sec. 3521. Approval of application

-STATUTE-

The Secretary shall approve an application if the Secretary finds that -

(1) the proposed program of education constitutes a "program of education" as that term is defined in this chapter;

(2) the eligible person is not already qualified, by reason of previous education or training, for the educational, professional, or vocational objective for which the program of education is offered;

(3) the eligible person's proposed educational institution or training establishment is in compliance with all the requirements of this chapter and chapter 36 of this title; and

(4) it does not appear that the enrollment in or pursuit of such person's program of education would violate any provisions of this chapter or chapter 36 of this title.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1196, Sec. 1721; Pub. L. 94-502, title III, Sec. 310(11), Oct. 15, 1976, 90 Stat. 2391; Pub. L. 96-466, title III, Sec. 324, Oct. 17, 1980, 94 Stat. 2196; Pub. L. 99-576, title III, Sec. 314(b)(1), (2), Oct. 28, 1986, 100 Stat. 3273; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3521, Pub. L. 102-83, Sec. 5(a),

Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1721 of this title as this section.

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

1986 - Pub. L. 99-576 substituted "Approval of application" for "Final approval of application" in section catchline, struck out "finally" before "approve an application" in introductory provisions, struck out former cl. (1) which read "section 1720 of this title has been complied with;", and redesignated cls. (2) to (5) as cls. (1) to (4), respectively.

1980 - Pub. L. 96-466, among other changes, inserted provision conditioning approval of an application upon the educational institution's or training establishment's compliance with all the requirements of this chapter and chapter 36 of this title and substituted reference to the enrollment in or pursuit of such person's program of education violating any provisions of this chapter or chapter 36 of this title for reference to the pursuit of such program violating any provision of this chapter.

1976 - Pub. L. 94-502 substituted "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 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. 3522

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SUBCHAPTER III - PROGRAM OF EDUCATION

-HEAD-

[Sec. 3522. Vacant]

-COD-

CODIFICATION

Prior to renumbering of sections 1700 to 1766 of this chapter as sections 3500 to 3566 by Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406, section 1722 of this chapter, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1196, which related to change of program by eligible person, was repealed by Pub. L. 92-540, title IV, Sec. 402(2), Oct. 24, 1972, 86 Stat. 1090.

-End-

-CITE-

38 USC Sec. 3523

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SUBCHAPTER III - PROGRAM OF EDUCATION

-HEAD-

Sec. 3523. Disapproval of enrollment in certain courses

-STATUTE-

(a) The Secretary shall not approve the enrollment of an eligible person in -

- (1) any bartending course or personality development course;
- (2) any sales or sales management course which does not provide specialized training within a specific vocational field;
- (3) any type of course which the Secretary finds to be avocational or recreational in character (or the advertising for which the Secretary finds contains significant avocational or recreational themes) unless the eligible person submits justification showing that the course will be a bona fide use in the pursuit of the person's present or contemplated business or occupation; or
- (4) any independent study program except an accredited independent study program (including open circuit television) leading to a standard college degree.

(b) The Secretary shall not approve the enrollment of an eligible person in any course of flight training other than one given by an educational institution of higher learning for credit toward a standard college degree the eligible person is seeking.

(c) The Secretary shall not approve the enrollment of an eligible person in any course to be pursued by radio.

(d) The Secretary shall not approve the enrollment of an eligible person in any course which is to be pursued as a part of such person's regular secondary school education (except as provided in section 3533 of this title), but this subsection shall not prevent the enrollment of an eligible person in a course not leading to a standard college degree if the Secretary finds that such person has ended such person's secondary school education (by completion or otherwise) and that such course is a specialized vocational course pursued for the purpose of qualifying in a bona fide vocational objective.

(e) An eligible person may not enroll in any course at an educational institution which is not located in a State or in the Republic of the Philippines, unless such course is pursued at an approved institution of higher learning and the course is approved by the Secretary. The Secretary, in the Secretary's discretion, may deny or discontinue educational assistance under this chapter in the case of any eligible person in such an institution if the Secretary determines that such enrollment is not in the best interest of the eligible person or the Federal Government.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1196, Sec. 1723; Pub. L.

86-785, Sec. 4, Sept. 14, 1960, 74 Stat. 1024; Pub. L. 87-546, July 25, 1962, 76 Stat. 216; Pub. L. 91-219, title II, Sec. 209, Mar. 26, 1970, 84 Stat. 83; Pub. L. 92-540, title III, Sec. 311, Oct. 24, 1972, 86 Stat. 1083; Pub. L. 93-508, title II, Sec. 207, Dec. 3, 1974, 88 Stat. 1583; Pub. L. 94-502, title III, Secs. 306, 310(12)-(14), Oct. 15, 1976, 90 Stat. 2390, 2392; Pub. L. 96-466, title III, Secs. 325, 326, 327(b), Oct. 17, 1980, 94 Stat. 2196, 2197; Pub. L. 97-306, title II, Sec. 202(b), Oct. 14, 1982, 96 Stat. 1433; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), (2), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3523 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-568, title III, Sec. 313(a)(7), Oct. 29, 1992, 106 Stat. 4333; Pub. L. 104-275, title I, Sec. 104(b), Oct. 9, 1996, 110 Stat. 3327.)

-MISC1-

AMENDMENTS

1996 - Subsec. (a)(4). Pub. L. 104-275, Sec. 104(b)(1), inserted "(including open circuit television)" after "accredited independent study program".

Subsec. (c). Pub. L. 104-275, Sec. 104(b)(2), substituted "radio." for "radio or by open circuit television, except that the Secretary may approve the enrollment of an eligible person in a course, to be pursued in residence, leading to a standard college degree which includes, as an integral part thereof, subjects offered through open circuit television."

1992 - Subsec. (a)(4). Pub. L. 102-568 substituted "an accredited independent study program" for "one".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1723 of this title as this section.

Subsec. (d). Pub. L. 102-83, Sec. 5(c)(1), substituted "3533" for "1733".

1989 - Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing in subsecs. (a) to (e) and substituted "Secretary's" for "Administrator's" in subsec. (e).

1982 - Subsec. (a). Pub. L. 97-306, Sec. 202(b), struck out designation "(1)" before "The Administrator", redesignated cls. (A) to (D) as (1) to (4), respectively, in cl. (2) as so redesignated, substituted "any sales or sales management course which does not provide specialized training within a specific vocational field;" for "any course with a vocational objective, unless the eligible person or the institution offering such course presents evidence satisfactory to the Administrator showing that at least one-half of the persons who completed such course over such period, and who are not unavailable for employment, attained employment for an average of ten hours a week in an occupational category for which the course was designed to provide training;", and struck out par. (2) which had provided exceptions to the provisions of par. (1)(B) for persons pursuing the course while serving on active duty, institutions with an enrollment not exceeding 35 percent of eligible veterans and eligible persons, and instances of administrative hardship to the institution.

1980 - Subsec. (a). Pub. L. 96-466, Sec. 325, designated existing provisions as par. (1), redesignated cls. (1), (2), (3), and (4) as (A), (B), (C), and (D), respectively, and in cl. (B) as so redesignated, struck out reference to any sales or management course which does not provide specialized training within a specific vocational field and substituted reference to presenting evidence showing that at least one-half of the persons who completed such course over such period attained employment for an

average of ten hours a week in an occupational category for which the course was designed to provide training for reference to submitting justification showing that at least one-half of the persons who completed such course over the preceding two-year period (but excluding persons who completed such course with assistance under this title while serving on active duty) have been employed in the occupational category for which the course was designed to provide training, and added par. (2).

Subsec. (c). Pub. L. 96-466, Sec. 326, struck out provisions relating to the approval of the enrollment of an eligible person in any course to be pursued by correspondence or any course to be pursued at an educational institution not located in a State or in the Republic of the Philippines, substituted reference to subjects offered through open circuit television for reference to subjects offered through the medium of open circuit televised instruction, if the major portion of the course requires conventional classroom or laboratory attendance, and struck out provisions permitting the Administrator to deny or discontinue the educational assistance of any eligible person in a foreign educational institution upon a finding that such enrollment is not in the best interest of the eligible person or the Government.

Subsec. (e). Pub. L. 96-466, Sec. 327(b), added subsec. (e).

1976 - Subsec. (a). Pub. L. 94-502, Secs. 306, 310(12), substituted "the Administrator finds contains" for "he finds contains" and added cl. (4).

Subsec. (c). Pub. L. 94-502, Sec. 310(13), substituted "the Administrator's" for "his" and "if the Administrator finds" for "if he finds".

Subsec. (d). Pub. L. 94-502, Sec. 310(14), substituted "such person's" for "his" in two places.

1974 - Subsec. (a)(2). Pub. L. 93-508, Sec. 207(1), substituted "or in any other course with a vocational objective, unless the" for "unless the", "who completed" for "completing", and ", and who are not unavailable for employment, have been employed in the occupational category for which the course was designed to provide training" for "have been employed in the sales or sales management field", and inserted parenthetical provisions relating to the exclusion of persons who completed the course with assistance under this title in the computation of the number of people who completed the course.

Subsec. (a)(3). Pub. L. 93-508, Sec. 207(2), substituted "in character (or the advertising for which he finds contains significant avocational or recreational themes) unless the" for "in character unless the".

Subsec. (c). Pub. L. 93-508, Sec. 207(3), substituted "an eligible person in any course to be" for "an eligible person in any course of institutional on-farm training, any course to be".

