

title 10, United States Code, at the time of conversion to chapter 33 of title 38, United States Code.”

PRESERVATION OF HIGHER RATES FOR TUITION AND FEES FOR PROGRAMS OF EDUCATION AT NON-PUBLIC INSTITUTIONS OF HIGHER LEARNING PURSUED BY INDIVIDUALS ENROLLED IN SUCH PROGRAMS PRIOR TO CHANGE IN MAXIMUM AMOUNT

Pub. L. 112–26, § 2, Aug. 3, 2011, 125 Stat. 268, provided that:

“(a) **IN GENERAL.**—Notwithstanding paragraph (1)(A)(ii) of section 3313(c) of title 38, United States Code (as amended by the Post-9/11 Veterans Educational Assistance Improvements Act of 2010 (Public Law 111–377)), the amount payable under that paragraph (or as appropriately adjusted under paragraphs (2) through (7) of that section) for tuition and fees for pursuit by an individual described in subsection (b) of an approved program of education at a non-public institution of higher learning during the period beginning on August 1, 2011, and ending on July 31, 2014, shall be the greater of—

“(1) \$17,500; or

“(2) the established charges payable for the program of education determined using the table of the Department of Veterans Affairs entitled ‘Post-9/11 GI Bill 2010–2011 Tuition and Fee In-State Maximums’, published October 27, 2010 (75 Fed. Reg. 66193), as if that table applied to the pursuit of the program of education by that individual during that period.

“(b) **COVERED INDIVIDUALS.**—An individual described in this subsection is an individual entitled to educational assistance under chapter 33 of title 38, United States Code, who, since January 4, 2011, has been enrolled in the same non-public institution of higher learning in a State in which—

“(1) the maximum amount of tuition per credit in the 2010–2011 academic year, as determined pursuant to the table referred to in subsection (a)(2), exceeded \$700; and

“(2) the combined amount of tuition and fees for full-time attendance in the program of education in such academic year exceeded \$17,500.

“(c) **DEFINITIONS.**—In this section:

“(1) The term ‘approved program of education’ has the meaning given that term in section 3313(b) of title 38, United States Code.

“(2) The term ‘established charges’, with respect to a program of education, means the actual charges (as determined pursuant to regulations prescribed by the Secretary of Veterans Affairs on the basis of a full academic year) for tuition and fees which similarly circumstanced nonveterans enrolled in the program of education would be required to pay.

“(3) The term ‘institution of higher learning’ has the meaning given that term in section 3452(f) of title 38, United States Code.”

§ 3314. Tutorial assistance

(a) **IN GENERAL.**—Subject to subsection (b), an individual entitled to educational assistance under this chapter shall also be entitled to benefits provided an eligible veteran under section 3492.

(b) **CONDITIONS.**—

(1) **IN GENERAL.**—The provision of benefits under subsection (a) shall be subject to the conditions applicable to an eligible veteran under section 3492.

(2) **CERTIFICATION.**—In addition to the conditions specified in paragraph (1), benefits may not be provided to an individual under subsection (a) unless the professor or other individual teaching, leading, or giving the course for which such benefits are provided certifies that—

(A) such benefits are essential to correct a deficiency of the individual in such course; and

(B) such course is required as a part of, or is prerequisite or indispensable to the satisfactory pursuit of, an approved program of education.

(c) **AMOUNT.**—

(1) **IN GENERAL.**—The amount of benefits described in subsection (a) that are payable under this section may not exceed \$100 per month, for a maximum of 12 months, or until a maximum of \$1,200 is utilized.

(2) **AS ADDITIONAL ASSISTANCE.**—The amount provided an individual under this subsection is in addition to the amounts of educational assistance paid the individual under section 3313.

(d) **NO CHARGE AGAINST ENTITLEMENT.**—Any benefits provided an individual under subsection (a) are in addition to any other educational assistance benefits provided the individual under this chapter.

(Added Pub. L. 110–252, title V, § 5003(a)(1), June 30, 2008, 122 Stat. 2366.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Aug. 1, 2009, see section 5003(d) of Pub. L. 110–252, set out as an Effective Date of 2008 Amendment note under section 16163 of Title 10, Armed Forces.

§ 3315. Licensure and certification tests

(a) **IN GENERAL.**—An individual entitled to educational assistance under this chapter shall also be entitled to payment for licensing or certification tests described in section 3452(b).

(b) **LIMITATION ON AMOUNT.**—The amount payable under subsection (a) for a licensing or certification test may not exceed the lesser of—

(1) \$2,000;

(2) the fee charged for the test; or

(3) the amount of entitlement available to the individual under this chapter at the time of payment for the test under this section.

(c) **CHARGE AGAINST ENTITLEMENT.**—The charge against an individual’s entitlement under this chapter for payment for a licensing or certification test shall be pro-rated based on the actual amount of the fee charged for the test relative to the rate for 1 month payable—

(1) for the academic year beginning on August 1, 2011, \$1,460; or

(2) for an academic year beginning on any subsequent August 1, the amount for the previous academic year beginning on August 1 under this subsection, as increased by the percentage increase equal to the most recent percentage increase determined under section 3015(h).

(Added Pub. L. 110–252, title V, § 5003(a)(1), June 30, 2008, 122 Stat. 2367; amended Pub. L. 111–377, title I, § 107(a), (b), Jan. 4, 2011, 124 Stat. 4118; Pub. L. 115–48, title I, § 108(a), Aug. 16, 2017, 131 Stat. 978.)

Editorial Notes

AMENDMENTS

2017—Subsec. (c). Pub. L. 115–48, in introductory provisions, substituted “shall be pro-rated based on the ac-