

**§ 3685. Overpayments to eligible persons or veterans**

(a) Whenever the Secretary finds that an overpayment has been made to a veteran or eligible person, the amount of such overpayment shall constitute a liability of such veteran or eligible person to the United States.

(b) Whenever the Secretary finds that an overpayment has been made to a veteran or eligible person as the result of (1) the willful or negligent failure of an educational institution to report, as required under this chapter or chapter 34 or 35 of this title, to the Department of Veterans Affairs excessive absences from a course, or discontinuance or interruption of a course by the veteran or eligible person, or (2) the willful or negligent false certification by an educational institution, the amount of such overpayment shall constitute a liability of the educational institution to the United States.

(c) Any overpayment referred to in subsection (a) or (b) of this section may be recovered, except as otherwise provided in the last sentence of section 3684(c) of this title, in the same manner as any other debt due the United States.

(d) Any overpayment referred to in subsection (a) or (b) of this section may be waived as to a veteran or eligible person as provided in section 5302 of this title. Waiver of any such overpayment as to a veteran or eligible person shall in no way release any educational institution from liability under subsection (b) of this section.

(e)(1) Any amount collected from a veteran or eligible person pursuant to this section shall be reimbursed to the educational institution which is liable pursuant to subsection (b) of this section to the extent that collection was made from the educational institution.

(2) Nothing in this section or any other provision of this title shall be construed as (A) precluding the imposition of any civil or criminal liability under this title or any other law, or (B) requiring any institution of higher learning to maintain daily attendance records for any course leading to a standard college degree.

(Added Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 22, §1785; amended Pub. L. 92-540, title IV, §403(11), Oct. 24, 1972, 86 Stat. 1090; Pub. L. 95-202, title III, §304(a)(2), Nov. 23, 1977, 91 Stat. 1442; Pub. L. 96-466, title III, §344, Oct. 17, 1980, 94 Stat. 2199; Pub. L. 101-237, title IV, §423(b)(1), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 102-40, title IV, §402(d)(1), May 7, 1991, 105 Stat. 239; renumbered §3685 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

**PRIOR PROVISIONS**

Provisions similar to those comprising this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1191, 1202, which was classified to former sections 1666 and 1766 of this title, prior to repeal by sections 4(a) and 3(a)(3) of Pub. L. 89-358, respectively.

**AMENDMENTS**

1991—Pub. L. 102-83, §5(a), renumbered section 1785 of this title as this section.

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted “3684(c)” for “1784(c)”.

Subsec. (d). Pub. L. 102-40 substituted “5302” for “3102”.

1989—Subsecs. (a), (b). Pub. L. 101-237 substituted “Secretary” and “Department of Veterans Affairs” for

“Administrator” and “Veterans’ Administration”, respectively, wherever appearing.

1980—Pub. L. 96-466 designated existing provisions as subsecs. (b), (c), and (e), with minor changes in language, and added subsecs. (a) and (d).

1977—Pub. L. 95-202 inserted “, except as otherwise provided in section 1784(b) of this title,” after “recovered” in first sentence, and inserted last sentence providing that nothing in this section or any other provision of this title shall be construed as requiring any institution of higher learning to maintain daily attendance for any course leading to a standard college degree.

1972—Pub. L. 92-540 inserted “this chapter or” before “chapter 34 or 35”.

**EFFECTIVE DATE OF 1980 AMENDMENT**

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(c) of Pub. L. 96-466, set out as a note under section 3452 of this title.

**EFFECTIVE DATE OF 1977 AMENDMENT**

Amendment by Pub. L. 95-202 effective Nov. 23, 1977, see section 501 of Pub. L. 95-202, set out as a note under section 101 of this title.

