

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

pursuit of, such program, but no amount shall be paid—

(1) to any eligible veteran or eligible person for any period when such veteran or person is not pursuing such veteran's or person's course in accordance with the regularly established policies and regulations of the educational institution, with the provisions of such regulations as may be prescribed by the Secretary pursuant to subsection (g) of this section, and with the requirements of this chapter or of chapter 34 or 35 of this title, but payment may be made for an actual period of pursuit of one or more unit subjects pursued for a period of time shorter than the enrollment period at the educational institution;

(2) to any eligible veteran or person for auditing a course; or

(3) to any eligible veteran or person for a course for which the grade assigned is not used in computing the requirements for graduation including a course from which the student withdraws unless—

(A) the eligible veteran or person withdraws because he or she is ordered to active duty; or

(B) the Secretary finds there are mitigating circumstances, except that, in the first instance of withdrawal (without regard to withdrawals described in subclause (A) of this clause) by the eligible veteran or person from a course or courses with respect to which the veteran or person has been paid assistance under this title, mitigating circumstances shall be considered to exist with respect to courses totaling not more than six semester hours or the equivalent thereof.

Notwithstanding the foregoing, the Secretary may, subject to such regulations as the Secretary shall prescribe, continue to pay allowances to eligible veterans and eligible persons enrolled in courses set forth in clause (1) of this subsection during periods when schools are temporarily closed under an established policy based on an Executive order of the President or due to an emergency situation. However, the total number of weeks for which allowances may continue to be so payable in any 12-month period may not exceed 4 weeks.

(b) CORRESPONDENCE TRAINING CERTIFICATIONS.—No educational assistance allowance shall be paid to an eligible veteran or spouse or surviving spouse enrolled in and pursuing a program of education exclusively by correspondence until the Secretary shall have received—

(1) from the eligible veteran or spouse or surviving spouse a certificate as to the number of lessons actually completed by the veteran or spouse or surviving spouse and serviced by the educational institution; and

(2) from the training establishment a certification or an endorsement on the veteran's or spouse's or surviving spouse's certificate, as to the number of lessons completed by the veteran or spouse or surviving spouse and serviced by the institution.

(c) APPRENTICESHIP AND OTHER ON-JOB TRAINING.—No training assistance allowance shall be paid to an eligible veteran or eligible person enrolled in and pursuing a program of apprentice-

ship or other on-job training until the Secretary receives from the training establishment a certification that such veteran or person was enrolled in and pursuing a program of apprenticeship or other on-job training during such period.

(d) ADVANCE PAYMENT OF INITIAL EDUCATIONAL ASSISTANCE OR SUBSISTENCE ALLOWANCE.—(1) The educational assistance or subsistence allowance advance payment provided for in this subsection is based upon a finding by the Congress that eligible veterans and eligible persons may need additional funds at the beginning of a school term to meet the expenses of books, travel, deposits, and payment for living quarters, the initial installment of tuition, and the other special expenses which are concentrated at the beginning of a school term.

(2) Subject to the provisions of this subsection, and under regulations which the Secretary shall prescribe, an eligible veteran or eligible person shall be paid an educational assistance allowance or subsistence allowance, as appropriate, advance payment. Such advance payment shall be made in an amount equivalent to the allowance for the month or fraction thereof in which pursuit of the program will commence, plus the allowance for the succeeding month. In the case of a person on active duty, who is pursuing a program of education, the advance payment shall be in a lump sum based upon the amount payable for the entire quarter, semester, or term, as applicable. In no event shall an advance payment be made under this subsection to a veteran or person intending to pursue a program of education on less than a half-time basis. An advance payment may not be made under this subsection to any veteran or person unless the veteran or person requests such payment and the Secretary finds that the educational institution at which such veteran or person is accepted or enrolled has agreed to, and can satisfactorily, carry out the provisions of paragraphs (4)(B) and (C) and (5) of this subsection. The application for advance payment, to be made on a form prescribed by the Secretary, shall—

(A) in the case of an initial enrollment of a veteran or person in an educational institution, contain information showing that the veteran or person (i) is eligible for educational benefits, (ii) has been accepted by the institution, and (iii) has notified the institution of such veteran's or person's intention to attend that institution; and

(B) in the case of a re-enrollment of a veteran or person, contain information showing that the veteran or person (i) is eligible to continue such veteran's or person's program of education or training and (ii) intends to re-enroll in the same institution,

and, in either case, shall also state the number of semester or clock-hours to be pursued by such veteran or person.

