fraud on the part of the beneficiary or with his knowledge. Former subsec. (b), which related to the effective date of a reduction or discontinuance in rates, of a compensation, dependency and indemnity compensation, or a pension award, was struck out.

EFFECTIVE DATE OF 1982 AMENDMENT

Section 402(b) of Pub. L. 97–253 provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to any marriage, annulment, divorce, or death that occurs after September 30, 1982.''

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95–588 effective Jan. 1, 1979, see section 401 of Pub. L. 95–588, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–433 effective Oct. 1, 1976, see section 406 of Pub. L. 94–433, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1971 AMENDMENT

Amendment by Pub. L. 92–198 effective Jan. 1, 1972, see section 6 of Pub. L. 92–198, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90–275 effective first day of first calendar month following month of initial payment of increases in monthly insurance benefits provided by Social Security Amendments of 1967, see section 6(b) of Pub. L. 90–275, set out as a note under section 1521 of this title.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89–730 effective first day of second calendar month following Nov. 2, 1966, see section 7(a) of Pub. L. 89–730, set out as a note under section 1315 of this title.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87–825 effective first day of second calendar month which begins after Oct. 15, 1962, see section 7 of Pub. L. 87–825, set out as a note under section 110 of this title.

§ 5113. Effective dates of educational benefits

(a) Except as provided in subsections (b) and (c), effective dates relating to awards under chapters 30, 31, 32, 34, and 35 of this title or chapter 106 of title 10 shall, to the extent feasible, correspond to effective dates relating to awards of disability compensation.

(b)(1) When determining the effective date of an award under chapter 35 of this title for an individual described in paragraph (2) based on an original claim, the Secretary may consider the individual's application as having been filed on the eligibility date of the individual if that eligibility date is more than one year before the date of the initial rating decision.

(2) An individual referred to in paragraph (1) is an eligible person who—

(A) submits to the Secretary an original application for educational assistance under chapter 35 of this title within one year of the date that the Secretary makes the rating decision;

(B) claims such educational assistance for pursuit of an approved program of education during a period preceding the one-year period ending on the date on which the application was received by the Secretary; and

(C) would have been entitled to such educational assistance for such course pursuit if the individual had submitted such an application on the individual's eligibility date.

(3) In this subsection:

(A) The term ''eligibility date'' means the date on which an individual becomes an eligible person.

(B) The term ''eligible person'' has the meaning given that term under subparagraphs (A), (B), (D), and (E) of section 3501(a)(1) of this title.

(C) The term ''initial rating decision'' means with respect to an eligible person a decision made by the Secretary that establishes (i) service connection for the death of the person from whom such eligibility is derived or (ii) the existence of the service-connected total disability permanent in nature (or, in the case of a person made eligible under section 3501(a)(1)(E), the total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service) of the person from whom such eligibility is derived, as the case may be.

(c) The effective date of an adjustment of benefits under any chapter referred to in subsection (a) of this section, if made on the basis of a certification made by the veteran or person and accepted by the Secretary under section 3680(g) of this title, shall be the date of the change.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1227, § 3013; Pub. L. 89–358, § 4(p), Mar. 3, 1966, 80 Stat. 25; Pub. L. 99–576, title III, § 321(10), Oct. 28, 1986, 100 Stat. 3278; Pub. L. 100–322, title III, § 323, May 20, 1988, 102 Stat. 536; Pub. L. 101–237, title IV, § 419, Dec. 18, 1989, 103 Stat. 2087; Pub. L. 102–16, § 10(a)(9), Mar. 22, 1991, 105 Stat. 56; renumbered § 5113, Pub. L. 102–40, title IV, § 402(b)(1), May 7, 1991, 105 Stat. 238; Pub. L. 102–83, § 5(c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 106–419, title I, § 113(a), Nov. 1, 2000, 114 Stat. 1832; Pub. L. 109–444, § 3(c)(2), Dec. 21, 2006, 120 Stat. 3307; Pub. L. 109–461, title III, § 301(c)(2), title X, § 1006(b), Dec. 22, 2006, 120 Stat. 3427, 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. (b)(3)(B). Pub. L. 109–461, § 301(c)(2)(A), substituted ''subparagraphs (A), (B), (D), and (E) of section 3501(a)(1) of this title.'' for ''section 3501(a)(1) of this title under subparagraph (A)(i), (A)(ii), (B), or (D) of such section by reason of either (i) the service-connected death or (ii) service-connected total disability permanent in nature of the veteran from whom such eligibility is derived.''

Pub. L. 109–444, § 3(c)(2)(A), which substituted ''subparagraphs (A), (B), (D), and (E) of section 3501(a)(1) of this title.'' for ''section 3501(a)(1) of this title under subparagraph (A)(i), (A)(ii), (B), or (D) of such section by reason of either (i) the service-connected death or (ii) service-connected total disability permanent in nature of the veteran from whom such eligibility is derived.'', was terminated by Pub. L. 109–461, § 1006(b). See Amendment notes above.

Subsec. (b)(3)(C). Pub. L. 109–461, § 301(c)(2)(B), substituted ''the death of the person from whom such eligi-

bility is derived'' for ''such veteran's death'' and ''the service-connected total disability permanent in nature (or, in the case of a person made eligible under section 3501(a)(1)(E), the total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service) of the person from whom such eligibility is derived'' for ''such veteran's service-connected total disability permanent in nature''.

