

of the monthly benefit payment otherwise payable to such individual under this chapter;

(2) for each of the second six months of the individual's pursuit of such program, 55 percent of such monthly benefit payment; and

(3) for each of the months following the first 12 months of the individual's pursuit of such program, 35 percent of such monthly benefit payment.

(b) In any month in which an individual pursuing a program of education consisting of a program of apprenticeship or other on-job training fails to complete 120 hours of training, the amount of the monthly benefit payment payable under this chapter to the individual shall be limited to the same proportion of the applicable rate determined under subsection (a) of this section as the number of hours worked during such month, rounded to the nearest eight hours, bears to 120 hours.

(c) For each month that an individual is paid a monthly benefit payment under this chapter, the individual's entitlement under this chapter shall be charged at the rate of—

(1) 75 percent of a month in the case of payments made in accordance with subsection (a)(1) of this section;

(2) 55 percent of a month in the case of payments made in accordance with subsection (a)(2) of this section; and

(3) 35 percent of a month in the case of payments made in accordance with subsection (a)(3) of this section.

(d) For any month in which an individual fails to complete 120 hours of training, the entitlement otherwise chargeable under subsection (c) of this section shall be reduced in the same proportion as the monthly benefit payment payable is reduced under subsection (b) of this section.

(Added Pub. L. 99-576, title III, §310(b)(2), Oct. 28, 1986, 100 Stat. 3271, §1633; amended Pub. L. 101-237, title IV, §423(a)(7), Dec. 18, 1989, 103 Stat. 2091; renumbered §3233, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

#### Editorial Notes

##### AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1633 of this title as this section.

1989—Subsec. (d). Pub. L. 101-237 added subsec. (d).

#### Statutory Notes and Related Subsidiaries

INCREASE IN BENEFIT FOR INDIVIDUALS PURSUING APPRENTICESHIP OR ON-JOB TRAINING; POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE

Pub. L. 108-454, title I, §103(b), Dec. 10, 2004, 118 Stat. 3600, provided that: "For months beginning on or after October 1, 2005, and before January 1, 2008, subsection (a) of section 3233 of title 38, United States Code, shall be applied as if—

"(1) the reference to '75 percent' in paragraph (1) were a reference to '85 percent';

"(2) the reference to '55 percent' in paragraph (2) were a reference to '65 percent'; and

"(3) the reference to '35 percent' in paragraph (3) were a reference to '45 percent'."

#### § 3234. Tutorial assistance

(a) An individual entitled to benefits under this chapter shall also be entitled to the benefits

provided an eligible veteran under section 3492 of this title, subject to the conditions applicable to an eligible veteran under such section. Any amount paid to an individual under this section shall be in addition to the amount of other benefits paid under this chapter.

(b) An individual's period of entitlement to educational assistance under this chapter shall be charged only with respect to the amount of educational assistance paid to the individual under this section in excess of \$600.

(c) An individual's period of entitlement to educational assistance under this chapter shall be charged at the rate of one month for each amount of assistance paid to the individual under this section in excess of \$600 that is equal to the amount of monthly educational assistance the individual is otherwise eligible to receive for full-time pursuit of an institutional course under this chapter.

(d) Payments of benefits under this section shall be made—

(1) in the case of the first \$600 of such benefits paid to an individual, from funds appropriated, or otherwise available, to the Department of Veterans Affairs for the payment of readjustment benefits; and

(2) in the case of payments to an individual for such benefits in excess of \$600, from the fund from contributions made to the fund by the veteran and by the Secretary of Defense in the same proportion as these contributions are used to pay other educational assistance to the individual under this chapter.

(Added Pub. L. 100-689, title I, §107(b)(1), Nov. 18, 1988, 102 Stat. 4168, §1634; amended Pub. L. 101-237, title IV, §423(b)(1)(B), Dec. 18, 1989, 103 Stat. 2092; renumbered §3234 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

#### Editorial Notes

##### AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 1634 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted "3492" for "1692".

1989—Subsec. (d)(1). Pub. L. 101-237 substituted "Department of Veterans Affairs" for "Veterans' Administration".

#### SUBCHAPTER IV—ADMINISTRATION

#### § 3241. Requirements

(a)(1) The provisions of sections 3470, 3471, 3474, 3476, 3483, 3485, and 3491(a)(1) of this title and the provisions of chapter 36 of this title (with the exception of section 3687) shall be applicable with respect to individuals who are pursuing programs of education while serving on active duty.

(2) The Secretary may, without regard to the application to this chapter of so much of the provisions of section 3471 of this title as prohibit the enrollment of an eligible veteran in a program of education in which the veteran is "already qualified", and pursuant to such regulations as the Secretary shall prescribe, approve the enrollment of such individual in refresher courses (including courses which will permit such individual to update knowledge and skills