

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).

(e)(1) For each month that an individual (as defined in paragraph (3)) is paid a training assistance allowance under subsection (a), the entitlement of the individual shall be charged at a percentage rate (rounded to the nearest percent) that is equal to the ratio of—

(A) the training assistance allowance for the month involved, to

(B) the monthly educational assistance allowance otherwise payable for full-time enrollment in an educational institution.

(2) For any month in which an individual fails to complete 120 hours of training, the entitlement otherwise chargeable under paragraph (1) shall be reduced in the same proportion as the monthly training assistance allowance payable is reduced under subsection (b)(3).

(3) In this section, the term "individual" means—

(A) an eligible veteran who is entitled to monthly educational assistance allowances payable under section 3015(e) of this title, or

(B) an eligible person who is entitled to monthly educational assistance allowances payable under section 3532(a) of this title,

as the case may be.

(Added Pub. L. 92-540, title III, §316(1), Oct. 24, 1972, 86 Stat. 1085, §1787; amended Pub. L. 93-508, title I, §104(2), (3), Dec. 3, 1974, 88 Stat. 1580; Pub. L. 93-602, title II, §205(b), Jan. 2, 1975, 88 Stat. 1959; Pub. L. 94-502, title V, §501(2), Oct. 15, 1976, 90 Stat. 2398; Pub. L. 95-202, title I, §104(2), Nov. 23, 1977, 91 Stat. 1435; Pub. L. 96-466, title II, §§203(3), 213(3), Oct. 17, 1980, 94 Stat. 2189, 2191; Pub. L. 97-295, §4(57), Oct. 12, 1982, 96 Stat. 1309; Pub. L. 98-543, title II, §204(2), Oct. 24, 1984, 98 Stat. 2742; Pub. L. 101-237, title IV, §403(b), Dec. 18, 1989, 103 Stat. 2080; renumbered §3687 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 105-178, title VIII, §8210(d), as added Pub. L. 105-206, title IX, §9014(b), July 22, 1998, 112 Stat. 866; Pub. L. 106-419, title I, §111(d), (f)(2), Nov. 1, 2000, 114 Stat. 1830, 1831; Pub. L. 107-103, title I, §102(d), Dec. 27, 2001, 115 Stat. 978; Pub. L. 108-183, title III, §302(d), Dec. 16, 2003, 117 Stat. 2659; Pub. L. 108-454, title I, §102(a), Dec. 10, 2004, 118 Stat. 3600.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in former section 1683, as added by Pub. L. 90-77, title III, §304(a), Aug. 31, 1967, 81 Stat. 186; amended Pub. L. 91-219, title I, §103(e), Mar. 26, 1970, 84 Stat. 77; Pub. L. 91-584, §7, Dec. 24, 1970, 84 Stat. 1576, prior to repeal by section 401(6) of Pub. L. 92-540.

AMENDMENTS

2004—Subsec. (e). Pub. L. 108-454 added subsec. (e).

2003—Subsec. (b)(2). Pub. L. 108-183 substituted "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." for "shall be \$488 for the first six months, \$365 for the second six months, \$242 for the third six months, and \$122 for the fourth and any succeeding six-month periods of training."

2001—Subsec. (b)(2). Pub. L. 107-103 substituted "\$488" for "\$428", "\$365" for "\$320", "\$242" for "\$212", and "\$122" for "\$107".

2000—Subsec. (b)(2). Pub. L. 106-419, §111(d), substituted "\$428" for "\$353", "\$320" for "\$264", "\$212" for "\$175", and "\$107" for "\$88".

Subsec. (d). Pub. L. 106-419, §111(f)(2), added subsec. (d).

1998—Subsec. (b)(2). Pub. L. 105-178, §8210(d), as added by Pub. L. 105-206, §9014(b), substituted "\$353" for "\$294", "\$264" for "\$220", "\$175" for "\$146", and "\$88" for "\$73".

1991—Pub. L. 102-83, §5(a), renumbered section 1787 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted "3452(a)(1)" for "1652(a)(1)" and "3501(a)" for "1701(a)" in introductory provisions and "3677" for "1777" in par. (2).

1989—Subsec. (b)(2). Pub. L. 101-237 substituted "\$294 for the first six months, \$220 for the second six months, \$146 for the third six months, and \$73 for the fourth and any succeeding six-month periods of training" for "computed at the rate prescribed in paragraph (1) of this subsection for an eligible veteran with no dependents pursuing such a course".

