

100-322, title III, § 322, May 20, 1988, 102 Stat. 535; Pub. L. 101-237, title IV, § 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3693, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 114-315, title IV, § 411, Dec. 16, 2016, 130 Stat. 1561.)

Editorial Notes

AMENDMENTS

2016—Subsec. (a). Pub. L. 114-315, § 411(a)(1), added subsec. (a) and struck out former subsec. (a) which read as follows: “Except as provided in subsection (b) of this section, the Secretary shall conduct an annual compliance survey of each institution offering one or more courses approved for the enrollment of eligible veterans or persons if at least 300 veterans or persons are enrolled in such course or courses under provisions of this title or if any such course does not lead to a standard college degree. Such compliance survey shall be designed to ensure that the institution and approved courses are in compliance with all applicable provisions of chapters 30 through 36 of this title. The Secretary shall assign at least one education compliance specialist to work on compliance surveys in any year for each 40 compliance surveys required to be made under this section for such year.”

Subsec. (b). Pub. L. 114-315, § 411(b), substituted “subsection (a)(1) for a compliance survey” for “subsection (a) of this section for an annual compliance survey”, “educational institution or training establishment” for “institution”, and “record of compliance of such institution or establishment” for “institution’s demonstrated record of compliance”.

Subsec. (c). Pub. L. 114-315, § 411(a)(2), added subsec. (c).

1991—Pub. L. 102-83 renumbered section 1793 of this title as this section.

1989—Pub. L. 101-237 substituted “Secretary” for “Administrator” wherever appearing.

1988—Pub. L. 100-322 amended section generally. Prior to amendment, section read as follows: “The Administrator shall conduct an annual compliance survey of each institution offering one or more courses approved for the enrollment of eligible veterans or persons where at least 300 veterans or persons are enrolled under provisions of this title or where the course does not lead to a standard college degree. Such compliance survey shall assure that the institution and approved courses are in compliance with all applicable provisions of chapters 31, 34, 35, and 36 of this title. The Administrator shall assign at least one education compliance specialist to work on compliance surveys in any year for each 40 compliance surveys required to be made under this section.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 94-502, title VII, § 703, Oct. 15, 1976, 90 Stat. 2406, provided that:

“(a) Sections 101, 201, 203, 207, 209, 301, 303, 304, 308, 501, 502, 503, and 508 [see Tables for classification] of this Act shall become effective on October 1, 1976.

“(b) Sections 102, 104, 202, 204, 205(1), 205(2), 205(3), 208, 210, 211, 302, 305, 306, 309, 310, 506, 510, 511, and 513 (other than paragraphs (7), (8), (9), and (10) of subsection (a)) [see Tables for classification] of this Act shall become effective on the date of enactment of this Act [Oct. 15, 1976].

“(c) Sections 103, 205(4), 206, 307, 504, 505, 507, 509, 512, and 701 and title VI of this Act [see Tables for classification] shall become effective on December 1, 1976.”

§ 3694. Use of other Federal agencies

(a) IN GENERAL.—In carrying out the Secretary’s functions under this chapter or chapter

34 or 35 of this title, the Secretary may utilize the facilities and services of any other Federal department or agency. Any such utilization shall be pursuant to proper agreement with the Federal department or agency concerned; and payment to cover the cost thereof shall be made either in advance or by way of reimbursement, as may be provided in such agreement.

(b) COORDINATION OF INFORMATION AMONG THE DEPARTMENTS OF VETERANS AFFAIRS, DEFENSE, AND LABOR WITH RESPECT TO ON-JOB TRAINING.—At the time of a servicemember’s discharge or release from active duty service, the Secretary of Defense shall furnish to the Secretary such pertinent information concerning each registered apprenticeship pursued by the servicemember during the period of active duty service of the servicemember. The Secretary, in conjunction with the Secretary of Labor, shall encourage and assist States and private organizations to give credit to servicemembers for the registered apprenticeship program so pursued in the case of any related apprenticeship program the servicemember may pursue as a civilian.

