

proved 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.)

#### Editorial Notes

##### 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 (including failure to comply with a risk-based survey under this chapter or secure an affirmation of approval by the appropriate State approving agency following the survey) 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.

(3) In this section, the term “risk-based survey” means a risk-based survey developed under section 3673A(a) of this title.

(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, 31, 33, or 35 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, air, or space service.

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

(i) section 3311(b)(8) 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.

(C) An individual who is entitled to rehabilitation under section 3102(a) of this title.

(D) An individual who is entitled to assistance under section 3510 of this title.

(3) If after enrollment in a course of education that is subject to disapproval under paragraph (1) by reason of paragraph (2)(A), (2)(B), or (2)(C) 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)(A) 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.

(B) To the extent feasible, the Secretary shall make publicly available on the internet website of the Department a database explaining any requirements described in subparagraph (A) that are established by a public institution of higher learning for an individual to be charged tuition and fees at a rate that is equal to or less than the rate the institution charges for tuition and fees for residents of the State in which the institution is located. The Secretary shall disapprove

a course of education provided by such an institution that does not provide the Secretary—

(i) an initial explanation of such requirements; and

(ii) not later than 90 days after the date on which any such requirements change, the updated requirements.

(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, 31, 33, and 35 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).

(e)(1) Notwithstanding any other provision of this chapter, beginning on August 1, 2019, a State approving agency, or the Secretary when acting in the role of the State approving agency, shall disapprove a course of education provided by an educational institution that has in effect a policy that is inconsistent with any of the following:

(A) A policy that permits any covered individual to attend or participate in the course of education during the period beginning on the date on which the individual provides to the educational institution a certificate of eligibility for entitlement to educational assistance under chapter 31, 33, or 35 of this title and ending on the earlier of the following dates:

(i) The date on which the Secretary provides payment for such course of education to such institution.

(ii) The date that is 90 days after the date on which the educational institution certifies for tuition and fees following receipt from the student such certificate of eligibility.

(B) A policy that ensures that the educational institution will not impose any penalty, including the assessment of late fees, the denial of access to classes, libraries, or other institutional facilities, or the requirement that a covered individual borrow additional funds, on any covered individual because of the individual's inability to meet his or her financial obligations to the institution due to the delayed disbursement of a payment to be provided by the Secretary under chapter 31<sup>1</sup> 33, or 35 of this title.

(2) For purposes of this subsection, a covered individual is any individual who is entitled to

educational assistance under chapter 31<sup>1</sup> 33, or 35 of this title.

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

(4) It shall not be inconsistent with a policy described in paragraph (1) for an educational institution to require a covered individual to take the following additional actions:

(A) Submit a certificate of eligibility for entitlement to educational assistance not later than the first day of a course of education for which the individual has indicated the individual wishes to use the individual's entitlement to educational assistance.

(B) Submit a written request to use such entitlement.

(C) Provide additional information necessary to the proper certification of enrollment by the educational institution.

(f)(1) Except as provided by paragraph (5), a State approving agency, or the Secretary when acting in the role of the State approving agency, shall take an action described in paragraph (4)(A) if the State approving agency or the Secretary, when acting in the role of the State approving agency, determines that an educational institution does not perform any of the following:

(A) Prior to the enrollment of a covered individual in a course of education at the educational institution, provide the individual with a form that contains information personalized to the individual that describes—

(i) the estimated total cost of the course, including tuition, fees, books, supplies, and any other additional costs;

(ii) an estimate of the cost for living expenses for students enrolled in the course;

(iii) the amount of the costs under clauses (i) and (ii) that are covered by the educational assistance provided to the individual under chapter 30, 31, 32, 33, or 35 of this title, or chapter 1606 or 1607 of title 10, as the case may be;

(iv) the type and amount of Federal financial aid not administered by the Secretary and financial aid offered by the institution that the individual may qualify to receive;

(v) an estimate of the amount of student loan debt the individual would have upon graduation;

(vi) information regarding graduation rates;

(vii) job-placement rates for graduates of the course, if available;

(viii) information regarding the acceptance by the institution of transfer of credits, including military credits;

(ix) 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

(x) other information to facilitate comparison by the individual of aid packages offered by different educational institutions.