1984—Subsec. (b)(1). Pub. L. 98-543 increased monthly training assistance allowance of eligible veterans in column II from \$249, \$186, \$124 and \$62 to \$274, \$205, \$136, and \$68; in column III from \$279, \$217, \$155, and \$92 to \$307, \$239, \$171, and \$101; in column IV from \$305, \$243, \$180, and \$119 to \$336, \$267, \$198 and \$131; in column V from \$13, \$13, \$13 and \$13 to \$14, \$14, \$14 and \$14, respectively.

1982—Subsec. (a). Pub. L. 97-295 substituted "section 2 of the Act of August 16, 1937 (popularly known as the 'National Apprenticeship Act') (29 U.S.C. 50a)" for "section 50a of title 29" in cl. (1), and inserted "of this title" after "34 and 35" in provisions following cl. (2).

1980—Subsec. (b)(1). Pub. L. 96-466, §213(3), increased monthly training assistance allowance of eligible veterans in column II from \$237, \$177, \$119, and \$59 to \$249, \$186, \$124, and \$62; in column III from \$267, \$207, \$148, and \$88 to \$279, \$217, \$155, and \$92; in column IV from \$291, \$232, \$172, and \$113 to \$305, \$243, \$180, and \$119, respectively.

Pub. L. 96-466, §203(3), increased monthly training assistance allowance of eligible veterans in column II from \$226, \$169, \$113, and \$56 to \$237, \$177, \$119, and \$59; in column III from \$254, \$197, \$141, and \$84 to \$267, \$207, \$148, and \$88; in column IV from \$277, \$221, \$164, and \$108 to \$291, \$232, \$172, and \$113; in column V from \$12, \$12, \$12, and \$12 to \$13, \$13, \$13, and \$13, respectively.

1977—Subsec. (b)(1). Pub. L. 95-202 increased monthly training assistance allowance of eligible veterans in column II from \$212, \$159, \$106, and \$53 to \$226, \$169, \$113, and \$56; in column III from \$238, \$185, \$132, and \$79 to \$254, \$197, \$141, and \$84; in column IV from \$260, \$207, \$154, and \$101 to \$277, \$221, \$164, and \$108; in column V from \$11, \$11, \$11, and \$11 to \$12, \$12, \$12, and \$12, respectively.

1976—Subsec. (b)(1). Pub. L. 94-502 increased monthly training assistance allowance of eligible veterans in column II from "\$196", "\$147", "\$98", and "\$49" to "\$212", "\$159", "\$106", and "\$53"; in column III from "\$220", "\$171", "\$122", and "\$73" to "\$238", "\$185", "\$132", and "\$79"; in column IV from "\$240", "\$191", "\$142", and "\$93" to "\$260", "\$207", "\$154", and "\$101"; and in column V from "\$10", "\$10", "\$10", and "\$10" to "\$11", "\$11", "\$11", and "\$11" respectively.

1975—Subsec. (b)(1). Pub. L. 93-602 increased monthly training assistance allowance of eligible veterans in column II from "\$189", "\$142", "\$95", and "\$47" to "\$196", "\$147", "\$98", and "\$49"; in column III from "\$212", "\$164", "\$117", "\$70" to "\$220", "\$171", "\$122", and "\$73"; in column IV from "\$232", "\$184", "\$137", and "\$90" to "\$240", "\$191", "\$142", and "\$93"; and in column V from "\$9", "\$9", "\$9", and "\$9" to "\$10", "\$10", "\$10", and "\$10" respectively.

1974—Subsec. (b)(1). Pub. L. 93-508, §104(2), increased monthly training assistance allowance of eligible veterans in column II from "\$160, \$120, \$80, and \$40" to "\$189, \$142, \$95, and \$47"; in column III from "\$179, \$139, \$99, and \$59" to "\$212, \$164, \$117, and \$70"; in column IV from "\$196, \$156, \$116, and \$76" to "\$232, \$184, \$137, and \$90"; and in column V from "\$8, \$8, \$8, and \$8" to "\$9, \$9, \$9, and \$9" respectively.