**§ 3686. Correspondence courses**

(a)(1) Each eligible veteran (as defined in section 3452(a)(1) and (2) of this title) and each eligible spouse or surviving spouse (as defined in section 3501(a)(1)(B), (C), (D), or (E) of this title) who enters into an enrollment agreement to pursue a program of education exclusively by correspondence shall be paid an educational assistance allowance computed at the rate of 55 percent of the established charge which the institution requires nonveterans to pay for the course or courses pursued by the eligible veteran or spouse or surviving spouse. The term “established charge” as used herein means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost to the veteran or spouse or surviving spouse, whichever is the lesser. Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the veteran or spouse or surviving spouse and serviced by the institution.

(2) The period of entitlement of any veteran or spouse or surviving spouse who is pursuing any program of education exclusively by correspondence shall be charged with one month for each \$376 which is paid to the veteran or spouse or surviving spouse as an educational assistance allowance for such course.

(3) Notwithstanding any other provision of law unless enacted in express limitation of this paragraph, funds in the Department of Veterans Affairs readjustment benefits account shall be available for payments under paragraph (1) of this subsection for pursuit of a program of education exclusively by correspondence in which the veteran or spouse or surviving spouse enrolls after September 30, 1981.

(b) The enrollment agreement shall fully disclose the obligation of both the institution and the veteran or spouse or surviving spouse and shall prominently display the provisions for affirmation, termination, refunds, and the conditions under which payment of the allowance is

made by the Secretary to the veteran or spouse or surviving spouse. A copy of the enrollment agreement shall be furnished to each such veteran or spouse or surviving spouse at the time such veteran or spouse or surviving spouse signs such agreement. No such agreement shall be effective unless such veteran or spouse or surviving spouse shall, after the expiration of ten days after the enrollment agreement is signed, have signed and submitted to the Secretary a written statement, with a signed copy to the institution, specifically affirming the enrollment agreement. In the event the veteran or spouse or surviving spouse at any time notifies the institution of such veteran's or spouse's intention not to affirm the agreement in accordance with the preceding sentence, the institution, without imposing any penalty or charging any fee shall promptly make a full refund of all amounts paid.

(c) In the event a veteran or spouse or surviving spouse elects to terminate such veteran's or spouse's enrollment under an affirmed enrollment agreement, the institution may charge the veteran or spouse or surviving spouse a registration or similar fee not in excess of 10 percent of the tuition for the course, or \$50, whichever is less. Where the veteran or spouse or surviving spouse elects to terminate the agreement after completion of one or more but less than 25 percent of the total number of lessons comprising the course, the institution may retain such registration or similar fee plus 25 percent of the tuition for the course. Where the veteran or spouse or surviving spouse elects to terminate the agreement after completion of 25 percent but less than 50 percent of the lessons comprising the course, the institution may retain the full registration or similar fee plus 50 percent of the course tuition. If 50 percent or more of the lessons are completed, no refund of tuition is required.

(Added Pub. L. 92-540, title III, §316(1), Oct. 24, 1972, 86 Stat. 1084, §1786; amended Pub. L. 93-508, title I, §104(1), Dec. 3, 1974, 88 Stat. 1580; Pub. L. 93-602, title II, §205(a), Jan. 2, 1975, 88 Stat. 1958; Pub. L. 94-502, title V, §§501(1), 513(a)(18), Oct. 15, 1976, 90 Stat. 2398, 2403; Pub. L. 95-202, title I, §104(1), Nov. 23, 1977, 91 Stat. 1435; Pub. L. 96-466, title II, §§203(2), 213(2), title VI, §604, Oct. 17, 1980, 94 Stat. 2189, 2191, 2209; Pub. L. 97-35, title XX, §2004(a), Aug. 13, 1981, 95 Stat. 782; Pub. L. 97-174, §5(a), May 4, 1982, 96 Stat. 75; Pub. L. 97-295, §4(56), Oct. 12, 1982, 96 Stat. 1309; Pub. L. 98-543, title II, §204(1), Oct. 24, 1984, 98 Stat. 2742; Pub. L. 101-237, title IV, §423(b)(1), Dec. 18, 1989, 103 Stat. 2092; renumbered §3686 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title VI, §605(a)(2)(C), Nov. 2, 1994, 108 Stat. 4672; Pub. L. 109-444, §3(c)(1), Dec. 21, 2006, 120 Stat. 3307; Pub. L. 109-461, title III, §301(c)(1), title X, §1006(b), Dec. 22, 2006, 120 Stat. 3427, 3468.)

