tion 3520 of this title, and may provide additional counseling if the Secretary deems it to be necessary to accomplish the purposes of this chapter.

(b) Where any provision of this chapter authorizes or requires any function, power, or duty to be exercised by a State, or by any officer or agency thereof, such function, power, or duty shall, with respect to the Republic of the Philippines, be exercised by the Secretary.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1200, § 1761; Pub. L. 89–358, § 3(a)(1), Mar. 3, 1966, 80 Stat. 19; Pub. L. 94–502, title III, § 310(23), Oct. 15, 1976, 90 Stat. 2392; Pub. L. 96–466, title III, § 323(b), Oct. 17, 1980, 94 Stat. 2196; Pub. L. 101–237, title IV, § 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3561 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 1761 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''3520'' for ''1720''.

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

1980—Subsec. (a). Pub. L. 96–466 substituted ''authorized'' for ''required'' and ''may provide additional counseling'' for ''may provide or require additional counseling''.

1976—Subsec. (a). Pub. L. 94–502 substituted ''if the Administrator deems'' for ''if he deems''.

1966—Subsec. (a). Pub. L. 89–358 redesignated subsec. (b) as (a) and struck out provisions of former subsec. (a) for audit and review of payments by the GAO as provided by Budget and Accounting Act of 1921 and Budget and Accounting Procedures Act of 1950.

Subsec. (b). Pub. L. 89–358 redesignated subsec. (d) as (b). Former subsec. (b) redesignated (a).

Subsec. (c). Pub. L. 89–358 struck out subsec. (c) which provided for use of other Federal agencies. See now, section 1790 of this title.

Subsec. (d). Pub. L. 89–358 redesignated subsec. (d) as (b).

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 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.

§ 3562. Nonduplication of benefits

The commencement of a program of education or special restorative training under this chapter shall be a bar (1) to subsequent payments of compensation, dependency and indemnity compensation, or pension based on the death of a parent to an eligible person over the age of eighteen by reason of pursuing a course in an educational institution, or (2) to increased rates, or additional amounts, of compensation, dependency and indemnity compensation, or pension because of such a person whether eligibility is based upon the death or upon the total permanent disability of the parent.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1201, § 1762; Pub. L. 88–361, § 4, July 7, 1964, 78 Stat. 298; Pub. L. 89–358, § 3(a)(2), Mar. 3, 1966, 80 Stat. 20; renumbered § 3562, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 1762 of this title as this section.

1966—Pub. L. 89–358 redesignated former subsec. (a) as the entire section and deleted former subsec. (b) which prohibited payment of educational assistance allowance or special training allowance on behalf of any eligible person for any period paid for under other provision of law where the payment would constitute a duplication of benefits and which is now incorporated in section 1781 of this title.

1964—Subsec. (a). Pub. L. 88–361 inserted ''whether eligibility is based upon the death or upon the total permanent disability of the parent''.

§ 3563. Notification of eligibility

The Secretary shall notify the parent or guardian of each 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 of the educational assistance available to such person under this chapter. Such notification shall be provided not later than the month in which such eligible person attains such person's thirteenth birthday or as soon thereafter as feasible.

(Added Pub. L. 91–219, title II, § 207(a), Mar. 26, 1970, 84 Stat. 82, § 1763; amended Pub. L. 94–502, title III, § 310(24), Oct. 15, 1976, 90 Stat. 2392; Pub. L. 97–295, § 4(46), Oct. 12, 1982, 96 Stat. 1308; Pub. L. 101–237, title IV, § 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3563 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 109–444, § 3(b)(5), Dec. 21, 2006, 120 Stat. 3307; Pub. L. 109–461, title III, § 301(b)(5), 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.

Pub. L. 109–461, § 301(b)(5), substituted ''each 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 ''each eligible person defined in section 3501(a)(1)(A) of this title''.

Pub. L. 109–444, which substituted ''each 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 ''each eligible person defined in section 3501(a)(1)(A) of this title'', was terminated by Pub. L. 109–461, § 1006(b). See Amendment notes above.

1991—Pub. L. 102–83 renumbered section 1763 of this title as this section and substituted ''3501(a)(1)(A)'' for ''1701(a)(1)(A)''.

1989—Pub. L. 101–237 substituted ''Secretary'' for ''Administrator''.

1982—Pub. L. 97–295 substituted ''of this title'' for ''of this chapter''.

1976—Pub. L. 94–502 substituted ''such person's'' for ''his''.

EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by section 301(b)(5) of Pub. L. 109–461 applicable with respect to a payment of educational as-

sistance 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 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.

§ 3564. Annual adjustment of amounts of educational assistance

(a) With respect to any fiscal year, the Secretary shall provide a percentage increase in the rates payable under sections 3532, 3534(b), and 3542(a) of this title 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).

