Pub. L. 109–444, § 3(b)(2)(B)(i), which substituted ''section'' for ''the provisions of section 3501(a)(1)(A)(iii) or'' and struck out ''or'' at end, was terminated by Pub. L. 109–461, § 1006(b). See Amendment notes above.

Subsec. (b)(3). Pub. L. 109–461, § 301(b)(2)(B)(ii), substituted ''subparagraph (D) or (E) of section 3501(a)(1)'' for ''section 3501(a)(1)(D)'' and inserted ''or'' after comma at end.

Pub. L. 109–444, § 3(b)(2)(B)(ii), which substituted ''subparagraph (D) or (E) of section 3501(a)(1)'' for ''section 3501(a)(1)(D)'' and inserted ''or'' after comma at end, was terminated by Pub. L. 109–461, § 1006(b). See Amendment notes above.

Subsec. (b)(4). Pub. L. 109–461, § 301(b)(2)(B)(iii), added par. (4).

Pub. L. 109–444, § 3(b)(2)(B)(iii), which added par. (4) identical to that added by Pub. L. 109–461, § 301(b)(2)(B)(iii), was terminated by Pub. L. 109–461, § 1006(b). See Amendment notes above.

Subsec. (c). Pub. L. 109–461, § 301(b)(2)(C), struck out subsec. (c), which read as follows: ''Any entitlement used by an eligible person as a result of eligibility under section 3501(a)(1)(A)(iii), 3501(a)(1)(C), or 3501(a)(1)(D)(i) of this title shall be deducted from any entitlement to which such person may subsequently be entitled under this chapter.''

Pub. L. 109–444, § 3(b)(2)(C), which struck out subsec. (c), was terminated by Pub. L. 109–461, § 1006(b). See Amendment notes above.

2001—Subsec. (a)(1). Pub. L. 107–103, § 108(c)(1), inserted at end ''In no event may the aggregate educational assistance afforded to a spouse made eligible under both 3501(a)(1)(D)(i) and 3501(a)(1)(D)(ii) of this title exceed 45 months.''

Subsec. (a)(2)(B)(i). Pub. L. 107–103, § 103(a), substituted ''to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10;'' for '', in connection with the Persian Gulf War, to serve on active duty under section 672(a), (d), or (g), 673, 673b, or 688 of title 10;''.

Subsec. (c). Pub. L. 107–103, § 108(b)(1), added subsec. (c).

1991—Pub. L. 102–83, § 5(a), renumbered section 1711 of this title as this section.

Subsec. (a). Pub. L. 102–127 designated existing provisions as par. (1) and added par. (2).

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted ''3501(a)(8)'' for ''1701(a)(8)'' in par. (1), ''3501(a)(1)(A)(iii) or 3501(a)(1)(C)'' for ''1701(a)(1)(A)(iii) or 1701(a)(1)(C)'' in par. (2), and ''3501(a)(1)(D)'' for ''1701(a)(1)(D)'' in par. (3).

1976—Subsec. (a). Pub. L. 94–502, § 303(1), substituted ''45 months'' for ''thirty-six months''.

Subsec. (b). Pub. L. 94–502, §§ 303(2), 310(6), substituted ''the spouse'' for ''she'', ''such person's'' for ''her'' in two places, ''such person'' for ''he or she'' in two places, and ''12 weeks'' for ''nine weeks''.

1970—Subsec. (b). Pub. L. 91–584 added par. (2), redesignated former par. (2) as (3), and substituted ''1701(a)(1)(D)'' for ''1701(a)(1)(C)''.

1969—Subsec. (b)(1). Pub. L. 91–24 substituted ''section 1701(a)(8) of this title'' for ''section 1701(a)(10) of this title''.

1968—Subsec. (b). Pub. L. 90–631, §§ 1(c), 2(d), redesignated subsec. (d) as (b) and extended applicability of subsec. from any child pursuing a program of education or training to any eligible person pursuing such program, and expanded causes of persons ceasing to be ''eligible persons'' to include spouses no longer found to have a ''total disability permanent in nature'' as defined under section 1701(a)(10) of this title, and the individual, as an eligible person under section 1701(a)(1)(C) of this title, is divorced, without fault on her part, from the person upon whose disability her eligibility is based. Former subsec. (b), setting forth reductions in the period of entitlement of an eligible person, was struck out.

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

Subsec. (d). Pub. L. 90–631, § 1(c), redesignated subsec. (d) as (b).

1966—Subsec. (b). Pub. L. 89–358 substituted ''34'' for ''33'' and inserted ''or under chapter 33 of this title as in effect before February 1, 1965''.

1964—Subsec. (d). Pub. L. 88–361 added subsec. (d).

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by section 301(b)(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.

Pub. L. 109–461, title III, § 302(b), Dec. 22, 2006, 120 Stat. 3428, provided that: ''The amendment made by subsection (a) [amending this section] shall apply with respect to a payment of educational assistance allowance made after September 11, 2001.''

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by section 103(a) of Pub. L. 107–103 effective Sept. 11, 2001, see section 103(e) of Pub. L. 107–103, set out as a note under section 3013 of this title.

Pub. L. 107–103, title I, § 108(c)(4), Dec. 27, 2001, 115 Stat. 985, provided that: ''The amendments made by this subsection [amending this section and section 3512 of this title] shall apply with respect to any determination (whether administrative or judicial) of the eligibility of a spouse or surviving spouse for educational assistance under chapter 35 of title 38, United States Code, made on or after the date of the enactment of this Act [Dec. 27, 2001], whether pursuant to an original claim for such assistance or pursuant to a reapplication or attempt to reopen or readjudicate a claim for such assistance.''

