

38C32

-CITE-  
38 USC CHAPTER 32 - POST-VIETNAM ERA VETERANS'  
EDUCATIONAL ASSISTANCE 01/08/2008

-EXPCITE-  
TITLE 38 - VETERANS' BENEFITS  
PART III - READJUSTMENT AND RELATED BENEFITS  
CHAPTER 32 - POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE

-HEAD-  
CHAPTER 32 - POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE

-MISC1-  
SUBCHAPTER I - PURPOSE; DEFINITIONS

Sec.  
3201. Purpose.  
3202. Definitions.

SUBCHAPTER II - ELIGIBILITY; CONTRIBUTIONS; AND MATCHING FUND  
3221. Eligibility.  
3222. Contributions; matching fund.  
3223. Refunds of contributions upon disenrollment.  
3224. Death of participant.  
3225. Discharge or release under conditions which would bar  
the use of benefits.

SUBCHAPTER III - ENTITLEMENT; DURATION  
3231. Entitlement; loan eligibility.  
3232. Duration; limitations.  
3233. Apprenticeship or other on-job training.  
3234. Tutorial assistance.

SUBCHAPTER IV - ADMINISTRATION  
3241. Requirements.  
3243. Deposits; reports.

AMENDMENTS  
1991 - Pub. L. 102-83, Sec. 5(b)(1), Aug. 6, 1991, 105 Stat. 406,  
renumbered items 1601 to 1643 as 3201 to 3243, respectively.  
Pub. L. 102-16, Sec. 5(b), Mar. 22, 1991, 105 Stat. 50, struck  
out item 1642 "Reporting requirements".  
1988 - Pub. L. 100-689, title I, Sec. 107(b)(2), Nov. 18, 1988,  
102 Stat. 4169, added item 1634.  
1986 - Pub. L. 99-576, title III, Sec. 310(b)(3), Oct. 28, 1986,  
100 Stat. 3272, added item 1633.  
1982 - Pub. L. 97-295, Sec. 4(36), Oct. 12, 1982, 96 Stat. 1307,  
inserted "the" after "bar" in item 1625.

-End-

-CITE-  
38 USC SUBCHAPTER I - PURPOSE; DEFINITIONS 01/08/2008

-EXPCITE-  
TITLE 38 - VETERANS' BENEFITS  
PART III - READJUSTMENT AND RELATED BENEFITS  
CHAPTER 32 - POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE  
SUBCHAPTER I - PURPOSE; DEFINITIONS

-HEAD-  
SUBCHAPTER I - PURPOSE; DEFINITIONS

-End-

-CITE-

38 USC Sec. 3201

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS  
 PART III - READJUSTMENT AND RELATED BENEFITS  
 CHAPTER 32 - POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE  
 SUBCHAPTER I - PURPOSE; DEFINITIONS

-HEAD-

Sec. 3201. Purpose

-STATUTE-

It is the purpose of this chapter (1) to provide educational assistance to those men and women who enter the Armed Forces after December 31, 1976, and before July 1, 1985, (2) to assist young men and women in obtaining an education they might not otherwise be able to afford, and (3) to promote and assist the all volunteer military program of the United States by attracting qualified men and women to serve in the Armed Forces.

-SOURCE-

(Added Pub. L. 94-502, title IV, Sec. 404, Oct. 15, 1976, 90 Stat. 2393, Sec. 1601; amended Pub. L. 99-576, title III, Sec. 309(a)(1), Oct. 28, 1986, 100 Stat. 3270; renumbered Sec. 3201, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

## PRIOR PROVISIONS

Prior section 3201 was renumbered section 5501 of this title.

## AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1601 of this title as this section.

1986 - Pub. L. 99-576 inserted "and before July 1, 1985,".

## EFFECTIVE DATE

Section 406 of title IV of Pub. L. 94-502 provided that: "The provisions of this title [enacting this chapter, amending sections 1652, 1661, and 1662 [now 3452, 3461, and 3462] of this title and section 725s of former Title 31, Money and Finance, and enacting provisions set out as a note under section 3221 of this title] shall become effective on January 1, 1977."

## SHORT TITLE

For short titles of Pub. L. 94-502, and title IV of Pub. L. 94-502, which enacted this chapter, see Short Title of 1976 Amendments note set out under section 101 of this title.

## ENROLLMENT IN PROGRAM BEFORE APRIL 1, 1987

Section 309(c), (d) of Pub. L. 99-576 provided that:

"(c) Exception. - Notwithstanding the amendments made by subsection (a) [amending this section and sections 1602 and 1621 [now 3202 and 3221] of this title], any individual on active duty in the Armed Forces who was eligible on June 30, 1985, to enroll in the program established by chapter 32 of title 38, United States Code, may enroll, before April 1, 1987, in such program.

"(d) Notice Requirement. - The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall carry out activities for the purpose of notifying, to the maximum extent feasible, individuals described in subsection (c) of the opportunity provided by such subsection."

-End-

-CITE-

38 USC Sec. 3202

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS  
 PART III - READJUSTMENT AND RELATED BENEFITS  
 CHAPTER 32 - POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE  
 SUBCHAPTER I - PURPOSE; DEFINITIONS

-HEAD-

Sec. 3202. Definitions

-STATUTE-

For the purposes of this chapter -

(1)(A) The term "eligible veteran" means any veteran who is not eligible for educational assistance under chapter 34 of this title and who (i) entered military service on or after January 1, 1977, and before July 1, 1985, served on active duty for a period of more than 180 days commencing on or after January 1, 1977, and was discharged or released therefrom under conditions other than dishonorable, or (ii) entered military service on or after January 1, 1977, and before July 1, 1985, and was discharged or released from active duty after January 1, 1977, for a service-connected disability.

(B) The requirement of discharge or release, prescribed in subparagraph (A), shall be waived in the case of any participant who has completed his or her first obligated period of active duty (which began after December 31, 1976) or 6 years of active duty (which began after December 31, 1976), whichever period is less.

(C) For the purposes of subparagraphs (A) and (B), the term "active duty" does not include any period during which an individual (i) was assigned full time by the Armed Forces to a civilian institution for a course of education which was substantially the same as established courses offered to civilians, (ii) served as a cadet or midshipman at one of the service academies, or (iii) served under the provisions of section 511(d) (!1) of title 10 pursuant to an enlistment in the Army National Guard or the Air National Guard, or as a Reserve for service in the Army Reserve, Navy Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve.

(D)(i) The requirement of ineligibility for educational assistance under chapter 34 of this title, prescribed in subparagraph (A), shall be waived in the case of a veteran described in division (ii) of this subparagraph who elects to receive benefits under this chapter instead of assistance under such chapter 34. A veteran who makes such an election shall be ineligible for assistance under such chapter. Such an election is irrevocable.

(ii) A veteran referred to in division (i) of this subparagraph is a veteran who before January 1, 1977, performed military service described in subparagraph (C)(iii), is entitled under section 3452(a)(3)(C) of this title to have such service considered to be "active duty" for the purposes of chapter 34 of this title, and is eligible for assistance under such chapter only by reason of having such service considered to be active duty.

(2) The term "program of education" -

(A) has the meaning given such term in section 3452(b) of this title, and

(B) includes (i) a full-time program of apprenticeship or other on-job training approved as provided in clause (1) or (2), as appropriate, of section 3687(a) of this title, and (ii) in the case of an individual who is not serving on active duty, a cooperative program (as defined in section 3482(a)(2) of this title).

(3) The term "participant" is a person who is participating in

the educational benefits program established under this chapter.

(4) The term "educational institution" has the meaning given such term in section 3452(c) of this title.

(5) The term "training establishment" has the meaning given such term in section 3452(e) of this title.

-SOURCE-

(Added Pub. L. 94-502, title IV, Sec. 404, Oct. 15, 1976, 90 Stat. 2394, Sec. 1602; amended Pub. L. 96-466, title IV, Sec. 401, Oct. 17, 1980, 94 Stat. 2201; Pub. L. 98-223, title II, Sec. 203(a), Mar. 2, 1984, 98 Stat. 41; Pub. L. 99-576, title III, Secs. 309(a)(2), 310(a), Oct. 28, 1986, 100 Stat. 3270, 3271; Pub. L. 100-689, title I, Sec. 108(b)(1), Nov. 18, 1988, 102 Stat. 4169; Pub. L. 102-54, Sec. 14(c)(6), June 13, 1991, 105 Stat. 285; renumbered Sec. 3202 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 109-163, div. A, title V, Sec. 515(e)(3), Jan. 6, 2006, 119 Stat. 3236.)