(b) Any increase under subsection (a) in a rate with respect to a fiscal year after fiscal year 2004 and before fiscal year 2014 shall be rounded down to the next lower whole dollar amount. Any such increase with respect to a fiscal year after fiscal year 2013 shall be rounded to the nearest whole dollar amount.

(Added Pub. L. 106–419, title I, § 111(f)(1)(A), Nov. 1, 2000, 114 Stat. 1831; amended Pub. L. 108–183, title III, § 304(b), Dec. 16, 2003, 117 Stat. 2660.)

AMENDMENTS

2003—Pub. L. 108–183 designated existing provisions as subsec. (a), struck out ''(rounded to the nearest dollar)'' after ''percentage increase'', and added subsec. (b).

EFFECTIVE DATE

Pub. L. 106–419, title I, § 111(f)(3), Nov. 1, 2000, 114 Stat. 1831, as amended by Pub. L. 107–14, § 8(b)(1), June 5, 2001, 115 Stat. 36, provided that: ''Sections 3564 and 3687(d) of title 38, United States Code, as added by this subsection, shall take effect on October 1, 2001.''

SUBCHAPTER VII—PHILIPPINE COMMONWEALTH ARMY AND PHILIPPINE SCOUTS

§ 3565. Children of certain Philippine veterans

(a) BASIC ELIGIBILITY.—The term ''eligible person'' as used in section 3501(a)(1) of this title includes the children of those Commonwealth Army veterans and ''New'' Philippine Scouts who meet the requirements of service-connected disability or death, based on service as defined in section 3566 of this title.

(b) ADMINISTRATIVE PROVISIONS.—The provisions of this chapter and chapter 36 shall apply to the educational assistance for children of Commonwealth Army veterans and ''New'' Philippine Scouts, except that—

(1) educational assistance allowances authorized by section 3532 of this title and the special training allowance authorized by section 3542 of this title shall be paid at the rate of $0.50 for each dollar, and

(2) any reference to a State approving agency shall be deemed to refer to the Secretary.

(c) DELIMITING DATES.—In the case of any individual who is an eligible person solely by virtue of subsection (a) of this section, and who is above the age of seventeen years and below the age of twenty-three years on September 30, 1966, the period referred to in section 3512 of this title shall not end until the expiration of the five-year period which begins on September 30, 1966.

(Added Pub. L. 89–613, § 1, Sept. 30, 1966, 80 Stat. 861, § 1765; amended Pub. L. 91–24, § 9(c), June 11, 1969, 83 Stat. 34; Pub. L. 97–295, § 4(47), Oct. 12, 1982, 96 Stat. 1308; Pub. L. 101–237, title IV, § 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3565 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103–446, title V, § 507(b), Nov. 2, 1994, 108 Stat. 4664; Pub. L. 109–233, title V, § 503(8)(A), June 15, 2006, 120 Stat. 416.)

AMENDMENTS

2006—Pub. L. 109–233 revised style of subsec. headings.

1994—Subsec. (b)(1). Pub. L. 103–446 substituted ''the rate of'' for ''a rate in Philippine pesos equivalent to''.

1991—Pub. L. 102–83, § 5(a), renumbered section 1765 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''3501(a)(1)'' for ''1701(a)(1)'' and ''3566'' for ''1766''.

Subsec. (b)(1). Pub. L. 102–83, § 5(c)(1), substituted ''3532'' for ''1732'' and ''3542'' for ''1742''.

Subsec. (c). Pub. L. 102–83, § 5(c)(1), substituted ''3512'' for ''1712''.

1989—Subsec. (b)(2). Pub. L. 101–237 substituted ''Secretary'' for ''Administrator''.

1982—Subsec. (a). Pub. L. 97–295 inserted ''of this title'' after ''section 1766''.

1969—Subsec. (c). Pub. L. 91–24 substituted ''September 30, 1966'' for ''the date of enactment of this section'' and ''September 30, 1966'' for ''the date of enactment of such section''.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103–446 applicable with respect to payments made after Dec. 31, 1994, see section 507(c) of Pub. L. 103–446, set out as a note under section 107 of this title.

SAVINGS PROVISION

Pub. L. 89–358, § 12(b), Mar. 3, 1966, 80 Stat. 28, provided that the provisions of subsec. (b) of this section, relating to payment of reporting allowance at rate of $1 per month, as in effect before Mar. 3, 1966, were to remain in effect through May 31, 1966.

§ 3566. Definitions

(a) The term ''Commonwealth Army veterans'' means persons who served before July 1, 1946, in the organized military forces of the Government of the Philippines, while such forces were in the service of the Armed Forces pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander-in-Chief, Southwest Pacific Area, or other competent authority in the Army of the United States, and who were discharged or released from such service under conditions other than dishonorable.

(b) The term '' 'New' Philippine Scouts'' means Philippine Scouts who served under section 14 of the Armed Forces Voluntary Recruitment Act of 1945, and who were discharged or released from such service under conditions other than dishonorable.