

## EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-631 effective first day of second calendar month which begins after Oct. 23, 1968, see section 6(a) of Pub. L. 90-631, set out as an Effective Date note under section 3500 of this title.

## EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

## APPLICABILITY OF SUBSECTION (g)(1) TO APPOINTMENTS MADE BEFORE OCTOBER 17, 1980

Pub. L. 96-466, title VI, §602(d), Oct. 17, 1980, 94 Stat. 2209, provided that: "The provisions of section 1682(g)(1) [now 3482(g)(1)] of title 38, United States Code, as added by subsection (a) shall not apply to an apportionment made under section 3107(c) [now 5307(c)] of such title before the date of the enactment of this Act [Oct. 17, 1980]."

[Pub. L. 96-466, title VIII, §802(f), Oct. 17, 1980, 94 Stat. 2218, provided in part that, except as otherwise specifically provided, section 602(d) shall become effective Oct. 1, 1980.]

## OVERPAYMENTS TO VETERANS BY TANGIPAHOA PARISH SCHOOL BOARD, AMITE, LOUISIANA

Pub. L. 90-493, §5, Aug. 19, 1968, 82 Stat. 809, provided that any veteran determined by the Administrator of Veterans' Affairs to have received overpayments of educational benefits under former chapter 33 of title 38, United States Code in connection with the institutional on-farm training program conducted by the Tangipahoa Parish School Board, Amite, Louisiana, would be relieved of all liability to the United States for the amount of such overpayment, remaining due on Aug. 19, 1968, by making application for relief within two years following Aug. 19, 1968.

## [§ 3482A. Vacant]

## Editorial Notes

## 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 1682A of this chapter, added Pub. L. 95-202, title II, §201(a), Nov. 23, 1977, 91 Stat. 1436; amended Pub. L. 97-295, §4(41), Oct. 12, 1982, 96 Stat. 1308, which related to accelerated payment of educational assistance allowances, was repealed by Pub. L. 100-689, title I, §124(a), Nov. 18, 1988, 102 Stat. 4174.

## § 3483. Approval of courses

An eligible veteran shall receive the benefits of this chapter while enrolled in a course of education offered by an educational institution only if such course is approved in accordance with the provisions of subchapter I<sup>1</sup> of chapter 36 of this title.

(Added Pub. L. 89-358, §2, Mar. 3, 1966, 80 Stat. 19, §1685; renumbered §1686, Pub. L. 90-77, title III, §304(a), Aug. 31, 1967, 81 Stat. 186; renumbered §1683, Pub. L. 92-540, title IV, §401(7), Oct. 24, 1972, 86 Stat. 1090; renumbered §3483, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

## Editorial Notes

## REFERENCES IN TEXT

Subchapter I of chapter 36 of this title, referred to in text, was redesignated subchapter II (§3670 et seq.) of

<sup>1</sup> See References in Text note below.

chapter 36 of this title by Pub. L. 117-333, §2(a)(1), Jan. 5, 2023, 136 Stat. 6122.

## AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1683 of this title as this section.

## § 3484. Apprenticeship or other on-job training; correspondence courses

Any eligible veteran may pursue a program of apprenticeship or other on-job training or a program of education exclusively by correspondence and be paid an educational assistance allowance or training assistance allowance, as applicable, under the provisions of section 3687 or 3686 of this title.

(Added Pub. L. 92-540, title III, §304, Oct. 24, 1972, 86 Stat. 1081, §1684; renumbered §3484 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

## Editorial Notes

## AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1684 of this title as this section and substituted "3687 or 3686" for "1787 or 1786".

## § 3485. Work-study allowance

(a)(1) In accordance with paragraph (4), individuals utilized under the authority of subsection (b) shall be paid an additional educational assistance allowance (hereinafter in this section referred to as "work-study allowance"). Such allowance shall be paid in return for an individual's entering into an agreement described in paragraph (3).

(2) Such work-study allowance shall be paid in an amount equal to the product of—

(A) the applicable hourly minimum wage; and

(B) the number of hours worked during the applicable period.

(3) An agreement described in this paragraph is an agreement of an individual to perform services, during or between periods of enrollment, aggregating not more than a number of hours equal to 25 times the number of weeks in the semester or other applicable enrollment period, required in connection with a qualifying work-study activity.

(4)(A) With respect to covered work-study activities, the Secretary shall carry out this section by providing to participating educational institutions an annual amount for the institution to use in paying work-study allowance under paragraph (1) to individuals enrolled at the institution.

(B) With respect to a participating educational institution that participated in the work-study program under this section during the academic year beginning August 1, 2018, the Secretary shall determine the annual amount to provide to the educational institution under subparagraph (A) as follows:

(i) For the academic year beginning August 1, 2020, the amount shall be the total amount, determined in consultation with the educational institution, that the Secretary paid under this section for covered work-study ac-

tivities to individuals enrolled at such educational institution during the academic year beginning August 1, 2018.

