

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 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 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