Subsec. (d). Pub. L. 93-508, Sec. 207(4), substituted "course not leading to a standard college degree if the" for "course to be pursued below the college level if the".

1972 - Subsec. (c). Pub. L. 92-540, Sec. 311(1), struck out prohibition on approval by the Administrator of the enrollment of an eligible person in any course of apprentice or other training on the job, inserted provision authorizing approval of correspondence courses as provided in section 1786 of this title, and substituted provision relating to approval by the Administrator of enrollment at an educational institution not located in a State or the Republic of the Philippines and provision authorizing the Administrator to deny or discontinue assistance, for provisions setting forth the criteria for approval by the Administrator of enrollment in a foreign educational institution in the case of any

eligible person.

Subsec. (d). Pub. L. 92-540, Sec. 311(2), inserted "(except as provided in section 1733 of this title)" after "regular secondary school education".

1970 - Subsec. (a). Pub. L. 91-219 struck out "dancing course" from the enumeration of non-approved courses, inserted provisions directing the Administrator not to approve any enrollment in any sales or sales management course with some exceptions, and struck out reference to photography, entertainment, music, and enumerated sports or athletic course.

1962 - Subsec. (c). Pub. L. 87-546 authorized the Administrator to approve enrollment in foreign educational institutions if the subjects to be taken are part of and creditable towards completion of an approved course in a "principal institution", the tuition and fees of the foreign institution are paid by the "principal institution", and such institution agrees to submit enrollment certificates and monthly certifications as to attendance, conduct, and progress to the Veterans' Administration.

1960 - Subsec. (c). Pub. L. 86-785 substituted "open circuit television (except as herein provided)" for "television", and authorized the Administrator to approve enrollment in a course pursued in residence, leading to a standard college degree, which utilizes open circuit televised instruction, if the major portion of the course requires conventional classroom or laboratory attendance.

EFFECTIVE DATE OF 1982 AMENDMENT

Section 202(c) of Pub. L. 97-306 provided that: "The amendments made by this section [amending this section and section 1673 [renumbered 3473] of this title] shall take effect on October 1, 1982."

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.

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. 3524

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SUBCHAPTER III - PROGRAM OF EDUCATION

-HEAD-

Sec. 3524. Discontinuance for unsatisfactory progress

-STATUTE-

The Secretary shall discontinue the educational assistance allowance on behalf of an eligible person if, at any time, the Secretary finds that according to the regularly prescribed standards and practices of the educational institution such person is attending, the person'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 eligible person will be resuming enrollment at the same educational institution in the same program of education and the educational institution has both approved such eligible person'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 eligible person -

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

(B) the program proposed to be pursued is suitable to the eligible person'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-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1197, Sec. 1724; Pub. L. 94-502, title III, Secs. 307, 310(15), Oct. 15, 1976, 90 Stat. 2390, 2392; Pub. L. 95-202, title III, Sec. 305(b)(1), Nov. 23, 1977, 91 Stat. 1443; Pub. L. 96-466, title III, Sec. 328, Oct. 17, 1980, 94 Stat. 2197; Pub. L. 101-237, title IV, Secs. 411(b), 412(b), 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2084, 2085, 2092; renumbered Sec. 3524 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 1724 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(b), 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 person has been removed; and

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

1980 - Pub. L. 96-466 struck out provisions relating to the conditions upon which an eligible person'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. 310(15), substituted "such person is attending" for "he is attending", "the Administrator finds that" for "he finds that", and "the person's" for "his" in two places.

Pub. L. 94-502, Sec. 307, inserted provision specifying progress as unsatisfactory when the veteran will not be able to graduate within the approved length of the course.

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 307 and 310(15) 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.

SUSPENSION OF IMPLEMENTATION OF 1976 AMENDMENT

For provisions directing the Administrator to suspend the implementation of the amendment to this section by section 307 of Pub. L. 94-502 in the case of any accredited educational institution which submits to the Administrator its course catalog or bulletin and a certification that the policies and regulations described in cls. (6) and (7) of section 1776(b) [now 3676(b)(6) and (7)] of this title are being enforced by such institution, unless the Administrator finds that the catalog or bulletin fails to state fully and clearly the policies and regulations, and for that suspension to continue until the Administrator submits the report required under section 305(b)(2) of Pub. L. 95-202, see section 305(b)(4)(A) of Pub. L. 95-202, set out as a note under section 3474 of this title.

-End-

-CITE-

38 USC Secs. 3525, 3526

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SUBCHAPTER III - PROGRAM OF EDUCATION

-HEAD-

[Secs. 3525, 3526. Vacant]

-COD-

CODIFICATION

Prior to renumbering of sections 1700 to 1766 of this chapter as sections 3500 to 3566 by Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406, sections 1725 and 1726 of this chapter were repealed.

Section 1725, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1197, which related to period of operation for approval by Administrator, was repealed by Pub. L. 92-540, title IV, Sec. 402(2), Oct. 24, 1972, 86 Stat. 1090.

Section 1726, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1197, which provided for control by agencies of United States, was repealed by Pub. L. 89-358, Sec. 3(a)(3), Mar. 3, 1966, 80 Stat. 20.

-End-

-CITE-

38 USC SUBCHAPTER IV - PAYMENTS TO ELIGIBLE PERSONS 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE
SUBCHAPTER IV - PAYMENTS TO ELIGIBLE PERSONS

-HEAD-

SUBCHAPTER IV - PAYMENTS TO ELIGIBLE PERSONS

-End-

-CITE-

38 USC Sec. 3531 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE
SUBCHAPTER IV - PAYMENTS TO ELIGIBLE PERSONS

-HEAD-

Sec. 3531. Educational assistance allowance

-STATUTE-

(a) The Secretary shall, in accordance with the provisions of chapter 36 of this title, pay to the parent or guardian of each eligible person who is pursuing a program of education under this chapter, and who applies therefor on behalf of such eligible person, an educational assistance allowance to meet, in part, the expenses of the eligible person's subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

(b) The educational assistance allowance of an eligible person pursuing a program of education at an educational institution shall be paid as provided in chapter 36 of this title.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1197, Sec. 1731; Pub. L. 89-358, Sec. 4(l), Mar. 3, 1966, 80 Stat. 24; Pub. L. 92-540, title III, Sec. 312, Oct. 24, 1972, 86 Stat. 1083; Pub. L. 94-502, title III, Secs. 309(c), 310(16), Oct. 15, 1976, 90 Stat. 2391, 2392; Pub. L. 96-466, title III, Sec. 329, Oct. 17, 1980, 94 Stat. 2197; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3531, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1731 of this title as this section.

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

1980 - Subsec. (b). Pub. L. 96-466 substituted provisions that the educational assistance allowance of an eligible person pursuing a program of education at an educational institution be paid as provided in chapter 36 of this title for provisions that no educational assistance allowance be paid on behalf of an eligible person enrolled in a course in an educational institution which does not lead to a standard college degree for any period until the Administrator received from the eligible person a certification as to the person's actual attendance during such period and from the educational institution a certification, or an endorsement on the eligible person's certificate, that the person was enrolled in and pursuing a course of education during such period.

1976 - Subsec. (a). Pub. L. 94-502, Sec. 309(c), substituted "chapter 36" for "section 1780".

Subsec. (b). Pub. L. 94-502, Sec. 310(16), substituted "the person's" for "his" and "the person" for "he".

1972 - Subsec. (a). Pub. L. 92-540, Sec. 312(1), inserted provision requiring the Administrator to pay in accordance with the provisions of section 1780 of this title.

Subsec. (b). Pub. L. 92-540, Sec. 312(2), (3), redesignated subsec. (d) as (b). Former subsec. (b), which provided for the payment of the educational assistance allowance, pursuant to section 1732 of this title, to the eligible person only for a period of his enrollment as approved by the Administrator subject to certain limitations, was struck out.

Subsec. (c). Pub. L. 92-540, Sec. 312(2), struck out subsec. (c) which authorized the Administrator, pursuant to regulations, to determine enrollment in, pursuit of, and attendance at, any program of education or course by an eligible person.

Subsec. (d). Pub. L. 92-540, Sec. 312(3), redesignated subsec. (d) as (b).

Subsec. (e). Pub. L. 92-540, Sec. 312(2), struck out subsec. (e) which related to the prompt payment by the Administrator of the allowance to the eligible person.

1966 - Subsec. (c). Pub. L. 89-358 added subsec. (c) and struck out former subsec. (c) which conditioned payment of allowance to eligible person taking college degree course on receipt from such person of certification of enrollment and pursuit of such course and from educational institution certification or indorsement on student's certification of enrollment and pursuit of such course, prescribed such conditions for eligible person taking a course not leading to college degree as are now incorporated in subsec. (d) of this section, and required payments to be made within twenty days after receipt of requisite certifications, now incorporated in subsec. (e) of this section.

Subsec. (d). Pub. L. 89-358 redesignated provisions of former subsec. (c)(1)(B), (2) as subsec. (d).

Subsec. (e). Pub. L. 89-358 added subsec. (e). Concluding sentence of former subsec. (c), struck out by Pub. L. 89-358, provided for payment of such allowances within twenty days after receipt by the Administrator of requisite certifications.

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. 3532

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SUBCHAPTER IV - PAYMENTS TO ELIGIBLE PERSONS

-HEAD-

Sec. 3532. Computation of educational assistance allowance

-STATUTE-

(a)(1) The educational assistance allowance on behalf of an eligible person who is pursuing a program of education consisting of institutional courses shall be paid at the monthly rate of \$788 for full-time, \$592 for three-quarter-time, or \$394 for half-time pursuit.