(3) For purposes of the Secretary's determination whether any veteran or person is eligible for an advance payment under this section, the information submitted by the institution, the veteran or person, shall establish such veteran's or person's eligibility unless there is evidence in such veteran's or person's file in the processing office establishing that the veteran or person is not eligible for such advance payment.

(4) The advance payment authorized by paragraph (2) of this subsection shall, in the case of an eligible veteran or eligible person, be (A) drawn in favor of the veteran or person; (B) mailed to the educational institution listed on the application form for temporary care and delivery to the veteran or person by such institution; and (C) delivered to the veteran or person upon such veteran's or person's registration at such institution, but in no event shall such delivery be made earlier than thirty days before the program of education is to commence.

(5) Upon delivery of the advance payment pursuant to paragraph (4) of this subsection, the institution shall submit to the Secretary a certification of such delivery. If such delivery is not effected within thirty days after commencement of the program of education in question, such institution shall return such payment to the Secretary forthwith.

(e) RECOVERY OF ERRONEOUS PAYMENTS.—(1) Subject to paragraph (2), if an eligible veteran or eligible person fails to enroll in or pursue a course for which an educational assistance or subsistence allowance advance payment is made, the amount of such payment and any amount of subsequent payments which, in whole or in part, are due to erroneous information required to be furnished under subsection (d)(2) of this section, shall become an overpayment and shall constitute a liability of such veteran or person to the United States and may be recovered, unless waived pursuant to section 5302 of this title, from any benefit otherwise due such veteran or person under any law administered by the Department of Veterans Affairs or may be recovered in the same manner as any other debt due the United States.

(2) Paragraph (1) shall not apply to the recovery of an overpayment of an educational allowance or subsistence allowance advance payment to an eligible veteran or eligible person who fails to enroll in or pursue a course of education for which the payment is made if such failure is due to the death of the veteran or person.

(f) PAYMENTS FOR LESS THAN HALF-TIME TRAINING.—Payment of educational assistance allowance in the case of any eligible veteran or eligible person pursuing a program of education on less than a half-time basis shall be made in an amount computed for the entire quarter, semester, or term not later than the last day of the month immediately following the month in which certification is received from the educational institution that such veteran or person has enrolled in and is pursuing a program at such institution. Such lump sum payment shall be computed at the rate provided in section 3482(b) or 3532(a)(2) of this title, as applicable.

(g) DETERMINATION OF ENROLLMENT, PURSUIT, AND ATTENDANCE.—(1) The Secretary may, pursuant to regulations which the Secretary shall prescribe, determine and define with respect to an eligible veteran and eligible person the following:

(A) Enrollment in a course or program of education or training.

(B) Pursuit of a course or program of education or training.

(C) Attendance at a course or program of education or training.

(2) The Secretary may withhold payment of benefits to an eligible veteran or eligible person until the Secretary receives such proof as the Secretary may require of enrollment in and satisfactory pursuit of a program of education by the eligible veteran or eligible person. The Secretary shall adjust the payment withheld, when necessary, on the basis of the proof the Secretary receives.

(3) In the case of an individual other than an individual described in paragraph (4), the Secretary may accept the individual's monthly certification of enrollment in and satisfactory pursuit of a program of education as sufficient proof of the certified matters.

(4) In the case of an individual who has received an accelerated payment of basic educational assistance under section 3014A of this title during an enrollment period for a program of education, the Secretary may accept the individual's certification of enrollment in and satisfactory pursuit of the program of education as sufficient proof of the certified matters if the certification is submitted after the enrollment period has ended.