-REFTEXT-

REFERENCES IN TEXT

Section 511 of title 10, referred to in par. (1)(C)(iii), was renumbered section 12103 of Title 10, Armed Forces, by Pub. L. 103-337, div. A, title XVI, Sec. 1662(b)(2), Oct. 5, 1994, 108 Stat. 2989.

-MISC1-

PRIOR PROVISIONS

Prior sections 3202 to 3205 were renumbered sections 5502 to 5505 of this title, respectively, and section 5505 was subsequently repealed by Pub. L. 103-446, title XII, Sec. 1201(g)(4)(A), Nov. 2, 1994, 108 Stat. 4687.

AMENDMENTS

2006 - Par. (1)(C)(iii). Pub. L. 109-163 substituted "Navy Reserve" for "Naval Reserve".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1602 of this title as this section.

Par. (1)(A). Pub. L. 102-54 inserted comma after last reference to "1977".

Par. (1)(D)(ii). Pub. L. 102-83, Sec. 5(c)(1), substituted "3452(a)(3)(C)" for "1652(a)(3)(C)".

Par. (2). Pub. L. 102-83, Sec. 5(c)(1), substituted "3452(b)" for "1652(b)" in subpar. (A) and "3687(a)" for "1787(a)" and "3482(a)(2)" for "1682(a)(2)" in subpar. (B).

Pars. (4), (5). Pub. L. 102-83, Sec. 5(c)(1), substituted "3452(c)" for "1652(c)" in par. (4) and "3452(e)" for "1652(e)" in par. (5).

1988 - Par. (2)(B). Pub. L. 100-689 inserted designation "(i)" after "includes" and added cl. (ii).

1986 - Par. (1)(A). Pub. L. 99-576, Sec. 309(a)(2), inserted "and before July 1, 1985," in two places and substituted "commencing on or after January 1, 1977" for "commencing on or after such date" and "released from active duty after January 1, 1977" for "released from active duty after such date".

Par. (2). Pub. L. 99-576, Sec. 310(a)(1), added par. (2) and struck out former par. (2) which read as follows: "The terms 'program of education' and 'educational institution' shall have the same meaning ascribed to them in sections 1652(b) and 1652(c), respectively, of this title."

Pars. (4), (5). Pub. L. 99-576, Sec. 310(a)(2), added pars. (4) and (5).

1984 - Par. (1)(D). Pub. L. 98-223 added subpar. (D).

1980 - Par. (1)(A). Pub. L. 96-466 inserted "who is not eligible for educational assistance under chapter 34 of this title and" after "any veteran" and struck out "initially" before "entered military service" in two places.

38C32

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-689 effective Jan. 1, 1989, see section 108(c) of Pub. L. 100-689, set out as a note under section 3002 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 802(d)(1) of Pub. L. 96-466 provided that: "The amendments made by section 401 [amending this section] shall take effect as of January 1, 1977."

-TRANS-

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

-MISC2-

ENROLLMENT IN PROGRAM BEFORE APRIL 1, 1987

For provisions for continued eligibility for enrollment in the program established by this chapter until Apr. 1, 1987, of individuals on active duty in the Armed Forces who were eligible therefor on June 30, 1985, and requiring notice of such continued eligibility to affected individuals, see section 309(c), (d) of Pub. L. 99-576, set out as a note under section 3201 of this title.

-FOOTNOTE-

(!1) See References in Text note below.

-End-

-CITE-

38 USC SUBCHAPTER II - ELIGIBILITY; CONTRIBUTIONS; AND MATCHING FUND 01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS  
PART III - READJUSTMENT AND RELATED BENEFITS  
CHAPTER 32 - POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE  
SUBCHAPTER II - ELIGIBILITY; CONTRIBUTIONS; AND MATCHING FUND

-HEAD-

SUBCHAPTER II - ELIGIBILITY; CONTRIBUTIONS; AND MATCHING FUND

-End-

-CITE-

38 USC Sec. 3221 01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS  
PART III - READJUSTMENT AND RELATED BENEFITS  
CHAPTER 32 - POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE  
SUBCHAPTER II - ELIGIBILITY; CONTRIBUTIONS; AND MATCHING FUND

-HEAD-

Sec. 3221. Eligibility

## -STATUTE-

(a) Each person entering military service on or after January 1, 1977, and before July 1, 1985, shall have the right to enroll in the educational benefits program provided by this chapter (hereinafter in this chapter referred to as the "program" except where the text indicates otherwise) at any time during such person's service on active duty before July 1, 1985. When a person elects to enroll in the program, such person must participate for at least 12 consecutive months before disenrolling or suspending participation.

(b) The requirement for 12 consecutive months of participation required by subsection (a) of this section shall not apply when (1) the participant suspends participation or disenrolls from the program because of personal hardship as defined in regulations issued jointly by the Secretary and the Secretary of Defense, or (2) the participant is discharged or released from active duty.

(c) A participant shall be permitted to suspend participation or disenroll from the program at the end of any 12-consecutive-month period of participation. If participation is suspended, the participant shall be eligible to make additional contributions to the program under such terms and conditions as shall be prescribed by regulations issued jointly by the Secretary and the Secretary of Defense.

(d) If a participant disenrolls from the program, such participant forfeits any entitlement to benefits under the program except as provided in subsection (e) of this section. A participant who disenrolls from the program is eligible for a refund of such participant's contributions as provided in section 3223 of this title.

(e) A participant who has disenrolled may be permitted to reenroll in the program under such conditions as shall be prescribed jointly by the Secretary and the Secretary of Defense.

(f) An individual who serves in the Selected Reserve may not receive credit for such service under both the program established by this chapter and the program established by chapter 106 of title 10 but shall elect (in such form and manner as the Secretary of Veterans Affairs may prescribe) the program to which such service is to be credited.

## -SOURCE-

(Added Pub. L. 94-502, title IV, Sec. 404, Oct. 15, 1976, 90 Stat. 2394, Sec. 1621; amended Pub. L. 99-576, title III, Sec. 309(a)(3), Oct. 28, 1986, 100 Stat. 3270; Pub. L. 101-237, title IV, Secs. 410, 423(b)(1)(A), (4)(A), (6), Dec. 18, 1989, 103 Stat. 2084, 2092, 2093; renumbered Sec. 3221 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 1621 of this title as this section.

Subsec. (d). Pub. L. 102-83, Sec. 5(c)(1), substituted "3223" for "1623".

1989 - Subsec. (b)(1). Pub. L. 101-237, Sec. 423(b)(1)(A), (4)(A), substituted "Secretary" for "Administrator" after "jointly by the" and struck out "(hereinafter in this chapter referred to as the 'Secretary')" after "Secretary of Defense".

Subsecs. (c), (e). Pub. L. 101-237, Sec. 423(b)(1)(A), (4)(A), substituted "Secretary" for "Administrator" after "jointly by the" and inserted "of Defense" after "Secretary" at end.

Subsec. (f). Pub. L. 101-237, Sec. 410, added subsec. (f).

1986 - Subsec. (a). Pub. L. 99-576 inserted "and before July 1, 1985," and "before July 1, 1985" in first sentence.

## ENROLLMENT IN PROGRAM BEFORE APRIL 1, 1987

For provisions for continued eligibility for enrollment in the program established by this chapter until Apr. 1, 1987, of

individuals on active duty in the Armed Forces who were eligible therefor on June 30, 1985, and requiring notice of such continued eligibility to affected individuals, see section 309(c), (d) of Pub. L. 99-576, set out as a note under section 3201 of this title.

SUSPENSION OF RIGHT TO ENROLL IN POST-VIETNAM ERA PROGRAM  
 Pub. L. 98-525, title VII, Sec. 704, Oct. 19, 1984, 98 Stat. 2564, which provided that no individual on active duty in the Armed Forces could initially enroll in the educational assistance program provided for in this chapter during the period beginning on July 1, 1985, and ending on June 30, 1988, was repealed by Pub. L. 99-576, title III, sec. 309(b), Oct. 28, 1986, 100 Stat. 3270.

