

program in which the person was enrolled on Oct. 29, 1992, for as long as such person is continuously thereafter so enrolled and meets requirements of eligibility for such assistance, see section 313(b) of Pub. L. 102-568, set out as a note under section 16136 of Title 10, Armed Forces.

§ 3474. Discontinuance for unsatisfactory conduct or progress

The Secretary shall discontinue the educational assistance allowance of an eligible veteran if, at any time, the Secretary finds that according to the regularly prescribed standards and practices of the educational institution, the veteran's attendance, conduct, or progress is unsatisfactory. The Secretary may renew the payment of the educational assistance allowance only if the Secretary finds that—

(1) the veteran will be resuming enrollment at the same educational institution in the same program of education and the educational institution has both approved such veteran's reenrollment and certified it to the Department of Veterans Affairs; or

(2) in the case of a proposed change of either educational institution or program of education by the veteran—

(A) the cause of the unsatisfactory attendance, conduct, or progress has been removed;

(B) the program proposed to be pursued is suitable to the veteran's aptitudes, interests, and abilities; and

(C) if a proposed change of program is involved, the change meets the requirements for approval under section 3691 of this title.

(Added Pub. L. 89-358, § 2, Mar. 3, 1966, 80 Stat. 16, § 1674; amended Pub. L. 94-502, title II, §§ 206, 211(8), Oct. 15, 1976, 90 Stat. 2387, 2388; Pub. L. 95-202, title III, § 305(b)(1), Nov. 23, 1977, 91 Stat. 1443; Pub. L. 96-466, title III, § 306, Oct. 17, 1980, 94 Stat. 2193; Pub. L. 101-237, title IV, §§ 411(a), 412(b), 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2084, 2085, 2092; renumbered § 3474 and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Provisions similar to those comprising the first sentence of this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1178, which was classified to former section 1624 of this title, prior to repeal by section 4(a) of Pub. L. 89-358.

AMENDMENTS

1991—Pub. L. 102-83, § 5(a), renumbered section 1674 of this title as this section.

Par. (2)(C). Pub. L. 102-83, § 5(c)(1), substituted "3691" for "1791".

1989—Pub. L. 101-237, § 423(b)(1)(A), substituted "Secretary" for "Administrator" wherever appearing.

Pub. L. 101-237, § 412(b), substituted "attendance, conduct," for "conduct".

Pars. (1), (2). Pub. L. 101-237, § 411(a), added pars. (1) and (2) and struck out former pars. (1) and (2) which read as follows:

"(1) the cause of the unsatisfactory conduct or progress of the eligible veteran has been removed; and

"(2) the program which the eligible veteran now proposes to pursue (whether the same or revised) is suitable to the veteran's aptitudes, interests, and abilities."

1980—Pub. L. 96-466 struck out provisions relating to the conditions upon which a veteran's progress would be considered unsatisfactory.

1977—Pub. L. 95-202 inserted provisions authorizing the Administrator to determine the veteran's progress

to be satisfactory even though the veteran will graduate within a length of time exceeding the approved length if the additional length of time is reasonable in accordance with regulations.

1976—Pub. L. 94-502, § 211(8), inserted provision specifying progress as unsatisfactory when the veteran will not be able to graduate within the approved length of the course.

Pub. L. 94-502, § 206, substituted "the veteran's" for "his" in two places and "if the Administrator finds" for "if he finds".

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 first day of first month beginning 60 days after Nov. 23, 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 sections 206 and 211(8) of Pub. L. 94-502 effective Dec. 1, 1976, and Oct. 15, 1976, respectively, see section 703(b), (c) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

STUDY OF METHODS TO IMPROVE PROCESS UNDER WHICH POSTSECONDARY EDUCATIONAL INSTITUTIONS AND COURSES ARE APPROVED; REPORT BY SEPTEMBER 30, 1979; SUSPENSION OF IMPLEMENTATION OF 1976 AMENDMENT

Section 305(b)(2)-(4) of Pub. L. 95-202, as amended by Pub. L. 96-466, title VIII, § 801(m)(2), Oct. 17, 1980, 94 Stat. 2217, directed Administrator of Veterans' Affairs to study specific methods for improving process by which postsecondary educational institutions and courses at such institutions are approved for purposes of chapters 32, 34, 35, and 36 of this title, and need for legislative and administrative action regarding discontinuing educational assistance allowances to eligible veterans whose conduct or progress is unsatisfactory, required submission of a report on the study to President and Congress not later than Sept. 30, 1979, and directed Administrator to suspend implementation of certain amendments by Pub. L. 94-502 until submission of report.

[§ 3475. 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 1675 of this chapter, added Pub. L. 89-358, § 2, Mar. 3, 1966, 80 Stat. 16, which related to period of operation for approval by Administrator, was repealed by Pub. L. 92-540, title IV, § 401(6), Oct. 24, 1972, 86 Stat. 1090.

§ 3476. Education outside the United States

An eligible veteran may not enroll in any course offered by an educational institution not located in a State unless that educational institution is an approved institution of higher learning and the course is approved by the Secretary. The Secretary may deny or discontinue educational assistance under this chapter in the case of any veteran enrolled in an institution of higher learning not located in a State if the Secretary determines that such enrollment is not in the best interest of the veteran or the Federal Government.

(Added Pub. L. 89-358, §2, Mar. 3, 1966, 80 Stat. 17, §1676; amended Pub. L. 94-502, title II, §211(9), Oct. 15, 1976, 90 Stat. 2389; Pub. L. 96-466, title III, §307(b), Oct. 17, 1980, 94 Stat. 2193; Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered §3476, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title VI, §604(a), Nov. 2, 1994, 108 Stat. 4671.)

