

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 married 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 amend-

ed 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 pre-discharge 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 pre-discharge education program.

**CHAPTER 35—SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE**

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AMENDMENTS

2000—Pub. L. 106-419, title I, §111(f)(1)(B), Nov. 1, 2000, 114 Stat. 1831, added item 3564.

1991—Pub. L. 102-83, §5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 1700 to 1766 as 3500 to 3566, respectively.

1989—Pub. L. 101-237, title IV, §§406(a)(2), 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2082, 2092, added item 1737 and substituted “Secretary” for “Administrator” in item 1761.

1988—Pub. L. 100-689, title I, §124(c)(2), Nov. 18, 1988, 102 Stat. 4175, struck out items 1737 “Education loans” and 1738 “Accelerated payment of educational assistance allowances”.

1986—Pub. L. 99-576, title III, §314(b)(3), Oct. 28, 1986, 100 Stat. 3274, amended items 1720 and 1721 generally.

1977—Pub. L. 95-202, title II, §201(c)(2), Nov. 23, 1977, 91 Stat. 1438, added item 1738.

1976—Pub. L. 94-502, title III, §309(a), Oct. 15, 1976, 90 Stat. 2391, substituted “SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE” for “WAR ORPHANS' AND WIDOWS' EDUCATION ASSISTANCE” in chapter heading.

1974—Pub. L. 93-508, title III, §303(b), Dec. 3, 1974, 88 Stat. 1592, added item 1737.

1972—Pub. L. 92-540, title IV, §405, Oct. 24, 1972, 86 Stat. 1091, substituted in item 1733 “Special assistance for the educationally disadvantaged” for “Measurement of courses”, in item 1734 “Apprenticeship or other on-job training; correspondence courses” for “Overcharges by educational institutions”, and in item 1736 “Specialized vocational training courses” for “Discontinuance of allowances”, and struck out item 1722 “Change of program”, item 1725 “Period of operation for approval”, and item 1737 “Specialized vocational training courses”.

1970—Pub. L. 91-219, title II, §207(b), Mar. 26, 1970, 84 Stat. 82, inserted item 1763.

1968—Pub. L. 90-631, §2(a)(2), (h)(1), Oct. 23, 1968, 82 Stat. 1332, 1333, inserted “AND WIDOWS'” after “WAR ORPHANS'” in chapter heading, and added item 1700.

1966—Pub. L. 89-613, §2, Sept. 30, 1966, 80 Stat. 862, added heading of Subchapter VII “PHILIPPINE COMMONWEALTH ARMY AND PHILIPPINE SCOUTS” and items 1765 and 1766.

Pub. L. 89-358, §3(a)(10), Mar. 3, 1966, 80 Stat. 21, struck out items 1726, 1763 to 1768, and subchapter VII heading and items 1771 to 1778 thereunder.

1963—Pub. L. 88-126, §5, Sept. 23, 1963, 77 Stat. 163, added heading of Subchapter VII “STATE APPROVING AGENCIES” and items 1771 to 1778.

SUBCHAPTER I—DEFINITIONS

**§ 3500. Purpose**

The Congress hereby declares that the educational program established by this chapter is