(ii) Except as provided by clauses (ii) or (iii) of subparagraph (D), for each academic year beginning on or after August 1, 2021, the amount shall be the total amount the educational institution paid under this section for work-study allowance for covered work-study activities to individuals enrolled at such educational institution during the previous academic year in which individuals participated in the work-study program.

(C) With respect to a participating educational institution that did not participate in the work-study program under this section during the academic year beginning August 1, 2018, the Secretary shall determine the annual amount to provide to the educational institution under subparagraph (A) as follows:

(i) For the first academic year in which the educational institution participates in the work-study program beginning on or after August 1, 2020, the amount shall be an amount, determined in consultation with the educational institution, that the Secretary determines appropriate based on amounts provided to similar educational institutions pursuant to subparagraph (B).

(ii) Except as provided by clauses (ii) or (iii) of subparagraph (D), for each academic year occurring after the academic year specified in clause (i), the amount shall be the total amount the educational institution paid under this section for work-study allowance for covered work-study activities to individuals enrolled at such educational institution during the previous academic year in which individuals enrolled at such educational institution participated in the work-study program.

(D)(i) Except as provided in clause (ii), if the Secretary provides an annual amount to a participating educational institution under subparagraph (B) or (C) that is more than the total amount the educational institution pays to individuals under paragraph (1) for covered work-study activities, the educational institution shall return to the Secretary the unpaid amount and the Secretary shall transfer such amount into the general fund of the Treasury.

(ii) If the annual amount provided to a participating educational institution under subparagraph (B) or (C) is more, but less than 25 percent more, than the total amount the educational institution pays to individuals under paragraph (1) for covered work-study activities, and the educational institution plans to participate in the work-study program under this section during the subsequent academic year, the educational institution may retain the amount of the overpayment if the educational institution notifies the Secretary of the amount of the overpayment and the intention of the educational institution to retain such amount. Any amount retained by an educational institution under this clause may only be used by the educational institution to provide work-study allowance to individuals enrolled at the educational institution.

(iii) At any time a participating educational institution may request the Secretary to in-

crease the annual amount that the Secretary provides the educational institution under subparagraph (B) or (C). The Secretary shall approve or disapprove such request by not later than 30 days after the date of the request.

(iv) Whenever the Secretary finds that a participating educational institution paid an amount of work-study allowance under this paragraph to an individual for a purpose other than covered work-study activities, such payment shall constitute a liability of the educational institution to the United States.

(E)(i) Pursuant to section 3690(c), section 3693, and other provisions of chapter 36 of this title, the Secretary shall ensure that participating educational institutions carry out the work-study allowance program in compliance with this section.

(ii) The Secretary may prohibit an educational institution from being a participating educational institution under this paragraph if the Secretary determines that the educational institution is not in compliance with this section.

(F) In this paragraph:

(i) The term "covered work-study activities" means qualifying work-study activities described in subparagraphs (A), (B), (H), (I), or (J) of paragraph (5) for which an individual is paid a work-study allowance.

(ii) The term "participating educational institution" means an educational institution that—

(I)(aa) during the five-academic-year period occurring before an academic year during which the Secretary carries out this paragraph, the educational institution had on average more than 10 individuals per academic year participating in a covered work-study activity under this section; or

(bb) the educational institution is not described by item (aa) but informs the Secretary that the institution expects to have more than 10 individuals in the following academic year participating in a covered work-study activity under this section; and

(II) voluntarily chooses to be a participating educational institution under this paragraph.

(5) For the purposes of this section, the term "qualifying work-study activity" means any of the following:

(A) The outreach services program under chapter 63 of this title as carried out under the supervision of a Department employee or, during the period preceding June 30, 2013, or any time on or after June 30, 2017, outreach services to servicemembers and veterans furnished by employees of a State approving agency.

(B) The preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the Department.

(C) The provision of hospital and domiciliary care and medical treatment under chapter 17 of this title, including, during the period preceding June 30, 2013, or any time on or after June 30, 2017, the provision of such care to veterans in a State home for which payment is made under section 1741 of this title.

(D) Any other activity of the Department as the Secretary determines appropriate.

(E) In the case of an individual who is receiving educational assistance under chapter 1606 or 1607 of title 10, an activity relating to the administration of that chapter at Department of Defense, Coast Guard, or National Guard facilities.

(F) During the period preceding June 30, 2013, or any time on or after June 30, 2017, an activity relating to the administration of a national cemetery or a State veterans' cemetery.

(G) Any activity of a State veterans agency related to providing assistance to veterans in obtaining any benefit under the laws administered by the Secretary or the laws of the State.