(Added Pub. L. 92-540, title II, § 201, Oct. 24, 1972, 86 Stat. 1076, § 1780; amended Pub. L. 93-208, Dec. 28, 1973, 87 Stat. 907; Pub. L. 93-508, title II, § 209, Dec. 3, 1974, 88 Stat. 1584; Pub. L. 94-502, title V, §§ 505, 506, 513(a)(5)-(12), Oct. 15, 1976, 90 Stat. 2400, 2402, 2403; Pub. L. 96-466, title III, §§ 341, 342, title VI, §§ 601(c), (d), 602(c), Oct. 17, 1980, 94 Stat. 2198, 2208, 2209; Pub. L. 97-35, title XX, § 2003(c), Aug. 13, 1981, 95 Stat. 782; Pub. L. 97-295, § 4(52), Oct. 12, 1982, 96 Stat. 1308; Pub. L. 97-306, title II, § 205(c), Oct. 14, 1982, 96 Stat. 1434; Pub. L. 99-576, title III, §§ 315(a)(1), 316, title VII, § 701(59), Oct. 28, 1986, 100 Stat. 3274, 3296; Pub. L. 100-689, title I, § 121(a), Nov. 18, 1988, 102 Stat. 4173; Pub. L. 101-237, title IV, §§ 412(a), 415(a), 423(b)(1), (2), Dec. 18, 1989, 103 Stat. 2085, 2086, 2092; Pub. L. 102-40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 3680 and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-127, § 6(a), Oct. 10, 1991, 105 Stat. 622; Pub. L. 102-568, title III, § 314, Oct. 29, 1992, 106 Stat. 4333; Pub. L. 103-446, title VI, § 605(a)(2)(B), title XII, § 1201(i)(6), Nov. 2, 1994, 108 Stat. 4672, 4688; Pub. L. 106-419, title I, § 121(a), Nov. 1, 2000, 114 Stat. 1833; Pub. L. 107-103, title I, § 104(b), Dec. 27, 2001, 115 Stat. 981; Pub. L. 109-233, title V, § 503(8)(A), June 15, 2006, 120 Stat. 416; Pub. L. 111-377, title II, § 206(a), Jan. 4, 2011, 124 Stat. 4126; Pub. L. 115-48, title I, § 109(b), Aug. 16, 2017, 131 Stat. 980; Pub. L. 115-89, § 3, Nov. 21, 2017, 131 Stat. 1279.)

AMENDMENT OF SUBSECTION (a)

Pub. L. 115-48, title I, § 109(b), (c)(2), Aug. 16, 2017, 131 Stat. 980, 981, provided that, effective Aug. 1, 2018, and applicable with respect to courses and programs of education discontinued as described in section 3699 of this title on or after Aug. 16, 2017, subsection (a) of this section is amended, and after such effective date, subsection (a) of this section will read as follows:

(a) Period for Which Payment May Be Made.—(1) Except as provided in paragraph (2), payment of educational assistance or subsistence allowances to eligible veterans or eligible persons pursuing a program of education or training, other than a pro-

gram 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 pursuit of, such program, but no amount shall be paid—

(A) to any eligible veteran or eligible person for any period when such veteran or person is not pursuing such veteran's or person's course in accordance with the regularly established policies and regulations of the educational institution, with the provisions of such regulations as may be prescribed by the Secretary pursuant to subsection (g) of this section, and with the requirements of this chapter or of chapter 34 or 35 of this title, but payment may be made for an actual period of pursuit of one or more unit subjects pursued for a period of time shorter than the enrollment period at the educational institution;

(B) to any eligible veteran or person for auditing a course; or

(C) to any eligible veteran or person for a course for which the grade assigned is not used in computing the requirements for graduation including a course from which the student withdraws unless—

- (i) the eligible veteran or person withdraws because he or she is ordered to active duty; or
- (ii) the Secretary finds there are mitigating circumstances, except that, in the first instance of withdrawal (without regard to withdrawals described in clause (i)) by the eligible veteran or person from a course or courses with respect to which the veteran or person has been paid assistance under this title, mitigating circumstances shall be considered to exist with respect to courses totaling not more than six semester hours or the equivalent thereof.

(2) Notwithstanding paragraph (1), the Secretary may, pursuant to such regulations as the Secretary shall prescribe, continue to pay allowances to eligible veterans and eligible persons enrolled in courses set forth in paragraph (1)(A)—

(A) during periods when educational institutions are temporarily closed under an established policy based on an Executive order of the President or due to an emergency situation, except that the total number of weeks for which allowances may continue to be so payable in any 12-month period may not exceed 4 weeks; or

(B) solely for the purpose of awarding a monthly housing stipend described in section 3313 of this title, during periods following a permanent closure of an educational institution, or following the disapproval of a course of study described in section 3699(b)(1)(B) of this title, except that payment of such a stipend may only be continued until the earlier of—

- (i) the date of the end of the term, quarter, or semester during which the closure or disapproval occurred; and
- (ii) the date that is 120 days after the date of the closure or disapproval.