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by sections 303 and 310(6) 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 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.

§ 3512. Periods of eligibility

(a) The educational assistance to which an eligible person whose eligibility is based on the death or disability of a parent or on a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title is entitled under section 3511 of this title or subchapter V of this chapter may be afforded the person during the period beginning on the person's eighteenth birthday, or on the successful completion of the person's secondary schooling, whichever first occurs, and ending on the person's twenty-sixth birthday, except that—

(1) if the person is above the age of compulsory school attendance under applicable State law, and the Secretary determines that the person's best interests will be served thereby, such period may begin before the person's eighteenth birthday;

(2) if the person has a mental or physical handicap, and the Secretary determines that the person's best interests will be served by pursuing a program of special restorative

training or a specialized course of vocational training approved under section 3536 of this title, such period may begin before the person's eighteenth birthday, but not before the person's fourteenth birthday;

(3) if the Secretary first finds that the parent from whom eligibility is derived has a service-connected total disability permanent in nature, or if the death of the parent from whom eligibility is derived occurs, after the eligible person's eighteenth birthday but before the person's twenty-sixth birthday, then (unless paragraph (4) or (5) applies) such period shall end 8 years after the date that is elected by that person to be the beginning date of entitlement under section 3511 of this title or subchapter V of this chapter if—

(A) the Secretary approves that beginning date;

(B) the eligible person elects that beginning date by not later than the end of the 60-day period beginning on the date on which the Secretary provides written notice to that person of that person's opportunity to make such election, such notice including a statement of the deadline for the election imposed under this subparagraph; and

(C) that beginning date—

(i) in the case of a person whose eligibility is based on a parent who has a service-connected total disability permanent in nature, is the date determined pursuant to subsection (d), or any date between the two dates described in subsection (d); and

(ii) in the case of a person whose eligibility is based on the death of a parent, is between—

(I) the date of the parent's death; and

(II) the date of the Secretary's decision that the death was service-connected;

(4) if the person otherwise eligible under paragraph (3) fails to elect a beginning date of entitlement in accordance with that paragraph, the beginning date of the person's entitlement shall be the date of the Secretary's decision that the parent has a service-connected total disability permanent in nature, or that the parent's death was service-connected, whichever is applicable;

(5) if the person serves on duty with the Armed Forces as an eligible person after the person's eighteenth birthday but before the person's twenty-sixth birthday, then such period shall end 8 years after the person's first discharge or release from such duty with the Armed Forces (excluding from such 8 years all periods during which the eligible person served on active duty before August 1, 1962, pursuant to (A) a call or order thereto issued to the person as a Reserve after July 30, 1961, or (B) an extension of enlistment, appointment, or period of duty with the Armed Forces pursuant to section 2 of Public Law 87–117); however, in no event shall such period be extended beyond the person's thirty-first birthday by reason of this paragraph;

(6) if the person becomes eligible by reason of a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title after the person's eighteenth birthday but before the person's twenty-sixth birthday, then (unless paragraph (5) applies) such period shall end eight years after the date on which the person becomes eligible by reason of such provisions, but in no event shall such period be extended beyond the person's thirty-first birthday by reason of this paragraph;

(7)(A) if such person is enrolled in an educational institution regularly operated on the quarter or semester system and such period ends during a quarter or semester, such period shall be extended to the end of the quarter or semester; or

(B) if such person is enrolled in an educational institution operated on other than a quarter or semester system and such period ends after a major portion of the course is completed, such period shall be extended to the end of the course, or until 12 weeks have expired, whichever first occurs; and

(8) if the person is pursuing a preparatory course described in section 3002(3)(B) of this title, such period may begin on the date that is the first day of such course pursuit, notwithstanding that such date may be before the person's eighteenth birthday, except that in no case may such person be afforded educational assistance under this chapter for pursuit of secondary schooling unless such course pursuit would otherwise be authorized under this subsection.

(b)(1)(A) Except as provided in subparagraph (B), (C), or (D), a person made eligible by subparagraph (B) or (D) of section 3501(a)(1) of this title or a person made eligible by the disability of a spouse under section 3501(a)(1)(E) of this title may be afforded educational assistance under this chapter during the 10-year period beginning on the date (as determined by the Secretary) the person becomes an eligible person within the meaning of section 3501(a)(1)(B), 3501(a)(1)(D)(i), 3501(a)(1)(D)(ii), or 3501(a)(1)(E) of this title. In the case of a surviving spouse made eligible by clause (ii) of section 3501(a)(1)(D) of this title, the 10-year period may not be reduced by any earlier period during which the person was eligible for educational assistance under this chapter as a spouse made eligible by clause (i) of that section.

(B) Notwithstanding subparagraph (A), an eligible person referred to in that subparagraph may, subject to the Secretary's approval, elect a later beginning date for the 10-year period than would otherwise be applicable to the person under that subparagraph. The beginning date so elected may be any date between the beginning date determined for the person under subparagraph (A) and whichever of the following dates applies:

(i) The date on which the Secretary notifies the veteran from whom eligibility is derived that the veteran has a service-connected total disability permanent in nature.

(ii) The date on which the Secretary determines that the veteran from whom eligibility is derived died of a service-connected disability.