(2) The educational assistance allowance on behalf of an eligible person pursuing a program of education on less than a half-time basis shall be paid at the rate of the lesser of -

(A) the established charges for tuition and fees that the educational institution involved requires similarly circumstanced nonveterans enrolled in the same program to pay; or

(B) \$788 per month for a full-time course.

(b) The educational assistance allowance to be paid on behalf of an eligible person who is pursuing 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, shall be computed at the rate of \$788 per month.

(c)(1) An eligible person who is enrolled in an educational institution for a "farm cooperative" program consisting of institutional agricultural courses prescheduled to fall within forty-four weeks of any period of twelve 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 seven clock hours per week), or

(C) a half-time basis (a minimum of five clock hours per week),

shall be eligible to receive an educational assistance allowance at the appropriate rate provided in paragraph (2) of this subsection, if such eligible person 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 person is enrolled.

(2) The monthly educational assistance allowance to be paid on behalf of an eligible person pursuing a farm cooperative program under this chapter shall be \$636 for full-time, \$477 for three-quarter-time, or \$319 for half-time pursuit.

(d) If a program of education is pursued by an eligible person at an institution located in the Republic of the Philippines, the educational assistance allowance computed for such person under this section shall be paid at the rate of \$0.50 for each dollar.

(e) In the case of an eligible person 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, the educational assistance allowance shall be paid in the same manner prescribed in section 3482(g) of this title for incarcerated veterans, except that the references therein to the monthly educational assistance allowance prescribed for a veteran with no dependents shall be deemed to refer to the applicable allowance payable to an eligible person under corresponding provisions of this chapter or chapter 36 of this title, as determined by the Secretary.

(f)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3501(a)(5) 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.

(g)(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a national test for admission or national test providing an opportunity for course credit at institutions of higher learning described in section 3501(a)(5) of this title is the amount of the fee charged for the test.

(2) The number of months of entitlement charged in the case of any individual for a test described in paragraph (1) is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance, 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 a test described in paragraph (1) exceed the amount of the individual's available entitlement under this chapter.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1198, Sec. 1732; Pub. L. 89-222, Sec. 1, Sept. 30, 1965, 79 Stat. 896; Pub. L. 91-219, title

I, Sec. 104(a), (b), title II, Sec. 210, Mar. 25, 1970, 84 Stat. 77, 78, 83; Pub. L. 92-540, title I, Sec. 103(1)-(3), Oct. 24, 1972, 86 Stat. 1075, 1076; Pub. L. 93-508, title I, Sec. 103(1)-(3), title II, Sec. 208, Dec. 3, 1974, 88 Stat. 1580, 1584; Pub. L. 93-602, title II, Sec. 204(a), Jan. 2, 1975, 88 Stat. 1958; Pub. L. 94-502, title III, Secs. 301(1), 308, Oct. 15, 1976, 90 Stat. 2389, 2390; Pub. L. 95-202, title I, Sec. 103(1), Nov. 23, 1977, 91 Stat. 1434; Pub. L. 96-466, title II, Secs. 202(1), 212(1), title III, Sec. 330, title VI, Sec. 602(b), Oct. 17, 1980, 94 Stat. 2188, 2190, 2198, 2209; Pub. L. 98-543, title II, Sec. 203(1), Oct. 24, 1984, 98 Stat. 2742; Pub. L. 101-237, title IV, Secs. 403(a)(1)-(7), 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2078, 2079, 2092; Pub. L. 102-16, Sec. 10(a)(6), Mar. 22, 1991, 105 Stat. 56; renumbered Sec. 3532 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-568, title III, Sec. 316(b), Oct. 29, 1992, 106 Stat. 4334; Pub. L. 103-446, title V, Sec. 507(b), Nov. 2, 1994, 108 Stat. 4664; Pub. L. 104-275, title I, Sec. 105(c), Oct. 9, 1996, 110 Stat. 3327; Pub. L. 105-178, title VIII, Sec. 8210(a), as added Pub. L. 105-206, title IX, Sec. 9014(b), July 22, 1998, 112 Stat. 866; Pub. L. 106-419, title I, Secs. 111(a), 122(b)(4), Nov. 1, 2000, 114 Stat. 1830, 1834; Pub. L. 107-103, title I, Sec. 102(a), Dec. 27, 2001, 115 Stat. 978; Pub. L. 108-183, title III, Sec. 302(a), Dec. 16, 2003, 117 Stat. 2658; Pub. L. 108-454, title I, Sec. 106(b)(3), Dec. 10, 2004, 118 Stat. 3603; Pub. L. 109-461, title X, Sec. 1002(e), Dec. 22, 2006, 120 Stat. 3465.)

-MISC1-

AMENDMENTS

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

2004 - Subsec. (g). Pub. L. 108-454 added subsec. (g).

2003 - Subsec. (a)(1). Pub. L. 108-183, Sec. 302(a)(1)(A), substituted "at the monthly rate of \$788 for full-time, \$592 for three-quarter-time, or \$394 for half-time pursuit." for "at the monthly rate of \$670 for full-time, \$503 for three-quarter-time, or \$335 for half-time pursuit."

Subsec. (a)(2). Pub. L. 108-183, Sec. 302(a)(1)(B), substituted "at the rate of the lesser of - " and subpars. (A) and (B) for "at the rate of (A) the established charges for tuition and fees that the educational institution involved requires similarly circumstanced nonveterans enrolled in the same program to pay, or (B) \$670 per month for a full-time course, whichever is the lesser."

Subsec. (b). Pub. L. 108-183, Sec. 302(a)(2), substituted "\$788" for "\$670".

Subsec. (c)(2). Pub. L. 108-183, Sec. 302(a)(3), substituted "shall be \$636 for full-time, \$477 for three-quarter-time, or \$319 for half-time pursuit." for "shall be \$541 for full-time, \$406 for three-quarter-time, and \$271 for half-time pursuit."

2001 - Subsec. (a)(1). Pub. L. 107-103, Sec. 102(a)(1), substituted "\$670" for "\$588", "\$503" for "\$441", and "\$335" for "\$294".

Subsec. (a)(2). Pub. L. 107-103, Sec. 102(a)(2), substituted "\$670" for "\$588".

Subsec. (b). Pub. L. 107-103, Sec. 102(a)(3), substituted "\$670" for "\$588".

Subsec. (c)(2). Pub. L. 107-103, Sec. 102(a)(4), substituted "\$541" for "\$475", "\$406" for "\$356", and "\$271" for "\$238".

2000 - Subsec. (a)(1). Pub. L. 106-419, Sec. 111(a)(1), substituted "\$588" for "\$485", "\$441" for "\$365", and "\$294" for "\$242".

Subsec. (a)(2). Pub. L. 106-419, Sec. 111(a)(2), substituted "\$588" for "\$485".

Subsec. (b). Pub. L. 106-419, Sec. 111(a)(3), substituted "\$588" for "\$485".

Subsec. (c)(2). Pub. L. 106-419, Sec. 111(a)(4), substituted "\$475" for "\$392", "\$356" for "\$294", and "\$238" for "\$196".

Subsec. (f). Pub. L. 106-419, Sec. 122(b)(4), added subsec. (f).

1998 - Subsec. (a)(1). Pub. L. 105-178, Sec. 8210(a)(1), as added by Pub. L. 105-206, Sec. 9014(b), substituted "\$485" for "\$404", "\$365" for "\$304", and "\$242" for "\$202".

Subsecs. (a)(2), (b). Pub. L. 105-178, Sec. 8210(a)(2), (3), as added by Pub. L. 105-206, Sec. 9014(b), substituted "\$485" for "\$404".

Subsec. (c)(2). Pub. L. 105-178, Sec. 8210(a)(4), as added by Pub. L. 105-206, Sec. 9014(b), substituted "\$392" for "\$327", "\$294" for "\$245", and "\$196" for "\$163".

1996 - Subsec. (b). Pub. L. 104-275 substituted "\$404" for "\$327".

1994 - Subsec. (d). Pub. L. 103-446 substituted "the rate of" for "a rate in Philippine pesos equivalent to".

1992 - Subsec. (c)(3), (4). Pub. L. 102-568 struck out pars. (3) and (4) which related to the monthly educational assistance allowance to be paid for persons pursuing an independent study program and for persons pursuing a course in part by open circuit television.

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1732 of this title as this section.

Subsec. (c)(3). Pub. L. 102-83, Sec. 5(c)(1), substituted "3688" for "1788".

Pub. L. 102-16 substituted "Secretary" for "Secretary of Veterans Affairs".

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

Pub. L. 102-16 substituted "Secretary" for "Secretary of Veterans Affairs".

1989 - Subsec. (a)(1). Pub. L. 101-237, Sec. 403(a)(1), substituted "paid at the monthly rate of \$404 for full-time, \$304 for three-quarter-time, or \$202 for half-time pursuit." for "computed at the rate prescribed in section 1682(a)(1) of this title for full-time, three-quarter-time, or half-time pursuit, as appropriate, of an institutional program by an eligible veteran with no dependents."

Subsec. (a)(2). Pub. L. 101-237, Sec. 403(a)(2), substituted "paid at the rate of (A) the established charges for tuition and fees that the educational institution involved requires similarly circumstanced nonveterans enrolled in the same program to pay, or (B) \$404 per month for a full-time course, whichever is the lesser." for "computed at the rate prescribed in section 1682(b)(2) of this title for less-than-half-time pursuit of an institutional program by an eligible veteran."

