

it to be in the interest of the eligible veteran and the Federal Government. The provisions of this subsection shall not apply to any course offered by an educational institution if the total number of veterans and persons receiving assistance under this chapter or chapter 30, 31, 32, or 35 of this title or under chapter 106 of title 10 who are enrolled in such institution equals 35 percent or less, or such other percent as the Secretary prescribes in regulations, of the total student enrollment at such institution (computed separately for the main campus and any branch or extension of such institution), except that the Secretary may apply the provisions of this subsection with respect to any course in which the Secretary has reason to believe that the enrollment of such veterans and persons may be in excess of 85 percent of the total student enrollment in such course.

(2) Paragraph (1) of this subsection does not apply with respect to the enrollment of a veteran—

(A) in a course offered pursuant to section 3019, 3034(a)(3), 3234, or 3241(a)(2) of this title;

(B) in a farm cooperative training course; or
(C) in a course described in subsection (g).

(e) The Secretary may not approve the enrollment of an eligible veteran in a course not leading to a standard college degree offered by a proprietary profit or proprietary nonprofit educational institution if—

(1) the educational institution has been operating for less than two years;

(2) the course is offered at a branch of the educational institution and the branch has been operating for less than two years; or

(3) following either a change in ownership or a complete move outside its original general locality, the educational institution does not retain substantially the same faculty, student body, and courses as before the change in ownership or the move outside the general locality (as determined in accordance with regulations the Secretary shall prescribe) unless the educational institution following such change or move has been in operation for at least two years.

(f) The Secretary may not approve the enrollment of an eligible veteran in a course as a part of a program of education offered by an educational institution if the course is provided under contract by another educational institution or entity and—

(1) the Secretary would be barred under subsection (e) from approving the enrollment of an eligible veteran in the course of the educational institution or entity providing the course under contract; or

(2) the educational institution or entity providing the course under contract has not obtained approval for the course under this chapter.

(g) Notwithstanding subsections (e) and (f)(1), the Secretary may approve the enrollment of an eligible veteran in a course approved under this chapter if the course is offered by an educational institution under contract with the Department of Defense or the Department of Homeland Security and is given on or immediately adjacent to a military base, Coast Guard

station, National Guard facility, or facility of the Selected Reserve.

(Added Pub. L. 102-568, title III, §313(a)(2), Oct. 29, 1992, 106 Stat. 4331; amended Pub. L. 104-275, title I, §§103(a)(2), (b), 104(c), Oct. 9, 1996, 110 Stat. 3326, 3327; Pub. L. 105-114, title IV, §401(d), (e), Nov. 21, 1997, 111 Stat. 2293; Pub. L. 105-368, title X, §1005(b)(9), Nov. 11, 1998, 112 Stat. 3365; Pub. L. 107-103, title I, §111(a), Dec. 27, 2001, 115 Stat. 986; Pub. L. 107-296, title XVII, §1704(d), Nov. 25, 2002, 116 Stat. 2315.)

AMENDMENTS

2002—Subsec. (g). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

2001—Subsec. (a)(4). Pub. L. 107-103 inserted “(A)” after “leading” and “, or (B) to a certificate that reflects educational attainment offered by an institution of higher learning” before period at end.

1998—Subsec. (d)(2)(C). Pub. L. 105-368 struck out “section” before “subsection (g)”.

1997—Subsec. (a)(4). Pub. L. 105-114, §401(d), inserted “(including open circuit television)” before “leading to a standard”.

Subsec. (g). Pub. L. 105-114, §401(e), substituted “subsections (e) and (f)(1)” for “subsections (e) and (f)”.

1996—Subsec. (c). Pub. L. 104-275, §104(c), substituted “radio.” for “radio or by open circuit television, except that the Secretary may approve the enrollment of an eligible veteran in a course, to be pursued in residence, leading to a standard college degree which includes, as an integral part thereof, subjects offered through open circuit television.”

Subsec. (d)(2)(C). Pub. L. 104-275, §103(a)(2), substituted “subsection (g)” for “3689(b)(6) of this title”.

Subsecs. (e) to (g). Pub. L. 104-275, §103(b), added subsecs. (e) to (g).

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-103, title I, §111(b), Dec. 27, 2001, 115 Stat. 987, provided that: “The amendments made by subsection (a) [amending this section] shall apply to enrollments in independent study courses beginning on or after the date of the enactment of this Act [Dec. 27, 2001].”

SAVINGS PROVISION

Section 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.

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.

§ 3681. Limitations on educational assistance

(a) No educational assistance allowance granted under chapter 30, 34, 35, or 36 of this title or

106 or 107 of title 10, or subsistence allowance granted under chapter 31 of this title shall be paid to any eligible person (1) who is on active duty and is pursuing a course of education which is being paid for by the Armed Forces (or by the Department of Health and Human Services in the case of the Public Health Service; or (2) who is attending a course of education or training paid for under chapter 41 of title 5.

(b) No person may receive benefits concurrently under two or more of the provisions of law listed below:

(1) Chapters 30, 31, 32, 34, 35, and 36 of this title.

(2) Chapters 106 and 107 of title 10.

(3) Section 903 of the Department of Defense Authorization Act, 1981 (Public Law 96-342, 10 U.S.C. 2141 note).

(4) The Hostage Relief Act of 1980 (Public Law 96-449, 5 U.S.C. 5561 note).

(5) The Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399).