NEW ENROLLMENTS IN EDUCATIONAL ASSISTANCE PROGRAM AFTER DECEMBER 31, 1981, PRESIDENTIAL RECOMMENDATION TO CONGRESS

Section 408 of Pub. L. 94-502 provided that:

"(a)(1) No individual on active duty in the Armed Forces may initially enroll in the educational assistance program provided for in chapter 32 of title 38, United States Code (as added by section 404 of this Act) after December 31, 1981, unless -

"(A) before June 1, 1981, the President submits to both Houses of Congress a written recommendation that such program continue to be open for new enrollments; and

"(B) before the close of the 60-day period after the day on which the President submits to Congress the recommendation described in subparagraph (A), neither the House of Representatives nor the Senate adopts, by an affirmative vote of a majority of those present and voting in that House, a resolution which in substance disapproves such recommendation.

"(2) For purposes of computing the 60-day period referred to in paragraph (1)(B), there shall be excluded -

"(A) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die, and

"(B) any Saturday and Sunday, not excluded under the preceding subparagraph, when either House is not in session.

The recommendation referred to in paragraph (1)(A) shall be delivered to both Houses of Congress on the same day and shall be delivered to the Clerk of the House of Representatives if the House is not in session and to the Secretary of the Senate if the Senate is not in session.

"(b) If new enrollments after December 31, 1981, in the educational assistance program provided for in such chapter 32 are authorized after the application of the provisions of subsection (a), then effective January 1, 1982, section 1622(b) [now 3222(b)] of title 38, United States Code, is amended by striking out 'Veterans' Administration' and inserting in lieu thereof 'Department of Defense'."

-End-

-CITE-

38 USC Sec. 3222

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS  
 PART III - READJUSTMENT AND RELATED BENEFITS  
 CHAPTER 32 - POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE  
 SUBCHAPTER II - ELIGIBILITY; CONTRIBUTIONS; AND MATCHING FUND

-HEAD-

Sec. 3222. Contributions; matching fund

-STATUTE-

(a) Except as provided in subsections (c) and (d) of this section, each person electing to participate in the program shall

agree to have a monthly deduction made from such person's military pay. Such monthly deduction shall be in any amount not less than \$25 nor more than \$100 except that the amount must be divisible by 5. Any such amount contributed by the participant or contributed by the Secretary of Defense pursuant to subsection (c) of this section shall be deposited in a deposit fund account entitled the "Post-Vietnam Era Veterans Education Account" (hereinafter in this chapter referred to as the "fund") to be established in the Treasury of the United States. Contributions made by the participant shall be limited to a maximum of \$2,700.

(b) Except as otherwise provided in this chapter, each monthly contribution made by a participant under subsection (a) shall entitle the participant to matching funds from the Department of Defense at the rate of \$2 for each \$1 contributed by the participant.

(c) The Secretary of Defense is authorized to contribute to the fund of any participant such contributions as the Secretary of Defense deems necessary or appropriate to encourage persons to enter or remain in the Armed Forces, including contributions in lieu of, or to reduce the amount of, monthly deductions under subsection (a) of this section. The Secretary of Defense is authorized to issue such rules and regulations as the Secretary of Defense deems necessary or appropriate to implement the provisions of this subsection.

(d) Subject to the maximum contribution prescribed by subsection (a) of this section, a participant shall be permitted, while serving on active duty, to make a lump-sum contribution to the fund. A lump-sum contribution to the fund by a participant shall be in addition to or in lieu of monthly deductions made from such participant's military pay and shall be considered, for the purposes of paragraph (2) of section 3231(a) of this title, to have been made by monthly deductions from such participant's military pay in the amount of \$100 per month or in such lesser amount as may be specified by such participant pursuant to regulations issued jointly by the Secretary of Defense and the Secretary.

(e) Any amount transferred to the Secretary from the Secretary of a military department under an interagency agreement for the administration by the Department of Veterans Affairs of an educational assistance program established by the Secretary of Defense under chapter 107 of title 10 may be deposited into and disbursed from the fund for the purposes of such program.

-SOURCE-

(Added Pub. L. 94-502, title IV, Sec. 404, Oct. 15, 1976, 90 Stat. 2395, Sec. 1622; amended Pub. L. 94-502, title IV, Sec. 408(b), Oct. 15, 1976, 90 Stat. 2398; Pub. L. 96-466, title IV, Sec. 406, Oct. 17, 1980, 94 Stat. 2202; Pub. L. 97-306, title II, Secs. 209, 210, Oct. 14, 1982, 96 Stat. 1436; Pub. L. 98-160, title VII, Sec. 702(6), Nov. 21, 1983, 97 Stat. 1009; Pub. L. 101-237, title IV, Sec. 423(b)(1), (4)(A), (B), (D), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3222 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 1622 of this title as this section.

Subsec. (d). Pub. L. 102-83, Sec. 5(c)(1), substituted "3231(a)" for "1631(a)".

1989 - Subsec. (a). Pub. L. 101-237, Sec. 423(b)(4)(A), inserted "of Defense" after "Secretary".

Subsec. (c). Pub. L. 101-237, Sec. 423(b)(4)(D), inserted "of Defense" after "Secretary" wherever appearing.

Subsec. (d). Pub. L. 101-237, Sec. 423(b)(1)(A), (4)(A), substituted "Secretary" for "Administrator" at end and inserted "of Defense" after "jointly by the Secretary".

Subsec. (e). Pub. L. 101-237, Sec. 423(b)(1), (4)(B), substituted

"Secretary" and "Department of Veterans Affairs" for "Administrator" and "Veterans' Administration", respectively, and inserted "of Defense" after "established by the Secretary".

1983 - Subsec. (d). Pub. L. 98-160 inserted "of this title" after "section 1631(a)".

1982 - Subsec. (d). Pub. L. 97-306, Sec. 210, substituted "\$100" for "\$75".

Subsec. (e). Pub. L. 97-306, Sec. 209, added subsec. (e).

1980 - Subsec. (a). Pub. L. 96-466, Sec. 406(a), substituted "Except as provided in subsections (c) and (d) of this section, each" for "Each", "\$25" for "\$50", and "\$100" for "\$75".

Subsec. (c). Pub. L. 96-466, Sec. 406(b), inserted ", including contributions in lieu of, or to reduce the amount of, monthly deductions under subsection (a) of this section" after "Armed Forces".

Subsec. (d). Pub. L. 96-466, Sec. 406(c), added subsec. (d).

1976 - Subsec. (b). Pub. L. 94-502 substituted "Department of Defense" for "Veterans' Administration".

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, see section 802(d)(2) of Pub. L. 96-466, set out as a note under section 3224 of this title.

#### EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Jan. 1, 1982, because new enrollments after Dec. 31, 1981, in the educational assistance program provided by this chapter, were authorized after application of provisions of section 408(a) of Pub. L. 94-502, see section 408(b) of Pub. L. 94-502, set out as a note under section 3221 of this title.

#### REFUNDS FOR CERTAIN SERVICE ACADEMY GRADUATES

Pub. L. 101-366, title II, Sec. 207, Aug. 15, 1990, 104 Stat. 442, as amended by Pub. L. 102-83, Sec. 5(c)(2), Aug. 6, 1991, 105 Stat. 406, directed Secretary of Veterans Affairs to refund, on receipt before Jan. 1, 1992, of an application from an individual, not later than 60 days after receiving such application, the amount, if any, of the individual's unused contributions to the VEAP Account; if the individual has received educational assistance under this chapter, to pay to the individual (out of funds appropriated to the readjustment benefits account) a sum equal to the amount by which the amount of the educational assistance that the individual would have received under chapter 34 of this title for the pursuit of such program exceeds the amount of the educational assistance that the individual did receive under this chapter for the pursuit of such program; or if the individual has not received educational assistance under this chapter, to pay to the individual (out of funds appropriated to the Department of Veterans Affairs Readjustment Benefits account) a sum equal to the amount of educational assistance that the individual would have received under chapter 34 of this title for the pursuit of a program of education if the individual had been entitled to assistance under such program during the period ending on Dec. 31, 1989; and to refund to the Secretary of Defense the unused contributions by such Secretary to the VEAP Account on behalf of such individual.