Subsec. (b). Pub. L. 101-237, Sec. 403(a)(3), substituted "\$327" for "\$304".

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

Subsec. (c)(2). Pub. L. 101-237, Sec. 403(a)(4), substituted "\$327 for full-time, \$245 for three-quarter-time, and \$163 for half-time pursuit." for "computed at the rate prescribed in section 1682(c)(2) of this title for full-time, three-quarter-time, or half-

time pursuit, as appropriate, of a farm cooperative program by an eligible veteran with no dependents."

Subsec. (c)(3). Pub. L. 101-237, Sec. 403(a)(5), amended par. (3) generally. Prior to amendment, par. (3) read as follows: "The monthly educational assistance allowance to be paid on behalf of an eligible person pursuing an independent study program which leads to a standard college degree shall be computed at the rate prescribed in section 1682(e) of this title."

Subsec. (c)(4). Pub. L. 101-237, Sec. 403(a)(6), substituted "paragraph (3) of this subsection" for "section 1682(e) of this title".

Subsec. (e). Pub. L. 101-237, Sec. 403(a)(7), inserted before period at end ", except that the references therein to the monthly educational assistance allowance prescribed for a veteran with no dependents shall be deemed to refer to the applicable allowance payable to an eligible person under corresponding provisions of this chapter or chapter 36 of this title, as determined by the Secretary of Veterans Affairs".

1984 - Subsec. (b). Pub. L. 98-304 substituted "\$304" for "\$276".

1980 - Subsec. (b). Pub. L. 96-466, Sec. 212(1), substituted "\$276" for "\$264".

Pub. L. 96-466, Sec. 202(1), substituted "\$264" for "\$251".

Subsec. (c)(4). Pub. L. 96-466, Sec. 330, added par. (4).

Subsec. (e). Pub. L. 96-466, Sec. 602(b), added subsec. (e).

1977 - Subsec. (b). Pub. L. 95-202 substituted "\$251" for "\$235".

1976 - Subsec. (b). Pub. L. 94-502, Sec. 301(1), substituted "\$235" for "\$217".

Subsec. (c)(3). Pub. L. 94-502, Sec. 308, added par. (3).

1975 - Subsec. (b). Pub. L. 93-602 substituted "\$217" for "\$209".

1974 - Subsec. (a)(1). Pub. L. 93-508, Sec. 103(1), substituted "prescribed in section 1682(a)(1) of this title for full-time, three-quarter-time, or half-time pursuit, as appropriate, of an institutional program by an eligible veteran with no dependents" for "of (A) \$220 per month if pursued on a full-time basis, (B) \$165 per month if pursued on a three-quarter-time basis, and (C) \$110 per month if pursued on a half-time basis".

Subsec. (a)(2). Pub. L. 93-508, Sec. 103(2), substituted "prescribed in section 1682(b)(2) of this title for less-than-half-time pursuit of an institutional program by an eligible veteran" for "of (A) the established charges for tuition and fees which the institution requires other individuals enrolled in the same program to pay, or (B) \$220 per month for a full-time course whichever is the lesser".

Subsec. (b). Pub. L. 93-508, Sec. 103(3), substituted "\$209" for "\$177".

Subsecs. (c), (d). Pub. L. 93-508, Sec. 208, added subsec. (c) and redesignated former subsec. (c) as (d).

1972 - Subsec. (a)(1). Pub. L. 92-540 Sec. 103(1), substituted "\$220" for "\$175" in cl. (A), "\$165" for "\$128" in cl. (B), and "\$110" for "\$81" in cl. (C).

Subsec. (a)(2). Pub. L. 92-540, Sec. 103(2), substituted "\$220" for "\$175".

Subsec. (b). Pub. L. 92-540, Sec. 103(3), substituted "\$177" for "\$141".

1970 - Subsec. (a). Pub. L. 91-219, Sec. 104(a), designated existing provision as par. (1), substituted "(A) \$175" for "(1) \$130", "(B) \$128" for "(2) \$95", and "(C) \$81" for "(3) \$60", respectively in par. (1) as so designated, and added par. (2).

Subsec. (b). Pub. L. 91-219, Sec. 104(b), substituted "\$141" for "\$105".

Subsec. (c). Pub. L. 91-219, Sec. 210, substituted provision that

if a program of education is pursued by an eligible person at an institution located in the Republic of the Philippines, the educational assistance allowance computed for such person should be paid at a specified rate in Philippine pesos, for provision forbidding educational assistance allowance to a person who is pursuing an institutional course on a less than prescribed basis.

1965 - Subsec. (a). Pub. L. 89-222, Sec. 1(a), substituted "\$130", "\$95", and "\$60" for "\$110", "\$80", and "\$50", respectively.

Subsec. (b). Pub. L. 89-222, Sec. 1(b), substituted "\$105" for "\$90".

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-183, title III, Sec. 302(e), Dec. 16, 2003, 117 Stat. 2659, provided that: "The amendments made by this section [amending this section and sections 3534, 3542, and 3687 of this title] shall take effect on July 1, 2004, and shall apply with respect to educational assistance allowances payable under chapter 35 and section 3687(b)(2) of title 38, United States Code, for months beginning on or after that date."

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-103, title I, Sec. 102(e), Dec. 27, 2001, 115 Stat. 978, provided that: "The amendments made by this section [amending this section and sections 3534, 3542, and 3687 of this title] shall take effect as of January 1, 2002, and shall apply with respect to educational assistance allowances payable under chapter 35 and section 3687(b)(2) of title 38, United States Code, for months beginning on or after that date."

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-419, title I, Sec. 111(e), Nov. 1, 2000, 114 Stat. 1830, provided that: "The amendments made by subsections (a) through (d) [amending this section and sections 3534, 3542, and 3687 of this title] shall take effect on November 1, 2000, and shall apply with respect to educational assistance allowances paid under chapter 35 of title 38, United States Code, for months after October 2000."

Amendment by section 122(b)(4) of 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 1998 AMENDMENTS

Title IX of Pub. L. 105-206 effective simultaneously with enactment of Pub. L. 105-178 and to be treated as included in Pub. L. 105-178 at time of enactment, see section 9016 of Pub. L. 105-206, set out as a note under section 101 of Title 23, Highways.

Pub. L. 105-178, title VIII, Sec. 8210(e), as added by Pub. L. 105-206, title IX, Sec. 9014(b), July 22, 1998, 112 Stat. 866, provided that: "The amendments made by this section [amending this section and sections 3534, 3542, and 3687 of this title] shall take effect on October 1, 1998, and shall apply with respect to educational assistance allowances paid for months after September 1998."

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-446 applicable with respect to payments made after Dec. 31, 1994, see section 507(c) of Pub. L. 103-446, set out as a note under section 107 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 316(c) of Pub. L. 102-568 provided that: "The amendments made by this section [amending this section and section 3688 of this title] apply to enrollments in courses beginning on or after July 1, 1993."

EFFECTIVE DATE OF 1989 AMENDMENT

Section 403(c) of Pub. L. 101-237 provided that: "The amendments made by this section [amending this section and sections 1733, 1734, 1742, and 1787 [now 3533, 3534, 3542, and 3687] of this title] shall take effect on January 1, 1990."

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 202(1) and 212(1) 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 330 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.

Amendment by section 602(b) of 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 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

Amendment by Pub. L. 93-602 effective Jan. 1, 1975, see section 206 of Pub. L. 93-602, set out as a note under section 3482 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by section 103(1)-(3) of Pub. L. 93-508 effective Sept. 1, 1974, see section 501 of Pub. L. 93-508, set out as a note under section 3482 of this title.

Amendment by section 208 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

Amendment by Pub. L. 92-540 effective Oct. 1, 1972, except for those veterans and eligible persons in training on Oct. 24, 1972, see section 601(a) of Pub. L. 92-540, set out as a note under section 3482 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by section 104(a), (b) of Pub. L. 91-219 effective Feb. 1, 1970, see section 301 of Pub. L. 91-219, set out as a note under section 3482 of this title.

EFFECTIVE DATE OF 1965 AMENDMENT

Section 4 of Pub. L. 89-222 provided that: "The amendments made by the first and second sections of this Act [amending this section and section 1742 [now 3542] of this title] shall take effect on the first day of the second calendar month following the date of enactment of this Act [Sept. 30, 1965]."

-End-

-CITE-

38 USC Sec. 3533

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SUBCHAPTER IV - PAYMENTS TO ELIGIBLE PERSONS

-HEAD-

Sec. 3533. Special assistance for the educationally disadvantaged

-STATUTE-

(a)(1) Any eligible person shall be entitled to the assistance provided an eligible veteran under section 3491(a) (if pursued in a State) of this title and be paid an educational assistance allowance therefor in the manner prescribed by section 3491(b) of this title, except that the corresponding rate provisions of this chapter shall apply, as determined by the Secretary, to such pursuit by an eligible person.

(2) Educational assistance under this chapter for the first five months of full-time pursuit of a program (or the equivalent thereof in part-time educational assistance) consisting of such course or courses shall be provided without charge to entitlement.

(b) Any eligible person shall, without charge to any entitlement such person may have under section 3511 of this title, be entitled to the benefits provided an eligible veteran under section 3492 of this title.