See 2017 Amendment note below.

AMENDMENTS

2017—Subsec. (a). Pub. L. 115-48 designated existing provisions as par. (1), redesignated former pars. (1) to (3) as subpars. (A) to (C), respectively, of par. (1) and former subpars. (A) and (B) of par. (3) as cls. (i) and (ii),

respectively, of subpar. (C), substituted “Except as provided in paragraph (2), payment of” for “Payment of” in introductory provisions of par. (1) and “described in clause (i)” for “described in subclause (A) of this clause” in cl. (ii) of par. (1)(C), added par. (2), and struck out concluding provisions which read as follows: “Notwithstanding the foregoing, the Secretary may, subject to such regulations as the Secretary shall prescribe, continue to pay allowances to eligible veterans and eligible persons enrolled in courses set forth in clause (1) of this subsection during periods when schools are temporarily closed under an established policy based on an Executive order of the President or due to an emergency situation. However, the total number of weeks for which allowances may continue to be so payable in any 12-month period may not exceed 4 weeks.”

Subsec. (c). Pub. L. 115-89 substituted “receives from the training establishment a certification” for “shall have received—

“(1) from such veteran or person a certification as to such veteran's or person's actual attendance during such period; and

“(2) from the training establishment a certification, or an endorsement on the veteran's or person's certificate.”

2011—Subsec. (a). Pub. L. 111-377, in concluding provisions, substituted “of this subsection during periods when schools are temporarily closed under an established policy based on an Executive order of the President or due to an emergency situation. However, the total number of weeks for which allowances may continue to be so payable in any 12-month period may not exceed 4 weeks.” for “of this subsection—” and subcls. (A) to (C) which related to periods when schools are temporarily closed, periods of 30 days or less between consecutive school terms during which veterans or persons transfer to another approved educational institution, and periods of certified term-basis enrollment between school terms, respectively.

2006—Pub. L. 109-233 revised style of subsec. headings.

2001—Subsec. (g). Pub. L. 107-103 amended heading and text of subsec. (g) generally. Prior to amendment, text read as follows: “The Secretary may, pursuant to regulations which the Secretary shall prescribe, determine and define enrollment in, pursuit of, and attendance at, any program of education or training or course by an eligible veteran or eligible person for any period for which the veteran or person receives an educational assistance or subsistence allowance under this chapter for pursuing such program or course. Subject to such reports and proof as the Secretary may require to show an eligible veteran's or eligible person's enrollment in and satisfactory pursuit of such person's program, the Secretary may withhold payment of benefits to such eligible veteran or eligible person until the required proof is received and the amount of the payment is appropriately adjusted. The Secretary may accept such veteran's or person's monthly certification of enrollment in and satisfactory pursuit of such veteran's or person's program as sufficient proof of the certified matters.”

2000—Subsec. (a)(C). Pub. L. 106-419 amended subcl. (C) generally. Prior to amendment, subcl. (C) read as follows: “during periods between a semester, term, or quarter where the educational institution certifies the enrollment of the eligible veteran or eligible person on an individual semester, term, or quarter basis if the interval between such periods does not exceed one full calendar month.”

1994—Subsec. (a)(2) to (4). Pub. L. 103-446, § 605(a)(2)(B), inserted “or” at end of par. (2), substituted period for “; or” at end of par. (3), and struck out par. (4) which read as follows: “to any eligible veteran or person for pursuit of a program of education exclusively by correspondence as authorized under section 3686 of this title or for the pursuit of a correspondence portion of a combination correspondence-residence course leading to a vocational objective where the normal period of time required to complete such

correspondence course or portion is less than 6 months. A certification as to the normal period of time required to complete the course must be made to the Secretary by the educational institution.”

Subsec. (a)(C). Pub. L. 103-446, §1201(i)(6), substituted “one full” for “1 full”.

1992—Subsec. (e). Pub. L. 102-568 designated existing provisions as par. (1), substituted “Subject to paragraph (2), if” for “If”, struck out comma after “eligible person”, and added par. (2).

1991—Pub. L. 102-83, §5(a), renumbered section 1780 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “3108, 3482, 3491, or 3532” for “1508, 1682, 1691, or 1732” in introductory provisions.