#### AMENDMENTS

2006—Subsec. (a)(1). 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 Coordina-

tion of Provisions With Pub. L. 109-444 note under section 101 of this title.

Pub. L. 109-461, §301(c)(1), substituted "(D), or (E)" for "or (D)".

Pub. L. 109-444, which substituted "(D), or (E)" for "or (D)", was terminated by Pub. L. 109-461, §1006(b). See Amendment notes above.

1994—Subsec. (c). Pub. L. 103-446 struck out "(other than one subject to the provisions of section 3676 of this title)" before "may charge".

1991—Pub. L. 102-83, §5(a), renumbered section 1786 of this title as this section.

Subsec. (a)(1). Pub. L. 102-83, §5(c)(1), substituted "3452(a)(1)" for "1652(a)(1)" and "3501(a)(1)(B)" for "1701(a)(1)(B)".

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted "3676" for "1776".

1989—Subsecs. (a)(3), (b). Pub. L. 101-237 substituted "Secretary" and "Department of Veterans Affairs" for "Administrator" and "Veterans' Administration", respectively, wherever appearing.

1984—Subsec. (a)(2). Pub. L. 98-543 substituted "376" for "342".

1982—Subsec. (a)(3). Pub. L. 97-174 added par. (3). Subsec. (c). Pub. L. 97-295 substituted "percent" for "per centum" wherever appearing.

1981—Subsec. (a)(1). Pub. L. 97-35 substituted "55" for "70".

1980—Subsec. (a)(1). Pub. L. 96-466, §604, substituted "70 percent" for "90 per centum".

Subsec. (a)(2). Pub. L. 96-466, §213(2), substituted "342" for "327".

Pub. L. 96-466, §203(2), substituted "327" for "311".

1977—Subsec. (a)(2). Pub. L. 95-202 substituted "311" for "292".

1976—Subsec. (a)(1). Pub. L. 94-502, §513(a)(18), substituted "spouse or surviving spouse" for "wife or widow" wherever appearing.

Subsec. (a)(2). Pub. L. 94-502, §§501(1), 513(a)(18), substituted "spouse or surviving spouse" for "wife or widow" in two places and "292" for "270".

Subsecs. (b), (c). Pub. L. 94-502, §513(a)(18), substituted "spouse or surviving spouse" for "wife or widow" wherever appearing and "such veteran's or spouse's" for "his".

1975—Subsec. (a)(2). Pub. L. 93-602 substituted "270" for "260".

1974—Subsec. (a)(2). Pub. L. 93-508 substituted "260" for "220".

#### EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by section 301(c)(1) of Pub. L. 109-461 applicable with respect to a payment of educational assistance for a course of education pursued after Dec. 22, 2006, see section 301(d) of Pub. L. 109-461, set out as a note under section 3501 of this title.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-446 applicable with respect to programs of education exclusively by correspondence and to correspondence-residence courses commencing more than 90 days after Nov. 2, 1994, see section 605(b) of Pub. L. 103-446, set out as a note under section 3672 of this title.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-543 effective Oct. 1, 1984, see section 205 of Pub. L. 98-543, set out as a note under section 3108 of this title.

#### EFFECTIVE DATE OF 1982 AMENDMENT

Section 5(b) of Pub. L. 97-174 provided that: "The amendment made by subsection (a) of this section [amending this section] shall take effect as of October 1, 1981."

#### EFFECTIVE DATE OF 1981 AMENDMENT

Section 2004(b) of Pub. L. 97-35 provided that: "The amendment made by subsection (a) [amending this sec-

tion] shall not apply to correspondence lessons completed and submitted to the educational institution concerned before October 1, 1981."

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by sections 203(2) and 213(2) of Pub. L. 96-466 effective Oct. 1, 1980, and Jan. 1, 1981, respectively, see section 802(b) of Pub. L. 96-466, set out as a note under section 3482 of this title.