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 former section 1620 (second and third sentences) of this title, prior to repeal by section 4(a) of Pub. L. 89-358.

AMENDMENTS

1994—Pub. L. 103-446 amended first sentence generally. Prior to amendment, first sentence read as follows: "An eligible veteran may not enroll in any course at an educational institution not located in a State unless such course is pursued at an approved institution of higher learning and the course is approved by the Secretary."

1991—Pub. L. 102-83 renumbered section 1676 of this title as this section.

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

1980—Pub. L. 96-466, among other changes, substituted reference to an eligible veteran not enrolling in any course for reference to an eligible veteran not pursuing a program of education, inserted provision that the course be approved by the Administrator, and substituted reference to any veteran enrolled in an institution of higher learning not located in a State for reference to any veteran in a foreign educational institution.

1976—Pub. L. 94-502 substituted "the Administrator's" for "his" and "if the Administrator finds" for "if he finds".

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-446, title VI, §604(b), Nov. 2, 1994, 108 Stat. 4671, provided that: "The amendment made by subsection (a) [amending this section] shall apply with respect to courses approved on or after the date of the enactment of this Act [Nov. 2, 1994]."

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.

[§§ 3477, 3478. 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 1677 and 1678 of this chapter were repealed.

Section 1677, added Pub. L. 90-77, title III, §302(b), Aug. 31, 1967, 81 Stat. 185; Pub. L. 90-631, §5, Oct. 23, 1968, 82 Stat. 1335; Pub. L. 91-219, title I, §102, title II, §203, Mar. 26, 1970, 84 Stat. 76, 78; Pub. L. 92-540, title I, §102(1), title IV, §401(3), Oct. 24, 1972, 86 Stat. 1075, 1090; Pub. L. 93-508, title I, §102(1), Dec. 3, 1974, 88 Stat. 1579; Pub. L. 93-602, title II, §203(a), Jan. 2, 1975, 88 Stat. 1958; Pub. L. 95-202, title I, §102(1), Nov. 23, 1977, 91 Stat. 1433; Pub. L. 96-466, title II, §§201(1), 211(1), title VI, §603(a), Oct. 17, 1980, 94 Stat. 2187, 2189, 2209, which set forth provisions respecting eligibility, approval, etc., for

flight training, was repealed by Pub. L. 97-35, title XX, §§2003(b)(3)(A), 2006, Aug. 13, 1981, 95 Stat. 782, 783, effective Oct. 1, 1981, except as otherwise provided for persons receiving educational assistance.

Section 1678, added Pub. L. 90-77, title III, §306(a), Aug. 31, 1967, 81 Stat. 188, which related to special training for educationally disadvantaged, was repealed by Pub. L. 91-219, title II, §204(a)(2), Mar. 26, 1970, 84 Stat. 79.

SUBCHAPTER IV—PAYMENTS TO ELIGIBLE VETERANS; VETERAN-STUDENT SERVICES

AMENDMENTS

1972—Pub. L. 92-540, title IV, §404(b), Oct. 24, 1972, 86 Stat. 1091, inserted "VETERAN-STUDENT SERVICES".

§ 3481. Educational assistance allowance

(a) GENERAL.—The Secretary shall, in accordance with the applicable provisions of this section and chapter 36 of this title, pay to each eligible veteran who is pursuing a program of education under this chapter an educational assistance allowance to meet, in part, the expenses of the veteran's subsistence, tuition, fees, supplies, books, equipment, and other educational costs.

(b) INSTITUTIONAL TRAINING.—The educational assistance allowance of an eligible veteran pursuing a program of education, other than a program exclusively by correspondence, at an educational institution shall be paid as provided in chapter 36 of this title.

(Added Pub. L. 89-358, §2, Mar. 3, 1966, 80 Stat. 17, §1681; amended Pub. L. 91-219, title II, §205, Mar. 26, 1970, 84 Stat. 81; Pub. L. 91-584, §6, Dec. 24, 1970, 84 Stat. 1576; Pub. L. 92-540, title II, §202, Oct. 24, 1972, 86 Stat. 1079; Pub. L. 94-502, title II, §§210(2), 211(10), Oct. 15, 1976, 90 Stat. 2388, 2389; Pub. L. 97-35, title XX, §2003(b)(4), Aug. 13, 1981, 95 Stat. 782; Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered §3481, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 109-233, title V, §503(8)(A), June 15, 2006, 120 Stat. 416.)

PRIOR PROVISIONS

Provisions similar to those comprising subssecs. (a), (b), (d), and (e) of this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1179, which was classified to former section 1631 of this title, prior to repeal by section 4(a) of Pub. L. 89-358.

AMENDMENTS

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

1991—Pub. L. 102-83 renumbered section 1681 of this title as this section.

1989—Subsec. (a). Pub. L. 101-237 substituted "Secretary" for "Administrator".

1981—Subsec. (b). Pub. L. 97-35, §2003(b)(4)(A), struck out applicability to flight training program.

Subsec. (c). Pub. L. 97-35, §2003(b)(4)(B), struck out subsec. (c) which related to flight training.

1976—Subsec. (a). Pub. L. 94-502, §§210(2), 211(10), substituted "chapter 36" for "section 1780" and "the veteran's" for "his".

Subsec. (b). Pub. L. 94-502, §210(2), substituted "chapter 36" for "section 1780".

1972—Subsec. (a). Pub. L. 92-540 inserted heading and provisions requiring allowances to be paid in accordance with the applicable provisions of this section and section 1780 of this title.

Subsec. (b). Pub. L. 92-540 inserted heading and substituted provisions requiring allowances of an eligible veteran pursuing a program of education, other than a