

test is deemed to be a "course" and the organization or entity that offers such test is deemed to be an "institution" or "educational institution", respectively, as those terms are applied under and for purposes of sections 3671, 3673, 3674, 3678, 3679, 3681, 3682, 3683, 3685, 3690, and 3696 of this title.

(e) PROFESSIONAL CERTIFICATION AND LICENSURE ADVISORY COMMITTEE.—(1) There is established within the Department a committee to be known as the Professional Certification and Licensure Advisory Committee (hereinafter in this section referred to as the "Committee").

(2) The Committee shall advise the Secretary with respect to the requirements of organizations or entities offering licensing and certification tests to individuals for which payment for such tests may be made under chapter 30, 32, 33, 34, or 35 of this title, and such other related issues as the Committee determines to be appropriate.

(3)(A) The Secretary shall appoint seven individuals with expertise in matters relating to licensing and certification tests to serve as members of the Committee.

(B) The Secretary of Labor and the Secretary of Defense shall serve as ex officio members of the Committee.

(C) A vacancy in the Committee shall be filled in the manner in which the original appointment was made.

(4)(A) The Secretary shall appoint the chairman of the Committee.

(B) The Committee shall meet at the call of the chairman.

(5) The Committee shall terminate December 31, 2006.

(Added Pub. L. 106-419, title I, § 122(c)(1), Nov. 1, 2000, 114 Stat. 1835; amended Pub. L. 107-330, title III, § 308(d), Dec. 6, 2002, 116 Stat. 2828; Pub. L. 110-252, title V, § 5003(b)(2)(A)(iii), June 30, 2008, 122 Stat. 2375; Pub. L. 111-377, title II, § 203(a)(2)(C), Jan. 4, 2011, 124 Stat. 4125.)

#### PRIOR PROVISIONS

A prior section 3689, added Pub. L. 92-540, title III, § 316(2), Oct. 24, 1972, 86 Stat. 1087, § 1789; amended Pub. L. 94-502, title V, § 509(b), Oct. 15, 1976, 90 Stat. 2401; Pub. L. 95-202, title III, § 305(a)(1), Nov. 23, 1977, 91 Stat. 1442; Pub. L. 96-466, title VI, § 601(g), Oct. 17, 1980, 94 Stat. 2208; Pub. L. 101-237, title IV, §§ 418, 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2087, 2092; renumbered § 3689, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406, related to approval of enrollment in courses in operation for less than two years, prior to repeal by Pub. L. 104-275, title I, § 103(a)(1)(A), Oct. 9, 1996, 110 Stat. 3326.

#### AMENDMENTS

2011—Subsec. (a)(1). Pub. L. 111-377 inserted "the test is deemed approved by section 3672(b)(2)(B) of this title or" after "unless".

2008—Subsecs. (a)(1), (c)(1), (d), (e)(2). Pub. L. 110-252 inserted "33," after "32," wherever appearing.

2002—Subsec. (c)(1)(B). Pub. L. 107-330 substituted "such test, or a test to certify or license in a similar or related occupation," for "the test".

#### 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 2008 AMENDMENT

Amendment by Pub. L. 110-252 effective Aug. 1, 2009, see section 5003(d) of Pub. L. 110-252, set out as a note under section 16163 of Title 10, Armed Forces.

#### EFFECTIVE DATE

Section effective Mar. 1, 2001, and applicable with respect to licensing and certification tests approved by the Secretary of Veterans Affairs on or after such date, see section 122(d) of Pub. L. 106-419, set out as an Effective Date of 2000 Amendment note under section 3032 of this title.

#### § 3690. Overcharges by educational institutions; discontinuance of allowances; examination of records; false or misleading statements

(a) OVERCHARGES BY EDUCATIONAL INSTITUTIONS.—If the Secretary finds that an educational institution has—

(1) charged or received from any eligible veteran or eligible person pursuing a program of education under this chapter or chapter 34 or 35 of this title any amount for any course in excess of the charges for tuition and fees which such institution requires similarly circumstanced nonveterans not receiving assistance under such chapters who are enrolled in the same course to pay, or

(2) instituted, after October 24, 1972, a policy or practice with respect to the payment of tuition, fees, or other charges in the case of eligible veterans and the Secretary finds that the effect of such policy or practice substantially denies to veterans the benefits of the advance allowances under such section,

the Secretary may disapprove such educational institution for the enrollment of any eligible veteran or eligible person not already enrolled therein under this chapter or chapter 31, 34, or 35 of this title.