(H) A position working in a Center of Excellence for Veteran Student Success, as established pursuant to part T of title VIII of the Higher Education Act of 1965 (20 U.S.C. 1161t et seq.).

(I) A position working in a cooperative program carried out jointly by the Department and an institution of higher learning.

(J) Any other veterans-related position in an institution of higher learning.

(K) The following activities carried out at the offices of Members of Congress for such Members:

(i) The distribution of information to members of the Armed Forces, veterans, and their dependents about the benefits and services under laws administered by the Secretary and other appropriate governmental and nongovernmental programs.

(ii) The preparation and processing of papers and other documents, including documents to assist in the preparation and presentation of claims for benefits under laws administered by the Secretary.

(6) An individual may elect, in a manner prescribed by the Secretary, to be paid in advance an amount equal to 40 percent of the total amount of the work-study allowance agreed to be paid under the agreement in return for the individual's agreement to perform the number of hours of work specified in the agreement (but not more than an amount equal to 50 times the applicable hourly minimum wage).

(7) For the purposes of this subsection and subsection (e), the term "applicable hourly minimum wages" means—

(A) the hourly minimum wage under section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)); or

(B) the hourly minimum wage under comparable law of the State in which the services are to be performed, if such wage is higher than the wage referred to in subparagraph (A) and the Secretary has made a determination to pay such higher wage.

(b) Notwithstanding any other provision of law, the Secretary shall, subject to the provisions of subsection (e) of this section, utilize, in connection with the activities specified in subsection (a)(1) of this section, the service of individuals who are pursuing programs of rehabilitation, education, or training under chapter 30, 31, 32, 33, or 34 of this title or chapter 1606 or 1607 of title 10, at a rate equal to at least three-quarter-

ters of that required of a full-time student. In carrying out this section, the Secretary, wherever feasible, shall give priority to veterans with disabilities rated at 30 percent or more for purposes of chapter 11 of this title. In the event an individual ceases to be at least a three-quarter-time student before completing such agreement, the individual may, with the approval of the Secretary, be permitted to complete such agreement.

(c) The Secretary shall determine the number of individuals whose services the Department of Veterans Affairs can effectively utilize and the types of services that such individuals may be required to perform, on the basis of a survey, which the Secretary shall conduct annually, of each Department of Veterans Affairs regional office in order to determine the numbers of individuals whose services can effectively be utilized during an enrollment period in each geographical area where Department of Veterans Affairs activities are conducted, and shall determine which individuals shall be offered agreements under this section in accordance with regulations which the Secretary shall prescribe, including as criteria (1) the need of the individual to augment the veteran's educational assistance or subsistence allowance; (2) the availability to the individual of transportation to the place where the individual's services are to be performed; (3) the motivation of the individual; and (4) in the case of a disabled veteran pursuing a course of vocational rehabilitation under chapter 31 of this title, the compatibility of the work assignment to the veteran's physical condition.

(d) While performing the services authorized by this section, individuals shall be deemed employees of the United States for the purposes of the benefits of chapter 81 of title 5 but not for the purposes of laws administered by the Office of Personnel Management.

(e)(1) Subject to paragraph (2) of this subsection, the Secretary may, notwithstanding any other provision of law, enter into an agreement with an individual under this section, or a modification of such an agreement, whereby the individual agrees to perform a qualifying work-study activity described in subsection (a)(5) and agrees that the Secretary shall, in lieu of paying the work-study allowance payable for such services, as provided in subsection (a) of this section, deduct the amount of the allowance from the amount which the individual has been determined to be indebted to the United States by virtue of such individual's participation in a benefits program under this chapter, chapter 30, 31, 32, 33, 35, or 36 of this title, or chapter 1606 or 1607 of title 10 (other than an indebtedness arising from a refund penalty imposed under section 2135<sup>1</sup> of such title).

(2)(A) Subject to subparagraph (B) of this paragraph, the provisions of this section (other than those provisions which are determined by the Secretary to be inapplicable to an agreement under this subsection) shall apply to any agreement authorized under paragraph (1) of this subsection.

(B) For the purposes of this subsection, the Secretary may—

<sup>1</sup> See References in Text note below.

(i) waive, in whole or in part, the limitations in subsection (a) of this section concerning the number of hours and periods during which services can be performed by the individual and the provisions of subsection (b) of this section requiring the individual's pursuit of a program of rehabilitation, education, or training;

(ii) in accordance with such terms and conditions as may be specified in the agreement under this subsection, waive or defer charging interest and administrative costs pursuant to section 5315 of this title on the indebtedness to be satisfied by performance of the agreement; and

(iii) notwithstanding the indebtedness offset provisions of section 5314 of this title, waive or defer until the termination of an agreement under this subsection the deduction of all or any portion of the amount of indebtedness covered by the agreement from future payments to the individual as described in section 5314 of this title.