Amendment by section 604 of Pub. L. 96-466 effective Oct. 1, 1980, except that such amendment not applicable to any person receiving educational assistance under chapter 34 or 35 of this title on Sept. 1, 1980, for the pursuit of a program of education in which such person is enrolled on that date, for as long as such person continuously thereafter is so enrolled and meets the requirements of eligibility for such assistance for the pursuit of such program under the provisions of such chapter and chapter 36 of this title as in effect on that date, see section 802(f) of Pub. L. 96-466, set out as an Effective Date note under section 5314 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective retroactively to Oct. 1, 1977, see section 501 of Pub. L. 95-202, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by sections 501(1) and 513(a)(18) of Pub. L. 94-502 effective Oct. 1, 1976, and Oct. 15, 1976, respectively, see section 703(a), (b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE OF 1975 AMENDMENT

Amendment by Pub. L. 93-602 effective Jan. 1, 1975, see section 206 of Pub. L. 93-602, set out as a note under section 3482 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Sept. 1, 1974, see section 501 of Pub. L. 93-508, set out as a note under section 3482 of this title.

EFFECTIVE DATE

Section 602 of Pub. L. 92-540 provided that:  
 "(a) The provisions of section 1786 [now 3686] of title 38, United States Code (as added by section 316 of this Act), which apply to programs of education exclusively by correspondence, shall, as to those wives and widows made eligible for such training by that section, become effective January 1, 1973, and, as to eligible veterans, shall apply only to those enrollment agreements which are entered into on or after January 1, 1973.

"(b) Notwithstanding the provisions of subsection (a) of this section, any enrollment agreement entered into by an eligible veteran prior to January 1, 1973, shall continue to be subject to the provisions of section 1682(c) of title 38, United States Code, prior to its repeal by section 303 of this Act."

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.

§ 3687. Apprenticeship or other on-job training

(a) An eligible veteran (as defined in section 3452(a)(1) of this title) or an eligible person (as defined in section 3501(a) of this title) shall be paid a training assistance allowance as prescribed by subsection (b) of this section while pursuing a full-time—

(1) program of apprenticeship approved by a State approving agency as meeting the stand-

ards of apprenticeship published by the Secretary of Labor pursuant to section 2 of the Act of August 16, 1937 (popularly known as the "National Apprenticeship Act") (29 U.S.C. 50a), or

(2) program of other on-job training approved under provisions of section 3677 of this title,

subject to the conditions and limitations of chapters 34 and 35 of this title with respect to educational assistance.

(b)(1) The monthly training assistance allowance of an eligible veteran pursuing a program described under subsection (a) shall be as follows:

Column I	Column II	Column III	Column IV	Column V
Periods of training	No dependents	One dependent	Two dependents	More than two dependents
First 6 months	\$274	\$307	\$336	The amount in column IV, plus the following for each dependent in excess of two: \$14
Second 6 months.	205	239	267	
Third 6 months	136	171	198	
Fourth and any succeeding 6-month periods.	68	101	131	

(2) The monthly training assistance allowance of an eligible person pursuing a program described under subsection (a) shall be \$574 for the first six months, \$429 for the second six months, \$285 for the third six months, and \$144 for the fourth and any succeeding six-month period of training.

(3) In any month in which an eligible veteran or person pursuing a program of apprenticeship or a program of other on-job training fails to complete one hundred and twenty hours of training in such month, the monthly training assistance allowance set forth in subsection (b)(1) or (2) of this section, as applicable, shall be reduced proportionately in the proportion that the number of hours worked bears to one hundred and twenty hours rounded off to the nearest eight hours.

(c) For the purpose of this chapter, the terms "program of apprenticeship" and "program of other on-job training" shall have the same meaning as "program of education"; and the term "training assistance allowance" shall have the same meaning as "educational assistance allowance" as set forth in chapters 34 and 35 of this title.

(d) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subsection (b)(2) equal to the percentage by which—

(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).