Subsec. (a)(3). Pub. L. 102-127 amended cl. (3) generally. Prior to amendment, cl. (3) read as follows: “to any eligible veteran or person for a course for which the grade assigned is not used in computing the requirements for graduation including a course from which the student withdraws unless the Secretary finds there are mitigating circumstances, except that, in the first instance of withdrawal by an eligible veteran or person from a course or courses with respect to which such veteran or person has been paid assistance under this title, mitigating circumstances shall be considered to exist with respect to courses totaling not more than six semester hours or the equivalent thereof; or”.

Subsec. (a)(4). Pub. L. 102-83, §5(c)(1), substituted “3686” for “1786”.

Subsec. (e). Pub. L. 102-40 substituted “5302” for “3102”.

Subsec. (f). Pub. L. 102-83, §5(c)(1), substituted “3482(b) or 3532(a)(2)” for “1682(b) or 1732(a)(2)”.

1989—Subsec. (a). Pub. L. 101-237, §423(b)(1)(A), substituted “Secretary” for “Administrator” wherever appearing.

Pub. L. 101-237, §412(a), struck out “enrolled in a course which leads to a standard college degree, or a course that meets the requirements of section 1788(a)(7) of this title,” after “or eligible person” in cl. (1) of second sentence, redesignated cls. (3) to (5) as (2) to (4), respectively, and struck out former cl. (2) which read as follows: “to any eligible veteran or eligible person enrolled in a course which does not lead to a standard college degree (excluding courses that meet the requirements of section 1788(a)(7) of this title and programs of apprenticeship and programs of other on-job training authorized by section 1787 of this title) for any day of absence in excess of thirty days in a twelve-month period, not counting as absences weekends or legal holidays (or customary vacation periods connected therewith) established by Federal or State law (or in the case of the Republic of the Philippines, Philippine law) during which the institution is not regularly in session and periods (not to exceed five days in any twelve-month period) when the institution is not in session because of teacher conferences or teacher training sessions;”, substituted “set forth in clause (1)” for “set forth in clause (1) or (2)” in third sentence, struck out “, and such periods shall not be counted as absences for the purposes of clause (2) of this subsection” before semicolon at end of subcl. (A), and struck out “, but such periods shall be counted as absences for the purposes of clause (2) of this subsection” before punctuation at end of subcls. (B) and (C).

Subsecs. (b), (c), (d)(2). Pub. L. 101-237, §423(b)(1)(A), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (d)(3). Pub. L. 101-237, §423(b)(2), substituted “Secretary’s” for “Administrator’s”.

Subsec. (d)(5). Pub. L. 101-237, §423(b)(1)(A), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (e). Pub. L. 101-237, §423(b)(1)(B), substituted “Department of Veterans Affairs” for “Veterans’ Administration”.

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

Pub. L. 101-237, §415(a), substituted “the Secretary may withhold payment of benefits to such eligible vet-

eran or eligible person until the required proof is received and the amount of the payment is appropriately adjusted. The Secretary may accept such veteran’s or person’s monthly certification of enrollment in and satisfactory pursuit of such veteran’s or person’s program as sufficient proof of the certified matters.” for “the Administrator is authorized to withhold the final payment of benefits to such person until the required proof is received and the amount of the final payment is appropriately adjusted.”

1988—Subsec. (a)(4). Pub. L. 100-689 inserted “, except that, in the first instance of withdrawal by an eligible veteran or person from a course or courses with respect to which such veteran or person has been paid assistance under this title, mitigating circumstances shall be considered to exist with respect to courses totaling not more than six semester hours or the equivalent thereof” after “circumstances”.

1986—Subsec. (a)(1). Pub. L. 99-576, §315(a)(1)(A), inserted “or a course that meets the requirements of section 1788(a)(7) of this title” after “degree”.

Subsec. (a)(2). Pub. L. 99-576, §315(a)(1)(B), inserted “courses that meet the requirements of section 1788(a)(7) of this title and” after “excluding”.

Subsec. (d)(2). Pub. L. 99-576, §701(59), substituted “person” for “serviceman” after “In the case of a”.

Subsec. (f). Pub. L. 99-576, §316, substituted “not later than the last day of” for “during”.

1982—Subsec. (a). Pub. L. 97-295, §4(52)(A), and Pub. L. 97-306, §205(c)(1), made identical amendments by substituting “section 1508” for “section 1504”.

Subsec. (a)(5). Pub. L. 97-295, §4(52)(B), substituted “than 6 months” for “the 6 months” after “portion is less”.