(iii) The date on which the Secretary notifies the member of the Armed Forces from whom eligibility is derived that the member has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service.

(C) Notwithstanding subparagraph (A), an eligible person referred to in that subparagraph who is made eligible under section 3501(a)(1)(B) of this title by reason of the death of a person on active duty may be afforded educational assistance under this chapter during the 20-year period beginning on the date (as determined by the Secretary) such person becomes an eligible person within the meaning of such section.

(D) Notwithstanding subparagraph (A), an eligible person referred to in that subparagraph who is made eligible under section 3501(a)(1)(D)(i) of this title by reason of a service-connected disability that was determined to be a total disability permanent in nature not later than three years after discharge from service may be afforded educational assistance under this chapter during the 20-year period beginning on the date the disability was so determined to be a total disability permanent in nature, but only if the eligible person remains the spouse of the disabled person throughout the period.

(2) Notwithstanding the provisions of paragraph (1) of this subsection, in the case of any eligible person (as defined in section 3501(a)(1)(B), (C), (D), or (E) of this title) whose eligibility is based on the death or disability of a spouse or on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title who was prevented from initiating or completing such person's chosen program of education within such period because of a physical or mental disability which was not the result of such person's own willful misconduct, such person 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 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 person was so prevented from initiating or completing such program of education. When an extension of the applicable delimiting period is granted under the exception in the preceding sentence, the delimiting period will again begin running on the first day following such eligible person's recovery from such disability on which it is reasonably feasible, as determined in accordance with regulations which the Secretary shall prescribe, for such eligible person to initiate or resume pursuit of a program of education with educational assistance under this chapter.

(c)(1) Notwithstanding subsection (a) and subject to paragraph (2), an eligible person may be afforded educational assistance beyond the age limitation applicable to the person under such subsection if—

(A) the person suspends pursuit of such person's program of education after having enrolled in such program within the time period applicable to such person under such subsection;

(B) the person is unable to complete such program after the period of suspension and before attaining the age limitation applicable to the person under such subsection; and

(C) the Secretary finds that the suspension was due to either of the following:

(i) The actions of the person as the primary provider of personal care services for a veteran or member of the Armed Forces under section 1720G(a) of this title.

(ii) Conditions otherwise beyond the control of the person.

(2) Paragraph (1) shall not apply with respect to the period of an individual as a primary provider of personal care services if the period concludes with the revocation of the individual's designation as such a primary provider under section 1720G(a)(7)(D) of this title.

(3) Educational assistance may not be afforded a person under paragraph (1) after the earlier of—

(A) the age limitation applicable to the person under subsection (a), plus a period of time equal to the period the person was required to suspend pursuit of the person's program of education as described in paragraph (1); or

(B) the date of the person's thirty-first birthday.

(d) The term ''first finds'' as used in this section means the effective date of the rating or date of notification to the person from whom eligibility is derived establishing a service-connected total disability permanent in nature whichever is more advantageous to the eligible person.

(e) No person made eligible by section 3501(a)(1)(C) of this title based on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title may be afforded educational assistance under this chapter beyond 10 years after the date on which the spouse was so listed.

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

[(g) Repealed. Pub. L. 107–103, title I, § 108(b)(2), Dec. 27, 2001, 115 Stat. 985.]

(h) Notwithstanding any other provision of this section, if an eligible person, during the delimiting period otherwise applicable to such person under this section, serves on active duty pursuant to an order to active duty issued under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10, or is involuntarily ordered to full-time National Guard duty under section 502(f) of title 32, such person shall be granted an extension of such delimiting period for the length of time equal to the period of such active duty plus four months.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1194, § 1712; Pub. L. 87–815, § 2(a), Oct. 15, 1962, 76 Stat. 926; Pub. L. 87–819, § 2, Oct. 15, 1962, 76 Stat. 935; Pub. L. 88–361, § 3, July 7, 1964, 78 Stat. 297; Pub. L. 90–77, title III, § 307(a), Aug. 31, 1967, 81 Stat. 189; Pub. L. 90–631, § 2(e), Oct. 23, 1968, 82 Stat. 1333; Pub. L. 91–219, title II, § 208, Mar. 26, 1970, 84 Stat. 83; Pub. L. 91–584, § 3, Dec. 24, 1970, 84 Stat. 1575; Pub. L. 92–540, title IV, § 402(1), Oct. 24, 1972, 86 Stat. 1090; Pub. L. 93–337, § 2, July 10, 1974, 88 Stat. 292; Pub. L. 94–502, title III, §§ 304, 310(7)–(9), Oct. 15, 1976, 90 Stat. 2390, 2391; Pub. L. 95–202, title II, § 203(a)(2), (b)(2), Nov. 23, 1977, 91 Stat. 1439, 1440; Pub. L. 96–466, title III, §§ 321, 322, Oct. 17, 1980, 94 Stat. 2195; Pub. L. 97–66, title VI, § 605(a), Oct. 17, 1981, 95 Stat. 1036; Pub. L. 97–295, § 4(44), Oct. 12, 1982, 96 Stat. 1308; Pub. L. 98–160, title VII, § 702(13), Nov. 21, 1983, 97 Stat. 1009;

