

§§ 409(a), (b), 410(a), Dec. 16, 2016, 130 Stat. 1559, 1561; Pub. L. 116-315, title I, §§ 1016(a), 1020(b), Jan. 5, 2021, 134 Stat. 4945, 4958.)

Editorial Notes

REFERENCES IN TEXT

Section 3696(e) of this title, referred to in subsec. (c)(10), probably should be a reference to section 3696(b) of this title, because section 3696(b), and not section 3696(e), describes substantial misrepresentation.

The Higher Education Act of 1965, referred to in subsec. (c)(14)(B), (15)(B), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219. Subpart 2 of part H of title IV of the Act is classified generally to subpart 2 (§1099b) of part H of subchapter IV of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

AMENDMENTS

2021—Subsec. (c)(10). Pub. L. 116-315, §1020(b), amended par. (10) generally. Prior to amendment, par. (10) read as follows: “The institution does not utilize advertising of any type which is erroneous or misleading, either by actual statement, omission, or intimation. The institution shall not be deemed to have met this requirement until the State approving agency (A) has ascertained from the Federal Trade Commission whether the Commission has issued an order to the institution to cease and desist from any act or practice, and (B) has, if such an order has been issued, given due weight to that fact.”

Subsec. (c)(14)(B), (15)(B). Pub. L. 116-315, §1016(a), substituted “a specialized accrediting agency for programs of legal education” for “an accrediting agency” and inserted “, from which recipients of law degrees from such accredited programs are eligible to sit for a bar examination in any State” before period at end.

2016—Subsec. (c)(14), (15). Pub. L. 114-315, §409(a)(2), added pars. (14) and (15). Former par. (14) redesignated (16).

Subsec. (c)(16). Pub. L. 114-315, §410(a), inserted before period at end “if the Secretary, in consultation with the State approving agency and pursuant to regulations prescribed to carry out this paragraph, determines such criteria are necessary and treat public, private, and proprietary for-profit educational institutions equitably”.

Pub. L. 114-315, §409(a)(1), redesignated par. (14) as (16).

Subsec. (f). Pub. L. 114-315, §409(b), added subsec. (f). 2008—Subsec. (c)(4). Pub. L. 110-389 struck out “and the Secretary” before “so notified”.

2006—Subsec. (c)(13). Pub. L. 109-461 substituted “before completion and—” and subpars. (A) and (B) for “prior to completion and such policy must provide that the amount charged to the eligible person for tuition, fees, and other charges for a portion of the course shall not exceed the approximate pro rata portion of the total charges for tuition, fees, and other charges that the length of the completed portion of the course bears to its total length.”

1992—Subsec. (e). Pub. L. 102-568 added subsec. (e).

1991—Pub. L. 102-83, §5(a), renumbered section 1776 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “3675” for “1775”.

1989—Subsecs. (c)(4), (d). Pub. L. 101-237 substituted “Secretary” for “Administrator” wherever appearing.

1981—Subsec. (d). Pub. L. 97-66 added subsec. (d).

1966—Subsec. (a). Pub. L. 89-358 struck out “1653 or” before “1775”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 116-315, title I, §1016(b), Jan. 5, 2021, 134 Stat. 4946, provided that: “The amendments made by sub-

section (a) [amending this section] shall take effect on August 1, 2021.”

Pub. L. 116-315, title I, §1020(c), Jan. 5, 2021, 134 Stat. 4958, provided that: “The amendments made by this section [amending this section and section 3696 of this title] shall take effect on August 1, 2021.”

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-315, title IV, §410(c), Dec. 16, 2016, 130 Stat. 1561, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to—

“(1) criteria developed pursuant to paragraph (16) of subsection (c) of section 3676 of title 38, United States Code, on or after January 1, 2013; and

“(2) an investigation conducted under such subsection that is covered by a reimbursement of expenses paid by the Secretary of Veterans Affairs to a State pursuant to section 3674 of such title on or after October 1, 2015.”

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-66 effective Oct. 17, 1981, see section 701(b)(1) of Pub. L. 97-66, set out as a note under section 1114 of this title.

§ 3677. Approval of training on the job

(a) Any State approving agency may approve a program of training on the job (other than a program of apprenticeship) only when it finds that the job which is the objective of the training is one in which progression and appointment to the next higher classification are based upon skills learned through organized and supervised training on the job and not on such factors as length of service and normal turnover, and that the provisions of subsections (b) and (c) of this section are met.

