(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)[1] 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 attaining a secondary school diploma (or an equivalency certificate).

(Added Pub. L. 91–219, title II, § 204(a)(4), Mar. 26, 1970, 84 Stat. 79, § 1691; amended Pub. L. 92–540, title III, § 305, Oct. 24, 1972, 86 Stat. 1081; Pub. L. 94–502, title II, § 211(12), Oct. 15, 1976, 90 Stat. 2389; Pub. L. 96–466, title III, § 311, Oct. 17, 1980, 94 Stat. 2194; Pub. L. 97–295, § 4(43), Oct. 12, 1982, 96 Stat. 1308; Pub. L. 97–306, title II, § 203(b), Oct. 14, 1982, 96 Stat. 1434; Pub. L. 101–237, title IV, § 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3491 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

REFERENCES IN TEXT

Section 3473(d)(1) of this title, referred to in subsec. (c), was repealed by Pub. L. 102–568, title III, § 313(a)(3)(A), Oct. 29, 1992, 106 Stat. 4332.

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 1691 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted ''3471'' for ''1671'' in concluding provisions.

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted ''3481 and 3482(a)'' for ''1681 and 1682(a)'' in par. (1) and ''3482(a)'' for ''1682(a)'' in par. (2).

Subsec. (c). Pub. L. 102–83, § 5(c)(1), substituted ''3473(d)(1)'' for ''1673(d)(1)''.

1989—Subsecs. (a), (b). Pub. L. 101–237 substituted ''Secretary'' for ''Administrator'' wherever appearing.

1982—Subsec. (a). Pub. L. 97–295, § 4(43)(A), inserted ''of this title'' after ''section 1671''.

Subsec. (b)(2). Pub. L. 97–295, § 4(43)(B), inserted ''of this title'' after ''section 1682(a)''.

Subsec. (c). Pub. L. 97–306 substituted ''section 1673(d)(1)'' for ''section 1673(d)''.

1980—Subsec. (a). Pub. L. 96–466, § 311(1), in provisions preceding par. (1) struck out ''not on active duty'' after ''eligible veteran'', in par. (1) struck out ''at the time of the veteran's discharge or release from active duty'' after ''(or an equivalency certificate)'', and in par. (2) inserted ''is not on active duty and who,'' before ''in order to pursue''.

Subsec. (b). Pub. L. 96–466, § 311(2), designated existing provisions as par. (1), substituted reference to subsec. (a)(2) of this section for reference to subsec. (a) of this section, and added par. (2).

Subsec. (c). Pub. L. 96–466, § 311(3), added subsec. (c).

1976—Subsec. (a). Pub. L. 94–502 substituted ''the veteran's'' for ''his'' and ''the veteran'' for ''he'' wherever appearing.

1972—Subsec. (b). Pub. L. 92–540 struck out provision relating to the approval in excess of half-time training as defined pursuant to section 1684 of this title of enrollment in adult evening secondary school courses.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–466 effective Oct. 1, 1980, except that subsec. (b)(2) of this section, as added by section 311(2)(C) of Pub. L. 96–466, not applicable to any person receiving educational assistance under this chapter on Oct. 1, 1980, for the pursuit of a program of education in which such person is enrolled on that date, for as long as such person continuously thereafter is so enrolled and meets the requirements of eligibility for such assistance for pursuit of such program, 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.

§ 3492. Tutorial assistance

(a) In the case of any eligible veteran who—

(1) is enrolled in and pursuing a postsecondary course of education on a half-time or more basis at an educational institution; and

(2) has a deficiency in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved program of education,

the Secretary may approve individualized tutorial assistance for such veteran if such assistance is necessary for the veteran to complete such program successfully.

(b) The Secretary shall pay to an eligible veteran receiving tutorial assistance pursuant to subsection (a) of this section, in addition to the educational assistance allowance provided in section 3482 of this title, the cost of such tutorial assistance in an amount not to exceed $100 per month, for a maximum of twelve months, or until a maximum of $1,200 is utilized, upon certification by the educational institution that—

(1) the individualized tutorial assistance is essential to correct a deficiency of the eligible veteran in a subject required as a part of, or which is prerequisite to, or which is indispensable to the satisfactory pursuit of, an approved program of education;

(2) the tutor chosen to perform such assistance is qualified and is not the eligible veteran's parent, spouse, child (whether or not mar-

[1] See References in Text note below.

ried or over eighteen years of age), brother, or sister; and

(3) the charges for such assistance do not exceed the customary charges for such tutorial assistance.

(Added Pub. L. 91–219, title II, § 204(a)(4), Mar. 26, 1970, 84 Stat. 80, § 1692; amended Pub. L. 92–540, title III, § 306, Oct. 24, 1972, 86 Stat. 1081; Pub. L. 93–508, title II, § 206, Dec. 3, 1974, 88 Stat. 1583; Pub. L. 94–502, title II, § 209, Oct. 15, 1976, 90 Stat. 2388; Pub. L. 95–202, title I, § 102(5), Nov. 23, 1977, 91 Stat. 1434; Pub. L. 96–466, title II, §§ 201(5), 211(5), title III, § 312, Oct. 17, 1980, 94 Stat. 2188, 2190, 2195; Pub. L. 98–543, title II, § 202(4), Oct. 24, 1984, 98 Stat. 2742; Pub. L. 100–689, title I, § 107(c)(1), (2)(A), Nov. 18, 1988, 102 Stat. 4169; Pub. L. 101–237, title IV, § 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3492 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83, § 5(a), renumbered section 1692 of this title as this section.