Pub. L. 99–576, title III, § 313, Oct. 28, 1986, 100 Stat. 3273; Pub. L. 101–237, title IV, § 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3512 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 106–419, title I, §§ 112, 114(b), Nov. 1, 2000, 114 Stat. 1831, 1833; Pub. L. 107–14, §§ 7(f)(1), 8(a)(6), June 5, 2001, 115 Stat. 33, 34; Pub. L. 107–103, title I, §§ 103(b), 108(b)(2), (c)(2), (3), Dec. 27, 2001, 115 Stat. 979, 985; Pub. L. 107–330, title III, § 308(e)(1), Dec. 6, 2002, 116 Stat. 2828; Pub. L. 108–183, title III, §§ 303(a), 306(f)(2), Dec. 16, 2003, 117 Stat. 2659, 2661; Pub. L. 108–454, title I, § 105, Dec. 10, 2004, 118 Stat. 3602; Pub. L. 109–444, § 3(b)(3), Dec. 21, 2006, 120 Stat. 3306; Pub. L. 109–461, title III, § 301(b)(3), title X, § 1006(b), Dec. 22, 2006, 120 Stat. 3426, 3468; Pub. L. 110–389, title III, § 321, Oct. 10, 2008, 122 Stat. 4168; Pub. L. 111–275, title X, § 1001(h), Oct. 13, 2010, 124 Stat. 2896; Pub. L. 111–377, title II, § 201(c), Jan. 4, 2011, 124 Stat. 4124.)

REFERENCES IN TEXT

Section 2 of Public Law 87–117 [75 Stat. 242], referred to in subsec. (a)(5), was set out as a note under former section 263 of Title 10, Armed Forces.

AMENDMENTS

2011—Subsec. (c). Pub. L. 111–377 amended subsec. (c) generally. Prior to amendment, text read as follows: ''Notwithstanding the provisions of subsection (a) of this section, an eligible person may be afforded educational assistance beyond the age limitation applicable to such person under such subsection if (1) such person suspends pursuit of such person's program of education after having enrolled in such program within the time period applicable to such person under such subsection, (2) such person is unable to complete such program after the period of suspension and before attaining the age limitation applicable to such person under such subsection, and (3) the Secretary finds that the suspension was due to conditions beyond the control of such person; but in no event shall educational assistance be afforded such person by reason of this subsection beyond the age limitation applicable to such person under subsection (a) of this section plus a period of time equal to the period such person was required to suspend the pursuit of such person's program, or beyond such person's thirty-first birthday, whichever is earlier.''

2010—Subsec. (a)(6). Pub. L. 111–275 substituted ''this paragraph'' for ''this clause''.

2008—Subsec. (b)(1). Pub. L. 110–389 substituted ''subparagraph (B), (C), or (D)'' for ''subparagraph (B) or (C)'' in subpar. (A) and added subpar. (D).

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. (a). Pub. L. 109–461, § 301(b)(3)(A)(i), substituted ''an eligible person whose eligibility is based on the death or disability of a parent or on a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title'' for ''an eligible person (within the meaning of section 3501(a)(1)(A) of this title)''.

Pub. L. 109–444, § 3(b)(3)(A)(i), which substituted ''an eligible person whose eligibility is based on the death or disability of a parent or on a parent being listed in one of the categories referred to in section 3501(a)(1)(C) of this title'' for ''an eligible person (within the meaning of section 3501(a)(1)(A) of this title)'', was terminated by Pub. L. 109–461, § 1006(b). See Amendment notes above.

Subsec. (a)(6). Pub. L. 109–461, § 301(b)(3)(A)(ii), substituted ''a parent being listed in one of the categories referred to in section 3501(a)(1)(C)'' for ''the provisions of section 3501(a)(1)(A)(iii)''.

Pub. L. 109–444, § 3(b)(3)(A)(ii), which substituted ''a parent being listed in one of the categories referred to in section 3501(a)(1)(C)'' for ''the provisions of section 3501(a)(1)(A)(iii)'', was terminated by Pub. L. 109–461, § 1006(b). See Amendment notes above.

Subsec. (b)(1)(A). Pub. L. 109–461, § 301(b)(3)(B)(i), inserted ''or a person made eligible by the disability of a spouse under section 3501(a)(1)(E) of this title'' after ''section 3501(a)(1) of this title'' and substituted ''3501(a)(1)(D)(ii), or 3501(a)(1)(E) of this title'' for ''or 3501(a)(1)(D)(ii) of this title''.

Pub. L. 109–444, § 3(b)(3)(B)(i), which inserted ''or a person made eligible by the disability of a spouse under section 3501(a)(1)(E) of this title'' after ''section 3501(a)(1) of this title'' and substituted ''3501(a)(1)(D)(ii), or 3501(a)(1)(E) of this title'' for ''or 3501(a)(1)(D)(ii) of this title'', was terminated by Pub. L. 109–461, § 1006(b). See Amendment notes above.

Subsec. (b)(1)(B)(iii). Pub. L. 109–461, § 301(b)(3)(B)(ii), added cl. (iii).

Pub. L. 109–444, § 3(b)(3)(B)(ii), which added cl. (iii) identical to that added by Pub. L. 109–461, § 301(b)(3)(B)(ii), was terminated by Pub. L. 109–461, § 1006(b). See Amendment notes above.

Subsec. (b)(2). Pub. L. 109–461, § 301(b)(3)(B)(iii), substituted ''(D), or (E) of this title) whose eligibility is based on the death or disability of a spouse or on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title'' for ''or (D) of this title)''.

Pub. L. 109–444, § 3(b)(3)(B)(iii), which substituted ''(D), or (E) of this title) whose eligibility is based on the death or disability of a spouse or on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title'' for ''or (D) of this title)'', was terminated by Pub. L. 109–461, § 1006(b). See Amendment notes above.