(b)(1) The training establishment offering training which is desired to be approved for the purposes of this chapter must submit to the appropriate State approving agency a written application for approval which, in addition to furnishing such information as is required by the State approving agency, contains a certification that—

(A) the wages to be paid the eligible veteran or person (i) upon entrance into training, are not less than wages paid nonveterans in the same training position and are at least 50 per centum of the wages paid for the job for which the veteran or person is to be trained, and (ii) such wages will be increased in regular periodic increments until, not later than the last full month of the training period, they will be at least 85 per centum of the wages paid for the job for which such eligible veteran or person is being trained; and

(B) there is reasonable certainty that the job for which the eligible veteran or person is to be trained will be available to the veteran or person at the end of the training period.

(2) The requirement under paragraph (1)(A)(ii) shall not apply with respect to a training establishment operated by the United States or by a State or local government.

(3) The requirement for certification under paragraph (1) shall not apply to training described in section 3452(e)(2) of this title.

(c) As a condition for approving a program of training on the job (other than a program of apprenticeship) the State approving agency must find upon investigation that the following criteria are met:

(1) The training content of the course is adequate to qualify the eligible veteran or person for appointment to the job for which the veteran or person is to be trained.

(2) The job customarily requires full-time training for a period of not less than six months and not more than two years.

(3) The length of the training period is not longer than that customarily required by the training establishments in the community to provide an eligible veteran or person with the required skills, arrange for the acquiring of job knowledge, technical information, and other facts which the eligible veteran or person will need to learn in order to become competent on the job for which the veteran or person is being trained.

(4) Provision is made for related instruction for the individual eligible veteran or person who may need it.

(5) There is in the training establishment adequate space, equipment, instructional material, and instructor personnel to provide satisfactory training on the job.

(6) Adequate records are kept to show the progress made by each eligible veteran or person toward such veteran's or person's job objective.

(7) No course of training will be considered bona fide if given to an eligible veteran or person who is already qualified by training and experience for the job.

(8) A signed copy of the training agreement for each eligible veteran or person, including the training program and wage scale as approved by the State approving agency, is provided to the veteran or person and to the Secretary and the State approving agency by the employer.

(9) That the course meets such other criteria as may be established by the State approving agency.

(d)(1) The Secretary may conduct a pilot program under which the Secretary operates a program of training on the job under this section for a period (notwithstanding subsection (c)(2)) of up to three years in duration to train employees of the Department to become qualified adjudicators of claims for compensation, dependency and indemnity compensation, and pension.

(2)(A) Not later than three years after the implementation of the pilot project, the Secretary shall submit to Congress an initial report on the pilot project. The report shall include an assessment of the usefulness of the program in recruiting and retaining of personnel of the Department as well as an assessment of the value of the program as a training program.

(B) Not later than 18 months after the date on which the initial report under subparagraph (A) is submitted, the Secretary shall submit to Congress a final report on the pilot project. The final report shall include recommendations of the Secretary with respect to continuation of the pilot project and with respect to expansion of the types of claims for which the extended period of on the job training is available to train such employees.

(Added Pub. L. 90-77, title III, §304(d), Aug. 31, 1967, 81 Stat. 186, §1777; amended Pub. L. 91-219,

title II, §212, Mar. 26, 1970, 84 Stat. 83; Pub. L. 92-540, title III, §314, Oct. 24, 1972, 86 Stat. 1084; Pub. L. 94-502, title V, §513(a)(3), Oct. 15, 1976, 90 Stat. 2402; Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered §3677, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 105-368, title II, §205(a), Nov. 11, 1998, 112 Stat. 3327; Pub. L. 108-454, title I, §108, Dec. 10, 2004, 118 Stat. 3604; Pub. L. 110-389, title III, §325, Oct. 10, 2008, 122 Stat. 4169.)

Editorial Notes

AMENDMENTS

2008—Subsec. (b)(3). Pub. L. 110-389 added par. (3).

2004—Subsec. (d). Pub. L. 108-454 added subsec. (d).

1998—Subsec. (b). Pub. L. 105-368 designated existing provisions as par. (1), redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1), redesignated former cls. (A) and (B) of par. (1) as cls. (i) and (ii), respectively, of subpar. (A), and added par. (2).

1991—Pub. L. 102-83 renumbered section 1777 of this title as this section.

1989—Subsec. (c)(8). Pub. L. 101-237 substituted "Secretary" for "Administrator".

1976—Subsec. (b). Pub. L. 94-502 substituted "the veteran or person" for "he" and "him".

Subsec. (c). Pub. L. 94-502 substituted "the veteran or person" for "he" in two places, and "such veteran's or person's" for "his".

1972—Subsecs. (b), (c). Pub. L. 92-540 inserted "or person" after "veteran" wherever appearing.

1970—Subsec. (a). Pub. L. 91-219 inserted "and supervised".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-368, title II, §205(b), Nov. 11, 1998, 112 Stat. 3327, provided that: "The amendments made by subsection (a) [amending this section] shall apply with respect to approval of programs of training on the job under section 3677 of title 38, United States Code, on or after October 1, 1998."

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 ap-