-SOURCE-

(Added Pub. L. 92-540, title III, Sec. 313, Oct. 24, 1972, 86 Stat. 1084, Sec. 1733; amended Pub. L. 94-502, title III, Sec. 310(17), (18), Oct. 15, 1976, 90 Stat. 2392; Pub. L. 98-223, title II, Sec. 203(b), Mar. 2, 1984, 98 Stat. 41; Pub. L. 100-689, title I, Sec. 106(c), Nov. 18, 1988, 102 Stat. 4167; Pub. L. 101-237, title IV, Sec. 403(a)(8), Dec. 18, 1989, 103 Stat. 2079; Pub. L. 102-16, Sec. 10(a)(6), Mar. 22, 1991, 105 Stat. 56; renumbered Sec. 3533 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 1733 of this title as this section.

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

Pub. L. 102-16 substituted "Secretary" for "Secretary of Veterans Affairs".

Subsec. (b). Pub. L. 102-83, Sec. 5(c)(1), substituted "3511" for "1711" and "3492" for "1692".

1989 - Subsec. (a)(1). Pub. L. 101-237 substituted "assistance provided an eligible veteran under section 1691(a) (if pursued in a State) of this title and be paid an educational assistance allowance therefor in the manner prescribed by section 1691(b) of this title, except that the corresponding rate provisions of this chapter shall apply, as determined by the Secretary of Veterans Affairs, to such pursuit by an eligible person." for "benefits provided an eligible veteran (with no dependents) under section 1691 (if pursued in a State) of this title."

1988 - Subsec. (a). Pub. L. 100-689 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "Any eligible spouse or surviving spouse shall, without charge to any entitlement such spouse may have under section 1711 of this title, be entitled to the benefits provided an eligible veteran (with no dependents) under section 1691 (if pursued in a State) of this title."

1984 - Subsec. (a). Pub. L. 98-223 inserted "(with no dependents)" after "an eligible veteran" and struck out "and be paid an educational assistance allowance under the provisions of section 1732(a) of this title".

1976 - Subsec. (a). Pub. L. 94-502, Sec. 310(17), substituted "spouse or surviving spouse" for "wife or widow" and "such spouse" for "she".

Subsec. (b). Pub. L. 94-502, Sec. 310(18), substituted "such person" for "he".

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-237 effective Jan. 1, 1990, see section 403(c) of Pub. L. 101-237, set out as a note under section 3532 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-689 effective Aug. 15, 1989, see section 106(d) of Pub. L. 100-689, set out as a note under section 3034 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.

TERMINATION OF ELIGIBILITY PERIOD

Termination of eligibility period for a wife or widow, or an eligible person eight years from Oct. 24, 1972, see section 604 of Pub. L. 92-540, set out as a note under section 3512 of this title.

-End-

-CITE-

38 USC Sec. 3534

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE
SUBCHAPTER IV - PAYMENTS TO ELIGIBLE PERSONS

-HEAD-

Sec. 3534. Apprenticeship or other on-job training; correspondence courses

-STATUTE-

(a) Any eligible person shall be entitled to pursue, in a State, a program of apprenticeship or other on-job training and be paid a training assistance allowance as provided in section 3687 of this title.

(b) Any eligible spouse or surviving spouse shall be entitled to pursue a program of education exclusively by correspondence and be paid an educational assistance allowance as provided in section 3686 (other than subsection (a)(2)) of this title and the period of such spouse's entitlement shall be charged with one month for each \$788 which is paid to the spouse as an educational assistance allowance for such course.

-SOURCE-

(Added Pub. L. 92-540, title III, Sec. 313, Oct. 24, 1972, 86 Stat. 1084, Sec. 1734; amended Pub. L. 94-502, title III, Sec. 310(19), Oct. 15, 1976, 90 Stat. 2392; Pub. L. 101-237, title IV, Sec. 403(a)(9), Dec. 18, 1989, 103 Stat. 2079; renumbered Sec. 3534 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 105-178, title VIII, Sec. 8210(b), as added Pub. L. 105-206, title IX, Sec. 9014(b), July 22, 1998, 112 Stat. 866; Pub. L. 106-419, title I, Sec. 111(b), Nov. 1, 2000, 114 Stat. 1830; Pub. L. 107-103, title I, Sec. 102(b), Dec. 27, 2001, 115 Stat. 978; Pub. L. 108-183, title III, Sec. 302(b), Dec. 16, 2003, 117 Stat. 2659.)

-MISC1-

AMENDMENTS

2003 - Subsec. (b). Pub. L. 108-183 substituted "\$788" for "\$670".

2001 - Subsec. (b). Pub. L. 107-103 substituted "\$670" for "\$588".

2000 - Subsec. (b). Pub. L. 106-419 substituted "\$588" for "\$485".

1998 - Subsec. (b). Pub. L. 105-178, Sec. 8210(b), as added by Pub. L. 105-206, Sec. 9014(b), substituted "\$485" for "\$404".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1734 of this title as this section.

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

Subsec. (b). Pub. L. 102-83, Sec. 5(c)(1), substituted "3686" for "1786".

1989 - Subsec. (b). Pub. L. 101-237 substituted "1786 (other than subsection (a)(2)) of this title and the period of such spouse's entitlement shall be charged with one month for each \$404 which is paid to the spouse as an educational assistance allowance for such course" for "1786 of this title".

1976 - Subsec. (b). Pub. L. 94-502 substituted "spouse or surviving spouse" for "wife or widow".

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-183 effective July 1, 2004, and

the provisions of section 3536 of this title.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1199, Sec. 1735; Pub. L. 88-126, Sec. 2, Sept. 23, 1963, 77 Stat. 162; Pub. L. 89-358, Sec. 4(n), Mar. 3, 1966, 80 Stat. 25; Pub. L. 92-540, title IV, Sec. 402(4), Oct. 24, 1972, 86 Stat. 1090; renumbered Sec. 3535 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 1735 of this title as this section and substituted "3536" for "1736".

1972 - Pub. L. 92-540 substituted reference to section 1736 of this title for reference to section 1737 of this title.

1966 - Pub. L. 89-358 redesignated former subsec. (a) as the entire section, struck out therefrom the introductory phrase "Until the date for the expiration of all education and training under chapter 33 of this title," substituted "An eligible person" for "and eligible person", "chapter" for "subchapter", and "subchapter I of chapter 36 of this title" for "this section or subchapter VII of this chapter", and struck out former subsec. (b) which provided for scope of approval and is now incorporated in section 1770(b) of this title.

1963 - Subsec. (a). Pub. L. 88-126, Sec. 2(1), (2), inserted "Until the date for the expiration of all education and training under chapter 33 of this title, and" before "eligible person", and "or subchapter VII of this chapter" after "this section".

Subsec. (b). Pub. L. 88-126, Sec. 2(3), inserted "or section 1778."

Subsec. (c). Pub. L. 88-126, Sec. 2(4), repealed subsec. (c) which related to the responsibility of the Administrator, after the expiration date of all education and training under chapter 33 of this title, for the approval of any additional courses.

-End-

-CITE-

38 USC Sec. 3536

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SUBCHAPTER IV - PAYMENTS TO ELIGIBLE PERSONS

-HEAD-

Sec. 3536. Specialized vocational training courses

-STATUTE-

The Secretary may approve a specialized course of vocational training leading to a predetermined vocational objective for the enrollment of an eligible person under this subchapter if the Secretary finds that such course, either alone or when combined with other courses, constitutes a program of education which is suitable for that person and is required because of a mental or physical handicap.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1199, Sec. 1737; Pub. L. 88-126, Sec. 4, Sept. 23, 1963, 77 Stat. 162; renumbered Sec. 1736, Pub. L. 92-540, title IV, Sec. 402(3), Oct. 24, 1972, 86 Stat. 1090; Pub. L. 94-502, title III, Sec. 310(20), Oct. 15, 1976, 90 Stat. 2392; amended Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3536, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1736 of this title as this section.

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

1976 - Pub. L. 94-502 substituted "if the Administrator finds" for "if he finds".

1963 - Pub. L. 88-126 substituted "The" for "Notwithstanding the provisions of subsections (b) and (c) of section 1735 of this title, the".

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. 3537

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SUBCHAPTER IV - PAYMENTS TO ELIGIBLE PERSONS

-HEAD-

Sec. 3537. Work-study allowance

-STATUTE-

(a) Subject to subsection (b) of this section, the Secretary shall utilize, in connection with the activities described in section 3485(a) of this title, the services of any eligible person who is pursuing, in a State, at least a three-quarter-time program of education (other than a course of special restorative training) and shall pay to such person an additional educational assistance allowance (hereinafter in this section referred to as "work-study allowance") in return for such eligible person's agreement to perform such services. The amount of the work-study allowance shall be determined in accordance with section 3485(a) of this title.

(b) The Secretary's utilization of, and payment of a work-study allowance for, the services of an eligible person pursuant to subsection (a) of this section shall be subject to the same requirements, terms, and conditions as are set out in section 3485 of this title with regard to individuals pursuing at least three-quarter-time programs of education referred to in subsection (b)

of such section.

-SOURCE-

(Added Pub. L. 101-237, title IV, Sec. 406(a)(1), Dec. 18, 1989, 103 Stat. 2082, Sec. 1737; renumbered Sec. 3537 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 107-14, Sec. 8(a)(16), June 5, 2001, 115 Stat. 35.)

-MISC1-

AMENDMENTS

2001 - Subsec. (a). Pub. L. 107-14 substituted "hereinafter" for "hereafter".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1737 of this title as this section.

Subsec. (a). Pub. L. 102-83, Sec. 5(c)(1), substituted "3485(a)" for "1685(a)" in two places.