(B) Not later than 15 days after the date on which the institution (or the governing body

<sup>1</sup> So in original. Probably should be followed by a comma.

of the institution) determines tuition rates and fees for an academic year that is different than the amount being charged by the institution, provide a covered individual enrolled in a course of education at the educational institution with the form under subparagraph (A) that contains updated information.

(C) Maintain policies to—

(i) inform each covered individual enrolled in a course of education at the educational institution of the availability of Federal financial aid not administered by the Secretary and financial aid offered by the institution; and

(ii) alert such individual of the potential eligibility of the individual for such financial aid before packaging or arranging student loans or alternative financing programs for the individual.

(D) Maintain policies to—

(i) prohibit the automatic renewal of a covered individual in courses and programs of education; and

(ii) ensure that each covered individual approves of the enrollment of the individual in a course.

(E) Provide to a covered individual enrolled in a course of education at the educational institution with information regarding the requirements to graduate from such course, including, to the maximum extent practicable, information regarding when required classes will be offered and a timeline to graduate.

(F) With respect to an accredited educational institution, obtain the approval of the accrediting agency for each new course or program of the institution before enrolling covered individuals in such courses or programs if the accrediting agency determines that such approval is appropriate under the substantive change requirements of the accrediting agency regarding the quality, objectives, scope, or control of the institution.

(G) Maintain a policy that—

(i) ensures that members of the Armed Forces, including the reserve components and the National Guard, who enroll in a course of education at the educational institution may be readmitted at such institution if such members are temporarily unavailable or have to suspend such enrollment by reason of serving in the Armed Forces; and

(ii) otherwise accommodates such members during short absences by reason of such service.

(H) Designate an employee of the educational institution to serve as a point of contact for covered individuals and the family of such individuals needing assistance with respect to academic counseling, financial counseling, disability counseling, and other information regarding completing a course of education at such institution, including by referring such individuals and family to the appropriate persons for such counseling and information.

(2) Except as provided by paragraph (5), a State approving agency, or the Secretary when

acting in the role of the State approving agency, shall take an action described in paragraph (4)(A) if the State approving agency, the Secretary, or any Federal agency, determines that an educational institution, or any person with whom the institution has an agreement to provide educational programs, marketing, advertising, recruiting or admissions services, does any of the following:

(A) Carries out deceptive or persistent recruiting techniques, including on military installations, that may include—

(i) misrepresentation (as defined in section 3696(e)(2)(B)<sup>2</sup> of this title) or payment of incentive compensation;

(ii) during any one-month period making three or more unsolicited contacts to a covered individual, including contacts by phone, email, or in-person; or

(iii) engaging in same-day recruitment and registration.

(B) Provides a commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.

(C) In determining whether a violation of subparagraph (B) has occurred, the State approving agency, or the Secretary when acting in the place of the State approving agency, shall construe the requirements of this paragraph in accordance with the regulations and guidance prescribed by the Secretary of Education under section 487(a)(20) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20)).

(3) A State approving agency, or the Secretary when acting in the role of the State approving agency, shall take an action described in paragraph (4)(A) if the State approving agency or the Secretary, when acting in the role of the State approving agency, determines that an educational institution is the subject of a negative action made by the accrediting agency that accredits the institution, including any of the following:

(A) Accreditor sanctions.

(B) Accreditation probation.

(C) The loss of accreditation or candidacy for accreditation.

(4)(A) An action described in this subparagraph is any of the following:

(i) Submitting to the Secretary a recommendation that the Secretary publish a warning on the internet website of the Department described in section 3698(c)(2) of this title, or such other similar internet website of the Department, that describes how an educational institution is failing to meet a requirement under paragraph (1), (2), or (3).