Subsec. (a)(6). Pub. L. 97-306, §205(c)(2)–(4), struck out cl. (6) which provided that no amount would be paid to any eligible veteran or person incarcerated in a Federal, State, or local prison or jail for any course to the extent the tuition and fees of the veteran or person were paid under any Federal program (other than a program administered by the Administrator) or under any State or local program, or for which there were no tuition and fees.

Subsec. (a)(A) to (C). Pub. L. 97-295, §4(52)(C), inserted “of this subsection” after “clause (2)” wherever appearing.

1981—Subsec. (a). Pub. L. 97-35 struck out applicability to flight training program.

1980—Subsec. (a). Pub. L. 96-466, §§341(a), 342, 602(c), in provisions preceding cl. (1) inserted “in, and pursuit of, such program” after “enrollment”, in cl. (1) inserted reference to not pursuing a course in accordance with provisions of regulations prescribed by the Administrator pursuant to subsec. (g) of this section and reference to payment for an actual period of pursuit of one or more unit subjects pursued for a period of time shorter than the enrollment period at the educational institution, in cl. (2) inserted reference to periods when the institution is not in session because of teacher conferences or teacher training sessions, and added cl. (6).

Subsec. (d)(2). Pub. L. 96-466, §601(c)(1), struck out “(other than under subchapter VI of chapter 34)” after “who is pursuing a program of education” and substituted “paragraphs (4)(B) and (C) and (5)” for “paragraphs 5(B) and (C) and (6)”.

Subsec. (d)(3). Pub. L. 96-466, §601(c)(2), (3), redesignated par. (4) as (3). Former par. (3), which related to the entitlement of a person eligible for education or training under the provisions of subchapter VI of chapter 34 of this title to a lump-sum educational assistance allowance advance payment, was struck out.

Subsec. (d)(4). Pub. L. 96-466, §601(c)(3), (4), redesignated par. (5) as (4) and substituted “paragraph (2)” for “paragraphs (2) and (3)”. Former par. (4) redesignated (3).

Subsec. (d)(5), (6). Pub. L. 96-466, §601(c)(4), (5), redesignated par. (6) as (5) and substituted “paragraph (4)” for “paragraph (5)”. Former par. (5) redesignated (4).

Subsec. (e). Pub. L. 96-466, §601(d)(1), substituted “under subsection (d)(2) of this section” for “under subsection (d)(2) and (3) of this section”.

Subsec. (f). Pub. L. 96-466, §601(d)(2), struck out “(except as provided by subsection (d)(3) of this section)” after “half-time basis”.

Subsec. (g). Pub. L. 96-466, §341(b), inserted “and define” after “determine”.

1976—Subsec. (a). Pub. L. 94-502, §§505, 506, 513(a)(5), authorized the Administrator to continue allowances to eligible veterans and persons during periods between consecutive school terms where the veteran or person transfers from one approved school to another approved school, provided the period not exceed 30 days, and during periods between a semester, term, or quarter where the educational institution certifies the enrollment of the veteran or person on an individual semester, term, or quarter basis, provided that the period not exceed 1 full calendar month, substituted “such veteran’s or person’s” for “his”, and added cls. (3) to (5).

Subsec. (b). Pub. L. 94-502, §513(a)(5), substituted “spouse or surviving spouse” for “wife or widow” wherever appearing, and “spouse’s or surviving spouse’s” for “wife’s or widow’s”.

Subsec. (c). Pub. L. 94-502, §513(a)(6), substituted “such veteran’s or person’s” for “his”.

Subsec. (d). Pub. L. 94-502, §513(a)(6)–(8), substituted “persons may need” for “persons need” in cl. (1), “such veteran’s or person’s” for “his” in two places and inserted provision prohibiting advance payments unless the veteran request them and the Administrator finds that the educational institution has agreed to and can carry out the requirements of cls. (5) (B), (C) and (6) of this subsection in cl. (2), substituted “such veteran’s or person’s” for “his” in two places and “the veteran or person” for “he” in cl. (4), and “such veteran’s or person’s” for “his” in cl. (5).

Subsec. (e). Pub. L. 94-502, §513(a)(9)–(11), struck out subsec. (e) which provided for prepayment of subsequent educational assistance or subsistence allowances, redesignated subsec. (f) as (e) and substituted “such veteran or person” for “him”.