(b) DISCONTINUANCE OF ALLOWANCES.—(1) The Secretary may discontinue the educational assistance allowance of any eligible veteran or eligible person if the Secretary finds that the program of education or any course in which the veteran or person is enrolled fails to meet any of the requirements of this chapter or chapter 34 or 35 of this title, or if the Secretary finds that the educational institution offering such program or course has violated any provision of this chapter or chapter 34 or 35 of this title, or fails to meet any of the requirements of such chapters.

(2) Except as provided in paragraph (3) of this subsection, any action by the Secretary under paragraph (1) of this subsection to discontinue (including to suspend) assistance provided to any eligible veteran or eligible person under this chapter or chapter 31, 32, 34, or 35 of this title shall be based upon evidence that the veteran or eligible person is not or was not entitled to such assistance. Whenever the Secretary so discontinues any such assistance, the Secretary shall concurrently provide written notice to such veteran or person of such discontinuance and that such veteran or person is entitled thereafter to a statement of the reasons for such action and an opportunity to be heard thereon.

(3)(A) The Secretary may suspend educational assistance to eligible veterans and eligible persons already enrolled, and may disapprove the enrollment or reenrollment of any eligible veteran or eligible person, in any course as to which the Secretary has evidence showing a substantial pattern of eligible veterans or eligible persons, or both, who are receiving such assistance by virtue of their enrollment in such

course but who are not entitled to such assistance because (i) the course approval requirements of this chapter are not being met, or (ii) the educational institution offering such course has violated one or more of the recordkeeping or reporting requirements of this chapter or chapter 30, 32, 33, 34, or 35 of this title.

(B) Action may be taken under subparagraph (A) of this paragraph only after—

(i) the Secretary provides to the State approving agency concerned and the educational institution concerned written notice of any such failure to meet such approval requirements and any such violation of such recordkeeping or reporting requirements;

(ii) such institution refuses to take corrective action or does not within 60 days after such notice (or within such longer period as the Secretary determines is reasonable and appropriate) take corrective action; and

(iii) the Secretary, not less than 30 days before taking action under such subparagraph, provides to each eligible veteran and eligible person already enrolled in such course written notice of the Secretary's intent to take such action (and the reasons therefor) unless such corrective action is taken within such 60 days (or within such longer period as the Secretary has determined is reasonable and appropriate), and of the date on which the Secretary intends to take action under such subparagraph.

(c) EXAMINATION OF RECORDS.—Notwithstanding any other provision of law, the records and accounts of educational institutions pertaining to eligible veterans or eligible persons who received educational assistance under this chapter or chapter 31, 32, 34, or 35 of this title, as well as the records of other students which the Secretary determines necessary to ascertain institutional compliance with the requirements of such chapters, shall be available for examination by duly authorized representatives of the Government.

(d) FALSE OR MISLEADING STATEMENTS.—Whenever the Secretary finds that an educational institution has willfully submitted a false or misleading claim, or that a veteran or person, with the complicity of an educational institution, has submitted such a claim, the Secretary shall make a complete report of the facts of the case to the appropriate State approving agency and, where deemed advisable, to the Attorney General of the United States for appropriate action.

(Added Pub. L. 92-540, title III, §316(2), Oct. 24, 1972, 86 Stat. 1088, §1790; amended Pub. L. 94-502, title V, §§510, 513(a)(19), Oct. 15, 1976, 90 Stat. 2401, 2403; Pub. L. 95-202, title III, §306, Nov. 23, 1977, 91 Stat. 1445; Pub. L. 96-466, title VIII, §801(f), Oct. 17, 1980, 94 Stat. 2216; Pub. L. 97-295, §4(59), Oct. 12, 1982, 96 Stat. 1309; Pub. L. 97-306, title II, §207, Oct. 14, 1982, 96 Stat. 1435; Pub. L. 101-237, title IV, §423(a)(9), (b)(1)(A), (2), Dec. 18, 1989, 103 Stat. 2092; renumbered §3690, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-86, title V, §506(b)(1), Aug. 14, 1991, 105 Stat. 426; Pub. L. 109-233, title V, §503(8)(A), June 15, 2006, 120 Stat. 416; Pub. L. 110-252, title V, §5003(b)(2)(A)(iv), June 30, 2008, 122 Stat. 2375.)