(ii) Suspending the approval of the courses and programs of education offered by the educational institution by disapproving new enrollments of eligible veterans and eligible per-

<sup>2</sup> See References in Text note below.

sons in each course or program of education offered by that educational institution.

(iii) Revoking the approval of the courses and programs of education offered by the educational institution by disapproving all enrollments of eligible veterans and eligible persons in each course or program of education offered by that educational institution<sup>3</sup>

(B)(i) The Secretary shall establish guidelines to ensure that the actions described in subparagraph (A) are applied in a proportional and uniform manner by State approving agencies, or the Secretary when acting in the role of the State approving agency.

(ii) Each State approving agency and the Secretary, when acting in the role of the State approving agency, shall adhere to the guidelines established under clause (i).

(C) The State approving agency, in consultation with the Secretary, or the Secretary when acting in the role of the State approving agency, may limit an action described in subparagraph (A)(i) to individuals not enrolled at the educational institution before the period described in such subparagraph.

(5)(A) The Secretary may waive the requirements of paragraph (1) or waive the requirements of paragraph (2) with respect to an educational institution for a one-academic-year period beginning in August of the year in which the waiver is made. A single educational institution may not receive waivers under this paragraph for more than 2 consecutive academic years.

(B) To be considered for a waiver under this paragraph, an educational institution shall submit to the Secretary an application prior to the first day of the academic year for which the waiver is sought.

(6) Not later than October 1 of each year, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives the following reports:

(A) A report, which shall be made publicly available, that includes the following:

(i) A summary of each action described in paragraph (4)(A) made during the year covered by the report, including—

(I) the name of the educational institution;

(II) the type of action taken;

(III) the rationale for the action, including how the educational institution was not in compliance with this subsection;

(IV) the length of time that the educational institution was not in such compliance; and

(V) whether the educational institution was also not in compliance with this subsection during any of the 2 years prior to the year covered by the report.

(ii) A summary and justifications for the waivers made under paragraph (5) during the year covered by the report, including the total number of waivers each educational institution has received.

(B) A report containing the recommendations of the Secretary with respect to any leg-

islative actions the Secretary determines appropriate to ensure that this subsection is carried out in a manner that is consistent with the requirements that educational institutions must meet for purposes of other departments or agencies of the Federal Government.

(7) This subsection shall not apply to an educational institution—

(A) located in a foreign country; or

(B) that provides to a covered individual consumer information regarding costs of the program of education (including financial aid available to such covered individual) using a form or template developed by the Secretary of Education.

(8) In this subsection, the term “covered individual” means an individual who is pursuing a course of education at an educational institution under chapter 30, 31, 32, 33, or 35 of this title, or chapter 1606 or 1607 of title 10.

(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; Pub. L. 115-251, title III, §301(a), Sept. 29, 2018, 132 Stat. 3178; Pub. L. 115-407, title I, §103(a), Dec. 31, 2018, 132 Stat. 5369; Pub. L. 116-283, div. A, title IX, §926(a)(46), Jan. 1, 2021, 134 Stat. 3830; Pub. L. 116-315, title I, §§1005(a), 1017(a), 1018(a), Jan. 5, 2021, 134 Stat. 4939, 4946; Pub. L. 117-16, §6, 7(a)(4), June 8, 2021, 135 Stat. 284, 285; Pub. L. 117-68, §2(a), (b), Nov. 30, 2021, 135 Stat. 1493; Pub. L. 117-76, §3(b)(1), Dec. 21, 2021, 135 Stat. 1518.)

#### APPLICABILITY OF AMENDMENT

Subsection (f) of this section not to be carried out until Aug. 1, 2022, with provision for submission of waiver application beginning on June 15, 2022, see Effective Date of 2021 Amendment note below.