#### EDUCATIONAL ASSISTANCE PILOT PROGRAM; PAYMENT OF MONTHLY CONTRIBUTION BY SECRETARY; MANNER, SCOPE, ETC., OF PAYMENTS

Manner, scope, etc., of payments by Secretary in lieu of payments of monthly contributions by persons participating in educational assistance program, see section 903 of Pub. L. 96-342, set out as a note under section 2141 of Title 10, Armed Forces.

#### MATCHING FUNDS FROM DEPARTMENT OF DEFENSE AFTER JANUARY 1, 1982, IF NEW ENROLLMENTS ARE AUTHORIZED AFTER DECEMBER 31, 1981

For provisions of section 408(b) of Pub. L. 94-502 directing that

38C32

"Department of Defense" be substituted for "Veterans' Administration" in subsec. (b) of this section, effective Jan. 1, 1982, if new enrollments after Dec. 31, 1981, in the educational assistance program provided by this chapter are authorized after application of section 408(a) of Pub. L. 94-502, see section 408 of Pub. L. 94-502, set out as a note under section 3221 of this title.

-End-

-CITE-

38 USC Sec. 3223

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS  
PART III - READJUSTMENT AND RELATED BENEFITS  
CHAPTER 32 - POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE  
SUBCHAPTER II - ELIGIBILITY; CONTRIBUTIONS; AND MATCHING FUND

-HEAD-

Sec. 3223. Refunds of contributions upon disenrollment

-STATUTE-

(a) Contributions made to the program by a participant may be refunded only after the participant has disenrolled from the program or as provided in section 3224 of this title.

(b) If a participant disenrolls from the program prior to discharge or release from active duty, such participant's contributions will be refunded on the date of the participant's discharge or release from active duty or within 60 days of receipt of notice by the Secretary of the participant's discharge or disenrollment, except that refunds may be made earlier in instances of hardship or other good reason as prescribed in regulations issued jointly by the Secretary and the Secretary of Defense.

(c) If a participant disenrolls from the program after discharge or release from active duty, the participant's contributions shall be refunded within 60 days of receipt of an application for a refund from the participant.

(d) In the event the participant (1) dies while on active duty, (2) dies after discharge or release from active duty, or (3) disenrolls or is disenrolled from the program without having utilized any entitlement, the participant may have accrued under the program, or, in the event the participant utilizes part of such participant's entitlement and disenrolls or is disenrolled from the program, the amount contributed by the Secretary of Defense under the authority of section 3222(c) of this title remaining in the fund shall be refunded to such Secretary.

-SOURCE-

(Added Pub. L. 94-502, title IV, Sec. 404, Oct. 15, 1976, 90 Stat. 2395, Sec. 1623; amended Pub. L. 98-160, title VII, Sec. 702(7), Nov. 21, 1983, 97 Stat. 1009; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), (4)(A), (7), Dec. 18, 1989, 103 Stat. 2092, 2093; renumbered Sec. 3223 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 1623 of this title as this section.

Subsec. (a). Pub. L. 102-83, Sec. 5(c)(1), substituted "3224" for "1624".

Subsec. (d). Pub. L. 102-83, Sec. 5(c)(1), substituted "3222(c)" for "1622(c)".

1989 - Subsec. (b). Pub. L. 101-237, Sec. 423(b)(1)(A), (4)(A), substituted "Secretary" for "Administrator" wherever appearing and

38C32

inserted "of Defense" after "Secretary" at end.

Subsec. (d). Pub. L. 101-237, Sec. 423(b)(7), inserted "of Defense" after first reference to "Secretary" and substituted "such" for "the" before second reference to "Secretary".

1983 - Subsec. (a). Pub. L. 98-160 inserted "of this title" after "section 1624".

Subsec. (d). Pub. L. 98-160 inserted "of this title" after "section 1622(c)".

-End-

-CITE-

38 USC Sec. 3224

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS  
PART III - READJUSTMENT AND RELATED BENEFITS  
CHAPTER 32 - POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE  
SUBCHAPTER II - ELIGIBILITY; CONTRIBUTIONS; AND MATCHING FUND

-HEAD-

Sec. 3224. Death of participant

-STATUTE-

In the event of a participant's death, the amount of such participant's unused contributions to the fund shall be paid to the living person or persons first listed below:

(1) The beneficiary or beneficiaries designated by such participant under such participant's Servicemembers' Group Life Insurance policy.

(2) The surviving spouse of the participant.

(3) The surviving child or children of the participant, in equal shares.

(4) The surviving parent or parents of the participant, in equal shares.

If there is no such person living, such amount shall be paid to such participant's estate.

-SOURCE-

(Added Pub. L. 94-502, title IV, Sec. 404, Oct. 15, 1976, 90 Stat. 2395, Sec. 1624; amended Pub. L. 96-466, title IV, Sec. 402, Oct. 17, 1980, 94 Stat. 2201; renumbered Sec. 3224, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 104-275, title IV, Sec. 405(c)(2), Oct. 9, 1996, 110 Stat. 3340.)

-MISC1-

AMENDMENTS

1996 - Par. (1). Pub. L. 104-275 substituted "Servicemembers' Group" for "Servicemen's Group".

1991 - Pub. L. 102-83 renumbered section 1624 of this title as this section.

1980 - Pub. L. 96-466 expanded provisions to require payment of a participant's unused contributions to the fund to the surviving spouse, the surviving child or children, or to the surviving parent or parents before payment of such amount to the participant's estate.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 802(d)(2) of Pub. L. 96-466 provided that: "The amendments made by sections 402 through 406 [amending this section and sections 1622, 1631, and 1641 [now 3222, 3231, and 3241] of this title] shall become effective on October 1, 1980."

-End-

-CITE-  
38 USC Sec. 3225 01/08/2008

-EXPCITE-  
TITLE 38 - VETERANS' BENEFITS  
PART III - READJUSTMENT AND RELATED BENEFITS  
CHAPTER 32 - POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE  
SUBCHAPTER II - ELIGIBILITY; CONTRIBUTIONS; AND MATCHING FUND

-HEAD-  
Sec. 3225. Discharge or release under conditions which would bar  
the use of benefits

-STATUTE-  
If a participant in the program is discharged or released from  
active duty under dishonorable conditions, such participant is  
automatically disenrolled and any contributions made by such  
participant shall be refunded to such participant on the date of  
such participant's discharge or release from active duty or within  
60 days from receipt of notice by the Secretary of such discharge  
or release, whichever is later.

-SOURCE-  
(Added Pub. L. 94-502, title IV, Sec. 404, Oct. 15, 1976, 90 Stat.  
2396, Sec. 1625; amended Pub. L. 101-237, title IV, Sec.  
423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3225,  
Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-  
AMENDMENTS  
1991 - Pub. L. 102-83 renumbered section 1625 of this title as  
this section.  
1989 - Pub. L. 101-237 substituted "Secretary" for  
"Administrator".

-End-

-CITE-  
38 USC SUBCHAPTER III - ENTITLEMENT; DURATION 01/08/2008

-EXPCITE-  
TITLE 38 - VETERANS' BENEFITS  
PART III - READJUSTMENT AND RELATED BENEFITS  
CHAPTER 32 - POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE  
SUBCHAPTER III - ENTITLEMENT; DURATION

-HEAD-  
SUBCHAPTER III - ENTITLEMENT; DURATION

-End-

-CITE-  
38 USC Sec. 3231 01/08/2008

-EXPCITE-  
TITLE 38 - VETERANS' BENEFITS  
PART III - READJUSTMENT AND RELATED BENEFITS  
CHAPTER 32 - POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE  
SUBCHAPTER III - ENTITLEMENT; DURATION

-HEAD-

## Sec. 3231. Entitlement; loan eligibility

## -STATUTE-

(a)(1) Subject to the provisions of section 3695 of this title limiting the aggregate period for which any person may receive assistance under two or more programs of educational or vocational assistance administered by the Department of Veterans Affairs, a participant shall be entitled to a maximum of 36 monthly benefit payments (or their equivalent in the event of part-time benefits).

(2) Except as provided in paragraph (5)(E) of this subsection and in subsection (e) of this section and section 3233 of this title and subject to section 3241 of this title, the amount of the monthly payment to which any eligible veteran is entitled shall be ascertained by (A) adding all contributions made to the fund by the eligible veteran, (B) multiplying the sum by 3, (C) adding all contributions made to the fund for such veteran by the Secretary of Defense, and (D) dividing the sum by the lesser of 36 or the number of months in which contributions were made by such veteran.