(Added Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 21, §1781; amended Pub. L. 91-219, title II, §213(1), Mar. 26, 1970, 84 Stat. 83; Pub. L. 92-540, title IV, §403(8), Oct. 24, 1972, 86 Stat. 1090; Pub. L. 94-502, title V, §513(a)(13), Oct. 15, 1976, 90 Stat. 2403; Pub. L. 96-466, title I, §102, title VIII, §801(e), Oct. 17, 1980, 94 Stat. 2187, 2216; Pub. L. 97-295, §4(53), Oct. 12, 1982, 96 Stat. 1309; Pub. L. 98-223, title II, §203(c)(1), Mar. 2, 1984, 98 Stat. 41; Pub. L. 98-525, title VII, §703(c), Oct. 19, 1984, 98 Stat. 2564; Pub. L. 99-576, title III, §§317, 321(9), Oct. 28, 1986, 100 Stat. 3275, 3278; Pub. L. 101-237, title IV, §423(a)(8)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered §3681, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-568, title III, §315, Oct. 29, 1992, 106 Stat. 4333.)

REFERENCES IN TEXT

Chapter 106 of title 10, referred to in subsecs. (a) and (b)(2), which consisted of sections 2131 to 2138, was amended by Pub. L. 103-337, div. A, title XVI, §1663(b)(2), Oct. 5, 1994, 108 Stat. 3006, to renumber sections 2131 to 2137 as 16131 to 16137, respectively, and transfer them to chapter 1606 of Title 10, Armed Forces.

Section 903 of the Department of Defense Authorization Act, 1981, referred to in subsec. (b)(3), is section 903 of Pub. L. 96-342, title IX, Sept. 8, 1980, 94 Stat. 1115, which is set out as a note under section 2141 of Title 10, Armed Forces.

The Hostage Relief Act of 1980, referred to in subsec. (b)(4), 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.

The Omnibus Diplomatic Security and Antiterrorism Act of 1986, referred to in subsec. (b)(5), is Pub. L. 99-399, Aug. 27, 1986, 100 Stat. 853, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 4801 of Title 22, Foreign Relations and Intercourse, and Tables.

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1182, 1201, which was classified to former sections 1632(h)(1) and 1762(b) of this title, prior to repeal by sections 4(a) and 3(a)(2) of Pub. L. 89-358, respectively.

AMENDMENTS

1992—Subsec. (a)(2). Pub. L. 102-568 struck out before period at end “and whose full salary is being paid to such person while so training”.

1991—Pub. L. 102-83 renumbered section 1781 of this title as this section.

1989—Subsec. (b)(5). Pub. L. 101-237 added par. (5).

1986—Subsec. (b). Pub. L. 99-576 struck out “for the pursuit of the same program of education” after “provisions of law listed below” in introductory text and substituted “Chapters 106 and 107” for “Chapter 107” in par. (2).

1984—Subsec. (a). Pub. L. 98-525, §703(c)(1)(A)-(C), inserted initial reference to chapter 30 of this title, inserted references to chapters 106 and 107 of title 10, and struck out comma after “chapter 31”.

Pub. L. 98-223, §203(c)(1)(A), designated existing provisions as subsec. (a).

Subsec. (b). Pub. L. 98-525, §703(c)(2), inserted reference to chapter 30 of this title in par. (1).

Pub. L. 98-223, §203(c)(1)(B), added subsec. (b).

1982—Pub. L. 97-295 substituted “chapter 41 of title 5” for “the Government Employees’ Training Act”.

1980—Pub. L. 96-466 inserted “, or subsistence allowance granted under chapter 31,” after “chapter 34, 35, or 36” and substituted “Department of Health and Human Services” for “Department of Health, Education, and Welfare”.

1976—Pub. L. 94-502 substituted “such person” for “him”.

1972—Pub. L. 92-540 substituted “granted under chapter 34, 35, or 36” for “or special training allowance granted under chapter 34 or 35”.

1970—Pub. L. 91-219 substituted “Limitations on educational assistance” for “Nonduplication of benefits” as section catchline and limited duplication of benefits bar to cases of persons on active duty with Armed Forces or Public Health Service whose education or training costs are being paid by Federal Government and persons receiving education or training under Government Employees’ Training Act being paid their full salary during that period.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 802(a)(6) of Pub. L. 96-466 provided that: “The amendments made by sections 102 and 103 [amending this section and section 1795 [now 3695] of this title] shall become effective on October 1, 1980.”

Amendment by section 801(e) of Pub. L. 96-466 effective Oct. 1, 1980, see section 802(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.

DUPLICATION OF BENEFITS

Pub. L. 90-574, title V, §504, Oct. 15, 1968, 82 Stat. 1012, relating to duplication of benefits, was repealed by Pub. L. 91-219, title II, §215(a), Mar. 26, 1970, 84 Stat. 85.

§ 3682. Control by agencies of the United States

Except as provided in section 3674A of this title, no department, agency, or officer of the United States, in carrying out this chapter, shall exercise any supervision or control, whatsoever, over any State approving agency, or State educational agency, or any educational institution. Nothing in this section shall be deemed to prevent any department, agency, or officer of the United States from exercising any supervision or control which such department, agency, or officer is authorized by law to exercise over any Federal educational institution or to prevent the furnishing of education under this chapter or chapter 34 or 35 of this title in any institution over which supervision or control is exercised by such other department, agency, or officer under authority of law.