

SUBCHAPTER II—STATE APPROVING AGENCIES

Editorial Notes

PRIOR PROVISIONS

A prior subchapter II of this chapter was redesignated as subchapter III of this chapter by Pub. L. 117-333, §2(a)(1), Jan. 5, 2023, 136 Stat. 6122.

AMENDMENTS

2023—Pub. L. 117-333, §2(a)(1), Jan. 5, 2023, 136 Stat. 6122, redesignated subchapter I of this chapter as this subchapter.

§ 3670. Scope of approval

(a) A course approved under and for the purposes of this chapter shall be deemed approved for the purposes of chapters 34 and 35 of this title.

(b) Any course approved under chapter 33 of this title, prior to February 1, 1965, under subchapter VII of chapter 35 of this title, prior to March 3, 1966, and not disapproved under section 3483, section 1656 (as in effect prior to February 1, 1965), or section 3679 of this title, shall be deemed approved for the purposes of this chapter.

(Added Pub. L. 89-358, §3(a)(5), Mar. 3, 1966, 80 Stat. 20, §1770; amended Pub. L. 92-540, title IV, §403(1), Oct. 24, 1972, 86 Stat. 1090; Pub. L. 97-295, §4(49), Oct. 12, 1982, 96 Stat. 1308; renumbered §3670 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

Editorial Notes

REFERENCES IN TEXT

Chapter 33 of this title, prior to February 1, 1965, referred to in subsec. (b), means Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1174 to 1192, which was classified to sections 1601, 1610 to 1613, 1620 to 1626, 1631 to 1634, 1641 to 1645, 1651 to 1656, and 1661 to 1669 of this title, and was repealed by section 4(a) of Pub. L. 89-358.

Subchapter VII of chapter 35 of this title, prior to March 3, 1966, referred to in subsec. (b), means Pub. L. 88-126, §1, Sept. 23, 1963, 77 Stat. 158 to 162, which was classified to sections 1771 to 1778 of this title, and was redesignated as subchapter I of this chapter by section 3(a)(4) of Pub. L. 89-358.

Section 1656 of this title, as in effect prior to February 1, 1965, referred to in subsec. (b), is Pub. L. 85-857, §1656, Sept. 2, 1958, 72 Stat. 1189, which was repealed by section 4(a) of Pub. L. 89-358, and is covered by section 3679 of this title.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 1770 of this title as this section.

Subsec. (b). Pub. L. 102-83, §5(c)(1), substituted “3483” for “1683” and “3679” for “1779”.

1982—Subsec. (b). Pub. L. 97-295 substituted “March 3, 1966” and “section 1779” for “the date of enactment of this chapter” and “section 1778”, respectively.

1972—Subsec. (b). Pub. L. 92-540 substituted “1683” for “1686”.

§ 3671. Designation

(a) Unless otherwise established by the law of the State concerned, the chief executive of each State is requested to create or designate a State department or agency as the “State approving agency” for such State for the purposes of this chapter and chapters 34 and 35 of this title.

(b)(1) If any State fails or declines to create or designate a State approving agency, or fails to enter into an agreement under section 3674(a), the provisions of this chapter which refer to the State approving agency shall, with respect to such State, be deemed to refer to the Secretary.

(2) Except as otherwise provided in this chapter, in the case of courses subject to approval by the Secretary under section 3672 of this title, the provisions of this chapter which refer to a State approving agency shall be deemed to refer to the Secretary.

(c) The Secretary may not recognize a State department or agency as the State approving agency for a State for purposes of this chapter if such department or agency is administered at, or colocated with, a university or university system that offers courses or programs of education that are subject to approval under this chapter by the State approving agency for that State.

(Added Pub. L. 88-126, §1, Sept. 23, 1963, 77 Stat. 158, §1771; amended Pub. L. 89-358, §3(a)(6), Mar. 3, 1966, 80 Stat. 20; Pub. L. 92-540, title IV, §403(2), Oct. 24, 1972, 86 Stat. 1090; Pub. L. 94-502, title V, §513(a)(1), Oct. 15, 1976, 90 Stat. 2402; Pub. L. 100-323, §13(b)(4), May 20, 1988, 102 Stat. 573; Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered §3671 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 111-377, title II, §203(a)(2)(B), Jan. 4, 2011, 124 Stat. 4125; Pub. L. 116-315, title I, §1024(a), Jan. 5, 2021, 134 Stat. 4960; Pub. L. 117-16, §4, June 8, 2021, 135 Stat. 283.)