(3) Payment of benefits under this chapter may be made only for periods of time during which an eligible veteran is actually enrolled in and pursuing an approved program of education and, except as provided in paragraph (4), only after an eligible veteran has been discharged or released from active duty.

(4) Payment of benefits under this chapter may be made after a participant has completed his or her first obligated period of active duty (which began after December 31, 1976), or 6 years of active duty (which began after December 31, 1976), whichever period is less.

(5)(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 -

(i) shall not be charged against the entitlement of any eligible veteran under this chapter; and

(ii) shall not be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of assistance.

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

(i) in the case of a person not serving on active duty, 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

(ii) in the case of a person serving on active duty, had to discontinue such course pursuit as a result of being ordered to a new duty location or assignment or to perform an increased amount of work; and

(iii) 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) or (ii) 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)(iii) of this paragraph.

(D) The amount in the fund for each eligible veteran who received a payment of an educational assistance allowance described in subparagraph (B) of this paragraph shall be restored to the amount that would have been in the fund for the veteran if the payment had

not been made. For purposes of carrying out the previous sentence, the Secretary of Defense shall deposit into the fund, on behalf of each such veteran, an amount equal to the entire amount of the payment made to the veteran.

(E) In the case of a veteran who discontinues pursuit of a course or courses as described in subparagraph (B) of this paragraph, the formula for ascertaining the amount of the monthly payment to which the veteran is entitled in paragraph (2) of this subsection shall be implemented as if -

(i) the payment made to the fund by the Secretary of Defense under subparagraph (D) of this paragraph, and

(ii) any payment for a course or courses described in subparagraph (B) of this paragraph that was paid out of the fund,

had not been made or paid.

(b) Any enlisted member of the Armed Forces participating in the program shall be eligible to enroll in a course, courses, or program of education for the purpose of attaining a secondary school diploma (or an equivalency certificate), as authorized by section 3491(a) of this title, during the last six months of such member's first enlistment and at any time thereafter.

(c) When an eligible veteran is pursuing a program of education under this chapter by correspondence, such eligible veteran's entitlement shall be charged at the rate of 1 month's entitlement for each month of benefits paid to the eligible veteran (computed on the basis of the formula provided in subsection (a)(2) of this section).

(d)(1) Subject to the provisions of paragraph (2) of this subsection, the amount of the educational assistance benefits paid to an eligible veteran who is pursuing a program of education under this chapter while incarcerated in a Federal, State, local, or other penal institution or correctional facility for conviction of a felony may not exceed the lesser of (A) such amount as the Secretary determines, in accordance with regulations which the Secretary shall prescribe, is necessary to cover the cost of established charges for tuition and fees required of similarly circumstanced nonveterans enrolled in the same program and the cost of necessary supplies, books, and equipment, or (B) the applicable monthly benefit payment otherwise prescribed in this section or section 3233 of this title. The amount of the educational assistance benefits payable to a veteran while so incarcerated shall be reduced to the extent that the tuition and fees of the veteran for any course are paid under any Federal program (other than a program administered by the Secretary) or under any State or local program.

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

(e)(1) Subject to subsection (a)(1) of this section, each individual who is pursuing a program of education consisting exclusively of flight training approved as meeting the requirements of section 3241(b) of this title shall be paid educational assistance under this chapter in the amount equal to 60 percent of the established charges for tuition and fees which similarly circumstanced nonveterans enrolled in the same flight course are required to pay.

(2) No payment may be paid under this chapter to an individual for any month during which such individual is pursuing a program of education consisting exclusively of flight training until the Secretary has received from that individual and the institution providing such training a certification of the flight training received by the individual during that month and the tuition and other fees charged for that training.

(3) The entitlement of an eligible veteran pursuing a program of education described in paragraph (1) of this subsection shall be charged at the rate of one month for each amount of educational

assistance paid which is equal to the monthly benefit otherwise payable to such veteran (computed on the basis of the formula provided in subsection (a)(2) of this section).

(4) The number of solo flying hours for which an individual may be paid an educational assistance allowance under this subsection may not exceed the minimum number of solo flying hours required by the Federal Aviation Administration for the flight rating or certification which is the goal of the individual's flight training.

-SOURCE-

(Added Pub. L. 94-502, title IV, Sec. 404, Oct. 15, 1976, 90 Stat. 2396, Sec. 1631; amended Pub. L. 96-466, title IV, Secs. 403, 404, Oct. 17, 1980, 94 Stat. 2201; Pub. L. 97-35, title XX, Secs. 2003(a)(1), 2005(a), Aug. 13, 1981, 95 Stat. 782; Pub. L. 99-576, title III, Sec. 310(b)(1), Oct. 28, 1986, 100 Stat. 3271; Pub. L. 100-689, title I, Secs. 108(b)(2), 122, Nov. 18, 1988, 102 Stat. 4170, 4174; Pub. L. 101-237, title IV, Sec. 423(b)(1), (4)(A), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 102-16, Sec. 7(b), Mar. 22, 1991, 105 Stat. 51; renumbered Sec. 3231 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-127, Sec. 2(b), Oct. 10, 1991, 105 Stat. 619; Pub. L. 102-568, title III, Sec. 310(c), Oct. 29, 1992, 106 Stat. 4330; Pub. L. 104-275, title I, Sec. 105(b), Oct. 9, 1996, 110 Stat. 3327; Pub. L. 105-368, title X, Sec. 1005(b)(7), Nov. 11, 1998, 112 Stat. 3365; Pub. L. 107-103, title I, Sec. 103(a), (d), Dec. 27, 2001, 115 Stat. 979; Pub. L. 109-461, title X, Sec. 1002(c), Dec. 22, 2006, 120 Stat. 3465.)

-MISC1-

AMENDMENTS

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

2001 - Subsec. (a)(5)(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. (a)(5)(B)(ii). Pub. L. 107-103, Sec. 103(d), struck out ", in connection with such war," after "being ordered".

1998 - Subsec. (a)(2). Pub. L. 105-368 substituted "subsection (e)" for "subsection (f)".

1996 - Subsecs. (d) to (f). Pub. L. 104-275 redesignated subsecs. (e) and (f) as (d) and (e), respectively, and struck out former subsec. (d) which read as follows:

"(d)(1) The amount of the monthly benefit payment to an individual pursuing a cooperative program under this chapter shall be 80 percent of the monthly benefit otherwise payable to such individual (computed on the basis of the formula provided in subsection (a)(2) of this section).

"(2) For each month that an individual is paid a monthly benefit payment for pursuit of a cooperative program under this chapter, the individual's entitlement under this chapter shall be charged at the rate 80 percent of a month."

1992 - Subsec. (f)(1). Pub. L. 102-568, Sec. 310(c)(1), struck out "(other than tuition and fees charged for or attributable to solo flying hours)" after "for tuition and fees".

Subsec. (f)(4). Pub. L. 102-568, Sec. 310(c)(2), added par. (4).

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1631 of this title as this section.

Subsec. (a)(1). Pub. L. 102-83, Sec. 5(c)(1), substituted "3695" for "1795".

Subsec. (a)(2). Pub. L. 102-127, Sec. 2(b)(2), inserted "in paragraph (5)(E) of this subsection and" after "Except as provided".

Pub. L. 102-83, Sec. 5(c)(1), substituted "3233" for "1633" and

"3241" for "1641".

Pub. L. 102-16, Sec. 7(b)(1), inserted "subsection (f) of this section and" after "Except as provided in".

Subsec. (a)(5). Pub. L. 102-127, Sec. 2(b)(1), added par. (5).

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

Subsec. (e)(1). Pub. L. 102-83, Sec. 5(c)(1), substituted "3233" for "1633".

Subsec. (f). Pub. L. 102-83, Sec. 5(c)(1), substituted "3241(b)" for "1641(b)" in par. (1).

Pub. L. 102-16, Sec. 7(b)(2), added subsec. (f).

1989 - Subsec. (a)(1). Pub. L. 101-237, Sec. 423(b)(1)(B), substituted "Department of Veterans Affairs" for "Veterans' Administration".