Pub. L. 109–444, § 3(c)(2)(B), which substituted ''the death of the person from whom such eligibility is derived'' for ''such veteran's death'' and ''the service-connected total disability permanent in nature (or, in the case of a person made eligible under section 3501(a)(1)(E), the total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service) of the person from whom such eligibility is derived'' for ''such veteran's service-connected total disability permanent in nature'', was terminated by Pub. L. 109–461, § 1006(b). See Amendment notes above.

2000—Subsec. (a). Pub. L. 106–419, § 113(a)(2), substituted ''subsections (b) and (c)'' for ''subsection (b) of this section''.

Subsecs. (b), (c). Pub. L. 106–419, § 113(a)(1), (3), added subsec. (b) and redesignated former subsec. (b) as (c).

1991—Pub. L. 102–40 renumbered section 3013 of this title as this section.

Subsec. (a). Pub. L. 102–16 inserted ''or chapter 106 of title 10'' after ''of this title''.

Subsec. (b). Pub. L. 102–83 substituted ''3680(g)'' for ''1780(g)''.

1989—Pub. L. 101–237 designated existing provisions as subsec. (a), substituted ''Except as provided in subsection (b) of this section, effective'' for ''Effective'', and added subsec. (b).

1988—Pub. L. 100–322 inserted reference to chapter 32.

1986—Pub. L. 99–576 inserted reference to chapter 30.

1966—Pub. L. 89–358 substituted ''34'' for ''33''.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by section 301(c)(2) 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 2000 AMENDMENT

Pub. L. 106–419, title I, § 113(b), Nov. 1, 2000, 114 Stat. 1832, provided that: ''The amendments made by subsection (a) [amending this section] shall apply to applications first made under section 3513 of title 38, United States Code, that—

''(1) are received on or after the date of the enactment of this Act [Nov. 1, 2000]; or

''(2) on the date of the enactment of this Act, are pending (A) with the Secretary of Veterans Affairs, or (B) exhaustion of available administrative and judicial remedies.''

SUBCHAPTER III—PAYMENT OF BENEFITS

§ 5120. Payment of benefits; delivery

(a) Monetary benefits under laws administered by the Secretary shall be paid by checks drawn, pursuant to certification by the Secretary, in such form as to protect the United States against loss, and payable by the Treasurer of the United States. Such checks shall be payable without separate vouchers or receipts except in any case in which the Secretary may consider a voucher necessary for the protection of the Government. Such checks shall be transmitted by mail to the payee thereof at the payee's last known address and, if the payee has moved and filed a regular change of address notice with the United States Postal Service, shall be forwarded to the payee. The envelope or cover of each such checks shall bear on the face thereof the following notice: ''POSTMASTER: PLEASE FORWARD if addressee has moved and filed a regular change-of-address notice. If addressee is deceased, return the letter with date of death, if known.''

(b) Postmasters, delivery clerks, letter carriers, and all other postal employees are prohibited from delivering any mail addressed by the United States and containing any such check to any person whomsoever if such person has died or in the case of a surviving spouse, if the postal employee believes that the surviving spouse has remarried (unless the mail is addressed to the surviving spouse in the name the surviving spouse has acquired by the remarriage). The preceding sentence shall apply in the case of checks in payment of benefits other than pension, compensation, dependency and indemnity compensation, and insurance, only insofar as the Secretary deems it necessary to protect the United States against loss.

(c) Whenever mail is not delivered because of the prohibition of subsection (b), such mail shall be returned forthwith by the postmaster with a statement of the reason for so doing, and if because of death or remarriage, the date thereof, if known. Checks returned under this subsection because of death or remarriage shall be canceled.

(d) Notwithstanding subsection (a) of this section, pursuant to an agreement with the Department of the Treasury under which the Secretary certifies such benefits for payment, monetary benefits under laws administered by the Secretary may be paid other than by check upon the written request of the person to whom such benefits are to be paid, if such noncheck payment is determined by the Secretary to be in the best interest of such payees and the management of monetary benefits programs by the Department.

(e) Whenever the first day of any calendar month falls on a Saturday, Sunday, or legal public holiday (as defined in section 6103 of title 5), the Secretary shall, to the maximum extent practicable, certify benefit payments for such month in such a way that such payments will be delivered by mail, or transmitted for credit to the payee's account pursuant to subsection (d) of this section, on the Friday immediately preceding such Saturday or Sunday, or in the case of a legal holiday, the weekday (other than Saturday) immediately preceding such legal public holiday, notwithstanding that such delivery or transmission of such payments is made in the same calendar month for which such payments are issued.

(f)(1) In the case of a payee who does not have a mailing address, payments of monetary benefits under laws administered by the Secretary shall be delivered under an appropriate method prescribed pursuant to paragraph (2) of this subsection.

(2) The Secretary shall prescribe an appropriate method or methods for the delivery of payments of monetary benefits under laws administered by the Secretary in cases described in paragraph (1) of this subsection. To the maximum extent practicable, such method or methods shall be designed to ensure the delivery of payments in such cases.