

## 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

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

**§ 3678. Notice of approval of courses**

The State approving agency, upon determining that an educational institution has complied with all the requirements of this chapter, will issue a letter to such institution setting forth the courses which have been approved for the purposes of this chapter, and will furnish an official copy of such letter and any subsequent amendments to the Secretary. The letter of approval shall be accompanied by a copy of the catalog or bulletin of the institution, as approved by the State approving agency, and shall contain the following information:

- (1) date of letter and effective date of approval of courses;
- (2) proper address and name of each educational institution;
- (3) authority for approval and conditions of approval, referring specifically to the approved catalog or bulletin published by the educational institution;
- (4) name of each course approved;
- (5) where applicable, enrollment limitations such as maximum numbers authorized and student-teacher ratio;
- (6) signature of responsible official of State approving agency; and
- (7) such other fair and reasonable provisions as are considered necessary by the appropriate State approving agency.

(Added Pub. L. 88-126, § 1, Sept. 23, 1963, 77 Stat. 162, § 1777; renumbered § 1778, Pub. L. 90-77, title III, § 304(d), Aug. 31, 1967, 81 Stat. 186; amended Pub. L. 101-237, title IV, § 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3678, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406.)

## AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1778 of this title as this section.

1989—Pub. L. 101-237 substituted "Secretary" for "Administrator".

**§ 3679. Disapproval of courses**

(a)(1) Except as provided by paragraph (2), any course approved for the purposes of this chapter which fails to meet any of the requirements of this chapter shall be immediately disapproved by the Secretary or the appropriate State approving agency. An educational institution which has its courses disapproved by the Secretary or a State approving agency will be notified of such disapproval by a certified or registered letter of notification and a return receipt secured.

(2) In the case of a course of education that would be subject to disapproval under paragraph (1) solely for the reason that the Secretary of Education withdraws the recognition of the accrediting agency that accredited the course, the

Secretary of Veterans Affairs, in consultation with the Secretary of Education, and notwithstanding the withdrawal, may continue to treat the course as an approved course of education under this chapter for a period not to exceed 18 months from the date of the withdrawal of recognition of the accrediting agency, unless the Secretary of Veterans Affairs or the appropriate State approving agency determines that there is evidence to support the disapproval of the course under this chapter. The Secretary shall provide to any veteran enrolled in such a course of education notice of the status of the course of education.

(b) Each State approving agency shall notify the Secretary of each course which it has disapproved under this section. The Secretary shall notify the State approving agency of the Secretary's disapproval of any educational institution under chapter 31 of this title.

(c)(1) Notwithstanding any other provision of this chapter and subject to paragraphs (3) through (6), the Secretary shall disapprove a course of education provided by a public institution of higher learning if the institution charges tuition and fees for that course for covered individuals who are pursuing the course with educational assistance under chapter 30 or 33 of this title while living in the State in which the institution is located at a rate that is higher than the rate the institution charges for tuition and fees for that course for residents of the State in which the institution is located, regardless of the covered individual's State of residence.

(2) For purposes of this subsection, a covered individual is any individual as follows:

(A) A veteran who was discharged or released from a period of not fewer than 90 days of service in the active military, naval, or air service less than three years before the date of enrollment in the course concerned.

(B) An individual who is entitled to assistance under—

- (i) section 3311(b)(9) of this title; or
- (ii) section 3319 of this title by virtue of the individual's relationship to—

(I) a veteran described in subparagraph (A); or

(II) a member of the uniformed services described in section 3319(b) of this title who is serving on active duty.

(3) If after enrollment in a course of education that is subject to disapproval under paragraph (1) by reason of paragraph (2)(A) or (2)(B) a covered individual pursues one or more courses of education at the same public institution of higher learning while remaining continuously enrolled (other than during regularly scheduled breaks between courses, semesters or terms) at that institution of higher learning, any course so pursued by the covered individual at that institution of higher learning while so continuously enrolled shall also be subject to disapproval under paragraph (1).

(4) It shall not be grounds to disapprove a course of education under paragraph (1) if a public institution of higher learning requires a covered individual pursuing a course of education at the institution to demonstrate an intent, by means other than satisfying a physical presence requirement, to establish residency in the State

in which the institution is located, or to satisfy other requirements not relating to the establishment of residency, in order to be charged tuition and fees for that course at a rate that is equal to or less than the rate the institution charges for tuition and fees for that course for residents of the State.

(5) The Secretary may waive such requirements of paragraph (1) as the Secretary considers appropriate.

(6) Disapproval under paragraph (1) shall apply only with respect to educational assistance under chapters 30 and 33 of this title.

(d) Notwithstanding any other provision of this chapter, the Secretary or the applicable State approving agency shall disapprove a course of education described in paragraph (14) or (15) of section 3676(c) of this title unless the educational institution providing the course of education—

(1) publicly discloses any conditions or additional requirements, including training, experience, or examinations, required to obtain the license, certification, or approval for which the course of education is designed to provide preparation; and

(2) makes each disclosure required by paragraph (1) in a manner that the Secretary considers prominent (as specified by the Secretary in regulations prescribed for purposes of this subsection).