Subsec. (a)(2)(C). Pub. L. 101-237, Sec. 423(b)(4)(A), inserted "of Defense" after "Secretary".

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

1988 - Subsec. (d). Pub. L. 100-689, Sec. 108(b)(2), added subsec. (d).

Subsec. (e). Pub. L. 100-689, Sec. 122, added subsec. (e).

1986 - Subsec. (a)(2). Pub. L. 99-576 substituted "Except as provided in section 1633 of this title and subject to section 1641 of this title, the" for "The".

1981 - Subsec. (c). Pub. L. 97-35, Sec. 2003(a)(1), struck out applicability to a program of flight training.

Subsec. (d). Pub. L. 97-35, Sec. 2005(a), struck out subsec. (d) which related to eligibility of veterans for loans authorized by subchapter III of chapter 36 of this title.

1980 - Subsec. (a)(1). Pub. L. 96-466, Sec. 404, inserted reference to provisions of section 1795 of this title limiting the aggregate period for which any person may receive assistance under two or more programs of educational or vocational assistance administered by the Veterans' Administration, and substituted reference to part-time benefits, for reference to part-time benefit payments.

Subsec. (b). Pub. L. 96-466, Sec. 403, substituted reference to enrolling in a course, courses, or program of education for the purpose of attaining a secondary school diploma or an equivalency certificate during the last six months of such member's first enlistment and at any time thereafter, for reference to participating in the Pre-discharge Education Program authorized by subchapter VI of chapter 34 of this title during the last 6 months of such member's first enlistment.

#### EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by 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.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-568 applicable to flight training received under this chapter, chapter 30 of this title, and chapter 106 of Title 10, Armed Forces, after Sept. 30, 1992, see section 310(d) of Pub. L. 102-568, set out as a note under section 16131 of Title 10.

#### EFFECTIVE DATE OF 1991 AMENDMENT

Section 7(c) of Pub. L. 102-16 provided that: "The amendments made by this section [amending this section and section 1641 [now 3241] of this title] shall take effect on April 1, 1991."

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 108(b)(2) of Pub. L. 100-689 effective Jan. 1, 1989, see section 108(c) of Pub. L. 100-689, set out as a note under section 3002 of this title.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Section 2006 of Pub. L. 97-35 provided that:

"(a) Except as provided in subsection (b), the amendments made by sections 2003 [amending this section and sections 1641, 1662, 1673, 1681, 1682, and 1780 [now 3241, 3462, 3473, 3481, 3482, and 3680] of this title and repealing section 1677 of this title] and 2005 [amending this section and sections 1686 [repealed], 1737 [repealed], and 1798 [now 3698] of this title] shall take effect on October 1, 1981.

"(b) The amendments made by such sections shall not apply to any person receiving educational assistance under section 1677 [now 3477] of title 38, United States Code, as such section was in effect on August 31, 1981, for the pursuit of a program of education (as defined in section 1652(b) [now 3452(b)] of such title) in which such person was enrolled on that date, for as long as such person is continuously thereafter so enrolled and meets the requirements of eligibility for such assistance for the pursuit of such program under the provisions of chapters 34 and 36 of such title, as in effect on that date."

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, see section 802(d)(2) of Pub. L. 96-466, set out as a note under section 3224 of this title.

-End-

-CITE-

38 USC Sec. 3232

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS  
PART III - READJUSTMENT AND RELATED BENEFITS  
CHAPTER 32 - POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE  
SUBCHAPTER III - ENTITLEMENT; DURATION

-HEAD-

Sec. 3232. Duration; limitations

-STATUTE-

(a)(1) Except as provided in paragraphs (2) and (3), and subject to paragraph (4), of this subsection, educational assistance benefits shall not be afforded an eligible veteran under this chapter more than 10 years after the date of such veteran's last discharge or release from active duty.

(2)(A) If any eligible veteran was prevented from initiating or completing such veteran's chosen program of education during the delimiting period determined under paragraph (1) of this subsection because of a physical or mental disability which was not the result of such veteran's own willful misconduct, such veteran shall, upon application made in accordance with subparagraph (B) of this paragraph, be granted an extension of the applicable delimiting period for such length of time as the Secretary determines, from the evidence, that such veteran was so prevented from initiating or completing such program of education.

(B) An extension of the delimiting period applicable to an eligible veteran may be granted under subparagraph (A) of this paragraph by reason of the veteran's mental or physical disability only if the veteran submits an application for such extension to the Secretary within one year after (i) the last date of the delimiting period otherwise applicable to the veteran under paragraph (1) of this subsection, or (ii) the termination date of the period of the veteran's mental or physical disability, whichever is later.

(3) When an extension of the applicable delimiting period is granted an eligible veteran under paragraph (2) of this subsection, the delimiting period with respect to such veteran shall again

begin to run on the first day after such veteran's recovery from such disability on which it is reasonably feasible, as determined in accordance with regulations prescribed by the Secretary, for such veteran to initiate or resume pursuit of a program of education with educational assistance under this chapter.

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

(b)(1) In the event that an eligible veteran has not utilized any or all of such veteran's entitlement by the end of the delimiting period applicable to the veteran under subsection (a) of this section and at the end of one year thereafter has not filed a claim for utilizing such entitlement, such eligible veteran is automatically disenrolled.

(2)(A) Any contributions which were made by a veteran disenrolled under paragraph (1) of this subsection and remain in the fund shall be refunded to the veteran after notice of disenrollment is transmitted to the veteran and the veteran applies for such refund.

(B) If no application for refund of contributions under subparagraph (A) of this paragraph is received from a disenrolled veteran within one year after the date the notice referred to in such subparagraph is transmitted to the veteran, it shall be presumed that the veteran's whereabouts is unknown and the funds shall be transferred to the Secretary for payments for entitlement earned under subchapter II of chapter 30.

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

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

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

(d)(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 3452(b) 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-

(Added Pub. L. 94-502, title IV, Sec. 404, Oct. 15, 1976, 90 Stat. 2396, Sec. 1632; amended Pub. L. 97-258, Sec. 3(k)(2), Sept. 13, 1982, 96 Stat. 1065; Pub. L. 98-160, title VII, Sec. 702(8), Nov. 21, 1983, 97 Stat 1009; Pub. L. 99-576, title III, Sec. 311, Oct.

28, 1986, 100 Stat. 3272; Pub. L. 101-237, title IV, Secs. 420(a)(2), 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2087, 2092; Pub. L. 102-16, Sec. 4, Mar. 22, 1991, 105 Stat. 49; renumbered Sec. 3232 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 104-275, title I, Sec. 106(c)(1), Oct. 9, 1996, 110 Stat. 3329; Pub. L. 106-419, title I, Sec. 122(b)(2), Nov. 1, 2000, 114 Stat. 1834; Pub. L. 108-454, title I, Sec. 106(b)(2), Dec. 10, 2004, 118 Stat. 3603.)

## -MISC1-

## AMENDMENTS

2004 - Subsec. (d). Pub. L. 108-454 added subsec. (d).  
 2000 - Subsec. (c). Pub. L. 106-419 added subsec. (c).  
 1996 - Subsec. (b)(2)(B). Pub. L. 104-275 struck out ", for the purposes of section 1322(a) of title 31," after "it shall be presumed" and substituted "to the Secretary for payments for entitlement earned under subchapter II of chapter 30" for "as provided in such section".  
 1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1632 of this title as this section.  
 Subsec. (a)(4). Pub. L. 102-83, Sec. 5(c)(1), substituted "3011(a)(1)(A)(ii)(III)" for "1411(a)(1)(A)(ii)(III)".  
 Subsec. (b)(1). Pub. L. 102-16 inserted before comma "and at the end of one year thereafter has not filed a claim for utilizing such entitlement".  
 1989 - Subsec. (a)(1). Pub. L. 101-237, Sec. 420(a)(2)(B), inserted ", and subject to paragraph (4)," before "of this subsection".  
 Subsec. (a)(2), (3). Pub. L. 101-237, Sec. 423(b)(1)(A), substituted "Secretary" for "Administrator" wherever appearing.  
 Subsec. (a)(4). Pub. L. 101-237, Sec. 420(a)(2)(A), added par. (4).  
 1986 - Pub. L. 99-576 amended section generally. Prior to amendment, section read as follows: "No educational assistance benefits shall be afforded an eligible veteran under this chapter beyond the date of 10 years after such veteran's last discharge or release from active duty. In the event an eligible veteran has not utilized any or all of such veterans' entitlement by the end of the 10-year period, such eligible veteran is automatically disenrolled and any contributions made by such veteran remaining in the fund shall be refunded to the veteran following notice to the veteran and an application by the veteran for such refund. If no application is received within 1 year from date of notice, it will be presumed for the purposes of section 1322(a) of title 31 that the individual's whereabouts is unknown and the funds shall be transferred as directed in such section."  
 1983 - Pub. L. 98-160 struck out the comma after "title 31" and substituted "such section" for "section 1322(a)".  
 1982 - Pub. L. 97-258 substituted "section 1322(a) of title 31" and "section 1322(a)" for "subsection (a) of section 725s of title 31" and "the last proviso of that subsection", respectively.