(3)(A) Subject to the provisions of subparagraphs (B) and (C) of this paragraph, an agreement authorized under this subsection shall terminate in accordance with the provisions of this section and the terms and conditions of the agreement which are consistent with this subsection.

(B) In no event shall an agreement under this subsection continue in force after the total amount of the individual's indebtedness described in paragraph (1) of this subsection has been recouped, waived, or otherwise liquidated.

(C) Notwithstanding the provisions of subparagraphs (A) and (B) of this paragraph, if the Secretary finds that an individual was without fault and was allowed to perform services described in the agreement after its termination, the Secretary shall, as reasonable compensation therefor, pay the individual at the applicable hourly minimum wage rate for such services as the Secretary determines were satisfactorily performed.

(4) The Secretary shall promulgate regulations to carry out this subsection.

(f)(1) In case of an individual who is in receipt of work-study allowance pursuant to an agreement described in subsection (a)(3) as of the date on which an emergency situation occurs and who is unable to continue to perform qualifying work-study activities described in subsection (a)(4) by reason of the emergency situation—

(A) the Secretary may continue to pay work-study allowance under this section or make deductions described in subsection (e)(1) during the period of such emergency situation, notwithstanding the inability of the individual to perform such work-study activities by reason of such emergency situation; and

(B) at the option of the individual, the Secretary shall extend the agreement described in subsection (a)(3) with the individual for any subsequent period of enrollment initiated during the emergency situation, notwithstanding the inability of the individual to perform work-study activities described in subsection (a)(4) by reason of such emergency situation.

(2) The amount of work-study allowance payable to an individual under paragraph (1)(A) dur-

ing the period of an emergency situation shall be an amount determined by the Secretary but may not exceed the amount that would be payable under subsection (a)(2) if the individual worked 25 hours per week paid during such period.

(3) The term "emergency situation" has the meaning given that term in section 3601 of this title.

(Added Pub. L. 92-540, title II, §203, Oct. 24, 1972, 86 Stat. 1079, §1685; amended Pub. L. 93-508, title II, §205, Dec. 3, 1974, 88 Stat. 1582; Pub. L. 94-502, title II, §§208, 211(1), Oct. 15, 1976, 90 Stat. 2388, 2389; Pub. L. 95-202, title I, §105, Nov. 23, 1977, 91 Stat. 1435; Pub. L. 96-466, title VIII, §801(b), Oct. 17, 1980, 94 Stat. 2216; Pub. L. 97-295, §4(42), Oct. 12, 1982, 96 Stat. 1308; Pub. L. 99-576, title III, §308(c), Oct. 28, 1986, 100 Stat. 3270; Pub. L. 101-237, title IV, §§405(a)-(d)(2), (4)(A), 423(b)(1), Dec. 18, 1989, 103 Stat. 2080, 2081, 2092; Pub. L. 102-16, §§6(a)-(b)(2), 10(a)(5), Mar. 22, 1991, 105 Stat. 50, 51, 55; Pub. L. 102-40, title IV, §402(d)(1), May 7, 1991, 105 Stat. 239; renumbered §3485 and amended Pub. L. 102-83, §§2(c)(2), 5(a), Aug. 6, 1991, 105 Stat. 402, 406; Pub. L. 102-568, title III, §311, Oct. 29, 1992, 106 Stat. 4330; Pub. L. 105-368, title II, §202(a), Nov. 11, 1998, 112 Stat. 3326; Pub. L. 107-14, §8(a)(16), June 5, 2001, 115 Stat. 35; Pub. L. 107-103, title I, §107(a), Dec. 27, 2001, 115 Stat. 983; Pub. L. 107-330, title III, §308(g)(11), Dec. 6, 2002, 116 Stat. 2829; Pub. L. 108-183, title III, §306(f)(1), Dec. 16, 2003, 117 Stat. 2661; Pub. L. 109-233, title IV, §402(e)(1), June 15, 2006, 120 Stat. 411; Pub. L. 109-444, §2(g), Dec. 21, 2006, 120 Stat. 3305; Pub. L. 109-461, title III, §§304, 307, title X, §1006(b), Dec. 22, 2006, 120 Stat. 3428, 3429, 3468; Pub. L. 110-157, title III, §302, Dec. 26, 2007, 121 Stat. 1836; Pub. L. 110-252, title V, §5003(b)(2)(A)(i), June 30, 2008, 122 Stat. 2375; Pub. L. 111-275, title I, §101(a), (b), Oct. 13, 2010, 124 Stat. 2866; Pub. L. 114-315, title IV, §406, Dec. 16, 2016, 130 Stat. 1558; Pub. L. 115-48, title II, §201, Aug. 16, 2017, 131 Stat. 989; Pub. L. 116-154, §6(a), (b), Aug. 8, 2020, 134 Stat. 692, 694; Pub. L. 116-315, title I, §1006(a), Jan. 5, 2021, 134 Stat. 4940; Pub. L. 117-333, §5(a), Jan. 5, 2023, 136 Stat. 6128.)