Subsec. (b)(2). Pub. L. 93-508, §104(3), substituted "computed at the rate prescribed in paragraph (1) of this subsection for an eligible veteran with no dependents pursuing such a course" for "(A) \$160 during the first six-month period, (B) \$120 during the second six-month period, (C) \$80 during the third six-month period, and (D) \$40 during the fourth and any succeeding six-month period".

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-454, title I, §102(b), Dec. 10, 2004, 118 Stat. 3600, provided that: "The amendment made by subsection (a) [amending this section] shall apply with respect to months beginning after September 30, 2005."

EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-183 effective July 1, 2004, and applicable with respect to educational assistance allowances payable under chapter 35 and section 3687(b)(2) of this title for months beginning on or after that date, see section 302(e) of Pub. L. 108-183, set out as a note under section 3532 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-103 effective Jan. 1, 2002, and applicable with respect to educational assistance allowances payable under chapter 35 of this title and subsec. (b)(2) of this section for months beginning on or after that date, see section 102(e) of Pub. L. 107-103, set out as a note under section 3532 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by section 111(d) of Pub. L. 106-419 effective Nov. 1, 2000, and applicable with respect to educational assistance allowances paid under chapter 35 of title 38 for months after October 2000, see section 111(e) of Pub. L. 106-419, set out as a note under section 3532 of this title.

Subsec. (d) of this section effective Oct. 1, 2001, see section 111(f)(3) of Pub. L. 106-419, set out as an Effective Date note under section 3564 of this title.

EFFECTIVE DATE OF 1998 AMENDMENTS

Title IX of Pub. L. 105-206 effective simultaneously with enactment of Pub. L. 105-178 and to be treated as included in Pub. L. 105-178 at time of enactment, see section 9016 of Pub. L. 105-206, set out as a note under section 101 of Title 23, Highways.

Amendment by Pub. L. 105-178 effective Oct. 1, 1998, and applicable with respect to educational assistance allowances paid for months after September 1998, see section 8210(e) of Pub. L. 105-178, set out as a note under section 3532 of this title.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-237 effective Jan. 1, 1990, see section 403(c) of Pub. L. 101-237, set out as a note under section 3532 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 1980 AMENDMENT

Amendment by sections 203(3) and 213(3) 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.

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 Pub. L. 94-502 effective Oct. 1, 1976, see section 703(a) 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 effective Oct. 1, 1972, except for those veterans and eligible persons in training on Oct. 24, 1972, see section 601(a) of Pub. L. 92-540, set out as an Effective Date of 1972 Amendment note under section 3482 of this title.

INCREASE IN BENEFIT FOR INDIVIDUALS PURSUING APRENTICESHIP OR ON-JOB TRAINING; SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE

Pub. L. 108-454, title I, §103(c), Dec. 10, 2004, 118 Stat. 3601, provided that:

"(1) For months beginning on or after October 1, 2005, and before January 1, 2008, subsection (b)(2) of section 3687 of title 38, United States Code, shall be applied as if—

"(A) the reference to '\$574 for the first six months' were a reference to '\$650 for the first six months';

"(B) the reference to '\$429 for the second six months' were a reference to '\$507 for the second six months'; and

"(C) the reference to '\$285 for the third six months' were a reference to '\$366 for the third six months'.

"(2) Subsection (d) of such section 3687 shall not apply with respect to the provisions of paragraph (1) for months occurring during fiscal year 2006.

"(3) For months beginning on or after January 1, 2008, the Secretary shall carry out subsection (b)(2) of such section 3687 as if paragraphs (1) and (2) were not enacted into law."

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.

§ 3688. Measurement of courses

(a) For the purposes of this chapter and chapters 34 and 35 of this title—

(1) an institutional trade or technical course offered on a clock-hour basis, not leading to a standard college degree, involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of 22 hours per week of attendance (excluding supervised study) is required, with no more than 2½ hours of rest periods per week allowed;

(2) an institutional course offered on a clock-hour basis, not leading to a standard college degree, in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of 18 hours per week net of instruction (excluding supervised study but which may include customary intervals not to exceed 10 minutes between hours of instruction) is required;

(3) an academic high school course requiring sixteen units for a full course shall be considered a full-time course when (A) a minimum of four units per year is required or (B) an individual is pursuing a program of education leading to an accredited high school diploma at a rate which, if continued, would result in receipt of such a diploma in four ordinary