## EFFECTIVE DATE OF 2000 AMENDMENT

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

-End-

-CITE-

38 USC Sec. 3233

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS  
 PART III - READJUSTMENT AND RELATED BENEFITS  
 CHAPTER 32 - POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE  
 SUBCHAPTER III - ENTITLEMENT; DURATION

## -HEAD-

Sec. 3233. Apprenticeship or other on-job training

## -STATUTE-

(a) Except as provided in subsection (b) of this section, the amount of the monthly benefit payment to an individual pursuing a full-time program of apprenticeship or other on-job training under this chapter is -

(1) for each of the first six months of the individual's pursuit of such program, 75 percent of the monthly benefit payment otherwise payable to such individual under this chapter;

(2) for each of the second six months of the individual's pursuit of such program, 55 percent of such monthly benefit payment; and

(3) for each of the months following the first 12 months of the individual's pursuit of such program, 35 percent of such monthly benefit payment.

(b) In any month in which an individual pursuing a program of education consisting of a program of apprenticeship or other on-job training fails to complete 120 hours of training, the amount of the monthly benefit payment payable under this chapter to the individual shall be limited to the same proportion of the applicable rate determined under subsection (a) of this section as the number of hours worked during such month, rounded to the nearest eight hours, bears to 120 hours.

(c) For each month that an individual is paid a monthly benefit payment under this chapter, the individual's entitlement under this chapter shall be charged at the rate of -

(1) 75 percent of a month in the case of payments made in accordance with subsection (a)(1) of this section;

(2) 55 percent of a month in the case of payments made in accordance with subsection (a)(2) of this section; and

(3) 35 percent of a month in the case of payments made in accordance with subsection (a)(3) of this section.

(d) For any month in which an individual fails to complete 120 hours of training, the entitlement otherwise chargeable under subsection (c) of this section shall be reduced in the same proportion as the monthly benefit payment payable is reduced under subsection (b) of this section.

## -SOURCE-

(Added Pub. L. 99-576, title III, Sec. 310(b)(2), Oct. 28, 1986, 100 Stat. 3271, Sec. 1633; amended Pub. L. 101-237, title IV, Sec. 423(a)(7), Dec. 18, 1989, 103 Stat. 2091; renumbered Sec. 3233, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

## -MISC1-

## AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1633 of this title as this section.

1989 - Subsec. (d). Pub. L. 101-237 added subsec. (d).

INCREASE IN BENEFIT FOR INDIVIDUALS PURSUING APPRENTICESHIP OR ON-JOB TRAINING; POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE  
 Pub. L. 108-454, title I, Sec. 103(b), Dec. 10, 2004, 118 Stat. 3600, provided that: "For months beginning on or after October 1, 2005, and before January 1, 2008, subsection (a) of section 3233 of title 38, United States Code, shall be applied as if -

"(1) the reference to '75 percent' in paragraph (1) were a reference to '85 percent';

38C32

"(2) the reference to '55 percent' in paragraph (2) were a reference to '65 percent'; and  
"(3) the reference to '35 percent' in paragraph (3) were a reference to '45 percent'."

-End-

-CITE-

38 USC Sec. 3234

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS  
PART III - READJUSTMENT AND RELATED BENEFITS  
CHAPTER 32 - POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE  
SUBCHAPTER III - ENTITLEMENT; DURATION

-HEAD-

Sec. 3234. Tutorial assistance

-STATUTE-

(a) An individual entitled to benefits under this chapter shall also be entitled to the benefits provided an eligible veteran under section 3492 of this title, subject to the conditions applicable to an eligible veteran under such section. Any amount paid to an individual under this section shall be in addition to the amount of other benefits paid under this chapter.

(b) An individual's period of entitlement to educational assistance under this chapter shall be charged only with respect to the amount of educational assistance paid to the individual under this section in excess of \$600.

(c) An individual's period of entitlement to educational assistance under this chapter shall be charged at the rate of one month for each amount of assistance paid to the individual under this section in excess of \$600 that is equal to the amount of monthly educational assistance the individual is otherwise eligible to receive for full-time pursuit of an institutional course under this chapter.

(d) Payments of benefits under this section shall be made -

(1) in the case of the first \$600 of such benefits paid to an individual, from funds appropriated, or otherwise available, to the Department of Veterans Affairs for the payment of readjustment benefits; and

(2) in the case of payments to an individual for such benefits in excess of \$600, from the fund from contributions made to the fund by the veteran and by the Secretary of Defense in the same proportion as these contributions are used to pay other educational assistance to the individual under this chapter.

-SOURCE-

(Added Pub. L. 100-689, title I, Sec. 107(b)(1), Nov. 18, 1988, 102 Stat. 4168, Sec. 1634; amended Pub. L. 101-237, title IV, Sec. 423(b)(1)(B), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3234 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 1634 of this title as this section.

Subsec. (a). Pub. L. 102-83, Sec. 5(c)(1), substituted "3492" for "1692".

1989 - Subsec. (d)(1). Pub. L. 101-237 substituted "Department of Veterans Affairs" for "Veterans' Administration".

-End-

-CITE-  
38 USC SUBCHAPTER IV - ADMINISTRATION 01/08/2008

-EXPCITE-  
TITLE 38 - VETERANS' BENEFITS  
PART III - READJUSTMENT AND RELATED BENEFITS  
CHAPTER 32 - POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE  
SUBCHAPTER IV - ADMINISTRATION

-HEAD-  
SUBCHAPTER IV - ADMINISTRATION

-End-

-CITE-  
38 USC Sec. 3241 01/08/2008

-EXPCITE-  
TITLE 38 - VETERANS' BENEFITS  
PART III - READJUSTMENT AND RELATED BENEFITS  
CHAPTER 32 - POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE  
SUBCHAPTER IV - ADMINISTRATION

-HEAD-  
Sec. 3241. Requirements

-STATUTE-  
(a)(1) The provisions of sections 3470, 3471, 3474, 3476, 3483, 3485, and 3491(a)(1) of this title and the provisions of chapter 36 of this title (with the exception of section 3687) shall be applicable with respect to individuals who are pursuing programs of education while serving on active duty.

(2) The Secretary may, without regard to the application to this chapter of so much of the provisions of section 3471 of this title as prohibit the enrollment of an eligible veteran in a program of education in which the veteran is "already qualified", and pursuant to such regulations as the Secretary shall prescribe, approve the enrollment of such individual in refresher courses (including courses which will permit such individual to update knowledge and skills or be instructed in the technological advances which have occurred in the individual's field of employment during and since the period of such veteran's active military service), deficiency courses, or other preparatory or special education or training courses necessary to enable the individual to pursue an approved program of education.

(b) The secretary may approve the pursuit of flight training (in addition to a course of flight training that may be approved under section 3680A(b) of this title) by an individual entitled to basic educational assistance under this chapter if -

(1) such training is generally accepted as necessary for the attainment of a recognized vocational objective in the field of aviation;

(2) the individual possesses a valid pilot certificate and meets, on the day the individual begins a course of flight training, the medical requirements necessary for a commercial pilot certificate; and

(3) the flight school courses meet Federal Aviation Administration standards for such courses and are approved by the Federal Aviation Administration and the State approving agency.

(c) The provisions of sections 3470, 3471, 3474, 3476, 3483, and 3491(a) (other than clause (1)) of this title and the provisions of chapter 36 of this title (with the exception of section 3687) shall be applicable with respect to individuals who are pursuing programs

of education following discharge or release from active duty.

