

Amendment by section 312 of 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 Oct. 1, 1977, see section 501 of Pub. L. 95-202, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 1, 1976, see section 703(a) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE OF 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.

§ 3493. Effect on educational entitlement

The educational assistance allowance or cost of individualized tutorial assistance authorized by this subchapter shall be paid without charge to any period of entitlement the veteran may have earned pursuant to section 3461(a) of this title.

(Added Pub. L. 91-219, title II, §204(a)(4), Mar. 26, 1970, 84 Stat. 80, §1693; renumbered §3493 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1693 of this title as this section and substituted “3461(a)” for “1661(a)”.

[§§ 3495 to 3498. 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1991, 105 Stat. 406, sections 1695 to 1698 of this chapter, which comprised former subchapter VI of this chapter, were repealed by Pub. L. 96-466, title VI, §601(a)(1), title VIII, §802(f), Oct. 17, 1980, 94 Stat. 2208, 2218, effective Oct. 1, 1980.

Section 1695, added Pub. L. 91-219, title II, §204(a)(4), Mar. 26, 1970, 84 Stat. 80, set forth purpose of former subchapter VI relating to a pre-discharge education program and defined “eligible person” for purposes of such subchapter.

Section 1696, added Pub. L. 91-219, title II, §204(a)(4), Mar. 26, 1970, 84 Stat. 80; amended Pub. L. 92-540, title I, §102(5), title III, §307, Oct. 24, 1972, 86 Stat. 1075, 1081; Pub. L. 93-508, title I, §102(5), Dec. 3, 1974, 88 Stat. 1580; Pub. L. 93-602, title II, §203(c), Jan. 2, 1975, 88 Stat. 1958; Pub. L. 94-502, title II, §§201(4), 210(5), 211(13), Oct. 15, 1976, 90 Stat. 2385, 2388, 2389; Pub. L. 95-202, title I, §102(6), Nov. 23, 1977, 91 Stat. 1434, related to payment of an educational assistance allowance.

Section 1697, added Pub. L. 91-219, title II, §204(a)(4), Mar. 26, 1970, 84 Stat. 81, related to educational and vocational guidance.

Section 1698, added Pub. L. 92-540, title III, §308, Oct. 24, 1972, 86 Stat. 1082, §1697A; renumbered §1698 and amended Pub. L. 94-502, title II, §§210(3), 211(14), Oct. 15, 1976, 90 Stat. 2388, 2389; Pub. L. 95-202, title III, §302(b), Nov. 23, 1977, 91 Stat. 1441, related to coordination with and participation by Department of Defense in carrying out functions and duties of Department of Defense under pre-discharge education program.

CHAPTER 35—SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

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AMENDMENTS

- 2000—Pub. L. 106-419, title I, §111(f)(1)(B), Nov. 1, 2000, 114 Stat. 1831, added item 3564.
1991—Pub. L. 102-83, §5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 1700 to 1766 as 3500 to 3566, respectively.
1989—Pub. L. 101-237, title IV, §§406(a)(2), 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2082, 2092, added item 1737 and substituted “Secretary” for “Administrator” in item 1761.
1988—Pub. L. 100-689, title I, §124(c)(2), Nov. 18, 1988, 102 Stat. 4175, struck out items 1737 “Education loans” and 1738 “Accelerated payment of educational assistance allowances”.
1986—Pub. L. 99-576, title III, §314(b)(3), Oct. 28, 1986, 100 Stat. 3274, amended items 1720 and 1721 generally.
1977—Pub. L. 95-202, title II, §201(c)(2), Nov. 23, 1977, 91 Stat. 1438, added item 1738.
1976—Pub. L. 94-502, title III, §309(a), Oct. 15, 1976, 90 Stat. 2391, substituted “SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE” for “WAR ORPHANS' AND WIDOWS' EDUCATION ASSISTANCE” in chapter heading.
1974—Pub. L. 93-508, title III, §303(b), Dec. 3, 1974, 88 Stat. 1592, added item 1737.
1972—Pub. L. 92-540, title IV, §405, Oct. 24, 1972, 86 Stat. 1091, substituted in item 1733 “Special assistance for the educationally disadvantaged” for “Measurement of courses”, in item 1734 “Apprenticeship or other on-job training; correspondence courses” for “Overcharges by educational institutions”, and in item 1736

“Specialized vocational training courses” for “Discontinuance of allowances”, and struck out item 1722 “Change of program”, item 1725 “Period of operation for approval”, and item 1737 “Specialized vocational training courses”.