*Amendment of section by section 2(a), (b) of Pub. L. 117-68 applicable with respect to an academic period that begins on or after Aug. 1, 2022. See 2021 Amendment notes below.*

#### Editorial Notes

##### REFERENCES IN TEXT

Section 3696(e)(2)(B) of this title, referred to in subsec. (f)(2)(A)(i), probably should be a reference to section 3696(b)(2)(B) of this title, because section 3696(b)(2)(B), as amended generally by Pub. L. 116-315, §1020(a)(1), defines the term “misrepresentation”, and section 3696(e) does not contain a par. (2)(B).

##### AMENDMENTS

2021—Subsec. (a)(1). Pub. L. 116-315, §1017(a)(1), inserted “(including failure to comply with a risk-based survey under this chapter or secure an affirmation of approval by the appropriate State approving agency following the survey)” after “requirements of this chapter”.

<sup>3</sup> So in original. Probably should be followed by a period.

Subsec. (a)(3). Pub. L. 117-16, §7(a)(4), redesignated subsec. (f) defining term “risk-based survey” in this section as par. (3) of subsec. (a).

Subsec. (c)(1). Pub. L. 117-68, §2(a)(1), substituted “33, or 35” for “or 33”.

Subsec. (c)(2)(A). Pub. L. 116-315, §1005(a)(1), struck out “less than three years before the date of enrollment in the course concerned” before period at end.

Pub. L. 116-283 substituted “air, or space service” for “or air service”.

Subsec. (c)(2)(D). Pub. L. 117-68, §2(a)(2), added subpar. (D).

Subsec. (c)(4). Pub. L. 116-315, §1005(a)(2), designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (c)(6). Pub. L. 117-68, §2(a)(3), substituted “33, and 35” for “and 33”.

Subsec. (e)(1)(A). Pub. L. 117-68, §2(b)(1)(A), substituted “, 33, or 35” for “or 33” in introductory provisions.

Subsec. (e)(1)(B). Pub. L. 117-68, §2(b)(1)(B), substituted “33, or 35” for “or 33”.

Subsec. (e)(2). Pub. L. 117-68, §2(b)(2), substituted “33, or 35” for “or 33”.

Subsec. (f). Pub. L. 117-16, §7(a)(4), redesignated subsec. (f) defining term “risk-based survey” in this section as par. (3) of subsec. (a).

Pub. L. 116-315, §1018(a), added subsec. (f) related to action by State approving agency.

Pub. L. 116-315, §1017(a)(2), added subsec. (f) defining term “risk-based survey” in this section.

Subsec. (f)(1)(E). Pub. L. 117-16, §6(1), inserted “, to the maximum extent practicable,” after “including”.

Subsec. (f)(2). Pub. L. 117-16, §6(2)(A), inserted “, or any person with whom the institution has an agreement to provide educational programs, marketing, advertising, recruiting or admissions services,” after “educational institution” in introductory provisions.

Subsec. (f)(2)(A)(ii). Pub. L. 117-16, §6(2)(B), substituted “one-month” for “1-month”.

Subsec. (f)(2)(B). Pub. L. 117-76, §3(b)(1)(A)(i), inserted “, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance” after “assistance”.

Pub. L. 117-16, §6(2)(C), added subpar. (B) and struck out former subpar. (B) which read as follows: “Pays inducements, including any gratuity, favor, discount, entertainment, hospitality, loan, transportation, lodging, meals, or other item having a monetary value of more than a de minimis amount, to any individual or entity, or its agents including third party lead generators or marketing firms other than salaries paid to employees or fees paid to contractors in conformity with all applicable laws for the purpose of securing enrollments of covered individuals or obtaining access to educational assistance under this title, with the exception of scholarships, grants, and tuition reductions provided by the educational institution.”

Subsec. (f)(2)(C). Pub. L. 117-76, §3(b)(1)(A)(ii), added subpar. (C).

Subsec. (f)(4)(A)(ii), (iii). Pub. L. 117-16, §6(3), added cls. (ii) and (iii) and struck out former cl. (ii) which read as follows: “Disapproving a course for purposes of this chapter.”

Subsec. (f)(5)(A). Pub. L. 117-16, §6(4), substituted “one-academic-year period” for “1-academic-year period”.

