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].''

§ 3501. Definitions

(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 pursu-

ant 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.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1193, § 1701; Pub. L. 86–236, § 1, Sept. 8, 1959, 73 Stat. 471; Pub. L. 86–785, §§ 1–3, Sept. 14, 1960, 74 Stat. 1023; Pub. L. 88–361, § 1, July 7, 1964, 78 Stat. 297; Pub. L. 89–222, § 3, Sept. 30, 1965, 79 Stat. 896; Pub. L. 89–349, § 1, Nov. 8, 1965, 79 Stat. 1313; Pub. L. 89–358, § 4(j), Mar. 3, 1966, 80 Stat. 24; Pub. L. 90–631, § 2(b), (c), Oct. 23, 1968, 82 Stat. 1332; Pub. L. 91–24, § 9(a), June 11, 1969, 83 Stat. 34; Pub. L. 91–584, § 1, Dec. 24, 1970, 84 Stat. 1575; Pub. L. 92–540, title III, § 309, Oct. 24, 1972, 86 Stat. 1083; Pub. L. 93–295, title III, § 302, May 31, 1974, 88 Stat. 184; Pub. L. 94–502, title III, §§ 302, 310(2)–(5), Oct. 15, 1976, 90 Stat. 2389, 2391; Pub. L. 96–466, title III, § 327(a), title VIII, § 801(c), Oct. 17, 1980, 94 Stat. 2197, 2216; Pub. L. 98–160, title VII, § 702(12), Nov. 21, 1983, 97 Stat. 1009; Pub. L. 101–237, title IV, § 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 102–40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 3501 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 104–106, div. A, title XV, § 1501(e)(2)(C), Feb. 10, 1996, 110 Stat. 501; Pub. L. 106–419, title I, §§ 114(a), 122(a), Nov. 1, 2000, 114 Stat. 1833; Pub. L. 107–103, title I, §§ 108(a), 110(a), Dec. 27, 2001, 115 Stat. 985, 986; Pub. L. 108–454, title I, § 106(a), Dec. 10, 2004, 118 Stat. 3602; Pub. L. 109–444, § 3(a), (b)(1), Dec. 21, 2006, 120 Stat. 3305; Pub. L. 109–461, title III, § 301(a), (b)(1), title X, § 1006(b), Dec. 22, 2006, 120 Stat. 3425, 3468.)

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 (§ 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.

Prior Provisions

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

Amendments

2006—Pub. L. 109–461, § 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, § 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, § 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, § 1006(b). See Amendment notes above.

Subsec. (a)(1)(A). Pub. L. 109–461, § 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 introduc-

tory 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, §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, §1006(b). See Amendment notes above.

Subsec. (a)(1)(B). Pub. L. 109–461, §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, §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, §1006(b). See Amendment notes above.

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

Pub. L. 109–444, §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, §1006(b). See Amendment notes above.

Subsec. (a)(1)(D). Pub. L. 109–461, §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, §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, §1006(b). See Amendment notes above.

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

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

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

Pub. L. 109–444, §3(b)(1), which added par. (12) identical to that added by Pub. L. 109–461, §301(b)(1), was terminated by Pub. L. 109–461, §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, §108(a), inserted cl. (i) designation after ''(D)'' and cl. (ii) designation after ''or''.

Subsec. (a)(6). Pub. L. 107–103, §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, §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, §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, §5(a), renumbered section 1701 of this title as this section.

Subsec. (a)(3). Pub. L. 102–83, §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, §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, §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, §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, §801(c)(1), inserted ''and chapter 36 of this title'' after ''chapter'' in introductory text.

Subsec. (a)(9). Pub. L. 96–466, §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, §§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, §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, §310(2), substituted ''surviving spouse'' for ''widow'' and ''spouse'' for ''wife'' in two places.

Subsec. (a)(10), (11). Pub. L. 94–502, §302, added pars. (10), (11).

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

Subsec. (c). Pub. L. 94–502, §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, §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, § 309(1), inserted reference to correspondence school within the definition of ''educational institution''.

Subsec. (a)(9). Pub. L. 92–540, § 309(2), added par. (9).

1970—Subsec. (a)(1)(A). Pub. L. 91–584, § 1(3), added cl. (iii).

Subsec. (a)(1)(C), (D). Pub. L. 91–584, § 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, § 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, § 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, § 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, § 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, § 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, § 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, § 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, § 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, § 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, § 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, § 1(b), added par. (10).

Subsec. (d). Pub. L. 88–361, § 1(c), inserted ''disability or'' before ''death'' wherever appearing.

1960—Subsec. (a)(1). Pub. L. 86–785, § 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, § 2, added par. (9).

Subsec. (d). Pub. L. 86–785, § 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, § 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, § 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, § 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, § 5, Sept. 14, 1960, 74 Stat. 1024, as amended by Pub. L. 87–815, § 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, § 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 sec-

tion 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.

SUBCHAPTER II—ELIGIBILITY AND ENTITLEMENT

§ 3510. Eligibility and entitlement generally

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

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

AMENDMENTS

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

§ 3511. Duration of educational assistance

(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.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1194, § 1711; Pub. L. 88–361, § 2, July 7, 1964, 78 Stat. 297; Pub. L. 89–358, § 4(k), Mar. 3, 1966, 80 Stat. 24; Pub. L. 90–631, §§ 1(c), 2(d), Oct. 23, 1968, 82 Stat. 1331, 1332; Pub. L. 91–24, § 9(b), June 11, 1969, 83 Stat. 34; Pub. L. 91–584, § 2, Dec. 24, 1970, 84 Stat. 1575; Pub. L. 94–502, title III, §§ 303, 310(6), Oct. 15, 1976, 90 Stat. 2390, 2391; renumbered § 3511 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102–127, § 2(c), Oct. 10, 1991, 105 Stat. 620; Pub. L. 107–103, title I, §§ 103(a), 108(b)(1), (c)(1), Dec. 27, 2001, 115 Stat. 979, 985; Pub. L. 109–233, title V, § 503(7), June 15, 2006, 120 Stat. 416; Pub. L. 109–444, § 3(b)(2), Dec. 21, 2006, 120 Stat. 3306; Pub. L. 109–461, title III, §§ 301(b)(2), 302(a), title X, § 1006(b), Dec. 22, 2006, 120 Stat. 3425, 3428, 3468.)

AMENDMENTS

2006—Pub. L. 109–461, § 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, § 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 af-