PRIOR PROVISIONS

Provisions similar to those comprising subsecs. (a) to (c) of this section were contained in Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1176, which was classified to former sections 1610 and 1611(a), 1611(a)(2), (3), and 1611(b) of this title, respectively, prior to repeal by section 4(a) of Pub. L. 89–358.

AMENDMENTS

2006—Subsecs. (a), (b). Pub. L. 109–233, § 503(8)(A), revised style of headings.

Subsec. (c). Pub. L. 109–233, § 503(8)(B), inserted heading.

1991—Pub. L. 102–83, § 5(a), renumbered section 1661 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''3452(a)(1)(B)'' for ''1652(a)(1)(B)''.

1980—Subsec. (c). Pub. L. 96–466 substituted ''subchapter V of this chapter'' for ''subchapters V and VI of this chapter''.

1976—Subsec. (a). Pub. L. 94–502, §§ 203(1), 211(2), 403(a), substituted ''45 months'' for ''36 months'', ''the veteran's'' for ''his'' in two places, and ''the veteran'' for ''he'', inserted provision establishing the final date of entitlement for person serving on active duty on Dec. 31, 1976 or whose eligibility is based on section 1652(a)(1)(B) of this title as the date of discharge or release from active duty after Dec. 31, 1976, and struck out provision which authorized an additional number of months not exceeding nine to be used for a program leading to a standard undergraduate degree.

Subsec. (c). Pub. L. 94–502, § 203(2), substituted ''subsection (b)'' for ''subsections (a) and (b)'' and ''45 months'' for ''thirty-six months''.

1974—Subsec. (a). Pub. L. 93–508, § 202(1), inserted ''plus an additional number of months, not exceeding nine, as may be utilized in pursuit of a program of education leading to a standard undergraduate college degree''.

Subsec. (c). Pub. L. 93–508, § 202(2), inserted reference to subsec. (a).

1972—Subsec. (a). Pub. L. 92–540 inserted reference to chapter 36.

1970—Subsec. (c). Pub. L. 91–219 substituted ''subchapters V and VI of this chapter'' for ''section 1678 of this title''.

1968—Subsec. (a). Pub. L. 90–631, § 1(b)(1), substituted references to subsec. (c) and the second sentence of this subsec. for reference to subsec. (b), increased from one month to one and one-half months the amount of educational assistance each eligible veteran shall receive for each month or fraction thereof of active duty service after Jan. 31, 1955, and inserted provisions that an eligible veteran who has served 18 months or more on active duty after Jan. 31, 1955, and has been released under conditions that would satisfy his active duty obligation, shall be entitled to educational assistance under this chapter for a period of 36 months.

Subsec. (b). Pub. L. 90–631, § 1(b)(2), (3), redesignated subsec. (c) as (b). Former subsec. (b), which set forth entitlement limitations on the amount of educational assistance an eligible veteran, shall receive under this chapter, was struck out.

Subsec. (c). Pub. L. 90–631, § 1(b), (3), (4), added subsec. (c). Former subsec. (c) redesignated (b).

Subsec. (d). Pub. L. 90–631, § 1(b)(2), struck out subsec. (d) which required an eligible veteran to elect either educational assistance or vocational rehabilitation when such veteran is entitled to both, or becomes entitled to vocational rehabilitation after receiving educational assistance.

1967—Subsec. (b). Pub. L. 90–77 inserted ''and in section 1678 of this chapter'' after ''subsection (c)''.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–466 effective Oct. 1, 1980, except as otherwise specifically provided, 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 1976 AMENDMENT

Amendment by sections 203 and 211(2) 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.

Amendment by section 403(a) of Pub. L. 94–502 effective Jan. 1, 1977, see section 406 of Pub. L. 94–502, set out as a note under section 3201 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–508 effective Dec. 3, 1974, see section 503 of Pub. L. 93–508, set out as a note under section 3452 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.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

§ 3462. Time limitations for completing a program of education

(a) DELIMITING PERIOD FOR COMPLETION.—(1) Subject to paragraph (4) of this subsection, no educational assistance shall be afforded an eligible veteran under this chapter beyond the date 10 years after the veteran's last discharge or release from active duty after January 31, 1955; except that, in the case of any eligible veteran who was prevented from initiating or completing such veteran's chosen program of education within such time period because of a physical or mental disability which was not the result of such veteran's own willful misconduct, such veteran shall, upon application made within one year after (A) the last date of the delimiting period otherwise applicable under this section, (B) the termination of the period of such mental or physical disability, or (C) October 1, 1980, whichever is the latest, be granted an extension of the applicable delimiting period for such length of time as the Secretary determines, from the evidence, that such veteran was so prevented from initiating or completing such program of education. When an extension of the applicable delimiting period is granted a veteran under the preceding sentence, the delimiting period with respect to such veteran will again begin running on the first day following such veteran's recovery from such disability on which it is reasonably feasible, as determined in accordance with regulations which the Secretary shall prescribe, for such veteran to initiate or resume pursuit of a program of education with educational assistance under this chapter.