Subsec. (b). Pub. L. 102-83, Sec. 5(c)(1), substituted "3485" for "1685".

EFFECTIVE DATE

Section 406(b) of Pub. L. 101-237 provided that: "The amendments made by this section [enacting this section] shall take effect on May 1, 1990."

-End-

-CITE-

38 USC Sec. 3538

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SUBCHAPTER IV - PAYMENTS TO ELIGIBLE PERSONS

-HEAD-

[Sec. 3538. Vacant]

-COD-

CODIFICATION

Prior to renumbering of sections 1700 to 1766 of this chapter as sections 3500 to 3566 by Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406, section 1738 of this chapter, added Pub. L. 95-202, title II, Sec. 201(b), Nov. 23, 1977, 91 Stat. 1437, 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 SUBCHAPTER V - SPECIAL RESTORATIVE TRAINING

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SUBCHAPTER V - SPECIAL RESTORATIVE TRAINING

-HEAD-

SUBCHAPTER V - SPECIAL RESTORATIVE TRAINING

-End-

-CITE-

38 USC Sec. 3540

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SUBCHAPTER V - SPECIAL RESTORATIVE TRAINING

-HEAD-

Sec. 3540. Purpose

-STATUTE-

The purpose of special restorative training is to overcome, or lessen, the effects of a manifest physical or mental disability which would handicap an eligible person (other than a person made eligible under subparagraph (C) of such section (!1) by reason of a spouse being listed in one of the categories referred to in that subparagraph) in the pursuit of a program of education.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1200, Sec. 1740; Pub. L. 96-466, title III, Sec. 331, Oct. 17, 1980, 94 Stat. 2198; renumbered Sec. 3540 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 107-103, title I, Sec. 109(a), Dec. 27, 2001, 115 Stat. 986; Pub. L. 109-444, Sec. 3(b)(4), Dec. 21, 2006, 120 Stat. 3307; Pub. L. 109-461, title III, Sec. 301(b)(4), title X, Sec. 1006(b), Dec. 22, 2006, 120 Stat. 3427, 3468.)

-REFTEXT-

REFERENCES IN TEXT

Such section, referred to in text, probably means section 3501(a)(1) of this title. See 2006 Amendment note below.

-MISC1-

AMENDMENTS

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.

Pub. L. 109-461, Sec. 301(b)(4), substituted "(other than a person made eligible under subparagraph (C) of such section by reason of a spouse being listed in one of the categories referred to in that subparagraph)" for "(as defined in subparagraphs (A), (B), and (D) of section 3501(a)(1) of this title)".

Pub. L. 109-444, which substituted "(other than a person made

eligible under subparagraph (C) of such section by reason of a spouse being listed in one of the categories referred to in that subparagraph)" for "(as defined in subparagraphs (A), (B), and (D) of section 3501(a)(1) of this title)", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

2001 - Pub. L. 107-103 substituted "subparagraphs (A), (B), and (D) of section 3501(a)(1) of this title" for "section 3501(a)(1)(A) of this title".

1991 - Pub. L. 102-83 renumbered section 1740 of this title as this section and substituted "3501(a)(1)(A)" for "1701(a)(1)(A)".

1980 - Pub. L. 96-466 inserted "(as defined in section 1701(a)(1)(A) of this title)" after "person".

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by section 301(b)(4) of Pub. L. 109-461 applicable with respect to a payment of educational assistance for a course of education pursued after Dec. 22, 2006, see section 301(d) of Pub. L. 109-461, set out as a note under section 3501 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.

-FOOTNOTE-

(!1) See References in Text note below.

-End-

-CITE-

38 USC Sec. 3541

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE
SUBCHAPTER V - SPECIAL RESTORATIVE TRAINING

-HEAD-

Sec. 3541. Entitlement to special restorative training

-STATUTE-

(a) The Secretary at the request of an eligible person is authorized -

(1) to determine whether such person is in need of special restorative training; and

(2) where need is found to exist, to prescribe a course which is suitable to accomplish the purposes of this chapter.

Such a course, at the discretion of the Secretary, may contain elements that would contribute toward an ultimate objective of a program of education.

(b) The total period of educational assistance under this subchapter and other subchapters of this chapter may not exceed the amount of entitlement as established in section 3511 of this title, except that the Secretary may extend such period in the case of any person if the Secretary finds that additional assistance is necessary to accomplish the purpose of special restorative training

as stated in subsection (a) of this section.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1200, Sec. 1741; Pub. L. 88-361, Sec. 6, July 7, 1964, 78 Stat. 298; Pub. L. 94-502, title III, Sec. 310(21), Oct. 15, 1976, 90 Stat. 2392; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3541 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 107-103, title I, Sec. 109(b)(1), Dec. 27, 2001, 115 Stat. 986.)

-MISC1-

AMENDMENTS

2001 - Subsec. (a). Pub. L. 107-103 struck out "of the parent or guardian" after "request" in introductory provisions.

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1741 of this title as this section.

Subsec. (b). Pub. L. 102-83, Sec. 5(c)(1), substituted "3511" for "1711".

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

1976 - Subsec. (b). Pub. L. 94-502 substituted "if the Administrator finds" for "if he finds".

1964 - Subsec. (b). Pub. L. 88-361 authorized the Administrator to extend the period if he finds additional assistance necessary to accomplish the purpose of special restorative training.

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 1964 AMENDMENT

Pub. L. 88-433, Sec. 2, Aug. 14, 1964, 78 Stat. 442, provided that: "The amendments made by section 6 of the Act of July 7, 1964 (Public Law 88-361, 78 Stat. 297) [amending this section], shall take effect as of January 1, 1964."

-End-

-CITE-

38 USC Sec. 3542

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SUBCHAPTER V - SPECIAL RESTORATIVE TRAINING

-HEAD-

Sec. 3542. Special training allowance

-STATUTE-

(a) While the eligible person is enrolled in and pursuing a full-time course of special restorative training, the eligible person shall be entitled to receive a special training allowance computed at the basic rate of \$788 per month. If the charges for tuition and fees applicable to any such course are more than \$247 per calendar

month, the basic monthly allowance may be increased by the amount that such charges exceed \$247 a month, upon election by the eligible person to have such person's period of entitlement reduced by one day for each such increased amount of allowance that is equal to one-thirtieth of the full-time basic monthly rate of special training allowance.

(b) No payments of a special training allowance shall be made for the same period for which the payment of an educational assistance allowance is made or for any period during which the training is pursued on less than a full-time basis.

(c) Full-time training for the purpose of this section shall be determined by the Secretary with respect to the capacities of the individual trainee.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1200, Sec. 1742; Pub. L. 89-222, Sec. 2, Sept. 30, 1965, 79 Stat. 896; Pub. L. 91-219, title I, Sec. 104(c), Mar. 26, 1970, 84 Stat. 78; Pub. L. 92-540, title I, Sec. 103(4), Oct. 24, 1972, 86 Stat. 1076; Pub. L. 93-508, title I, Sec. 103(4), Dec. 3, 1974, 88 Stat. 1580; Pub. L. 93-602, title II, Sec. 204(b), Jan. 2, 1975, 88 Stat. 1958; Pub. L. 94-502, title III, Sec. 301(2), Oct. 15, 1976, 90 Stat. 2389; Pub. L. 95-202, title I, Sec. 103(2), Nov. 23, 1977, 91 Stat. 1435; Pub. L. 96-466, title II, Secs. 202(2), 212(2), Oct. 17, 1980, 94 Stat. 2188, 2190; Pub. L. 98-543, title II, Sec. 203(2), Oct. 24, 1984, 98 Stat. 2742; Pub. L. 101-237, title IV, Secs. 403(a)(10), 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2080, 2092; renumbered Sec. 3542, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 105-178, title VIII, Sec. 8210(c), as added Pub. L. 105-206, title IX, Sec. 9014(b), July 22, 1998, 112 Stat. 866; Pub. L. 106-419, title I, Sec. 111(c), Nov. 1, 2000, 114 Stat. 1830; Pub. L. 107-103, title I, Secs. 102(c), 109(b)(2), Dec. 27, 2001, 115 Stat. 978, 986; Pub. L. 108-183, title III, Sec. 302(c), Dec. 16, 2003, 117 Stat. 2659.)

-MISC1-

AMENDMENTS

2003 - Subsec. (a). Pub. L. 108-183 substituted "\$788" for "\$670" and substituted "\$247" for "\$210" in two places.

2001 - Subsec. (a). Pub. L. 107-103, Sec. 109(b)(2), substituted "the eligible person shall be entitled to receive" for "the parent or guardian shall be entitled to receive on behalf of such person" and "upon election by the eligible person" for "upon election by the parent or guardian of the eligible person".

Pub. L. 107-103, Sec. 102(c), substituted "\$670" for "\$588" and substituted "\$210" for "\$184" in two places.

2000 - Subsec. (a). Pub. L. 106-419 substituted "\$588" for "\$485", "\$184" for "\$152" in two places, and "such increased amount of allowance that is equal to one-thirtieth of the full-time basic monthly rate of special training allowance" for "\$16.16 that the special training allowance paid exceeds the basic monthly allowance".

1998 - Subsec. (a). Pub. L. 105-178, Sec. 8210(c), as added by Pub. L. 105-206, Sec. 9014(b), substituted "\$485" for "\$404" and "\$16.16" for "\$13.46" and substituted "\$152" for "\$127" in two places.

1991 - Pub. L. 102-83 renumbered section 1742 of this title as this section.

