

Amendment by Pub. L. 105-178 effective Oct. 1, 1998, and applicable with respect to educational assistance allowances paid for months after September 1998, see section 8210(e) of Pub. L. 105-178, set out as a note under section 3532 of this title.

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by Pub. L. 101-237 effective Jan. 1, 1990, see section 403(c) of Pub. L. 101-237, set out as a note under section 3532 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-543 effective Oct. 1, 1984, see section 205 of Pub. L. 98-543, set out as a note under section 3108 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by sections 203(3) and 213(3) of Pub. L. 96-466 effective Oct. 1, 1980, and Jan. 1, 1981, respectively, see section 802(b) of Pub. L. 96-466, set out as a note under section 3482 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 1975 AMENDMENT

Amendment by Pub. L. 93-602 effective Jan. 1, 1975, see section 206 of Pub. L. 93-602, set out as a note under section 3482 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Sept. 1, 1974, see section 501 of Pub. L. 93-508, set out as a note under section 3482 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1972, except for those veterans and eligible persons in training on Oct. 24, 1972, see section 601(a) of Pub. L. 92-540, set out as an Effective Date of 1972 Amendment note under section 3482 of this title.

INCREASE IN BENEFIT FOR INDIVIDUALS PURSUING APRENTICESHIP OR ON-JOB TRAINING; SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE

Pub. L. 108-454, title I, §103(c), Dec. 10, 2004, 118 Stat. 3601, provided that:

“(1) For months beginning on or after October 1, 2005, and before January 1, 2008, subsection (b)(2) of section 3687 of title 38, United States Code, shall be applied as if—

“(A) the reference to ‘\$574 for the first six months’ were a reference to ‘\$650 for the first six months’;

“(B) the reference to ‘\$429 for the second six months’ were a reference to ‘\$507 for the second six months’; and

“(C) the reference to ‘\$285 for the third six months’ were a reference to ‘\$366 for the third six months’.

“(2) Subsection (d) of such section 3687 shall not apply with respect to the provisions of paragraph (1) for months occurring during fiscal year 2006.

“(3) For months beginning on or after January 1, 2008, the Secretary shall carry out subsection (b)(2) of such section 3687 as if paragraphs (1) and (2) were not enacted into law.”

TERMINATION OF ELIGIBILITY PERIOD

Termination of eligibility period for a wife or widow, or an eligible person eight years from Oct. 24, 1972, see section 604 of Pub. L. 92-540.

§ 3688. Measurement of courses

(a) For the purposes of this chapter and chapters 34 and 35 of this title—

(1) an institutional trade or technical course offered on a clock-hour basis, not leading to a standard college degree, involving shop practice as an integral part thereof, shall be considered a full-time course when a minimum of 22 hours per week of attendance (excluding supervised study) is required, with no more than 2½ hours of rest periods per week allowed;

(2) an institutional course offered on a clock-hour basis, not leading to a standard college degree, in which theoretical or classroom instruction predominates shall be considered a full-time course when a minimum of 18 hours per week net of instruction (excluding supervised study but which may include customary intervals not to exceed 10 minutes between hours of instruction) is required;

(3) an academic high school course requiring sixteen units for a full course shall be considered a full-time course when (A) a minimum of four units per year is required or (B) an individual is pursuing a program of education leading to an accredited high school diploma at a rate which, if continued, would result in receipt of such a diploma in four ordinary school years. For the purpose of subclause (A) of this clause, a unit is defined to be not less than one hundred and twenty sixty-minute hours or their equivalent of study in any subject in one academic year;

(4) an institutional undergraduate course offered by a college or university on a standard quarter- or semester-hour basis, other than a course pursued as part of a program of education beyond the baccalaureate level, shall be considered a full-time course when a minimum of fourteen semester hours per semester or the equivalent thereof (including such hours for which no credit is granted but which are required to be taken to correct an educational deficiency and which the educational institution considers to be quarter or semester hours for other administrative purposes), for which credit is granted toward a standard college degree, is required, except that where such college or university certifies, upon the request of the Secretary, that (A) full-time tuition is charged to all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, or (B) all undergraduate students carrying a minimum of less than fourteen such semester hours or the equivalent thereof, are considered to be pursuing a full-time course for other administrative purposes, then such an institutional undergraduate course offered by such college or university with such minimum number of such semester hours shall be considered a full-time course, but in the event such minimum number of semester hours is less than twelve semester hours or the equivalent thereof, then twelve semester hours or the equivalent thereof shall be considered a full-time course;