Subsec. (f). Pub. L. 94-502, §513(a)(10), redesignated subsec. (g) as (f). Former subsec. (f) redesignated (e).

Subsecs. (g), (h). Pub. L. 94-502, §513(a)(10), (12), redesignated subsec. (h) as (g), substituted “which the Administrator shall” for “which he shall”, “the veteran or person” for “he”, and authorized the Administrator to withhold final payment of benefits to the veteran or person until proof of the veteran’s or person’s enrollment in and satisfactory pursuit of the educational program is received. Former subsec. (g) redesignated (f).

1974—Subsec. (a)(2). Pub. L. 93-508 substituted “legal holidays (or customary vacation periods connected therewith)” for “legal holidays”.

1973—Subsec. (a). Pub. L. 93-208 inserted provisions that the Administrator may continue to pay allowances to eligible veterans and eligible persons enrolled in courses set forth in cl. (1) or (2) of this subsection during periods when the schools are temporarily closed under an established policy based upon an Executive Order of the President or due to an emergency situation, and that such periods shall not be counted as absences for the purposes of cl. (2).

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115-48, title I, §109(c)(2), Aug. 16, 2017, 131 Stat. 981, provided that: “The amendments made by subsection (b) [amending this section] shall take effect on August 1, 2018, and shall apply with respect to courses and programs of education discontinued as described in section 3699 of title 38, United States Code, as added by such subsection, on or after the date of the enactment of this Act [Aug. 16, 2017].”

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-377, title II, §206(b), Jan. 4, 2011, 124 Stat. 4127, provided that: “The amendment made by this section [amending this section] shall take effect on August 1, 2011.”

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-103 effective Oct. 1, 2002, and applicable with respect to enrollments in courses

or programs of education or training beginning on or after that date, see section 104(c) of Pub. L. 107-103, set out as an Effective Date note under section 3014A of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-419, title I, §121(b), Nov. 1, 2000, 114 Stat. 1833, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to payments of educational assistance under title 38, United States Code, for months beginning on or after the date of the enactment of this Act [Nov. 1, 2000].”

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 605(a)(2)(B) of Pub. L. 103-446 applicable with respect to programs of education exclusively by correspondence and to correspondence-residence courses commencing more than 90 days after Nov. 2, 1994, see section 605(b) of Pub. L. 103-446, set out as a note under section 3672 of this title.

EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-127, §6(b), Oct. 10, 1991, 105 Stat. 623, provided that: “The amendments made by subsection (a) [amending this section] shall take effect as of August 1, 1990.”

EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-689, title I, §121(b), Nov. 18, 1988, 102 Stat. 4174, provided that: “The amendment made by subsection (a) [amending this section] shall apply so as to require that mitigating circumstances be considered to exist only with respect to withdrawals from a course or courses being pursued with assistance under title 38, United States Code, that occur on or after June 1, 1989.”

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-35 effective Oct. 1, 1981, except as otherwise provided, see section 2006 of Pub. L. 97-35, set out as a note under section 3231 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by sections 341 and 342 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.

Amendment by sections 601(c), (d) and 602(c) of Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(f) of Pub. L. 96-466, set out as an Effective Date note under section 5314 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by section 505 of Pub. L. 94-502 effective Dec. 1, 1976, and amendment by sections 506 and 513(a)(5), (6), (11), (12) of Pub. L. 94-502 effective Oct. 15, 1976, see section 703(b), (c) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

Pub. L. 94-502, title V, §513(b), Oct. 15, 1976, 90 Stat. 2404, provided that: “The amendments made by paragraphs (7), (8), (9), and (10) of subsection (a) [amending this section] shall take effect June 1, 1977, and shall apply with respect to educational assistance allowances and subsistence allowances paid under title 38, United States Code, for months after May 1977.”

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.

EFFECTIVE DATE

Pub. L. 92-540, title VI, §603, Oct. 24, 1972, 86 Stat. 1099, provided that:

“(a) The prepayment provisions of subsection (e) of section 1780 [now 3680] of title 38, United States Code

(as added by section 201 of this Act), shall become effective on November 1, 1972.

“(b) The advance payment provisions of section 1780 [now 3680] of title 38, United States Code (as added by section 201 of this Act), shall become effective on August 1, 1973, or at such time prior thereto as the Administrator of Veterans' Affairs shall specify in a certification filed with the Committees on Veterans' Affairs of the Congress.”