### Editorial Notes

#### REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsec. (a)(5)(H), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219. Part T of title VIII of the Act is classified generally to part T (§1161t) of subchapter IX of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

Section 2135 of title 10, referred to in subsec. (e)(1), was renumbered section 16135 of Title 10, Armed Forces, by Pub. L. 103-337, div. A, title XVI, §1663(b)(2), Oct. 5, 1994, 108 Stat. 3006.

#### AMENDMENTS

2023—Subsec. (f). Pub. L. 117-333 added subsec. (f).  
 2021—Subsec. (a)(5)(K). Pub. L. 116-315, §1006(a), which directed amendment of par. (4) by adding subpar. (K) at the end, was executed by adding subpar. (K) at the end of par. (5), to reflect the probable intent of Congress and the redesignation of former par. (4) as (5) by Pub. L. 116-154, §6(a)(2). See 2020 Amendment note below.

2020—Subsec. (a)(1). Pub. L. 116-154, §6(a)(1), substituted "In accordance with paragraph (4), individuals" for "Individuals".

Subsec. (a)(4) to (7). Pub. L. 116-154, §6(a)(2), (3), added par. (4) and redesignated former pars. (4) to (6) as (5) to (7), respectively.

Subsec. (e)(1). Pub. L. 116-154, §6(b), substituted "subsection (a)(5)" for "subsection (a)(4)".

2017—Subsec. (a)(4)(A), (C), (F). Pub. L. 115-48, §201, substituted "any time on or after June 30, 2017," for "the period beginning on June 30, 2017, and ending on June 30, 2022."

2016—Subsec. (a)(4)(A), (C), (F). Pub. L. 114-315 substituted "June 30, 2013, or the period beginning on June 30, 2017, and ending on June 30, 2022" for "June 30, 2013".

2010—Subsec. (a)(4)(A), (C), (F). Pub. L. 111-275, §101(a), substituted "June 30, 2013" for "June 30, 2010".

Subsec. (a)(4)(G) to (J). Pub. L. 111-275, §101(b), added subpars. (G) to (J).

2008—Subsecs. (b), (e)(1). Pub. L. 110-252 inserted "33," after "32."

2007—Subsec. (a)(4)(A), (C), (F). Pub. L. 110-157 substituted "June 30, 2010" for "June 30, 2007".

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.

Subsec. (a)(4)(A). Pub. L. 109-461, §304, substituted "June 30, 2007" for "December 27, 2006".

Pub. L. 109-444, which substituted "June 30, 2007" for "December 27, 2006", was terminated by Pub. L. 109-461, §1006(b). See Amendment notes above.

Pub. L. 109-233 substituted "chapter 63" for "subchapter II of chapter 77".

Subsec. (a)(4)(C). Pub. L. 109-461, §304, substituted "June 30, 2007" for "December 27, 2006".

Pub. L. 109-444, which substituted "June 30, 2007" for "December 27, 2006", was terminated by Pub. L. 109-461, §1006(b). See Amendment notes above.

Subsec. (a)(4)(E). Pub. L. 109-461, §307(1), inserted "or 1607" after "chapter 1606".

Subsec. (a)(4)(F). Pub. L. 109-461, §304, substituted "June 30, 2007" for "December 27, 2006".

Pub. L. 109-444, which substituted "June 30, 2007" for "December 27, 2006", was terminated by Pub. L. 109-461, §1006(b). See Amendment notes above.

Subsec. (b). Pub. L. 109-461, §307(2), substituted "chapter 1606 or 1607" for "chapter 106".

Subsec. (e)(1). Pub. L. 109-461, §307(3), substituted "a qualifying work-study activity described in subsection (a)(4)" for "services of the kind described in clauses (A) through (E) of subsection (a)(1) of this section" and "chapter 1606 or 1607" for "chapter 106".

2003—Subsec. (e)(1). Pub. L. 108-183 struck out "(other than an education loan under subchapter III)" after "chapter 30, 31, 32, 35, or 36".

2002—Subsec. (a)(4)(A), (C), (F). Pub. L. 107-330 substituted "the period preceding December 27, 2006" for "the five-year period beginning on the date of the enactment of the Veterans Education and Benefits Expansion Act of 2001".