(5) a program of apprenticeship or a program of other on-job training shall be considered a full-time program when the eligible veteran or

person is required to work the number of hours constituting the standard workweek of the training establishment, but a workweek of less than thirty hours shall not be considered to constitute full-time training unless a lesser number of hours has been established as the standard workweek for the particular establishment through bona fide collective bargaining;

(6) an institutional course offered as part of a program of education, not leading to a standard college degree, under section 3034(a)(3), 3241(a)(2), or 3533(a) of this title shall be considered a full-time course on the basis of measurement criteria provided in clause (2), (3), or (4) of this subsection as determined by the educational institution; and

(7) an institutional course not leading to a standard college degree offered by an educational institution on a standard quarter- or semester-hour basis shall be measured as full time on the same basis as provided in paragraph (4) of this subsection, but if the educational institution offering the course is not an institution of higher learning, then in no event shall such course be considered full time when it requires less than the minimum weekly hours of attendance required for full time by paragraph (1) or (2) of this subsection, as appropriate.

(b) The Secretary shall define part-time training in the case of the types of courses referred to in subsection (a), and shall define full-time and part-time training in the case of all other types of courses pursued under this chapter, chapter 30, 32, 33, or 35 of this title, or chapter 106 of title 10.

(Added Pub. L. 92-540, title III, §316(2), Oct. 24, 1972, 86 Stat. 1086, §1788; amended Pub. L. 93-508, title II, §211, Dec. 3, 1974, 88 Stat. 1585; Pub. L. 94-502, title V, §509(a), Oct. 15, 1976, 90 Stat. 2400; Pub. L. 95-202, title III, §304(a)(3), Nov. 23, 1977, 91 Stat. 1442; Pub. L. 96-466, title III, §345, title VI, §601(f), Oct. 17, 1980, 94 Stat. 2199, 2208; Pub. L. 97-295, §4(58), Oct. 12, 1982, 96 Stat. 1309; Pub. L. 99-576, title III, §315(a)(2), (b), Oct. 28, 1986, 100 Stat. 3274; Pub. L. 100-322, title III, §321(a), May 20, 1988, 102 Stat. 535; Pub. L. 101-237, title IV, §§413(a), 417, 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2085, 2086, 2092; renumbered §3688 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-568, title III, §316(a), Oct. 29, 1992, 106 Stat. 4333; Pub. L. 103-446, title VI, §607, title XII, §1201(e)(12), Nov. 2, 1994, 108 Stat. 4672, 4685; Pub. L. 110-252, title V, §5003(b)(2)(A)(ii), June 30, 2008, 122 Stat. 2375.)

#### PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in former section 1684, as added by Pub. L. 89-358, §2, Mar. 3, 1966, 80 Stat. 18, §1683; renumbered Pub. L. 90-77, title III, §304(a), Aug. 31, 1967, 81 Stat. 186; amended Pub. L. 91-219, title II, §206(a), Mar. 26, 1970, 84 Stat. 81; Pub. L. 91-584, §§8, 11, Dec. 24, 1970, 84 Stat. 1577; and former section 1733, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1198; Pub. L. 91-219, title II, §206(b), Mar. 26, 1970, 84 Stat. 82; Pub. L. 91-584, §12, Dec. 24, 1970, 84 Stat. 1577, prior to the general revision by Pub. L. 92-540.

#### AMENDMENTS

2008—Subsec. (b). Pub. L. 110-252 inserted “33,” after “32,”.

1994—Subsec. (a)(6). Pub. L. 103-446, §1201(e)(12), inserted comma after “3241(a)(2)”.

Subsec. (b). Pub. L. 103-446, §607, substituted “this chapter,” for “this chapter or” and inserted “, or chapter 106 of title 10” after “this title”.

1992—Subsec. (a). Pub. L. 102-568, §316(a)(1)(E), struck out concluding provisions which read as follows: “Notwithstanding the provisions of clause (1) or (2) of this subsection, an educational institution offering courses not leading to a standard college degree may measure such courses on a quarter- or semester-hour basis (with full time measured on the same basis as provided by clause (4) of this subsection); but (A) the academic portions of such courses must require outside preparation and be measured on not less than one quarter or one semester hour for each fifty minutes net of instruction per week or quarter or semester; (B) the laboratory portions of such courses must be measured on not less than one quarter or one semester hour for each two hours (or two 50-minute periods) of attendance per week per quarter or semester; and (C) the shop portions of such courses must be measured on not less than one quarter or one semester hour for each three hours (or three 50-minute periods) of attendance per week per quarter or semester. In no event shall such course be considered a full-time course when less than twenty-two hours per week of attendance is required.”