(Added Pub. L. 89-358, § 3(b), Mar. 3, 1966, 80 Stat. 23, § 1790; renumbered § 1794, Pub. L. 92-540, title III, § 316(2), Oct. 24, 1972, 86 Stat. 1086; amended Pub. L. 94-502, title V, § 513(a)(21), Oct. 15, 1976, 90 Stat. 2403; Pub. L. 101-237, title IV, § 423(b)(1)(A), (2), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3694, Pub. L. 102-83, § 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 108-454, title I, § 107, Dec. 10, 2004, 118 Stat. 3603.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1183, 1201, which was classified to former sections 1644 and 1761(c) of this title, prior to repeal and amendment by sections 4(a) and 3(a)(1) of Pub. L. 89-358, respectively.

AMENDMENTS

2004—Pub. L. 108-454 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1991—Pub. L. 102-83 renumbered section 1794 of this title as this section.

1989—Pub. L. 101-237 substituted “Secretary’s” and “Secretary” for “Administrator’s” and “Administrator”, respectively.

1976—Pub. L. 94-502 substituted “the Administrator’s” for “his”.

Statutory Notes and Related Subsidiaries

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.

§ 3695. Limitation on period of assistance under two or more programs

(a) The aggregate period for which any person may receive assistance under two or more of the provisions of law listed below may not exceed 48 months (or the part-time equivalent thereof):

(1) Parts VII or VIII, Veterans Regulation numbered 1(a), as amended.

(2) Title II of the Veterans’ Readjustment Assistance Act of 1952.

(3) The War Orphans' Educational Assistance Act of 1956.

(4) Chapters 30, 32, 33, 34, and 36.

(5) Chapters 107, 1606, 1607, and 1611 of title 10.

(6) Section 903 of the Department of Defense Authorization Act, 1981 (Public Law 96-342, 10 U.S.C. 2141 note).

(7) The Hostage Relief Act of 1980 (Public Law 96-449, 5 U.S.C. 5561 note).

(8) The Omnibus Diplomatic Security and Antiterrorism Act of 1986 (Public Law 99-399).

(b) No person may receive assistance under chapter 31 of this title in combination with assistance under any of the provisions of law cited in subsection (a) of this section in excess of 48 months (or the part-time equivalent thereof) unless the Secretary determines that additional months of benefits under chapter 31 of this title are necessary to accomplish the purposes of a rehabilitation program (as defined in section 3101(5) of this title) in the individual case.

(c) The aggregate period for which any person may receive assistance under chapter 35 of this title, on the one hand, and any of the provisions of law referred to in subsection (a), on the other hand, may not exceed 81 months (or the part-time equivalent thereof).

(Added Pub. L. 90-631, §1(d)(1), Oct. 23, 1968, 82 Stat. 1331, §1791; renumbered §1795 and amended Pub. L. 92-540, title III, §316(2), title IV, §403(13), Oct. 24, 1972, 86 Stat. 1086, 1090; Pub. L. 96-466, title I, §103, Oct. 17, 1980, 94 Stat. 2187; Pub. L. 98-223, title II, §203(c)(2), Mar. 2, 1984, 98 Stat. 41; Pub. L. 98-525, title VII, §703(d), Oct. 19, 1984, 98 Stat. 2564; Pub. L. 101-237, title IV, §423(a)(8)(B), (b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered §3695 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 106-65, div. A, title V, §551(b), Oct. 5, 1999, 113 Stat. 614; Pub. L. 107-103, title V, §509(d), Dec. 27, 2001, 115 Stat. 997; Pub. L. 107-107, div. A, title X, §1048(i)(8), Dec. 28, 2001, 115 Stat. 1229; Pub. L. 108-375, div. A, title V, §527(b)(2), Oct. 28, 2004, 118 Stat. 1894; Pub. L. 110-252, title V, §5003(b)(1)(B), June 30, 2008, 122 Stat. 2375; Pub. L. 112-154, title IV, §401(a), Aug. 6, 2012, 126 Stat. 1188.)

Editorial Notes

REFERENCES IN TEXT

Parts VII and VIII, Veterans Regulation numbered 1(a), referred to in subsec. (a)(1), are Parts VII and VIII as added by acts Mar. 24, 1943, ch. 22, §2, 57 Stat. 43 and June 22, 1944, ch. 268, title II, §400(b), 58 Stat. 287 to Veterans Regulation numbered 1(a) promulgated by Ex. Ord. No. 6156, June 6, 1933, which had been classified as parts VII and VIII of chapter 12A of former Title 38, Pensions, Bonuses, and Veterans' Relief, and which were repealed by Pub. L. 85-857, §14(67), Sept. 2, 1958, 72 Stat. 1272.