[(2) Repealed. Pub. L. 108–183, title III, § 306(d), Dec. 16, 2003, 117 Stat. 2661.]

[(3) Repealed. Pub. L. 107–14, § 8(a)(5), June 5, 2001, 115 Stat. 34.]

(4) For purposes of paragraph (1) of this subsection, a veteran's last discharge or release from active duty shall not include any discharge or release from a period of active duty of less than 90 days of continuous service unless the individual involved is discharged or released for a

service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, for hardship, or as a result of a reduction in force as described in section 3011(a)(1)(A)(ii)(III) of this title.

(b) CORRECTION OF DISCHARGE.—In the case of any eligible veteran who has been prevented, as determined by the Secretary, from completing a program of education under this chapter within the period prescribed by subsection (a), because the veteran had not met the nature of discharge requirements of this chapter before a change, correction, or modification of a discharge or dismissal made pursuant to section 1553 of title 10, the correction of the military records of the proper service department under section 1552 of title 10, or other corrective action by competent authority, then the 10-year delimiting period shall run from the date the veteran's discharge or dismissal was changed, corrected, or modified.

(c) SAVINGS CLAUSE.—In the case of any eligible veteran who was discharged or released from active duty before June 1, 1966, the 10-year delimiting period shall run from such date, if it is later than the date which otherwise would be applicable. In the case of any eligible veteran who was discharged or released from active duty before August 31, 1967, and who pursues a course of farm cooperative training, apprenticeship or other training on the job, the 10-year delimiting period shall run from August 31, 1967, if it is later than the date which would otherwise be applicable.

(d) PRISONERS OF WAR.—In the case of any veteran (1) who served on or after January 31, 1955, (2) who became eligible for educational assistance under the provisions of this chapter or chapter 36 of this title, and (3) who, subsequent to the veteran's last discharge or release from active duty, was captured and held as a prisoner of war by a foreign government or power, there shall be excluded, in computing the veteran's 10-year period of eligibility for educational assistance, any period during which the veteran was so detained and any period immediately following the veteran's release from such detention during which the veteran was hospitalized at a military, civilian, or Department of Veterans Affairs medical facility.

(e) TERMINATION OF ASSISTANCE.—No educational assistance shall be afforded any eligible veteran under this chapter or chapter 36 of this title after December 31, 1989.

(Added Pub. L. 89–358, § 2, Mar. 3, 1966, 80 Stat. 14, § 1662; amended Pub. L. 90–77, title III, § 305, Aug. 31, 1967, 81 Stat. 188; Pub. L. 93–337, § 1, July 10, 1974, 88 Stat. 292; Pub. L. 94–502, title II, § 211(3), title IV, § 403(b), Oct. 15, 1976, 90 Stat. 2388, 2393; Pub. L. 95–202, title II, § 203(a)(1), (b)(1), Nov. 23, 1977, 91 Stat. 1439; Pub. L. 96–466, title III, § 301, Oct. 17, 1980, 94 Stat. 2191; Pub. L. 97–35, title XX, § 2003(b)(1), Aug. 13, 1981, 95 Stat. 782; Pub. L. 97–72, title II, § 201(a), Nov. 3, 1981, 95 Stat. 1054; Pub. L. 97–295, § 4(39), Oct. 12, 1982, 96 Stat. 1307; Pub. L. 97–306, title II, § 206(a), Oct. 14, 1982, 96 Stat. 1435; Pub. L. 98–160, title VII, § 702(10), Nov. 21, 1983, 97 Stat. 1009; Pub. L. 101–237, title IV, §§ 420(a)(3), 423(b)(1), Dec. 18, 1989, 103 Stat. 2087, 2092; renumbered § 3462 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 107–14, § 8(a)(5), June 5, 2001, 115 Stat. 34; Pub. L. 108–183, title III, § 306(d), Dec. 16, 2003, 117 Stat. 2661; Pub. L. 109–233, title V, § 503(8)(A), (C), June 15, 2006, 120 Stat. 416.)

PRIOR PROVISIONS

Provisions similar to those comprising subsecs. (a) and (b) of this section were contained in Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1176, which was classified to former sections 1612(c) and 1613(a), and 1612(a) of this title, respectively, prior to repeal by section 4(a) of Pub. L. 89–358.

