

Secretary of Defense under the authority of section 3222(c) of this title remaining in the fund shall be refunded to such Secretary.

(Added Pub. L. 94-502, title IV, §404, Oct. 15, 1976, 90 Stat. 2395, §1623; amended Pub. L. 98-160, title VII, §702(7), Nov. 21, 1983, 97 Stat. 1009; Pub. L. 101-237, title IV, §423(b)(1)(A), (4)(A), (7), Dec. 18, 1989, 103 Stat. 2092, 2093; renumbered §3223 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 1623 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “3224” for “1624”.

Subsec. (d). Pub. L. 102-83, §5(c)(1), substituted “3222(c)” for “1622(c)”.

1989—Subsec. (b). Pub. L. 101-237, §423(b)(1)(A), (4)(A), substituted “Secretary” for “Administrator” wherever appearing and inserted “of Defense” after “Secretary” at end.

Subsec. (d). Pub. L. 101-237, §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)”.

§ 3224. Death of participant

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.

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

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.”

§ 3225. Discharge or release under conditions which would bar the use of benefits

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.

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

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1625 of this title as this section.

1989—Pub. L. 101-237 substituted “Secretary” for “Administrator”.

SUBCHAPTER III—ENTITLEMENT; DURATION

§ 3231. Entitlement; loan eligibility

(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.