Subsec. (d). Pub. L. 109–461, § 301(b)(3)(C), substituted ''person from whom eligibility'' for ''veteran from whom eligibility''.

Pub. L. 109–444, § 3(b)(3)(C), which substituted ''person from whom eligibility'' for ''veteran from whom eligibility'', was terminated by Pub. L. 109–461, § 1006(b). See Amendment notes above.

Subsec. (e). Pub. L. 109–461, § 301(b)(3)(D), inserted ''based on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title'' after ''of this title'' and ''so'' after ''the spouse was'' and struck out ''by the Secretary concerned in one of the categories referred to in such section or December 24, 1970, whichever last occurs'' before period at end.

Pub. L. 109–444, § 3(b)(3)(D), which inserted ''based on a spouse being listed in one of the categories referred to in section 3501(a)(1)(C) of this title'' after ''of this title'' and ''so'' after ''the spouse was'' and struck out ''by the Secretary concerned in one of the categories referred to in such section or December 24, 1970, whichever last occurs'' before period at end, was terminated by Pub. L. 109–461, § 1006(b). See Amendment notes above.

2004—Subsec. (b)(1)(A). Pub. L. 108–454, § 105(1), substituted ''in subparagraph (B) or (C)'' for ''in subparagraph (B)''.

Subsec. (b)(1)(C). Pub. L. 108–454, § 105(2), added subpar.(C).

2003—Subsec. (f). Pub. L. 108–183, § 306(f)(2), struck out subsec. (f) which related to period of eligibility for loans under subchapter III of chapter 36 of this title.

Subsec. (h). Pub. L. 108–183, § 303(a), inserted ''or is involuntarily ordered to full-time National Guard duty under section 502(f) of title 32,'' after ''title 10,''.

2002—Subsec. (a)(3). Pub. L. 107–330, § 308(e)(1)(A)(i), substituted ''paragraph (4) or (5)'' for ''paragraph (4)'' in introductory provisions.

Subsec. (a)(3)(C)(i). Pub. L. 107–330, § 308(e)(1)(A)(ii), substituted ''subsection (d), or any date between the two dates described in subsection (d)'' for ''subsection (d)''.

Subsec. (a)(4) to (8). Pub. L. 107–330, § 308(e)(1)(B)–(D), added par. (4), redesignated former pars. (4) to (7) as (5) to (8), respectively, and substituted ''paragraph (5)'' for ''paragraph (4)'' in par. (6).

2001—Subsec. (a)(3)(B). Pub. L. 107–14, § 7(f)(1)(A), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: ''the eligible person makes that election after the person's eighteenth birthday but before the person's twenty-sixth birthday; and''.

Subsec. (a)(3)(C)(i). Pub. L. 107–14, § 7(f)(1)(B), substituted ''the date determined pursuant to'' for ''between the dates described in''.

Subsec. (a)(5). Pub. L. 107–14, § 8(a)(6)(A), substituted ''paragraph (4)'' for ''clause (4) of this subsection''.

Subsec. (b)(1). Pub. L. 107–103, § 108(c)(2), amended par. (1) generally. Prior to amendment, par. (1) read as follows: ''No person made eligible by section 3501(a)(1)(B) or (D) of this title may be afforded educational assistance under this chapter beyond 10 years after whichever of the following last occurs:

''(A) The date on which the Secretary first finds the spouse from whom eligibility is derived has a service-connected total disability permanent in nature.

''(B) The date of death of the spouse from whom eligibility is derived who dies while a total disability evaluated as permanent in nature was in existence.

''(C) The date on which the Secretary determines that the spouse from whom eligibility is derived died of a service-connected disability.''

Subsec. (b)(2). Pub. L. 107–14, § 8(a)(6)(B), substituted ''willful'' for ''willfull''.

Subsec. (b)(3). Pub. L. 107–103, § 108(c)(3), struck out par. (3) which read as follows:

''(3)(A) Notwithstanding the provisions of paragraph (1) of this subsection, any eligible person (as defined in clause (B) or (D) of section 3501(a)(1) of this title) may, subject to the approval of the Secretary, be permitted to elect a date referred to in subparagraph (B) of this paragraph to commence receiving educational assistance benefits under this chapter. The date so elected shall be the beginning date of the delimiting period applicable to such person under this section.

''(B) The date which an eligible person may elect under subparagraph (A) of this paragraph is any date during the period beginning on the date the person became an eligible person within the meaning of clause (B) or (D) of section 3501(a)(1) of this title and ending on the date determined under subparagraph (A), (B), or (C) of paragraph (1) of this subsection to be applicable to such person.''

Subsec. (g). Pub. L. 107–103, § 108(b)(2), struck out subsec. (g) which read as follows: ''Any entitlement used by any eligible person as a result of eligibility under the provisions of section 3501(a)(1)(A)(iii) or 3501(a)(1)(C) of this title shall be deducted from any entitlement to which such person may subsequently become entitled under the provisions of this chapter.''

Subsec. (h). Pub. L. 107–103, § 103(b), added subsec. (h).

2000—Subsec. (a)(3). Pub. L. 106–419, § 112, substituted ''8 years after the date that is elected by that person to be the beginning date of entitlement under section 3511 of this title or subchapter V of this chapter if—'' and subpars. (A) to (C) for ''8 years after, whichever date last occurs: (A) the date on which the Secretary first finds that the parent from whom eligibility is derived has a service-connected total disability permanent in nature, or (B) the date of death of the parent from whom eligibility is derived;''.