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted ''3482'' for ''1682''.

1989—Pub. L. 101–237 substituted ''Secretary'' for ''Administrator'' wherever appearing.

1988—Pub. L. 100–689, § 107(c)(2)(A), substituted ''Tutorial assistance'' for ''Special supplementary assistance'' in section catchline.

Subsec. (b). Pub. L. 100–689, § 107(c)(1), substituted ''$100'' and ''$1,200'' for ''$84'' and ''$1,008'', respectively.

1984—Subsec. (b). Pub. L. 98–543 substituted ''$84'' and ''$1,008'' for ''$76'' and ''$911'', respectively.

1980—Subsec. (b). Pub. L. 96–466, § 211(5), substituted ''$76'' and ''$911'' for ''$72'' and ''$869'', respectively.

Pub. L. 96–466, § 201(5), substituted ''$72'' and ''$869'' for ''$69'' and ''$828'', respectively.

Subsec. (b)(2). Pub. L. 96–466, § 312, inserted ''and is not the eligible veteran's parent, spouse, child (whether or not married or over eighteen years of age), brother, or sister'' after ''is qualified''.

1977—Subsec. (b). Pub. L. 95–202 substituted ''$69'' and ''$828'' for ''$65'' and ''$780'', respectively.

1976—Subsec. (b). Pub. L. 94–502 substituted ''$65'' for ''$60'' and ''$780'' for ''$720'', respectively.

1974—Subsec. (b). Pub. L. 93–508 substituted ''$60 per month, for a maximum of twelve months, or until a maximum of $720'' for ''$50 per month, for a maximum of nine months, or until a maximum of $450''.

1972—Subsec. (a)(2). Pub. L. 92–540, § 306(1), struck out ''marked'' before ''deficiency''.

Subsec. (b). Pub. L. 92–540, § 306(2), inserted ''or until a maximum of $450 is utilized,'' after ''nine months''.

Subsec. (b)(1). Pub. L. 92–540, § 306(1), struck out ''marked'' before ''deficiency''.

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 201(5) and 211(5) 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.

Amendment by section 312 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.

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 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.

§ 3493. Effect on educational entitlement

The educational assistance allowance or cost of individualized tutorial assistance authorized by this subchapter shall be paid without charge to any period of entitlement the veteran may have earned pursuant to section 3461(a) of this title.

(Added Pub. L. 91–219, title II, § 204(a)(4), Mar. 26, 1970, 84 Stat. 80, § 1693; renumbered § 3493 and amended Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

AMENDMENTS

1991—Pub. L. 102–83 renumbered section 1693 of this title as this section and substituted ''3461(a)'' for ''1661(a)''.

[§§ 3495 to 3498. 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 1695 to 1698 of this chapter, which comprised former subchapter VI of this chapter, were repealed by Pub. L. 96–466, title VI, § 601(a)(1), title VIII, § 802(f), Oct. 17, 1980, 94 Stat. 2208, 2218, effective Oct. 1, 1980.

Section 1695, added Pub. L. 91–219, title II, § 204(a)(4), Mar. 26, 1970, 84 Stat. 80, set forth purpose of former subchapter VI relating to a predischarge education program and defined ''eligible person'' for purposes of such subchapter.

Section 1696, added Pub. L. 91–219, title II, § 204(a)(4), Mar. 26, 1970, 84 Stat. 80; amended Pub. L. 92–540, title I, § 102(5), title III, § 307, Oct. 24, 1972, 86 Stat. 1075, 1081; Pub. L. 93–508, title I, § 102(5), Dec. 3, 1974, 88 Stat. 1580; Pub. L. 93–602, title II, § 203(c), Jan. 2, 1975, 88 Stat. 1958; Pub. L. 94–502, title II, §§ 201(4), 210(5), 211(13), Oct. 15, 1976, 90 Stat. 2385, 2388, 2389; Pub. L. 95–202, title I, § 102(6), Nov. 23, 1977, 91 Stat. 1434, related to payment of an educational assistance allowance.

Section 1697, added Pub. L. 91–219, title II, § 204(a)(4), Mar. 26, 1970, 84 Stat. 81, related to educational and vocational guidance.

Section 1698, added Pub. L. 92–540, title III, § 308, Oct. 24, 1972, 86 Stat. 1082, § 1697A; renumbered § 1698 and amended Pub. L. 94–502, title II, §§ 210(3), 211(14), Oct. 15, 1976, 90 Stat. 2388, 2389; Pub. L. 95–202, title III, § 302(b), Nov. 23, 1977, 91 Stat. 1441, related to coordination with and participation by Department of Defense in carrying out functions and duties of Department of Defense under predischarge education program.

CHAPTER 35—SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE

SUBCHAPTER I—DEFINITIONS

Sec.
3500. Purpose.
3501. Definitions.

SUBCHAPTER II—ELIGIBILITY AND ENTITLEMENT

3510. Eligibility and entitlement generally.
3511. Duration of educational assistance.
3512. Periods of eligibility.