Subsec. (a)(1). Pub. L. 102-568, §316(a)(1)(A), substituted “22 hours per week of attendance (excluding supervised study) is required, with no more than 2½ hours of rest periods per week allowed” for “thirty hours per week of attendance is required with no more than two and one-half hours of rest periods and not more than 5 hours of supervised study per week allowed, but if such course is approved pursuant to section 3675(a)(1) of this title, then 22 hours per week of attendance, with no more than 2½ hours of rest period per week allowed and excluding supervised study, shall be considered full time”.

Subsec. (a)(2). Pub. L. 102-568, §316(a)(1)(B), substituted “18 hours per week net of instruction (excluding supervised study but which may include customary intervals not to exceed 10 minutes between hours of instruction) is required” for “twenty-five hours per week net of instruction and not more than 5 hours of supervised study (which may include customary intervals not to exceed ten minutes between hours of instruction) is required, but if such course is approved pursuant to section 3675(a)(1) of this title, then 18 hours per week net of instruction (excluding supervised study), which may include customary intervals not to exceed ten minutes between hours of instruction, shall be considered full time”.

Subsec. (a)(4). Pub. L. 102-568, §316(a)(1)(C), inserted “, other than a course pursued as part of a program of education beyond the baccalaureate level,” after “semester-hour basis” and struck out “in residence” after “by a college or university”.

Subsec. (a)(6). Pub. L. 102-568, §316(a)(1)(D), substituted “3034(a)(3), 3241(a)(2) or 3533(a)” for “3491(a)(2)”.

Subsec. (a)(7). Pub. L. 102-568, §316(a)(1)(E), added par. (7) and struck out former par. (7) which read as follows: “an institutional course not leading to a standard college degree, offered by a fully accredited institution of higher learning in residence on a standard quarter- or semester-hour basis, shall be measured as full time on the same basis as provided in clause (4) of this subsection if (A) such course is approved pursuant to section 3675 of this title, and (B) a majority of the total credits required for the course is derived from unit courses or subjects offered by the institution as part of a course, so approved, leading to a standard college degree.”

Subsec. (b). Pub. L. 102-568, §316(a)(2), substituted “30, 32,” for “34”.

Subsecs. (c) to (e). Pub. L. 102-568, §316(a)(3), struck out subsec. (c) which defined “in residence on a standard quarter- or semester-hour basis” for purposes of subsec. (a), subsec. (d) which specified which institu-

tional undergraduate courses were to be considered full-time courses, and subsec. (e) which provided method for determining clock hours of enrollment.

1991—Pub. L. 102-83, §5(a), renumbered section 1788 of this title as this section.

Subsec. (a)(1), (2), (6), (7). Pub. L. 102-83, §5(c)(1), substituted “3675(a)(1)” for “1775(a)(1)” in pars. (1) and (2), “3491(a)(2)” for “1691(a)(2)” in par. (6), and “3675” for “1775” in par. (7).

1989—Subsec. (a). Pub. L. 101-237, §413(a)(1), inserted “(or three 50-minute periods)” after “three hours” in cl. (C) of penultimate sentence.

Subsecs. (a)(4), (b). Pub. L. 101-237, §423(b)(1)(A), substituted “Secretary” for “Administrator”.

Subsec. (c). Pub. L. 101-237, §413(a)(2), inserted “(or three 50-minute periods)” after “three hours” in last sentence.

Subsec. (e). Pub. L. 101-237, §417, amended subsec. (e) generally. Prior to amendment, subsec. (e) read as follows: “For the purpose of determining whether a course—

“(1) which is offered by an institution of higher learning, and

“(2) for which such institution requires one or more unit courses or subjects for which credit is granted toward a standard college degree

will, during the semester (or quarter or other applicable portion of the academic year) when such unit course or subject is being pursued, be considered full time under clause (1) or (2) of subsection (a) of this section, each of the numbers of hours specified in such clause shall be deemed to be reduced, during such semester (or other portion of the academic year), by the percentage described in the following sentence and rounded as the Administrator may prescribe. Such percentage is the percentage that the number of semester hours (or the equivalent thereof) represented by such unit course or subject is of the number of semester hours (or the equivalent thereof) which, under clause (4) of such subsection, constitutes a full-time institutional undergraduate course at such institution.”