Subsec. (a)(7). Pub. L. 106–419, § 114(b), added par. (7).

1991—Pub. L. 102–83, § 5(a), renumbered section 1712 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''3501(a)(1)(A)'' for ''1701(a)(1)(A)'' and ''3511'' for ''1711'' in introductory provisions, ''3536'' for ''1736'' in par. (2), and ''3501(a)(1)(A)(iii)'' for ''1701(a)(1)(A)(iii)'' in par. (5).

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted ''3501(a)(1)(B)'' for ''1701(a)(1)(B)'' in pars. (1) and (2) and ''3501(a)(1)'' for ''1701(a)(1)'' in par. (3)(A) and (B).

Subsec. (e). Pub. L. 102–83, § 5(c)(1), substituted ''3501(a)(1)(C)'' for ''1701(a)(1)(C)''.

Subsec. (f). Pub. L. 102–83, § 5(c)(1), substituted ''3501(a)(1)(B)'' for ''1701(a)(1)(B)'' and ''3462(a)(2)'' for ''1662(a)(2)''.

Subsec. (g). Pub. L. 102–83, § 5(c)(1), substituted ''3501(a)(1)(A)(iii) or 3501(a)(1)(C)'' for ''1701(a)(1)(A)(iii) or 1701(a)(1)(C)''.

1989—Subsecs. (a)(1) to (3), (b)(1)(A), (C), (2), (3)(A), (c). Pub. L. 101–237 substituted ''Secretary'' for ''Administrator'' wherever appearing.

1986—Subsec. (b)(3). Pub. L. 99–576 added par. (3).

1983—Subsec. (b)(2)(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). Pub. L. 97–295, § 4(44)(A), inserted ''of this title'' after ''section 1701(a)(1)(A)'', and inserted a colon after ''last occurs'' in cl. (3).

Subsec. (b). Pub. L. 97–295, § 4(44)(B), substituted ''of this title'' for ''of this chapter'' wherever appearing.

Subsec. (e). Pub. L. 97–295, § 4(44)(C), substituted ''December 24, 1970'' for ''the date of enactment of this subsection''.

1981—Subsec. (b)(1). Pub. L. 97–66 substituted ''after whichever of the following last occurs'' for ''after whichever last occurs'' in the provisions preceding subpar. (A), ''The date'' for ''the date'' and ''permanent in nature.'' for ''permanent in nature, or;'' in subpar. (A), and ''The date of death of the spouse from whom eligibility is derived who dies while a total disability evaluated as permanent in nature was in existence'' for ''the date of death of the spouse from whom eligibility is derived'' in subpar. (B), and added subpar. (C).

1980—Subsec. (a)(5), (6). Pub. L. 96–466, § 321, added cl. (5) and redesignated former cl. (5) as (6).

Subsec. (b)(2). Pub. L. 96–466, § 322, 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 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 an eligible person.

1977—Subsec. (b). Pub. L. 95–202, § 203(a)(2), designated existing provisions as par. (1) and former cls. (1) and (2) thereof as cls. (A) and (B), and added par. (2).

Subsecs. (f), (g). Pub. L. 95–202, § 203(b)(2), added subsec. (f) and redesignated former subsec. (f) as (g).

1976—Subsec. (a). Pub. L. 94–502, §§ 304(1), (2), 310(7), substituted ''the person'' for ''he'' and ''him'' and ''the person's'' for ''his'' respectively, in the provision preceding cl. (1), and in cls. (1), (2), (3), and (4), in cls. (3) and (4) ''8 years'' for ''five years'', and cl. (5), ''such person'' for ''he'', ''a quarter or semester'' for ''the last half of a quarter or semester'', ''period ends after a major portion of the course is completed'' for ''periods ends during the last half of the course'', and ''12 weeks'' for ''nine weeks''.

Subsec. (c). Pub. L. 94–502, § 310(8), substituted ''such person'' for ''him'' and ''he'' wherever appearing, and ''such person's'' for ''his'' wherever appearing.

Subsec. (d). Pub. L. 94–502, § 304(3), struck out subsec. (d) which authorized educational assistance to an eligible person beyond the age limits applicable to him under subsec. (a) of this section by a period of time equivalent to the period of time between his eighteenth birthday or the date of his application, whichever was later, and the date of approval of his application, but in no event beyond his thirty-first birthday. Former subsec. (e) redesignated (d).

Subsec. (e). Pub. L. 94–502, §§ 304(3), 310(9), redesignated subsec. (f) as (e) and substituted ''the spouse'' for ''her spouse''. Former subsec. (e) redesignated (d).

Subsecs. (f), (g). Pub. L. 94–502, §§ 304(3), 310(9), redesignated subsec. (g) as (f) and substituted ''such person'' for ''he''. Former subsec. (f) redesignated (e).

1974—Subsec. (b). Pub. L. 93–337, § 2(1), substituted ''may be afforded educational assistance under this chapter beyond 10 years'' for ''may be afforded edu-

cational assistance under this chapter beyond eight years''.

Subsec. (f). Pub. L. 93–337, § 2(2), substituted ''may be afforded educational assistance under this chapter beyond 10 years'' for ''may be afforded educational assistance under this chapter beyond eight years''.

1972—Subsec. (a)(2). Pub. L. 92–540 substituted reference to section 1736 of this title for reference to section 1737 of this title.