The Veterans' Readjustment Assistance Act of 1952, referred to in subsec. (a)(2), is act July 16, 1952, ch. 875, 66 Stat. 663, as amended. Title II of the Veterans' Readjustment Assistance Act of 1952 was classified generally to subchapter II (§911 et seq.) of chapter 14 of former Title 38, which was repealed and the provisions thereof reenacted as chapter 33 (§1601 et seq.) of this title by Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1105. Chapter 33 of this title was repealed by Pub. L. 89-358, §4(a), Mar. 3, 1966, 80 Stat. 23. See chapter 32 (§3201 et seq.) of this title.

The War Orphans' Educational Assistance Act of 1956, referred to in subsec. (a)(3), is act June 29, 1956, ch. 476, 70 Stat. 411, as amended, which was classified generally to chapter 15 (§1031 et seq.) of former Title 38, which was repealed and the provisions thereof reenacted as chapter 35 of this title by Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1105.

Section 903 of the Department of Defense Authorization Act, 1981, referred to in subsec. (a)(6), is section 903 of Pub. L. 96-342, title IX, Sept. 8, 1980, 94 Stat. 1115, which is set out as a note under section 2141 of Title 10, Armed Forces.

The Hostage Relief Act of 1980, referred to in subsec. (a)(7), is Pub. L. 96-449, Oct. 14, 1980, 94 Stat. 1967, as amended, which was formerly set out as a note under section 5561 of Title 5, Government Organization and Employees.

The Omnibus Diplomatic Security and Antiterrorism Act of 1986, referred to in subsec. (a)(8), is Pub. L. 99-399, Aug. 27, 1986, 100 Stat. 853, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 4801 of Title 22, Foreign Relations and Intercourse, and Tables.

AMENDMENTS

2012—Subsec. (a)(4). Pub. L. 112-154, §401(a)(1), struck out “35,” after “34.”

Subsec. (c). Pub. L. 112-154, §401(a)(2), added subsec. (c).

2008—Subsec. (a)(4). Pub. L. 110-252 amended par. (4) generally. Prior to amendment, par. (4) read as follows: “Chapters 30, 32, 34, 35, and 36 of this title, and the former chapter 33.”

2004—Subsec. (a)(5). Pub. L. 108-375 inserted “1607,” after “1606.”

2001—Subsec. (a)(5). Pub. L. 107-103 and Pub. L. 107-107 amended par. (5) identically, substituting “1611” for “1610.”

1999—Subsec. (a)(5). Pub. L. 106-65 substituted “Chapters 107, 1606, and 1610” for “Chapters 106 and 107.”

1991—Pub. L. 102-83, §5(a), renumbered section 1795 of this title as this section.

Subsec. (b). Pub. L. 102-83, §5(c)(1), substituted “3101(5)” for “1501(5).”

1989—Subsec. (a)(8). Pub. L. 101-237, §423(a)(8)(B), added par. (8).

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

1984—Subsec. (a). Pub. L. 98-525 inserted reference in cl. (4) to chapter 30 of this title, and in cl. (5) to chapter 106 of title 10.

Pub. L. 98-223, §203(c)(2)(A), substituted “48 months” for “forty-eight months”, capitalized the first word in cls. (1) to (4), and added cls. (5) to (7).

Subsec. (b). Pub. L. 98-223, §203(c)(2)(B), substituted “subsection (a)” for “clauses (1), (2), (3), and (4)” and “48” for “forty-eight”.

1980—Pub. L. 96-466 designated existing provisions as subsec. (a), substituted in par. (4) “chapters 32, 34, 35, and 36 of this title and the former chapter 33,” for “chapters 31, 34, 35, and 36 of this title, and the former chapter 33”, in provisions following par. (4) struck out “, but this section shall not be deemed to limit the period for which assistance may be received under chapter 31 alone” after “(or the part-time equivalent thereof)”, and added subsec. (b).

1972—Pub. L. 92-540, §403(13), inserted reference to chapter 36 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112-154, title IV, §401(b), Aug. 6, 2012, 126 Stat. 1188, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 2013, and shall not operate to revive any entitlement to assistance under chapter 35 of title 38, United States Code, or the provisions of law referred to in section 3695(a) of such title, as in effect on the day

before such date, that was terminated by reason of the operation of section 3695(a) of such title, as so in effect, before such date."

