

Pub. L. 102-16 substituted “(c), or (d)(1)” for “or (c)”. 1989—Subsec. (f). Pub. L. 101-237 added subsec. (f).

1988—Subsec. (c)(3)(A). Pub. L. 100-689, §111(a)(8)(A), (B), designated existing provision as subpar. (A) and substituted “Except as provided in subparagraph (B) of this paragraph, for” for “For”, and redesignated subpars. (A) to (C) as cls. (i) to (iii), respectively.

Subsec. (c)(3)(B). Pub. L. 100-689, §111(a)(8)(C), added subpar. (B).

Subsec. (d). Pub. L. 100-689, §108(a)(2), added subsec. (d).

Subsec. (e). Pub. L. 100-689, §111(a)(7)(A), added subsec. (e).

1986—Pub. L. 99-576, §301(d)(1), substituted “Limitations” for “Limitation” in section catchline.

Subsec. (c). Pub. L. 99-576, §301(b), added subsec. (c).

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-14 effective as if enacted on Nov. 1, 2000, immediately after the enactment of Pub. L. 106-419, see section 7(b)(3) of Pub. L. 107-14, set out as a note under section 3014 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-419, title I, §122(d), Nov. 1, 2000, 114 Stat. 1837, provided that: “The amendments made by this section [enacting section 3689 of this title and amending this section and sections 3232, 3452, 3482, 3501, and 3532 of this title] shall take effect on March 1, 2001, and shall apply with respect to licensing and certification tests approved by the Secretary of Veterans Affairs on or after such date.”

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-568 applicable to flight training received under this chapter, chapter 32 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 1989 AMENDMENT

Amendment by Pub. L. 101-237 effective Sept. 30, 1990, see section 422(d) of Pub. L. 101-237, set out as a note under section 16131 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 108(a)(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.

INCREASE IN BENEFIT FOR INDIVIDUALS PURSUING APRENTICESHIP OR ON-JOB TRAINING; MONTGOMERY GI BILL

Pub. L. 108-454, title I, §103(a), Dec. 10, 2004, 118 Stat. 3600, provided that: “For months beginning on or after October 1, 2005, and before January 1, 2008, subsection (c)(1) of section 3032 of title 38, United States Code, shall be applied as if—

- “(1) the reference to ‘75 percent’ in subparagraph (A) were a reference to ‘85 percent’;
- “(2) the reference to ‘55 percent’ in subparagraph (B) were a reference to ‘65 percent’; and
- “(3) the reference to ‘35 percent’ in subparagraph (C) were a reference to ‘45 percent’.”

§ 3033. Bar to duplication of educational assistance benefits

(a)(1) An individual entitled to educational assistance under a program established by this chapter who is also eligible for educational assistance under a program under chapter 31, 32, or 35 of this title, under chapter 106 or 107 of title 10, or under the Hostage Relief Act of 1980 (Public Law 96-449; 5 U.S.C. 5561 note) may not receive assistance under two or more of such programs concurrently but shall elect (in such form

and manner as the Secretary may prescribe) under which program to receive educational assistance.

(2) An individual entitled to educational assistance under chapter 34 of this title may not receive assistance under this chapter before January 1, 1990.

(b) A period of service counted for purposes of repayment under chapter 109 of title 10 of an education loan may not also be counted for purposes of entitlement to educational assistance under this chapter.

(c) 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 may prescribe) the program to which such service is to be credited.

(Added Pub. L. 98-525, title VII, §702(a)(1), Oct. 19, 1984, 98 Stat. 2561, §1433; amended Pub. L. 99-576, title III, §306, Oct. 28, 1986, 100 Stat. 3269; Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 102-16, §10(a)(4), Mar. 22, 1991, 105 Stat. 55; renumbered §3033, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

REFERENCES IN TEXT

The Hostage Relief Act of 1980, referred to in subsec. (a)(1), is Pub. L. 96-449, Oct. 14, 1980, 94 Stat. 1967, as amended, which was formerly set out as a note under section 5561 of Title 5, Government Organization and Employees.

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1433 of this title as this section.

Subsec. (b). Pub. L. 102-16 substituted “chapter 109 of title 10” for “section 902 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note).”

1989—Subsecs. (a)(1), (c). Pub. L. 101-237 substituted “Secretary” for “Administrator”.

1986—Subsec. (a)(1). Pub. L. 99-576, §306(a), substituted “chapter 31, 32, or 35 of this title, under chapter 106 or 107 of title 10, or under the Hostage Relief Act of 1980 (Public Law 96-449; 5 U.S.C. 5561 note) may not receive assistance under two or more of such programs” for “chapter 31, 34, or 35 of this title or under chapter 106 or 107 of title 10 may not receive assistance under both programs”.

Subsec. (c). Pub. L. 99-576, §306(b), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “An individual who is entitled to educational assistance under chapter 106 of title 10 may not also receive educational assistance under this chapter based on entitlement under section 1412 of this title.”

§ 3034. Program administration

(a)(1) Except as otherwise provided in this chapter, the provisions of sections 3470, 3471, 3474, 3476, 3482(g), 3483, and 3485 of this title and the provisions of subchapters I and II of chapter 36 of this title (with the exception of sections 3680(c), 3680(f), 3686(a), and 3687) shall be applicable to the provision of educational assistance under this chapter.

(2) The term “eligible veteran”, as used in the provisions of the sections enumerated in paragraph (1) of this subsection, shall be deemed to include an individual who is eligible for educational assistance under this chapter.

(3) The Secretary may, without regard to the application to this chapter of so much of the