1989 - Subsec. (a). Pub. L. 101-237, Sec. 403(a)(10), substituted "\$404" for "\$376", "\$127" for "\$119" in two places, and "\$13.46" for "\$12.58".

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

1984 - Subsec. (a). Pub. L. 98-543 substituted "\$376" for "\$342", "\$119" for "\$108" in two places, and "\$12.58" for "\$11.44".

1980 - Subsec. (a). Pub. L. 96-466, Sec. 212(2), substituted "\$342" for "\$327", "\$108" for "\$103" in two places, and "\$11.44" for "\$10.92".

Pub. L. 96-466, Sec. 202(2), substituted "\$327" for "\$311", "\$103" for "\$98" in two places, and "\$10.92" for "\$10.40".

1977 - Subsec. (a). Pub. L. 95-202 substituted "\$311" for "\$292", "\$98" for "\$92" in two places, and "\$10.40" for "\$9.76".

1976 - Subsec. (a). Pub. L. 94-502 substituted "\$292" for "\$270", "\$92" for "\$85" in two places, and "\$9.76" for "\$9.02".

1975 - Subsec. (a). Pub. L. 93-602 substituted "\$270", "\$85", "\$85", and "\$9.02" for "\$260", "\$82", "\$82", and "\$8.69" respectively.

1974 - Subsec. (a). Pub. L. 93-508 substituted "behalf of such person", "\$260", "\$82", "\$82", and "\$8.69" for "his behalf a", "\$220", "\$69", "\$69", and "\$7.35" respectively.

1972 - Subsec. (a). Pub. L. 92-540 substituted "\$220" for "\$175", "\$69" for "\$55", and "\$7.35" for "\$6.80", respectively.

1970 - Subsec. (a). Pub. L. 91-219 substituted "\$175" for "\$130", "\$55" for "\$41", and "\$6.80" for "\$4.25" respectively.

1965 - Subsec. (a). Pub. L. 89-222 substituted "\$130", "\$41", "\$41" and "\$4.25" for "\$110", "\$35", "\$35" and "\$3.60", respectively.

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-183 effective July 1, 2004, and applicable with respect to educational assistance allowances payable under this chapter and section 3687(b)(2) of this title for months beginning on or after that date, see section 302(e) of Pub. L. 108-183, set out as a note under section 3532 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by section 102(c) of Pub. L. 107-103 effective Jan. 1, 2002, and applicable with respect to educational assistance allowances payable under this chapter and section 3687(b)(2) of this title for months beginning on or after that date, see section 102(e) of Pub. L. 107-103, set out as a note under section 3532 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-419 effective Nov. 1, 2000, and applicable with respect to educational assistance allowances paid under this chapter for months after October 2000, see section 111(e) of Pub. L. 106-419, set out as a note under section 3532 of this title.

EFFECTIVE DATE OF 1998 AMENDMENTS

Title IX of Pub. L. 105-206 effective simultaneously with enactment of Pub. L. 105-178 and to be treated as included in Pub. L. 105-178 at time of enactment, see section 9016 of Pub. L. 105-206, set out as a note under section 101 of Title 23, Highways.

Amendment by Pub. L. 105-178 effective Oct. 1, 1998, and applicable with respect to educational assistance allowances paid for months after September 1998, see section 8210(e) of Pub. L. 105-178, set out as a note under section 3532 of this title.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by section 403(a)(10) of Pub. L. 101-237 effective Jan.

1, 1990, see section 403(c) of Pub. L. 101-237, set out as a note under section 3532 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 1980 AMENDMENT

Amendment by sections 202(2) and 212(c) 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.

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

Amendment by Pub. L. 93-602 effective Jan. 1, 1975, see section 206 of Pub. L. 93-602, set out as a note under section 3482 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Sept. 1, 1974, see section 501 of Pub. L. 93-508, set out as a note under section 3482 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-540 effective Oct. 1, 1972, except for those veterans and eligible persons in training on Oct. 24, 1972, see section 601(a) of Pub. L. 92-540, set out as a note under section 3482 of this title.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-219 effective Feb. 1, 1970, see section 301 of Pub. L. 91-219, set out as a note under section 3482 of this title.

EFFECTIVE DATE OF 1965 AMENDMENT

Amendment by Pub. L. 89-222 effective first day of second calendar month following September 30, 1965, see section 4 of Pub. L. 89-222, set out as a note under section 3532 of this title.

-End-

-CITE-

38 USC Sec. 3543

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SUBCHAPTER V - SPECIAL RESTORATIVE TRAINING

-HEAD-

Sec. 3543. Special administrative provisions

-STATUTE-

(a) In carrying out the Secretary's responsibilities under this chapter the Secretary may by agreement arrange with public or private educational institutions or others to provide training arrangements as may be suitable and necessary to accomplish the purposes of this subchapter. In any instance where the Secretary finds that a customary tuition charge is not applicable, the Secretary may agree on the fair and reasonable amounts which may be charged for the training provided to the eligible person.

(b) The Secretary shall make such rules and regulations as the Secretary may deem necessary in order to promote good conduct on the part of the persons who are following courses of special restorative training and otherwise to carry out the purposes of this chapter.

(c) In a case in which the Secretary authorizes training under section 3541(a) of this title on behalf of an eligible person, the parent or guardian shall be entitled -

(1) to receive on behalf of the eligible person the special training allowance provided for under section 3542(a) of this title;

(2) to elect an increase in the basic monthly allowance provided for under such section; and

(3) to agree with the Secretary on the fair and reasonable amounts which may be charged under subsection (a).

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1200, Sec. 1743; Pub. L. 94-502, title III, Sec. 310(22), Oct. 15, 1976, 90 Stat. 2392; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), (2), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3543, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406; amended Pub. L. 107-103, title I, Sec. 109(b)(3), (4), Dec. 27, 2001, 115 Stat. 986.)

-MISC1-

AMENDMENTS

2001 - Subsec. (a). Pub. L. 107-103, Sec. 109(b)(3), substituted "for the training provided to the eligible person" for "the parent or guardian for the training provided to an eligible person" in last sentence.

Subsec. (c). Pub. L. 107-103, Sec. 109(b)(4), added subsec. (c).

1991 - Pub. L. 102-83 renumbered section 1743 of this title as this section.

1989 - Pub. L. 101-237 substituted "Secretary's" for "Administrator's" in subsec. (a) and "Secretary" for "Administrator" wherever appearing in subsecs. (a) and (b).

1976 - Subsec. (a). Pub. L. 94-502 substituted "the Administrator's" for "his" and "the Administrator may agree" for "he may agree".

Subsec. (b). Pub. L. 94-502 substituted "the Administrator may deem" for "he may deem".

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 SUBCHAPTER VI - MISCELLANEOUS PROVISIONS 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE
SUBCHAPTER VI - MISCELLANEOUS PROVISIONS

-HEAD-

SUBCHAPTER VI - MISCELLANEOUS PROVISIONS

-End-

-CITE-

38 USC Sec. 3561 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE
SUBCHAPTER VI - MISCELLANEOUS PROVISIONS

-HEAD-

Sec. 3561. Authority and duties of Secretary

-STATUTE-

(a) The Secretary may provide the educational and vocational counseling authorized under section 3520 of this title, and may provide additional counseling if the Secretary deems it to be necessary to accomplish the purposes of this chapter.

(b) Where any provision of this chapter authorizes or requires any function, power, or duty to be exercised by a State, or by any officer or agency thereof, such function, power, or duty shall, with respect to the Republic of the Philippines, be exercised by the Secretary.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1200, Sec. 1761; Pub. L. 89-358, Sec. 3(a)(1), Mar. 3, 1966, 80 Stat. 19; Pub. L. 94-502, title III, Sec. 310(23), Oct. 15, 1976, 90 Stat. 2392; Pub. L. 96-466, title III, Sec. 323(b), Oct. 17, 1980, 94 Stat. 2196; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3561 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 1761 of this title as this section.

Subsec. (a). Pub. L. 102-83, Sec. 5(c)(1), substituted "3520" for "1720".

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

1980 - Subsec. (a). Pub. L. 96-466 substituted "authorized" for "required" and "may provide additional counseling" for "may provide or require additional counseling".

1976 - Subsec. (a). Pub. L. 94-502 substituted "if the Administrator deems" for "if he deems".

1966 - Subsec. (a). Pub. L. 89-358 redesignated subsec. (b) as (a) and struck out provisions of former subsec. (a) for audit and review of payments by the GAO as provided by Budget and Accounting Act of 1921 and Budget and Accounting Procedures Act of 1950.

Subsec. (b). Pub. L. 89-358 redesignated subsec. (d) as (b). Former subsec. (b) redesignated (a).

Subsec. (c). Pub. L. 89-358 struck out subsec. (c) which provided for use of other Federal agencies. See now, section 1790 of this title.

Subsec. (d). Pub. L. 89-358 redesignated subsec. (d) as (b).

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. 3562

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE
SUBCHAPTER VI - MISCELLANEOUS PROVISIONS

-HEAD-

Sec. 3562. Nonduplication of benefits

-STATUTE-

The commencement of a program of education or special restorative training under this chapter shall be a bar (1) to subsequent payments of compensation, dependency and indemnity compensation, or pension based on the death of a parent to an eligible person over the age of eighteen by reason of pursuing a course in an educational institution, or (2) to increased rates, or additional amounts, of compensation, dependency and indemnity compensation, or pension because of such a person whether eligibility is based upon the death or upon the total permanent disability of the parent.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1201, Sec. 1762; Pub. L. 88-361, Sec. 4, July 7, 1964, 78 Stat. 298; Pub. L. 89-358, Sec. 3(a)(2), Mar. 3, 1966, 80 Stat. 20; renumbered Sec. 3562, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1762 of this title as this section.