1988—Subsec. (a). Pub. L. 100-322, §321(a)(1), inserted “(or two 50-minute periods)” after “two hours” in cl. (B) of penultimate sentence.

Subsec. (c). Pub. L. 100-322, §321(a)(2), inserted “(or two 50-minute periods)” after “two hours”.

1986—Subsec. (a)(7). Pub. L. 99-576, §315(a)(2)(A), added par. (7).

Subsec. (c). Pub. L. 99-576, §315(a)(2)(B), struck out “(4)” after “(a)”.

Subsec. (e). Pub. L. 99-576, §315(b), added subsec. (e).

1982—Subsec. (a)(6). Pub. L. 97-295 inserted “of this subsection” after “or (4)”.

1980—Subsec. (a)(1), (2). Pub. L. 96-466, §345(a)(1), substituted “section 1775(a)(1) of this title” for “section 1775 of this title”.

Subsec. (a)(4). Pub. L. 96-466, §345(a)(2), (3), substituted “in residence on a standard quarter- or semester-hour basis” for “on a quarter- or semester-hour basis”, and inserted “per semester” after “minimum of fourteen semester hours”.

Subsec. (a)(6). Pub. L. 96-466, §601(f), substituted “under section 1691(a)(2) of this title” for “under section 1691(a)(2) or 1696(a)(2) of this title”.

Subsecs. (c), (d). Pub. L. 96-466, §345(b), added subsecs. (c) and (d).

1977—Subsec. (a)(1). Pub. L. 95-202, §304(a)(3)(A), (B), substituted “two and one-half hours of rest periods and not more than 5 hours of supervised study per week allowed, but if such course is approved pursuant to section 1775 of this title, then 22 hours per week of attendance” for “two and one-half hours of rest periods per week allowed, but if such course is approved pursuant to section 1775 of this title, then 27 hours per week of attendance”.

Subsec. (a)(2). Pub. L. 95-202, §304(a)(3)(C), (D), substituted “minimum of twenty-five hours per week net of instruction and not more than 5 hours of supervised study” for “minimum of twenty-five hours per week net of instruction” and “18 hours per week” for “22 hours per week”.

1976—Subsec. (a)(1). Pub. L. 94-502, §509(a)(1), provided that, if a course was approved pursuant to section 1775 of this title, then 27 hours of attendance per week with no more than 2½ hours of rest period per week would be considered full time.

Subsec. (a)(2). Pub. L. 94-502, §509(a)(2), provided that, if a course was approved pursuant to section 1775 of this title, then 22 hours of instruction per week with a ten minute interval between hours would be considered full time.

1974—Subsec. (a). Pub. L. 93-508 in cl. (1) substituted “basis, not leading to a standard college degree involving” for “basis below the college level involving”; in cl. (2) substituted “basis, not leading to a standard college degree, in which” for “basis below the college level in which”; in cl. (6) substituted “not leading to a standard college degree” for “below the college level”; and following cl. (6), inserted provisions that notwithstanding cls. (1) and (2) of this subsection, an educational institution offering courses not leading to a standard college degree may measure such courses on a quarter- or semester-hour basis with special requirements for the academic, laboratory, and shop portions of such courses, and that in no event such course be considered a full-time course unless twenty-two hours per week of attendance is required.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-252 effective Aug. 1, 2009, see section 5003(d) of Pub. L. 110-252, set out as a note under section 16163 of Title 10, Armed Forces.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-568 applicable to enrollments in courses beginning on or after July 1, 1993, see section 316(c) of Pub. L. 102-568, set out as a note under section 3532 of this title.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-322, title III, §321(b), May 20, 1988, 102 Stat. 535, provided that: “The amendments made by subsection (a) [amending this section] shall apply to any enrollment or reenrollment commencing on or after the date of enactment of this Act [May 20, 1988].”

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 345 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.

Amendment by section 601(f) of Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(f) of Pub. L. 96-466, set out as an Effective Date note under section 5314 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 Pub. L. 94-502 effective Dec. 1, 1976, see section 703(c) 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.

### § 3689. Approval requirements for licensing and certification testing

(a) IN GENERAL.—(1) No payment may be made for a licensing or certification test described in section 3452(b) or 3501(a)(5) of this title unless the test is deemed approved by section