2001—Subsec. (a). Pub. L. 107-103 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows:

"(a)(1) Individuals utilized under the authority of subsection (b) of this section shall be paid an additional educational assistance allowance (hereinafter referred to as 'work-study allowance'). Such work-study allowance shall be paid in an amount equal to the applicable hourly minimum wage times the number of hours worked during the applicable period, in return for such individual's agreement to perform services, during or between periods of enrollment, aggregating not more than a number of hours equal to 25 times the number of weeks in the semester or other applicable enrollment period, required in connection with (A) the out-reach services program under subchapter II of chapter 77 of this title as carried out under the supervision of a Department of Veterans Affairs employee, (B) the prepa-

ration and processing of necessary papers and other documents at educational institutions or regional offices or facilities of the Department of Veterans Affairs, (C) the provision of hospital and domiciliary care and medical treatment under chapter 17 of this title, (D) any other activity of the Department of Veterans Affairs as the Secretary shall determine appropriate, or (E) in the case of an individual who is receiving educational assistance under chapter 106 of title 10, activities relating to the administration of such chapter at Department of Defense, Coast Guard, or National Guard facilities. An individual may elect, in a manner prescribed by the Secretary, to be paid in advance an amount equal to 40 percent of the total amount of the work-study allowance agreed to be paid under the agreement in return for the individual's agreement to perform the number of hours of work specified in the agreement (but not more than an amount equal to 50 times the applicable hourly minimum wage).

"(2) For the purposes of paragraph (1) of this subsection and subsection (e) of this section, the term 'applicable hourly minimum wage' means (A) the hourly minimum wage under section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)), or (B) the hourly minimum wage under comparable law of the State in which the services are to be performed, if such wage is higher than the wage referred to in clause (A) and the Secretary has made a determination to pay such higher wage."

Subsec. (a)(1). Pub. L. 107-14 substituted "hereinafter" for "hereafter".

1998—Subsec. (a)(1). Pub. L. 105-368 substituted "An individual may elect, in a manner prescribed by the Secretary, to be paid in advance" for "An individual shall be paid in advance" in last sentence.

1992—Subsec. (a)(1). Pub. L. 102-568 substituted "40 percent" for "40 per centum" and inserted before period at end "(but not more than an amount equal to 50 times the applicable hourly minimum wage)".

1991—Pub. L. 102-83, §5(a), renumbered section 1685 of this title as this section.

Subsec. (a)(1). Pub. L. 102-83, §2(c)(2), substituted "subchapter II of chapter 77" for "subchapter IV of chapter 3".

Pub. L. 102-16, §10(a)(5), redesignated cls. (1) to (5) as cls. (A) to (E), respectively, and inserted in cl. (E) "Coast Guard, or National Guard" after "Department of Defense".

Subsec. (a)(2). Pub. L. 102-16, §6(b)(1), inserted "and subsection (e) of this section" after "subsection".

Subsec. (b). Pub. L. 102-16, §6(b)(2), inserted "subject to the provisions of subsection (e) of this section," after "shall" in first sentence.

Subsec. (e). Pub. L. 102-40 substituted "5315" for "3115" in par. (2)(B)(ii) and "5314" for "3114" in two places in par. (2)(B)(iii).

Pub. L. 102-16, §6(a), added subsec. (e).

1989—Pub. L. 101-237, §405(d)(4)(A), substituted "Work-study allowance" for "Veteran-student services" as section catchline.

Subsec. (a). Pub. L. 101-237, §423(b)(1), substituted "Secretary" and "Department of Veterans Affairs" for "Administrator" and "Veterans' Administration", respectively, wherever appearing.

Pub. L. 101-237, §405(a)(1), (b), (d)(2)(A), (C), (D), designated existing provisions as par. (1), substituted "Such work-study allowance shall be paid in an amount equal to the applicable hourly minimum wage times the number of hours worked during the applicable period, in return for such individual's agreement to perform services, during or between periods of enrollment, aggregating not more than a number of hours equal to 25 times the number of weeks in the semester or other applicable enrollment period," for "Such work-study allowance shall be paid in an amount equal to either the amount of the hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)) times two hundred and fifty or \$625, whichever is the higher, in return for such veteran-student's agreement to perform services, dur-

ing or between periods of enrollment, aggregating two hundred and fifty hours during a semester or other applicable enrollment period," in second sentence, added cl. (5), substituted references to individuals for references to veteran-students, struck out third and fourth sentences which read as follows: "An agreement may be entered into for the performance of services for periods of less than two hundred and fifty hours. The amount of the work-study allowance to be paid under any such agreement shall be determined by multiplying the number of hours of work performed by the veteran-student under such agreement times either the hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938 during the period the work is to be performed or \$2.50, whichever is the higher.", and added par. (2).