-SOURCE-

(Added Pub. L. 94-502, title IV, Sec. 404, Oct. 15, 1976, 90 Stat. 2397, Sec. 1641; amended Pub. L. 96-466, title IV, Sec. 405, Oct. 17, 1980, 94 Stat. 2202; Pub. L. 97-35, title XX, Sec. 2003(a)(2), Aug. 13, 1981, 95 Stat. 782; Pub. L. 99-576, title III, Secs. 308(b), 310(c), Oct. 28, 1986, 100 Stat. 3270, 3272; Pub. L. 100-689, title I, Sec. 106(b), Nov. 18, 1988, 102 Stat. 4167; Pub. L. 101-237, title IV, Sec. 423(a)(5)(B), (b)(1)(A), Dec. 18, 1989, 103 Stat. 2091, 2092; Pub. L. 102-16, Secs. 2(b)(2), 7(a), Mar. 22, 1991, 105 Stat. 49, 51; renumbered Sec. 3241 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)(5), Oct. 29, 1992, 106 Stat. 4332; Pub. L. 103-446, title VI, Sec. 601(b), title XII, Sec. 1201(d)(12), Nov. 2, 1994, 108 Stat. 4670, 4684; Pub. L. 105-368, title II, Sec. 204(a), Nov. 11, 1998, 112 Stat. 3327.)

-MISC1-

AMENDMENTS

1998 - Subsec. (b)(2). Pub. L. 105-368 substituted "pilot certificate" for "pilot's license" in two places and inserted ", on the day the individual begins a course of flight training," after "meets".

1994 - Subsec. (b). Pub. L. 103-446, Sec. 601(b), struck out "(1)" before "The Secretary may approve", redesignated subpars. (A) to (C) as pars. (1) to (3), respectively, and struck out former par. (2) which read as follows: "This subsection shall not apply to a course of flight training that commences on or after October 1, 1994."

Subsec. (c). Pub. L. 103-446, Sec. 1201(d)(12), struck out "1663," after "sections".

1992 - Subsec. (a)(1). Pub. L. 102-568, Sec. 313(a)(5)(A), struck out "3473," after "3471,".

Subsec. (b)(1). Pub. L. 102-568, Sec. 313(a)(5)(B), substituted "3680A(b)" for "3473(b)".

Subsec. (c). Pub. L. 102-568, Sec. 313(a)(5)(A), struck out "3473," after "3471,".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1641 of this title as this section.

Subsec. (a)(1). Pub. L. 102-83, Sec. 5(c)(1), substituted "3470, 3471, 3473, 3474, 3476, 3483, 3485, and 3491(a)(1)" for "1670, 1671, 1673, 1674, 1676, 1683, 1685, and 1691(a)(1)" and "3687" for "1787".

Pub. L. 102-16, Sec. 2(b)(2), struck out "1663," before "1670,".

Subsec. (a)(2). Pub. L. 102-83, Sec. 5(c)(1), substituted "3471" for "1671".

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

Pub. L. 102-16, Sec. 7(a)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 102-83, Sec. 5(c)(1), substituted "3470, 3471, 3473, 3474, 3476, 3483, and 3491(a)" for "1670, 1671, 1673, 1674, 1676, 1683, and 1691(a)" and "3687" for "1787".

Pub. L. 102-16, Sec. 7(a)(1), redesignated subsec. (b) as (c).

1989 - Subsec. (a)(2). Pub. L. 101-237, Sec. 423(b)(1)(A), substituted "Secretary" for "Administrator" wherever appearing.

Pub. L. 101-237, Sec. 423(a)(5)(B), substituted "employment during and since the period of such veteran's active military service)" for "employment)".

1988 - Subsec. (a). Pub. L. 100-689, Sec. 106(b)(1), designated existing provision as par. (1) and added par. (2).

Subsec. (b). Pub. L. 100-689, Sec. 106(b)(2), substituted "1691(a) (other than clause (1))" for "1691(a)(1)".

1986 - Subsec. (a). Pub. L. 99-576, Secs. 308(b), 310(c)(1), (2), designated existing provisions as subsec. (a), substituted "section 1787) shall be applicable with respect to individuals who are

38C32

pursuing programs of education while serving on active duty" for "sections 1777, 1780(c), and 1787) shall be applicable to the program", and inserted "1685," after "1683,".

Subsec. (b). Pub. L. 99-576, Sec. 310(c)(3), added subsec. (b).

1981 - Pub. L. 97-35 struck out references to sections 1677 and 1681(c) of this title.

1980 - Pub. L. 96-466 inserted "1663," before "1670," and substituted "and 1691(a)(1)" for "1696, and 1698".

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-368 applicable with respect to courses of flight training beginning on or after Oct. 1, 1998, see section 204(c) of Pub. L. 105-368, set out as a note under section 16136 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 601(b) of Pub. L. 103-446 effective Oct. 1, 1994, see section 601(d) of Pub. L. 103-446, set out as a note under section 3034 of this title.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by section 7(a) of Pub. L. 102-16 effective Apr. 1, 1991, see section 7(c) of Pub. L. 102-16, set out as a note under section 3231 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 1981 AMENDMENT

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

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, see section 802(d)(2) of Pub. L. 96-466, set out as a note under section 3224 of this title.

SAVINGS PROVISION

Amendment by Pub. L. 102-586 not applicable to any person receiving educational assistance for pursuit of an independent study program in which the person was enrolled on Oct. 29, 1992, for as long as such person is continuously thereafter so enrolled and meets requirements of eligibility for such assistance, see section 313(b) of Pub. L. 102-568, set out as a note under section 16136 of Title 10, Armed Forces.

-End-

-CITE-

38 USC Sec. 3242

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS  
PART III - READJUSTMENT AND RELATED BENEFITS  
CHAPTER 32 - POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE  
SUBCHAPTER IV - ADMINISTRATION

-HEAD-

[Sec. 3242. Vacant]

-COD-

CODIFICATION

Prior to redesignation of sections 1601 to 1643 of this chapter

38C32

as sections 3201 to 3243 by Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406, section 1642 of this chapter, added Pub. L. 94-502, title IV, Sec. 404, Oct. 15, 1976, 90 Stat. 2397, and amended Pub. L. 97-295, Sec. 4(37), Oct. 12, 1982, 96 Stat. 1307; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), (4)(A), Dec. 18, 1989, 103 Stat. 2092, was repealed by Pub. L. 102-16, Sec. 5(a), Mar. 22, 1991, 105 Stat. 50.

-End-

-CITE-

38 USC Sec. 3243

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS  
PART III - READJUSTMENT AND RELATED BENEFITS  
CHAPTER 32 - POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE  
SUBCHAPTER IV - ADMINISTRATION

-HEAD-

Sec. 3243. Deposits; reports

-STATUTE-

Deductions made by the Department of Defense from the military pay of any participant shall be promptly transferred to the Secretary for deposit in the fund. The Secretary of Defense shall also submit to the Secretary a report each month showing the name, service number, and the amount of the deduction made from the military pay of each initial enrollee, any contribution made by the Secretary of Defense pursuant to section 3222(c) of this title, as well as any changes in each participant's enrollment and/or contribution. The report shall also include any additional information the Secretary and the Secretary of Defense deem necessary to administer this program. The Secretary shall maintain accounts showing contributions made to the fund by individual participants and by the Secretary of Defense as well as disbursements made from the fund in the form of benefits.

-SOURCE-

(Added Pub. L. 94-502, title IV, Sec. 404, Oct. 15, 1976, 90 Stat. 2397, Sec. 1643; amended Pub. L. 98-160, title VII, Sec. 702(9), Nov. 21, 1983, 97 Stat. 1009; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), (4)(D), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3243 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

PRIOR PROVISIONS

Prior sections 3301 to 3305 and 3311 to 3313, which comprised chapter 57, were renumbered sections 5701 to 5705 and 5711 to 5713, respectively, of this title.

Prior sections 3401 to 3405, which comprised chapter 59, were renumbered sections 5901 to 5905, respectively, of this title.

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1643 of this title as this section and substituted "3222(c)" for "1622(c)".

1989 - Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing and inserted "of Defense" after "Secretary" in four places.

1983 - Pub. L. 98-160 inserted "of this title" after "section 1622(c)".

-End-

38C32