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 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, see section 802(a)(6) of Pub. L. 96-466, set out as a note under section 3681 of this title.

EFFECTIVE DATE

Section effective first day of second calendar month which begins after Oct. 23, 1968, see section 6(a) of Pub. L. 90-631, set out as a note under section 3500 of this title.

REVIVAL OF ENTITLEMENT REDUCED BY PRIOR UTILIZATION OF CHAPTER 35 ASSISTANCE

Pub. L. 112-154, title IV, § 401(c), Aug. 6, 2012, 126 Stat. 1188, provided that:

"(1) IN GENERAL.—Subject to paragraph (2), in the case of an individual whose period of entitlement to assistance under a provision of law referred to in section 3695(a) of title 38, United States Code (other than chapter 35 of such title), as in effect on September 30, 2013, was reduced under such section 3695(a), as so in effect, by reason of the utilization of entitlement to assistance under chapter 35 of such title before October 1, 2013, the period of entitlement to assistance of such individual under such provision shall be determined without regard to any entitlement so utilized by the individual under chapter 35 of such title.

"(2) LIMITATION.—The maximum period of entitlement to assistance of an individual under paragraph (1) may not exceed 81 months."

§ 3696. Prohibition on certain advertising, sales, and enrollment practices

(a) PROHIBITION ON ENGAGING IN SUBSTANTIAL MISREPRESENTATION.—An educational institution with a course or program of education approved under this chapter, and an entity that owns such an educational institution, shall not engage in substantial misrepresentation described in subsection (b).

(b) SUBSTANTIAL MISREPRESENTATION DESCRIBED.—(1) Substantial misrepresentation described in this paragraph is substantial misrepresentation by an educational institution, a representative of the institution, or any person with whom the institution has an agreement to provide educational programs, marketing, advertising, recruiting or admissions services, concerning any of the following:

(A) The nature of the educational program of the institution, including misrepresentation regarding—

(i) the particular type, specific source, or nature and extent, of the accreditation of the institution or a course of education at the institution;

(ii) whether a student may transfer course credits to another institution;

(iii) conditions under which the institution will accept transfer credits earned at another institution;

(iv) whether successful completion of a course of instruction qualifies a student—

(I) for acceptance to a labor union or similar organization; or

(II) to receive, to apply to take, or to take an examination required to receive a local, State, or Federal license, or a non-governmental certification required as a precondition for employment, or to perform certain functions in the States in which the educational program is offered, or to meet additional conditions that the institution knows or reasonably should know are generally needed to secure employment in a recognized occupation for which the program is represented to prepare students;

(v) the requirements for successfully completing the course of study or program and the circumstances that would constitute grounds for terminating the student's enrollment;

(vi) whether the courses of education at the institution are recommended or have been the subject of unsolicited testimonials or endorsements by—

(I) vocational counselors, high schools, colleges, educational organizations, employment agencies, members of a particular industry, students, former students, or others; or

(II) officials of a local or State government or the Federal Government;

(vii) the size, location, facilities, or equipment of the institution;

(viii) the availability, frequency, and appropriateness of the courses of education and programs to the employment objectives that the institution states the courses and programs are designed to meet;

(ix) the nature, age, and availability of the training devices or equipment of the institution and the appropriateness to the employment objectives that the institution states the courses and programs are designed to meet;

(x) the number, availability, and qualifications, including the training and experience, of the faculty and other personnel of the institution;

(xi) the availability of part-time employment or other forms of financial assistance;

(xii) the nature and availability of any tutorial or specialized instruction, guidance and counseling, or other supplementary assistance the institution will provide students before, during, or after the completion of a course of education;

(xiii) the nature or extent of any prerequisites established for enrollment in any course of education;

(xiv) the subject matter, content of the course of education, or any other fact related to the degree, diploma, certificate of completion, or any similar document that the student is to be, or is, awarded upon completion of the course of education; and

(xv) whether the degree that the institution will confer upon completion of the course of education has been authorized by the appropriate State educational agency, including with respect to cases where the institution fails to disclose facts regarding the lack of such authorization in any adver-