#### PRIOR PROVISIONS

Provisions similar to those comprising subsec. (a) were contained in former section 1685, as added by Pub.

L. 89-358, §2, Mar. 3, 1966, 80 Stat. 19, §1684; renumbered Pub. L. 90-77, title III, §304(a), Aug. 31, 1967, 81 Stat. 186, and former section 1734, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1199; Pub. L. 89-358, §4(m), Mar. 3, 1966, 80 Stat. 25; provisions similar to those comprising subsec. (b) were contained in former section 1687, as added by Pub. L. 89-358, §2, Mar. 3, 1966, 80 Stat. 19, §1686; renumbered Pub. L. 90-77, title III, §304(a), Aug. 31, 1967, 81 Stat. 186; and former section 1736, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1199; Pub. L. 88-126, §2, Sept. 23, 1963, 77 Stat. 162; Pub. L. 89-358, §4(o), Mar. 3, 1966, 80 Stat. 25; provisions similar to those comprising subsec. (c) were contained in former section 1786, as added by Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 23; and provisions similar to those comprising subsec. (d) were contained in former section 1787, as added by Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 23; prior to the general revision by Pub. L. 92-540.

#### AMENDMENTS

2008—Subsec. (b)(3)(A). Pub. L. 110-252 inserted “33,” after “32.”

2006—Pub. L. 109-233 revised style of subsec. headings. 1991—Pub. L. 102-83 renumbered section 1790 of this title as this section.

Subsec. (b). Pub. L. 102-86 made technical amendment to directory language of Pub. L. 101-237, §423(b)(2). See 1989 Amendment note below.

1989—Subsec. (a). Pub. L. 101-237, §423(a)(9)(A), (b)(1)(A), substituted “Secretary” for “Administrator” wherever appearing and struck out “and prepayment” after “advance” in par. (2).

Subsec. (b). Pub. L. 101-237, §423(a)(9)(B), (C), (b)(1)(A), substituted “Secretary” for “Administrator” wherever appearing, inserted “30,” before “32” in par. (3)(A), and in par. (3)(B) substituted “(B)” for “(B)(i)” and redesignated subcls. (I), (II), and (III) as cls. (i), (ii), and (iii), respectively.

Pub. L. 101-237, §423(b)(2), as amended by Pub. L. 102-86, substituted “Secretary’s” for “Administrator’s” in par. (3)(B)(iii).

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

1982—Subsec. (a). Pub. L. 97-295, §4(59)(A), substituted “after October 24, 1972” for “after the effective date of section 1780 of this title” in par. (2), and struck out the comma after “or 35” in provisions following par. (2).

Subsec. (b)(1). Pub. L. 97-295, §4(59)(B), inserted “of this title” after “provision of this chapter or chapter 34 or 35”.

Subsec. (b)(2). Pub. L. 97-306, §207(1), substituted “Except as provided in paragraph (3) of this subsection, any” for “Any”.

Subsec. (b)(3). Pub. L. 97-306, §207(2), added par. (3).

1980—Subsec. (b)(2). Pub. L. 96-466 substituted “for” for “therefor”.

1977—Subsec. (b). Pub. L. 95-202 designated existing provisions as par. (1) and added par. (2).

1976—Subsec. (a). Pub. L. 94-502, §513(a)(19), substituted “the Administrator may disapprove” for “he may disapprove”.

Subsec. (b). Pub. L. 94-502, §513(a)(19), substituted “if the Administrator finds” for “if he finds” in two places.

Subsec. (c). Pub. L. 94-502, §510, substituted “chapter 31, 32, 34, or 35” for “chapter 31, 34, or 35” and required the records of other students which the Administrator determines necessary to ascertain institutional compliance to be available for inspection.

Subsec. (d). Pub. L. 94-502, §513(a)(19), substituted “the Administrator shall make” for “he shall make”.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-252 effective Aug. 1, 2009, see section 5003(d) of Pub. L. 110-252, set out as a note under section 16163 of Title 10, Armed Forces.

#### EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-86, title V, §506(b), Aug. 14, 1991, 105 Stat. 426, provided that the amendment made by section 506(b)(1) is effective as of Dec. 18, 1989.

## EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, see section 802(h) 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 Nov. 23, 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. 15, 1976, see section 703(b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

**§ 3691. Change of program**

(a) Except as provided in subsections (b) and (c) of this section, each eligible veteran and eligible person may make not more than one change of program of education, but an eligible veteran or eligible person whose program has been interrupted or discontinued due to the veteran's or person's own misconduct, the veteran's or person's own neglect, or the veteran's or person's own lack of application shall not be entitled to any such change.

(b) The Secretary, in accordance with procedures that the Secretary may establish, may approve a change other than a change under subsection (a) of this section (or an initial change in the case of a veteran or person not eligible to make a change under subsection (a)) in program if the Secretary finds that—

(1) the program of education which the eligible veteran or eligible person proposes to pursue is suitable to the veteran's or person's aptitudes, interests, and abilities; and

(2) in any instance where the eligible veteran or eligible person has interrupted, or failed to progress in, the veteran's or person's program due to the veteran's or person's own misconduct, the veteran's or person's own neglect, or the veteran's or person's own lack of application, there exists a reasonable likelihood with respect to the program which the eligible veteran or eligible person proposes to pursue that there will not be a recurrence of such an interruption or failure to progress.

(c) The Secretary may also approve additional changes in program if the Secretary finds such changes are necessitated by circumstances beyond the control of the eligible veteran or eligible person.

(d)(1) For the purposes of this section, the term "change of program of education" shall not be deemed to include a change by a veteran or eligible person from the pursuit of one program to the pursuit of another program if—

(A) the veteran or eligible person has successfully completed the former program;

(B) the program leads to a vocational, educational, or professional objective in the same general field as the former program;

(C) the former program is a prerequisite to, or generally required for, pursuit of the subsequent program;

(D) in the case of a change from the pursuit of a subsequent program to the pursuit of a former program, the veteran or eligible person resumes pursuit of the former program without loss of credit or standing in the former program; or

(E) the change from the program to another program is at the same educational institution and such educational institution determines that the new program is suitable to the aptitudes, interests, and abilities of the veteran or eligible person and certifies to the Secretary the enrollment of the veteran or eligible person in the new program.

(2) A veteran or eligible person undergoing a change from one program of education to another program of education as described in paragraph (1)(E) shall not be required to apply to the Secretary for approval of such change.

(Added Pub. L. 92-540, title III, §316(2), Oct. 24, 1972, 86 Stat. 1089, §1791; amended Pub. L. 94-502, title V, §513(a)(20), Oct. 15, 1976, 90 Stat. 2403; Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 101-366, title II, §208(a), Aug. 15, 1990, 104 Stat. 443; renumbered §3691, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-568, title III, §317, Oct. 29, 1992, 106 Stat. 4334; Pub. L. 110-389, title III, §324, Oct. 10, 2008, 122 Stat. 4168.)

## PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in former section 1672, as added by Pub. L. 89-358, §2, Mar. 3, 1966, 80 Stat. 15; and former section 1722, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1196, prior to repeal by sections 401(6) and 402(2) of Pub. L. 92-540, respectively.

## AMENDMENTS

2008—Subsec. (d). Pub. L. 110-389 designated existing provisions as par. (1), redesignated former pars. (1) to (4) as subpars. (A) to (D) of par. (1), respectively, and added subpar. (E) of par. (1) and par. (2).

1992—Subsec. (d). Pub. L. 102-568 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: "As used in this section the term 'change of program of education' shall not be deemed to include a change from the pursuit of one program to pursuit of another where the first program is prerequisite to, or generally required for, entrance into pursuit of the second."

1991—Pub. L. 102-83 renumbered section 1791 of this title as this section.

1990—Subsec. (b). Pub. L. 101-366 substituted "The Secretary, in accordance with procedures that the Secretary may establish, may approve a change other than a change under subsection (a) of this section" for "The Secretary may approve one additional change".

1989—Subsecs. (b), (c). Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

1976—Subsec. (a). Pub. L. 94-502 substituted "the veteran's or person's" for "his" in three places.

Subsec. (b). Pub. L. 94-502 substituted "if the Administrator finds" for "if he finds" and "the veteran's or person's" for "his" wherever appearing.

Subsec. (c). Pub. L. 94-502 substituted "if the Administrator finds" for "if he finds".

## EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101-366, title II, §208(b), Aug. 15, 1990, 104 Stat. 443, provided that: "The amendment made by subsection (a) [amending this section] shall take effect on June 1, 1991."

## 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.

**§ 3692. Advisory committee**

(a) There shall be a Veterans' Advisory Committee on Education formed by the Secretary