AMENDMENTS

2006—Subsecs. (a) to (c). Pub. L. 109–233, § 503(8)(A), revised style of headings.

Subsecs. (d), (e). Pub. L. 109–233, § 503(8)(C), inserted headings.

2003—Subsec. (a)(2). Pub. L. 108–183 struck out par. (2) which related to loans under subchapter III of chapter 36 of this title.

2001—Subsec. (a)(3). Pub. L. 107–14 struck out par. (3) which permitted eligible Vietnam-era veterans to use unused entitlements under section 3461 for enumerated educational purposes and directed that veterans be provided with employment counseling.

1991—Pub. L. 102–83, § 5(a), renumbered section 1662 of this title as this section.

Subsec. (a)(2)(A), (3)(A). Pub. L. 102–83, § 5(c)(1), substituted ''3461'' for ''1661''.

Subsec. (a)(3)(C)(ii). Pub. L. 102–83, § 5(c)(1), substituted ''3491(b)(2)'' for ''1691(b)(2)''.

Subsec. (a)(4). Pub. L. 102–83, § 5(c)(1), substituted ''3011(a)(1)(A)(ii)(III)'' for ''1411(a)(1)(A)(ii)(III)''.

1989—Subsec. (a)(1). Pub. L. 101–237, § 423(b)(1)(A), substituted ''Secretary'' for ''Administrator'' wherever appearing.

Pub. L. 101–237, § 420(a)(3)(B), substituted ''Subject to paragraph (4) of this subsection, no'' for ''No''.

Subsec. (a)(3)(B), (C)(i). Pub. L. 101–237, § 423(b)(1)(A), substituted ''Secretary'' for ''Administrator'' wherever appearing.

Subsec. (a)(4). Pub. L. 101–237, § 420(a)(3)(A), added par. (4).

Subsec. (b). Pub. L. 101–237, § 423(b)(1)(A), substituted ''Secretary'' for ''Administrator''.

Subsec. (d). Pub. L. 101–237, § 423(b)(1)(B), substituted ''Department of Veterans Affairs'' for ''Veterans' Administration''.

1983—Subsec. (a)(1)(C). Pub. L. 98–160 substituted ''October 1, 1980'' for ''the effective date of the Veterans' Rehabilitation and Education Amendments of 1980''.

1982—Subsec. (a)(2)(B). Pub. L. 97–295, § 4(39)(A), substituted ''November 23, 1977,'' for ''the date of enactment of this paragraph''.

Subsec. (a)(3)(C)(i). Pub. L. 97–306, § 206(a)(1), substituted ''shall'' for ''may'' after ''Educational assistance'', and substituted ''unless the Administrator determines, based on an examination of the veteran's employment and training history, that the veteran is not in need of such a program or course in order to obtain a reasonably stable employment situation consistent with the veteran's abilities and aptitudes'' for ''only if the veteran has been determined by the Administrator to be in need of such a program or course in order to achieve a suitable occupational or vocational objective''.

Subsec. (a)(3)(D). Pub. L. 97–306, § 206(a)(2), substituted ''December 31, 1984'' for ''December 31, 1983''.

Subsec. (c). Pub. L. 97–295, § 4(39)(B), substituted ''June 1, 1966'' for ''the date for which an educational assistance allowance is first payable under this chapter'', ''August 31, 1967,'' for ''the date of enactment of this sentence'' after ''active duty before'', and ''August 31, 1967'' for ''the date of enactment of this sentence'' after ''shall run from''.

1981—Subsec. (a)(3). Pub. L. 97–72 added par. (3).

Subsec. (c). Pub. L. 97–35 struck out provisions relating to applicability to flight training.

1980—Subsec. (a)(1). Pub. L. 96–466 inserted ''made within one year after (A) the last date of the delimiting period otherwise applicable under this section, (B) the termination of the period of such mental or physical disability, or (C) the effective date of the Veterans' Rehabilitation and Education Amendments of 1980, whichever is the latest'' after ''application'', inserted ''so'' after ''that such veteran was''; and inserted provision relating to the running of the delimiting period when an extension of the applicable delimiting period is granted a veteran.

1977—Subsec. (a). Pub. L. 95–202 designated existing provisions as par. (1), added par. (2), and inserted ''except that, in the case of any eligible veteran who was prevented from initiating or completing such veteran's chosen program of education within such time period because of a physical or mental disability which was not the result of such veteran's own willful misconduct, such veteran shall, upon application, be granted an extension of the applicable delimiting period for such length of time as the Administrator determines, from the evidence, that such veteran was prevented from initiating or completing such program of education'' after ''active duty after January 31, 1955'' in par. (1) as so redesignated.