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

Pub. L. 101-237, § 405(a)(2), (c), (d)(1), substituted "subsection (a)(1) of this section" for "subsection (a) of this section", "individuals who are pursuing programs of rehabilitation, education, or training under chapter 30, 31, 32, or 34 of this title or chapter 106 of title 10, at a rate equal to at least three-quarters of that required of a full-time student" for "veteran-students who are pursuing full-time programs of rehabilitation, education, or training under chapter 30, 31, 32, or 34 of this title", "30 percent" for "30 per centum", and "an individual ceases to be at least a three-quarter-time student before completing such agreement, the individual" for "the veteran ceases to be a full-time student before completing such agreement, the veteran".

Subsec. (c). Pub. L. 101-237, § 423(b)(1), substituted "Secretary" and "Department of Veterans Affairs" for "Administrator" and "Veterans' Administration", respectively, wherever appearing.

Pub. L. 101-237, § 405(d)(2)(B), (E)-(G), substituted "individuals" for "veterans" and for "veteran-students" wherever appearing, substituted "individual's" for "veteran's" in cl. (2), and substituted "individual" for "veteran" wherever appearing in cls. (1) to (3).

Subsec. (d). Pub. L. 101-237, § 405(d)(2)(B), substituted "individuals" for "veteran-students".

1986—Subsec. (b). Pub. L. 99-576 substituted "rehabilitation, education, or training under chapter 30, 31, 32, or 34 of this title" for "education or training under chapters 31 and 34 of this title".

1982—Subsec. (a). Pub. L. 97-295 inserted "(29 U.S.C. 206(a))" after "Act of 1938" the first time it appeared.

1980—Subsec. (d). Pub. L. 96-466 substituted "Office of Personnel Management" for "Civil Service Commission".

1977—Subsec. (a). Pub. L. 95-202 substituted "Such work-study allowance shall be paid in an amount equal to either the amount of the hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938 times two hundred and fifty or \$625, whichever is the higher," for "Such work-study allowance shall be paid in the amount of \$625" and, in the provisions relating to periods of service of less than two hundred and fifty hours, substituted "amount of the work-study allowance to be paid under any such agreement shall be determined by multiplying the number of hours of work performed by the veteran-student under such agreement times either the hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938 during the period the work is to be performed or \$2.50, whichever is the higher" for "amount of the work-study allowance to be paid shall bear the same ratio to the number of hours of work agreed to be performed as \$625 bears to two hundred and fifty hours" and "A veteran-student shall be paid in advance an amount equal to 40 per centum of the total amount of the work-study allowance agreed to be paid under the agreement to perform the number of hours of work specified in the agreement" for provisions setting a flat amount of \$250 in advance or a lesser amount in the case of any agreement providing for periods of less than one hundred hours.

1976—Subsec. (b). Pub. L. 94-502, § 208, inserted provision permitting the veteran who ceases to be a full-

time student to complete the agreement, with the approval of the Administrator.

Subsec. (c). Pub. L. 94-502, § 211(11), substituted "the Administrator shall conduct" for "he shall conduct", "the Administrator shall prescribe," for "he shall prescribe," and "the veteran's" for "his" in two places.

1974—Subsec. (a). Pub. L. 93-508, § 205(1), (2), substituted "the amount of \$625" for "in advance in the amount of \$250", and "aggregating two hundred and fifty hours" for "aggregating one hundred hours", and substituted provisions that an agreement may be entered into for the performance of services for periods of less than two hundred and fifty hours, in which case the amount of the work-study allowance to be paid shall bear the same ratio to the number of hours of work agreed to be performed as \$625 bears to two hundred and fifty hours and that in the case of any agreement providing for the performance of services for less than one hundred hours, the amount of the advance payment shall bear the same ratio to the number of hours of work agreed to be performed as \$625 bears to two hundred and fifty hours, for provisions that advances of lesser amounts may be made in return for agreements to perform services for periods of less than one hundred hours, and that the amount of such advance shall bear the same ratio to the number of hours of work agreed to be performed as \$250 bears to one hundred hours.

Subsec. (c). Pub. L. 93-508, § 205(3), struck out parenthetical provisions relating to a limit of eight-hundred man-years or their equivalent during any fiscal year.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE 2021 AMENDMENT

Pub. L. 116-315, title I, § 1006(b), Jan. 5, 2021, 134 Stat. 4940, provided that: "The amendment made by subsection (a) [amending this section] shall take effect on August 1, 2021."

##### APPLICATION OF 2020 AMENDMENT

Pub. L. 116-154, § 6(c), Aug. 8, 2020, 134 Stat. 694, provided that: "The amendments made by this section [amending this section] shall apply with respect to a quarter, semester, or term, as applicable, commencing on or after August 1, 2021."

##### EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-275, title I, § 101(c), Oct. 13, 2010, 124 Stat. 2866, provided that: "The amendment made by subsection (b) [amending this section] shall take effect on October 1, 2011."