Subsec. (f)(7), (8). Pub. L. 117-76, §3(b)(1)(B), (C), added par. (7) and redesignated former par. (7) as (8).

2018—Subsec. (c)(1). Pub. L. 115-251, §301(a)(1), substituted “chapter 30, 31, or 33” for “chapter 30 or 33”.

Subsec. (c)(2)(C). Pub. L. 115-251, §301(a)(2), added subpar. (C).

Subsec. (c)(3). Pub. L. 115-251, §301(a)(3), substituted “paragraph (2)(A), (2)(B), or (2)(C)” for “paragraph (2)(A) or (2)(B)”.

Subsec. (c)(6). Pub. L. 115-251, §301(a)(4), substituted “chapters 30, 31, and 33” for “chapters 30 and 33”.

Subsec. (e). Pub. L. 115-407 added subsec. (e).

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 respect 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”.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 117-76, §3(b)(2), Dec. 21, 2021, 135 Stat. 1518, provided that: “The Secretary of Veterans Affairs may not carry out subsection (f) of section 3679 of title 38, United States Code, until August 1, 2022, except that, beginning on June 15, 2022, an educational institution may submit an application for a waiver under paragraph (5) of such subsection.”

Pub. L. 117-68, §2(c), Nov. 30, 2021, 135 Stat. 1494, provided that: “The amendments made by this Act [amending this section] shall take effect on the date of the enactment of this Act [Nov. 30, 2021] and shall apply with respect to an academic period that begins on or after August 1, 2022.”

Pub. L. 116-315, title I, §1005(b), Jan. 5, 2021, 134 Stat. 4940, provided that: “The amendments made by this section [amending this section] shall apply with respect to a quarter, semester, or term, as applicable, commencing on or after August 1, 2021.”

Pub. L. 116-315, title I, §1017(b), Jan. 5, 2021, 134 Stat. 4946, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on August 1, 2021.”

Pub. L. 116-315, title I, §1018(b), Jan. 5, 2021, 134 Stat. 4949, provided that: “The amendment made by this section [amending this section] shall take effect on June 15, 2021, and shall apply to an educational institution beginning on August 1, 2021, except that an educational institution may submit an application for a waiver under subsection (f)(5) of section 3679 of title 38, United States Code, as added by subsection (a), beginning on June 15, 2021.”

#### EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-251, title III, §301(b), Sept. 29, 2018, 132 Stat. 3178, provided that: “The amendments made by

subsection (a) [amending this section] shall apply with respect to courses of education provided during a quarter, semester, or term, as applicable, that begins after March 1, 2019.”

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.

RULE OF CONSTRUCTION

Pub. L. 115-407, title I, § 103(c), Dec. 31, 2018, 132 Stat. 5370, provided that: “In a case in which an individual is unable to meet a financial obligation to an educational institution due to the delayed disbursement of a payment to be provided by the Secretary under chapter 31 or 33 of such title [title 38] and the amount of such disbursement is less than anticipated, nothing in section 3679(e) of such title, as added by subsection (a), shall be construed to prohibit an educational institution from requiring additional payment or imposing a fee for the amount that is the difference between the amount of the financial obligation and the amount of the disbursement.”

SUBCHAPTER II—MISCELLANEOUS PROVISIONS

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

(a) PERIOD FOR WHICH PAYMENT MAY BE MADE.—(1) Except as provided in paragraphs (2) and (3), 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—

(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 in-

stitution, 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)<sup>1</sup> 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 or a subsistence allowance described in section 3108, 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 or allowance 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.

(3) Notwithstanding paragraph (1), in the case of an eligible veteran or eligible person who is pursuing a program of education on less than a half-time basis during a period that is the last semester, term, or academic period the veteran or person will be enrolled in the program of education because the veteran or person will com-

<sup>1</sup>See Payment of Allowances to Veterans Enrolled in Educational Institutions Closed for Emergency Situations note below.