1976—Subsec. (a). Pub. L. 94–502, § 211(3), substituted ''the veteran's'' for ''his''.

Subsecs. (b), (d). Pub. L. 94–502, § 211(3), substituted ''the veteran's'' for ''his'' and ''the veteran'' for ''he'', wherever appearing.

Subsec. (e). Pub. L. 94–502, § 403(b), added subsec. (e).

1974—Subsec. (a). Pub. L. 93–337, § 1(1), substituted ''10'' for ''eight''.

Subsec. (b). Pub. L. 93–337, § 1(2), substituted ''10-year'' for ''8-year''.

Subsec. (c). Pub. L. 93–337, § 1(3), substituted ''10-year'' for ''8-year'' and ''eight year,'' respectively.

Subsec. (d). Pub. L. 93–337, § 1(4), added subsec. (d).

1967—Subsec. (c). Pub. L. 90–77 inserted second sentence respecting commencement of the delimiting period in the case of an eligible veteran discharged from active duty and pursuing training on the job or flight training.

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108–183, title III, § 306(h)(1), Dec. 16, 2003, 117 Stat. 2661, provided that: ''The amendments made by subsection (d) [amending this section] shall take effect on the date of the enactment of this Act [Dec. 16, 2003].''

EFFECTIVE DATE OF 1982 AMENDMENT

Section 206(c) of Pub. L. 97–306 provided that: ''The amendments made by subsection (a) [amending this section] shall take effect as of January 1, 1982.''

EFFECTIVE DATE OF 1981 AMENDMENTS

Section 201(b) of Pub. L. 97–72 provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on January 1, 1982.''

Amendment by Pub. L. 97–35 effective Oct. 1, 1981, except as otherwise provided, see section 2006 of Pub. L. 97–35, set out as a note under section 3231 of this title.

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 retroactively to May 31, 1976, 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 section 211(3) of 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.

Amendment by section 403(b) of Pub. L. 94–502 effective Jan. 1, 1977, see section 406 of Pub. L. 94–502, set out as an Effective Date note under section 3201 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

PROPOSAL OF REGULATIONS

Section 206(b) of Pub. L. 97–306 directed Administrator of Veterans' Affairs to publish, not later than 30 days after Oct. 14, 1982, proposed regulations under subsec. (a)(3)(C)(i) of this section and to publish, not later than 90 days after Oct. 14, 1982, final regulations under subsec. (a)(3)(C)(i).

EXTENSION OF TIME FOR PURSUIT OF EDUCATIONAL PROGRAMS

Pub. L. 93–293, May 31, 1974, 88 Stat. 176, provided that the eight-year delimiting date for pursuit of educational programs under this chapter for eligible veterans discharged or released from active duty between Jan. 31, 1955, and Sept. 1, 1966, with certain exceptions, was to run from July 1, 1966.

[§ 3463. Vacant]

CODIFICATION

Prior to renumbering of sections 1651 to 1693 of this chapter as sections 3451 to 3493 by Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406, section 1663 of this chapter, added Pub. L. 89–358, § 2, Mar. 3, 1966, 80 Stat. 15; and amended Pub. L. 94–502, title II, § 211(4), Oct. 15, 1976, 90 Stat. 2388; Pub. L. 95–202, title III, § 302(a), Nov. 23, 1977, 91 Stat. 1440; Pub. L. 99–576, title III, § 312, Oct. 28, 1986, 100 Stat. 3273; Pub. L. 101–237, title IV, § 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092, which related to educational and vocational counseling, was repealed by Pub. L. 102–16, § 2(b)(1)(A), Mar. 22, 1991, 105 Stat. 49.

SUBCHAPTER III—ENROLLMENT

§ 3470. Selection of program

Subject to the provisions of this chapter, each eligible veteran may select a program of education to assist the veteran in attaining an educational, professional, or vocational objective at any educational institution (approved in accordance with chapter 36 of this title) selected by the veteran, which will accept and retain the veteran as a student or trainee in any field or branch of knowledge which such institution finds the veteran qualified to undertake or pursue.

(Added Pub. L. 89–358, § 2, Mar. 3, 1966, 80 Stat. 15, § 1670; amended Pub. L. 94–502, title II, § 211(5), Oct. 15, 1976, 90 Stat. 2388; renumbered § 3470, Pub. L. 102–83, § 5(a), 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. 1177, which was classified to section 1620 (first sentence) of this title, prior to repeal by section 4(a) of Pub. L. 89–358.

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 1670 of this title as this section.

1976—Pub. L. 94–502 substituted ''the veteran'' for ''him'' wherever appearing.