##### 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 2003 AMENDMENT

Pub. L. 108-183, title III, § 306(h)(2), Dec. 16, 2003, 117 Stat. 2661, provided that: "The amendments made by subsections (e), (f), and (g) [amending this section and section 3512 of this title and repealing subchapter III of chapter 36 of this title] shall take effect 90 days after the date of the enactment of this Act [Dec. 16, 2003]."

##### EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-103, title I, § 107(b), Dec. 27, 2001, 115 Stat. 984, provided that: "The amendment made by this section [amending this section] shall apply with respect to agreements entered into under section 3485 of title 38, United States Code, on or after the date of the enactment of this Act [Dec. 27, 2001]."

##### EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-368, title II, § 202(b), Nov. 11, 1998, 112 Stat. 3326, provided that: "The amendment made by sub-

section (a) [amending this section] shall apply with respect to agreements entered into under section 3485 of title 38, United States Code, on or after January 1, 1999."

EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by section 405(a)-(d)(2), (4)(A) of Pub. L. 101-237 effective May 1, 1990, and applicable to services performed on or after that date, see section 405(e) of Pub. L. 101-237, set out as a note under section 16136 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, see section 802(h) 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. 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 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.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

PAYMENT OF WORK-STUDY ALLOWANCES DURING EMERGENCY SITUATIONS

Pub. L. 116-140, §3, Apr. 28, 2020, 134 Stat. 631, as amended by Pub. L. 117-76, §5(f), Dec. 21, 2021, 135 Stat. 1520, which temporarily allowed for payment of work-study allowances during emergency situations, was repealed by Pub. L. 117-333, §5(b), Jan. 5, 2023, 136 Stat. 6129. See subsec. (f) of this section.

[[§ 3486, 3487. Vacant]

Editorial Notes

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 1686 and 1687 of this chapter were repealed.

Section 1686, added Pub. L. 93-508, title III, §302(a), Dec. 3, 1974, 88 Stat. 1591; amended Pub. L. 97-35, title XX, §2005(b), Aug. 13, 1981, 95 Stat. 783, which related to educational loans to any eligible veteran to whom former section 1662(a)(2) of this title applied, was repealed by Pub. L. 100-689, title I, §124(a), Nov. 18, 1988, 102 Stat. 4174.

Section 1687, added Pub. L. 89-358, §2, Mar. 3, 1966, 80 Stat. 19, §1686; renumbered §1687, Pub. L. 90-77, title III, §304(a), Aug. 31, 1967, 81 Stat. 186, which related to discontinuance of educational assistance allowance by Administrator, was repealed by Pub. L. 92-540, title IV, §401(6), Oct. 24, 1972, 86 Stat. 1090.

SUBCHAPTER V—SPECIAL ASSISTANCE FOR THE EDUCATIONALLY DISADVANTAGED

§ 3490. Purpose

It is the purpose of this subchapter (1) to encourage and assist veterans who have academic deficiencies to attain a high school education or its equivalent and to qualify for and pursue courses of higher education, (2) to assist eligible veterans to pursue postsecondary education through tutorial assistance where required, and (3) to encourage educational institutions to develop programs which provide special tutorial, remedial, preparatory, or other educational or supplementary assistance to such veterans.

(Added Pub. L. 91-219, title II, §204(a)(4), Mar. 26, 1970, 84 Stat. 79, §1690; renumbered §3490, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

Editorial Notes

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1690 of this title as this section.

§ 3491. Elementary and secondary education and preparatory educational assistance

- (a) In the case of any eligible veteran who—
  - (1) has not received a secondary school diploma (or an equivalency certificate), or
  - (2) is not on active duty and who, in order to pursue a program of education for which the veteran would otherwise be eligible, needs refresher courses, deficiency courses, or other preparatory or special educational assistance to qualify for admission to an appropriate educational institution,

the Secretary may, without regard to 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", approve the enrollment of such veteran in an appropriate course or courses or other special educational assistance program.

(b)(1) The Secretary shall pay to an eligible veteran pursuing a course or courses or program pursuant to subsection (a)(2) of this section, an educational assistance allowance as provided in sections 3481 and 3482(a) or (b) of this title.

(2) The Secretary shall pay to an eligible veteran described in subsection (a)(1) of this section who is pursuing a course or courses or program under this subchapter for the purpose of attaining a secondary school diploma (or an equivalency certificate) an educational assistance allowance (A) at the rate of established charges for tuition and fees required of similarly circumstanced nonveterans enrolled in the same course, courses, or program, or (B) at the institutional full-time rate provided in section 3482(a) of this title, whichever is the lesser.

(c) The provisions of section 3473(d)(1)<sup>1</sup> of this title, relating to the disapproval of enrollment in certain courses, shall be applicable to the enrollment of an eligible veteran who, while serving on active duty, enrolls in one or more courses under this subchapter for the purpose of

<sup>1</sup> See References in Text note below.