1970—Subsec. (a)(3). Pub. L. 91–219, § 208(1), substituted ''last occurs'' for ''first occurs''.

Subsec. (b). Pub. L. 91–584, § 3(1), substituted ''1701(a)(1)(B) or (D)'' for ''1701(a)(1)(B) or (C)''.

Subsec. (e). Pub. L. 91–219, § 208(2), added subsec. (e).

Subsecs. (f), (g). Pub. L. 91–584, § 3(2), added subsecs. (f) and (g).

1968—Subsec. (a). Pub. L. 90–631, § 2(e)(1), inserted ''(within the meaning of section 1701(a)(1)(A))'' after ''to which an eligible person''.

Subsec. (b). Pub. L. 90–631, § 2(e)(2), substituted provisions that no person made eligible by section 1701(a)(1)(B) or (C) may be afforded educational assistance under this chapter beyond 8 years after whichever of the specified events last occurs for provisions that no eligible person may be afforded educational assistance under this chapter unless he was discharged or released after each period he was on duty with the armed forces under conditions other than dishonorable, or while he is on duty with the armed forces.

1967—Subsec. (a). Pub. L. 90–77 substituted ''twenty-sixth'' for ''twenty-third'' birthday in text preceding cl. (1) and in cls. (3) and (4).

1964—Subsec. (a)(3). Pub. L. 88–361, § 3(a), inserted provisions relating to parents with a service-connected total disability permanent in nature.

Subsec. (d). Pub. L. 88–361, § 3(b), added subsec. (d).

1962—Subsec. (a). Pub. L. 87–815, among other changes, struck out from cl. (3), provisions which it incorporated into cl. (4), added to such cl. (4) the exclusion from the computation of the five year period, of all periods during which the person served on active duty before Aug. 1, 1962, pursuant to a call as a Reserve after July 30, 1961, or an extension of duty pursuant to Pub. L. 87–117, and redesignated former cl. (4) as (5).

Subsec. (c). Pub. L. 87–819 added subsec. (c).

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111–377 effective Aug. 1, 2011, and applicable with respect to preventions and suspension of pursuit of programs of education that commence on or after that date, see section 201(d) of Pub. L. 111–377, set out as a note under section 3031 of this title.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by section 301(b)(3) 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 2003 AMENDMENT

Pub. L. 108–183, title III, § 303(b), Dec. 16, 2003, 117 Stat. 2659, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect as of September 11, 2001.''

Amendment by section 306(f)(2) of Pub. L. 108–183 effective 90 days after Dec. 16, 2003, see section 306(h)(2) of Pub. L. 108–183, set out as a note under section 3485 of this title.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–330, title III, § 308(e)(2), Dec. 6, 2002, 116 Stat. 2828, provided that: ''The amendments made by this subsection [amending this section] shall take effect November 1, 2000.''

EFFECTIVE DATE OF 2001 AMENDMENTS

Amendment by section 103(b) of Pub. L. 107–103 effective Sept. 11, 2001, see section 103(e) of Pub. L. 107–103, set out as a note under section 3013 of this title.

Amendment by section 108(c)(2), (3) of Pub. L. 107–103 applicable with respect to any determination, whether administrative or judicial, of the eligibility of a spouse or surviving spouse for educational assistance under this chapter made on or after Dec. 27, 2001, whether pursuant to an original claim for such assistance or pursuant to a reapplication or attempt to reopen or readjudicate a claim for such assistance, see section 108(c)(4) of Pub. L. 107–103, set out as a note under section 3511 of this title.

Pub. L. 107–14, § 7(f)(2), June 5, 2001, 115 Stat. 34, provided that: ''The amendments made by paragraph (1) [amending this section] shall take effect as if enacted on November 1, 2000, immediately after the enactment of the Veterans Benefits and Health Care Improvement Act of 2000 [Public Law 106–419].''

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–66 effective Oct. 17, 1981, see section 701(b)(1) of Pub. L. 97–66, set out as a note under section 1114 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 sections 304 and 310(7)–(9) 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 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.

TERMINATION OF ELIGIBILITY PERIOD FOR A WIFE, WIDOW, OR ELIGIBLE PERSON

Section 604 of Pub. L. 92–540, as amended by Pub. L. 93–337, § 3, July 10, 1974, 88 Stat. 292, provided that a wife or widow who was eligible to pursue a program of education exclusively by correspondence under section 1786 [now 3686] of this title or entitled to the benefits of section 1733(a) [now 3533(a)] of this title, had 10 years from Oct. 24, 1972, to complete such program of education or receive such benefits and provided that an eligible person, as defined in section 1701(a)(1) [now 3501(a)(1)] of this title, who was entitled to pursue a program of apprenticeship or other on-job training under section 1787 [now 3687] of this title had 10 years from Oct. 24, 1972, to complete such program or training.

COMMENCEMENT OF DELIMITING PERIOD IN CASES OF DEATH OR OF SERVICE-CONNECTED TOTAL DISABILITY PERMANENT IN NATURE OCCURRING BEFORE DECEMBER 1, 1968

Section 2(f) of Pub. L. 90–631, as amended Pub. L. 97–66, title VI, § 605(b), Oct. 17, 1981, 95 Stat. 1036, provided that in the case of any person who was an eligible person by reason of section 1701(a)(1)(B) or (D) [now 3501(a)(1)(B) or (D)] of this title, if the date of death or the date of the determination of service-connected

total disability permanent in nature of the person from whom eligibility was derived occurred before Dec. 1, 1968, the 10-year delimiting period referred to in subsec. (b)(1) of this section was to run from such date and provided that if the death of the person from whom such eligibility was derived occurred before Dec. 1, 1968, and the date on which the Administrator of Veterans' Affairs determined that such person died of a service-connected disability was later than Dec. 1, 1968, the delimiting period referred to in subsec. (b)(1) of this section was to run from the date on which the Administrator made such determination.