STUDY OF TUITION ASSISTANCE ALLOWANCE PROGRAM ABUSES

Pub. L. 93-508, title I, §105, Dec. 3, 1974, 88 Stat. 1581, authorized the Administrator to study the potential administrative difficulties and abuses that would arise if some form of variable tuition assistance allowance program were enacted after consideration of past difficulties and abuses which arose after the Second World War and such difficulties and abuses as were being experienced by the Veterans' Administration in managing certain current programs, and to report to the Congress and the President his findings and recommendations for legislative and administrative action no later than one year after Dec. 3, 1974.

EX. ORD. NO. 12020. PAYMENT OF BENEFITS WHEN SCHOOLS ARE TEMPORARILY CLOSED TO CONSERVE ENERGY

Ex. Ord. No. 12020, Nov. 8, 1977, 42 F.R. 58509, provided: By virtue of the authority vested in me by clause (A) of Section 1780(a) [now 3680(a)] of Title 38 of the United States Code, and as President of the United States of America, in order to establish a national policy in regard to payment of educational benefits to veterans and their dependents during periods in which schools are closed to conserve energy, it is hereby ordered as follows:

SECTION 1. Whenever an educational institution submits evidence which satisfies the Administrator of Veterans' Affairs that energy consumption will be abnormally high during the winter months or that available energy supplies will be inadequate to meet the needs of the school, and that, in the interest of energy conservation, the institution plans to close between semesters or terms for a period not to exceed 45 days, the Administrator may continue to pay monthly educational assistance benefits to veterans and eligible persons enrolled in such schools. Such authority may be exercised only once during any 12-month period with respect to any educational institution.

SEC. 2. The Administrator shall advise veterans and other eligible persons of the effect of accepting educational assistance benefits under the provisions of Section 1 of this Order on their period of entitlement.

JIMMY CARTER.

§ 3680A. Disapproval of enrollment in certain courses

(a) The Secretary shall not approve the enrollment of an eligible veteran in any of the following:

(1) Any bartending course or personality development course.

(2) Any sales or sales management course which does not provide specialized training within a specific vocational field.

(3) Any type of course which the Secretary finds to be avocational or recreational in character (or the advertising for which the Secretary finds contains significant avocational or recreational themes) unless the veteran submits justification showing that the course will be of bona fide use in the pursuit of the veteran's present or contemplated business or occupation.

(4) Any independent study program except an independent study program (including such

a program taken over open circuit television) that—

(A) is accredited by an accrediting agency or association recognized by the Secretary of Education under subpart 2 of part H of title IV of the Higher Education Act of 1965 (20 U.S.C. 1099b);

(B) leads to—

(i) a standard college degree;

(ii) a certificate that reflects educational attainment offered by an institution of higher learning; or

(iii) a certificate that reflects completion of a course of study offered by—

(I) an area career and technical education school (as defined in subparagraphs (C) and (D) of section 3(3) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302(3))) that provides education at the postsecondary level; or

(II) a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c))) that provides education at the postsecondary level; and

(C) in the case of a program described in subparagraph (B)(iii)—

(i) provides training aligned with the requirements of employers in the State or local area where the program is located, which may include in-demand industry sectors or occupations; and

(ii) provides a student, upon completion of the program, with a recognized postsecondary credential that is recognized by employers in the relevant industry, which may include a credential recognized by industry or sector partnerships in the State or local area where the industry is located; and

(iii) meets such content and instructional standards as may be required to comply with the criteria under section 3676(c)(14) and (15) of this title.

(b) Except to the extent otherwise specifically provided in this title or chapter 106 of title 10, the Secretary shall not approve the enrollment of an eligible veteran in any course of flight training other than one given by an educational institution of higher learning for credit toward a standard college degree the eligible veteran is seeking.

(c) The Secretary shall not approve the enrollment of an eligible veteran in any course to be pursued by radio.

(d)(1) Except as provided in paragraph (2) of this subsection, the Secretary shall not approve the enrollment of any eligible veteran, not already enrolled, in any course for any period during which the Secretary finds that more than 85 percent of the students enrolled in the course are having all or part of their tuition, fees, or other charges paid to or for them by the educational institution or by the Department of Veterans Affairs under this title or under chapter 106 of title 10. The Secretary may waive the requirements of this subsection, in whole or in part, if the Secretary determines, pursuant to regulations which the Secretary shall prescribe,