1970—Pub. L. 91-219, title II, §207(b), Mar. 26, 1970, 84 Stat. 82, inserted item 1763.

1968—Pub. L. 90-631, §2(a)(2), (h)(1), Oct. 23, 1968, 82 Stat. 1332, 1333, inserted “AND WIDOWS” after “WAR ORPHANS” in chapter heading, and added item 1700.

1966—Pub. L. 89-613, §2, Sept. 30, 1966, 80 Stat. 862, added heading of Subchapter VII “PHILIPPINE COMMONWEALTH ARMY AND PHILIPPINE SCOUTS” and items 1765 and 1766.

Pub. L. 89-358, §3(a)(10), Mar. 3, 1966, 80 Stat. 21, struck out items 1726, 1763 to 1768, and subchapter VII heading and items 1771 to 1778 thereunder.

1963—Pub. L. 88-126, §5, Sept. 23, 1963, 77 Stat. 163, added heading of Subchapter VII “STATE APPROVING AGENCIES” and items 1771 to 1778.

SUBCHAPTER I—DEFINITIONS

§ 3500. Purpose

The Congress hereby declares that the educational program established by this chapter is for the purpose of providing opportunities for education to children whose education would otherwise be impeded or interrupted by reason of the disability or death of a parent from a disease or injury incurred or aggravated in the Armed Forces after the beginning of the Spanish-American War, and for the purpose of aiding such children in attaining the educational status which they might normally have aspired to and obtained but for the disability or death of such parent. The Congress further declares that the educational program extended to the surviving spouses of veterans who died of service-connected disabilities and to spouses of veterans with a service-connected total disability permanent in nature is for the purpose of assisting them in preparing to support themselves and their families at a standard of living level which the veteran, but for the veteran's death or service disability, could have expected to provide for the veteran's family.

(Added Pub. L. 90-631, §2(a)(1), Oct. 23, 1968, 82 Stat. 1331, §1700; amended Pub. L. 94-502, title III, §310(1), Oct. 15, 1976, 90 Stat. 2391; renumbered §3500, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1700 of this title as this section.

1976—Pub. L. 94-502 substituted “surviving spouses” for “widows”, “spouses” for “wives”, and “the veteran's” for “his” in two places.

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.

EFFECTIVE DATE

Section 6(a) of Pub. L. 90-631 provided that: “The amendments made by the first section and sections 2, 3, and 5 of this Act [see Tables for classification] shall take effect on the first day of the second calendar month which begins after the date of the enactment of this Act [Oct. 23, 1968].”

§ 3501. Definitions

(a) For the purposes of this chapter and chapter 36 of this title—

(1) The term “eligible person” means any of the following:

(A) A child of a person who, as a result of qualifying service—

(i) died of a service-connected disability; or

(ii) has a total disability permanent in nature resulting from a service-connected disability, or who died while a disability so evaluated was in existence.

(B) The surviving spouse of any person who died of a service-connected disability sustained during a period of qualifying service.

(C) The spouse or child of any member of the Armed Forces serving on active duty who, at the time of application for benefits under this chapter is listed, pursuant to section 556 of title 37 and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (i) missing in action, (ii) captured in line of duty by a hostile force, or (iii) forcibly detained or interned in line of duty by a foreign government or power.

(D)(i) The spouse of any person who has a total disability permanent in nature resulting from a service-connected disability sustained during a period of qualifying service, or (ii) the surviving spouse of a veteran who died while a disability so evaluated was in existence.

(E) The spouse or child of a person who—

(i) at the time of the Secretary's determination under clause (ii), is a member of the Armed Forces who is hospitalized or receiving outpatient medical care, services, or treatment;

(ii) the Secretary determines has a total disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service; and

(iii) is likely to be discharged or released from such service for such disability.

(2) The term “child” includes individuals who are married and individuals who are above the age of twenty-three years.

(3) The term “duty with the Armed Forces” as used in section 3512 of this title means (A) active duty, (B) active duty for training for a period of six or more consecutive months, or (C) active duty for training required by section 12103(d) of title 10.

(4) The term “guardian” includes a fiduciary legally appointed by a court of competent jurisdiction, or any other person who has been appointed by the Secretary under section 5502 of this title to receive payment of benefits for the use and benefit of the eligible person.

(5) The term “program of education” means any curriculum or any combination of unit courses or subjects pursued at an educational institution which is generally accepted as necessary to fulfill the requirements for the attainment of a predetermined and identified educational, professional, or vocational objective. Such term also includes any preparatory course described in section 3002(3)(B) of this title. Such term also includes licensing or certification tests, the successful completion of