TERMINATION OF ELIGIBILITY PERIODS

Section 307(b) of Pub. L. 90–77 provided that anyone made eligible for educational assistance under this chapter by Pub. L. 90–77, and who, on the effective date of Pub. L. 90–77, was below the age of twenty-six, was to remain eligible for said assistance until the expiration of the five year period beginning on the effective date of Pub. L. 90–77 as set out in the Effective Date of 1967 Amendment note under section 101 of this title, excluding from such period any time which elapsed between applying for the assistance and the determination of eligibility by the Administrator of Veterans' Affairs, and also provided that the period of eligibility was to terminate regardless of the five year period when the eligible person reached the age of thirty-one.

Pub. L. 89–349, § 2, Nov. 8, 1965, 79 Stat. 1313, provided that anyone made eligible for educational assistance under section 1701 [now 3501] of this title by reason of the amendment of that section by Pub. L. 89–349, and who was between the ages of seventeen and twenty-three on Nov. 8, 1965, was to remain eligible for said assistance until the expiration of the five year period beginning on Nov. 8, 1965.

Section 5 of Pub. L. 88–361 provided that anyone made eligible for educational assistance under section 1701 [now 3501] of this title by reason of the amendment of that section by Pub. L. 88–361, and who was between the ages of seventeen and twenty-three on July 7, 1964, was to remain eligible for said assistance until the expiration of the five year period beginning on July 7, 1964, excluding from such period any time which elapsed between applying for the assistance and the determination of eligibility by the Administrator of Veterans' Affairs, and also provided that the period of eligibility was to terminate regardless of the five year period when the eligible person reached the age of thirty-one.

EXTENSION OF PERIOD FOR COMPLETION OF EDUCATION

Pub. L. 87–377, § 2, Oct. 4, 1961, 75 Stat. 806, which contained a savings clause which granted five years of educational training to certain children in the Philippines, was repealed by Pub. L. 91–24, § 14(d), June 11, 1969, 83 Stat. 35, effective June 11, 1969, except as to any indebtedness which may be due the Government as the result of any benefits granted thereunder.

CHILDREN OF SPANISH-AMERICAN WAR VETERANS

Pub. L. 86–236, § 2, Sept. 8, 1959, 73 Stat. 471, as amended by Pub. L. 87–815, § 2(b), Oct. 15, 1962, 76 Stat. 927, which contained a savings clause which granted five years of educational training to certain children of Spanish-American War veterans, was repealed by Pub. L. 91–24, § 14(b), June 11, 1969, 83 Stat. 35, effective June 11, 1969, except as to any indebtedness which may be due the Government as the result of any benefits granted thereunder.

§ 3513. Application

The parent or guardian of a person or the eligible person if such person has attained legal majority for whom educational assistance is sought under this chapter shall submit an application to the Secretary which shall be in such form and contain such information as the Secretary shall prescribe. If the Secretary finds that the person on whose behalf the application is submitted is an eligible person, the Secretary shall approve the application provisionally. The Secretary shall notify the parent or guardian or eligible person (if the person has attained legal majority) of the provisional approval or of the disapproval of the application.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1195, § 1713; Pub. L. 94–502, title III, § 305, Oct. 15, 1976, 90 Stat. 2390; Pub. L. 101–237, title IV, § 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3513, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 1713 of this title as this section.

1989—Pub. L. 101–237 substituted "Secretary" for "Administrator" wherever appearing.

1976—Pub. L. 94–502 inserted reference to eligible person who have attained legal majority and substituted "the Administrator shall approve" for "he shall approve".

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.

§ 3514. Processing of applications

(a) Further processing of an application for educational assistance and the award of such assistance shall be pursuant to the requirements of subchapters III and IV of this chapter unless the parent or guardian requests special restorative training for the eligible person, in which case the application will be processed under subchapter V of this chapter.

(b) If the request for special restorative training is approved, educational assistance will be afforded pursuant to the terms of subchapter V of this chapter. If the request for special restorative training is disapproved, or if approved the restorative training is completed or discontinued, any educational assistance subsequently afforded will be in accordance with subchapters III and IV of this chapter.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1195, § 1714; renumbered § 3514, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 1714 of this title as this section.

SUBCHAPTER III—PROGRAM OF EDUCATION

§ 3520. Educational and vocational counseling

The Secretary may, upon request, arrange for educational or vocational counseling for persons eligible for benefits under this chapter to assist such persons in selecting their educational, vocational, or professional objectives and in developing their programs of education.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1195, § 1720; Pub. L. 90–631, § 2(g), Oct. 23, 1968, 82 Stat. 1333; Pub. L. 91–584, § 4, Dec. 24, 1970, 84 Stat. 1576; Pub. L. 92–540, title III, § 310, Oct. 24, 1972, 86 Stat. 1083; Pub. L. 94–502, title III, § 310(10), Oct. 15, 1976, 90 Stat. 2391; Pub. L. 96–466, title III, § 323(a), Oct. 17, 1980, 94 Stat. 2196; Pub. L. 97–295,