1966 - Pub. L. 89-358 redesignated former subsec. (a) as the entire section and deleted former subsec. (b) which prohibited payment of educational assistance allowance or special training allowance on behalf of any eligible person for any period paid for under other provision of law where the payment would constitute a duplication of benefits and which is now incorporated in section 1781 of this title.

1964 - Subsec. (a). Pub. L. 88-361 inserted "whether eligibility is based upon the death or upon the total permanent disability of the parent".

-End-

-CITE-

38 USC Sec. 3563

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SUBCHAPTER VI - MISCELLANEOUS PROVISIONS

-HEAD-

Sec. 3563. Notification of eligibility

-STATUTE-

The Secretary shall notify the parent or guardian of each eligible person whose eligibility is based on the death or disability of a parent or on a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title of the educational assistance available to such person under this chapter. Such notification shall be provided not later than the month in which such eligible person attains such person's thirteenth birthday or as soon thereafter as feasible.

-SOURCE-

(Added Pub. L. 91-219, title II, Sec. 207(a), Mar. 26, 1970, 84 Stat. 82, Sec. 1763; amended Pub. L. 94-502, title III, Sec. 310(24), Oct. 15, 1976, 90 Stat. 2392; Pub. L. 97-295, Sec. 4(46), Oct. 12, 1982, 96 Stat. 1308; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3563 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 109-444, Sec. 3(b)(5), Dec. 21, 2006, 120 Stat. 3307; Pub. L. 109-461, title III, Sec. 301(b)(5), title X, Sec. 1006(b), Dec. 22, 2006, 120 Stat. 3427, 3468.)

-MISC1-

AMENDMENTS

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.

Pub. L. 109-461, Sec. 301(b)(5), substituted "each eligible person whose eligibility is based on the death or disability of a parent or on a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title" for "each eligible person defined in section 3501(a)(1)(A) of this title".

Pub. L. 109-444, which substituted "each eligible person whose eligibility is based on the death or disability of a parent or on a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title" for "each eligible person defined in section 3501(a)(1)(A) of this title", was terminated by Pub. L. 109-461, Sec. 1006(b). See Amendment notes above.

1991 - Pub. L. 102-83 renumbered section 1763 of this title as this section and substituted "3501(a)(1)(A)" for "1701(a)(1)(A)".

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

1982 - Pub. L. 97-295 substituted "of this title" for "of this chapter".

1976 - Pub. L. 94-502 substituted "such person's" for "his".

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by section 301(b)(5) of Pub. L. 109-461 applicable with respect to a payment of educational assistance for a course of education pursued after Dec. 22, 2006, see section 301(d) of Pub. L. 109-461, set out as a note under section 3501 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. 3564

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SUBCHAPTER VI - MISCELLANEOUS PROVISIONS

-HEAD-

Sec. 3564. Annual adjustment of amounts of educational assistance

-STATUTE-

(a) With respect to any fiscal year, the Secretary shall provide a percentage increase in the rates payable under sections 3532, 3534(b), and 3542(a) of this title equal to the percentage by which

(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).

(b) Any increase under subsection (a) in a rate with respect to a fiscal year after fiscal year 2004 and before fiscal year 2014 shall be rounded down to the next lower whole dollar amount. Any

such increase with respect to a fiscal year after fiscal year 2013 shall be rounded to the nearest whole dollar amount.

-SOURCE-

(Added Pub. L. 106-419, title I, Sec. 111(f)(1)(A), Nov. 1, 2000, 114 Stat. 1831; amended Pub. L. 108-183, title III, Sec. 304(b), Dec. 16, 2003, 117 Stat. 2660.)

-MISC1-

AMENDMENTS

2003 - Pub. L. 108-183 designated existing provisions as subsec. (a), struck out "(rounded to the nearest dollar)" after "percentage increase", and added subsec. (b).

EFFECTIVE DATE

Pub. L. 106-419, title I, Sec. 111(f)(3), Nov. 1, 2000, 114 Stat. 1831, as amended by Pub. L. 107-14, Sec. 8(b)(1), June 5, 2001, 115 Stat. 36, provided that: "Sections 3564 and 3687(d) of title 38, United States Code, as added by this subsection, shall take effect on October 1, 2001."

-End-

-CITE-

38 USC SUBCHAPTER VII - PHILIPPINE COMMONWEALTH ARMY AND
PHILIPPINE SCOUTS 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE
SUBCHAPTER VII - PHILIPPINE COMMONWEALTH ARMY AND PHILIPPINE SCOUTS

-HEAD-

SUBCHAPTER VII - PHILIPPINE COMMONWEALTH ARMY AND PHILIPPINE SCOUTS

-End-

-CITE-

38 USC Sec. 3565 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE
SUBCHAPTER VII - PHILIPPINE COMMONWEALTH ARMY AND PHILIPPINE SCOUTS

-HEAD-

Sec. 3565. Children of certain Philippine veterans

-STATUTE-

(a) Basic Eligibility. - The term "eligible person" as used in section 3501(a)(1) of this title includes the children of those Commonwealth Army veterans and "New" Philippine Scouts who meet the requirements of service-connected disability or death, based on service as defined in section 3566 of this title.

(b) Administrative Provisions. - The provisions of this chapter

and chapter 36 shall apply to the educational assistance for children of Commonwealth Army veterans and "New" Philippine Scouts, except that -

(1) educational assistance allowances authorized by section 3532 of this title and the special training allowance authorized by section 3542 of this title shall be paid at the rate of \$0.50 for each dollar, and

(2) any reference to a State approving agency shall be deemed to refer to the Secretary.

(c) Delimiting Dates. - In the case of any individual who is an eligible person solely by virtue of subsection (a) of this section, and who is above the age of seventeen years and below the age of twenty-three years on September 30, 1966, the period referred to in section 3512 of this title shall not end until the expiration of the five-year period which begins on September 30, 1966.

-SOURCE-

(Added Pub. L. 89-613, Sec. 1, Sept. 30, 1966, 80 Stat. 861, Sec. 1765; amended Pub. L. 91-24, Sec. 9(c), June 11, 1969, 83 Stat. 34; Pub. L. 97-295, Sec. 4(47), Oct. 12, 1982, 96 Stat. 1308; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3565 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title V, Sec. 507(b), Nov. 2, 1994, 108 Stat. 4664; Pub. L. 109-233, title V, Sec. 503(8)(A), June 15, 2006, 120 Stat. 416.)

-MISC1-

AMENDMENTS

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

1994 - Subsec. (b)(1). Pub. L. 103-446 substituted "the rate of" for "a rate in Philippine pesos equivalent to".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1765 of this title as this section.

Subsec. (a). Pub. L. 102-83, Sec. 5(c)(1), substituted "3501(a)(1)" for "1701(a)(1)" and "3566" for "1766".

Subsec. (b)(1). Pub. L. 102-83, Sec. 5(c)(1), substituted "3532" for "1732" and "3542" for "1742".

Subsec. (c). Pub. L. 102-83, Sec. 5(c)(1), substituted "3512" for "1712".

1989 - Subsec. (b)(2). Pub. L. 101-237 substituted "Secretary" for "Administrator".

1982 - Subsec. (a). Pub. L. 97-295 inserted "of this title" after "section 1766".

1969 - Subsec. (c). Pub. L. 91-24 substituted "September 30, 1966" for "the date of enactment of this section" and "September 30, 1966" for "the date of enactment of such section".

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-446 applicable with respect to payments made after Dec. 31, 1994, see section 507(c) of Pub. L. 103-446, set out as a note under section 107 of this title.

SAVINGS PROVISION

Pub. L. 89-358, Sec. 12(b), Mar. 3, 1966, 80 Stat. 28, provided that the provisions of subsec. (b) of this section, relating to payment of reporting allowance at rate of \$1 per month, as in effect before Mar. 3, 1966, were to remain in effect through May 31, 1966.

-End-

-CITE-

38 USC Sec. 3566

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 35 - SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SUBCHAPTER VII - PHILIPPINE COMMONWEALTH ARMY AND PHILIPPINE SCOUTS

-HEAD-

Sec. 3566. Definitions

-STATUTE-

(a) The term "Commonwealth Army veterans" means persons who served before July 1, 1946, in the organized military forces of the Government of the Philippines, while such forces were in the service of the Armed Forces pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander-in-Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, and who were discharged or released from such service under conditions other than dishonorable.

(b) The term " 'New' Philippine Scouts" means Philippine Scouts who served under section 14 of the Armed Forces Voluntary Recruitment Act of 1945, and who were discharged or released from such service under conditions other than dishonorable.

-SOURCE-

(Added Pub. L. 89-613, Sec. 1, Sept. 30, 1966, 80 Stat. 861, Sec. 1766; renumbered Sec. 3566, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-REFTEXT-

REFERENCES IN TEXT

Section 14 of the Armed Forces Voluntary Recruitment Act of 1945, referred to in subsec. (b), means section 14 of act Oct. 6, 1945, ch. 393, 59 Stat. 543, which enacted section 637 of former Title 10, Army and Air Force, and was omitted from the Code in the revision and reenactment of Title 10, Armed Forces, by act Aug. 10, 1956, ch. 1041, 70A Stat. 1.

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AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1766 of this title as this section.

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