(Added Pub. L. 88-126, § 1, Sept. 23, 1963, 77 Stat. 162, § 1778; renumbered § 1779, Pub. L. 90-77, title III, § 304(d), Aug. 31, 1967, 81 Stat. 186; amended Pub. L. 94-502, title V, § 513(a)(4), Oct. 15, 1976, 90 Stat. 2402; Pub. L. 101-237, title IV, § 423(b)(1)(A), (2), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3679, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 111-377, title II, § 203(d), Jan. 4, 2011, 124 Stat. 4126; Pub. L. 113-146, title VII, § 702(a), Aug. 7, 2014, 128 Stat. 1796; Pub. L. 113-175, title IV, § 409(i), Sept. 26, 2014, 128 Stat. 1908; Pub. L. 114-228, title IV, § 415, Sept. 29, 2016, 130 Stat. 941; Pub. L. 114-315, title IV, §§ 409(e), 417(a), Dec. 16, 2016, 130 Stat. 1560, 1565; Pub. L. 115-48, title I, § 105(c)(7), Aug. 16, 2017, 131 Stat. 976.)

#### AMENDMENT OF SUBSECTION (c)(2)(B)

*Pub. L. 115-48, title I, § 105(c)(7), (d), Aug. 16, 2017, 131 Stat. 976, 977, provided that, effective Aug. 1, 2020, subsection (c)(2)(B) of this section is amended by striking “3311(b)(9)” and inserting “3311(b)(8)”. See 2017 Amendment note below.*

#### AMENDMENTS

2017—Subsec. (c)(2)(B)(i). Pub. L. 115-48 substituted “3311(b)(8)” for “3311(b)(9)”.

2016—Subsec. (a). Pub. L. 114-228 substituted “(1) Except as provided by paragraph (2), any course” for “Any course” and added par. (2).

Subsec. (c)(2)(B). Pub. L. 114-315, § 417(a), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “An individual who is entitled to assistance under section 3311(b)(9) or 3319 of this title by virtue of such individual’s relationship to a veteran described in subparagraph (A).”

Subsec. (d). Pub. L. 114-315, § 409(e), added subsec. (d). 2014—Subsec. (c). Pub. L. 113-146 added subsec. (c).

Subsec. (c)(1). Pub. L. 113-175, which directed amendment of par. (1) generally, was executed by amending par. (1) as added by Pub. L. 113-146, applicable with re-

spect to educational assistance provided for pursuit of a program of education during a quarter, semester, or term that begins after July 1, 2015, to reflect the probable intent of Congress. Prior to amendment, par. (1) read as follows: “Notwithstanding any other provision of this chapter and subject to paragraphs (3) through (6), the Secretary shall disapprove a course of education provided by a public institution of higher learning to a covered individual pursuing a course of education with educational assistance under chapter 30 or 33 of this title while living in the State in which the public institution of higher learning is located if the institution charges tuition and fees for that course for the covered individual at a rate that is higher than the rate the institution charges for tuition and fees for that course for residents of the State in which the institution is located, regardless of the covered individual’s State of residence.” See Effective Date of 2014 Amendment note below.

2011—Subsec. (a). Pub. L. 111-377 inserted “the Secretary or” after “disapproved by” in two places.

1991—Pub. L. 102-83 renumbered section 1779 of this title as this section.

1989—Subsec. (b). Pub. L. 101-237 substituted “Secretary” for “Administrator” wherever appearing and “Secretary’s” for “Administrator’s”.

1976—Subsec. (b). Pub. L. 94-502 substituted “the Administrator’s disapproval” for “his disapproval”.

#### EFFECTIVE DATE OF 2017 AMENDMENT

Amendment by Pub. L. 115-48 effective Aug. 1, 2020, see section 105(d) of Pub. L. 115-48, set out as a note under section 3311 of this title.

#### EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-315, title IV, § 417(b), Dec. 16, 2016, 130 Stat. 1565, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to a course, semester, or term that begins after July 1, 2017.”

#### EFFECTIVE DATE OF 2014 AMENDMENT

Pub. L. 113-146, title VII, § 702(b), Aug. 7, 2014, 128 Stat. 1797, provided that: “Subsection (c) of section 3679 of title 38, United States Code (as added by subsection (a) of this section), shall apply with respect to educational assistance provided for pursuit of a program of education during a quarter, semester, or term, as applicable, that begins after July 1, 2015.”

#### EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 111-377 effective Aug. 1, 2011, see section 203(e) of Pub. L. 111-377, set out as a note under section 3034 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.

### SUBCHAPTER II—MISCELLANEOUS PROVISIONS

#### § 3680. Payment of educational assistance or subsistence allowances

(a) PERIOD FOR WHICH PAYMENT MAY BE MADE.—Payment of educational assistance or subsistence allowances to eligible veterans or eligible persons pursuing a program of education or training, other than a program by correspondence, in an educational institution under chapter 31, 34, or 35 of this title shall be paid as provided in this section and, as applicable, in section 3108, 3482, 3491, or 3532 of this title. Such payments shall be paid only for the period of such veterans’ or persons’ enrollment in, and