Editorial Notes

AMENDMENTS

2021—Subsec. (c). Pub. L. 116-315, as amended by Pub. L. 117-16, added subsec. (c).

2011—Subsec. (b)(2). Pub. L. 111-377 substituted “Except as otherwise provided in this chapter, in the case” for “In the case”.

1991—Pub. L. 102-83, §5(a), renumbered section 1771 of this title as this section.

Subsec. (b). Pub. L. 102-83, §5(c)(1), substituted “3674(a)” for “1774(a)” in par. (1) and “3672” for “1772” in par. (2).

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

1988—Subsec. (b)(1). Pub. L. 100-323 inserted “or fails to enter into an agreement under section 1774(a),” after “State approving agency.”

1976—Subsec. (a). Pub. L. 94-502 substituted “such” for “his”.

1972—Subsec. (a). Pub. L. 92-540 inserted “this chapter and” after “purposes of”.

1966—Subsec. (a). Pub. L. 89-358 substituted “chapters 34 and 35 of this title” for “this chapter after the date for the expiration of all education and training provided in chapter 33 of this title. Such agency may be the agency designated or created in accordance with section 1641 of this title”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 116-315, title I, §1024(b), Jan. 5, 2021, 134 Stat. 4960, as amended by Pub. L. 117-16, §4, June 8, 2021, 135 Stat. 283, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on the date that is one year after the date of the enactment of this Act [Jan. 5, 2021].”

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.

§ 3672. Approval of courses

(a) An eligible person or veteran shall receive the benefits of this chapter and chapters 34 and 35 of this title while enrolled in a course of education offered by an educational institution only if (1) such course is approved as provided in this chapter and chapters 34 and 35 of this title by the State approving agency for the State where such educational institution is located, or by the Secretary, or (2) such course is approved (A) for the enrollment of the particular individual under the provisions of section 3536 of this title or (B) for special restorative training under subchapter V of chapter 35 of this title. Approval of courses by State approving agencies shall be in accordance with the provisions of this chapter and chapters 34 and 35 of this title and such other regulations and policies as the State approving agency may adopt. Each State approving agency shall furnish the Secretary with a current list of educational institutions specifying courses which it has approved, and, in addition to such list, it shall furnish such other information to the Secretary as it and the Secretary may determine to be necessary to carry out the purposes of this chapter and chapters 34 and 35 of this title. Each State approving agency shall notify the Secretary of the disapproval of any course previously approved and shall set forth the reasons for such disapproval.

(b)(1) The Secretary shall be responsible for the approval of courses of education offered by any agency of the Federal Government authorized under other laws to supervise such education. The Secretary may approve any course in any other educational institution in accordance with the provisions of this chapter and chapters 34 and 35 of this title.

(2)(A) Subject to sections 3675(b)(1) and (b)(2), 3680A, 3684, and 3696 of this title, a program of education is deemed to be approved for purposes of this chapter if a State approving agency, or the Secretary when acting in the role of a State approving agency, determines that the program is one of the following programs:

(i) Except as provided in subparagraph (C) or (D), an accredited standard college degree program offered at a public or not-for-profit proprietary educational institution that—

(I) is accredited by an agency or association recognized for that purpose by the Secretary of Education; and

(II) is approved and participates in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), unless the Secretary has waived the requirement to participate in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(ii) A flight training course approved by the Federal Aviation Administration that is offered

by a certified pilot school that possesses a valid Federal Aviation Administration pilot school certificate.

(iii) An apprenticeship program registered with the Office of Apprenticeship (OA) of the Employment Training Administration of the Department of Labor or a State apprenticeship agency recognized by the Office of Apprenticeship pursuant to the Act of August 16, 1937 (popularly known as the “National Apprenticeship Act”; 29 U.S.C. 50 et seq.).

(iv) A program leading to a secondary school diploma offered by a secondary school approved in the State in which it is operating.

(B) A licensure test offered by a Federal, State, or local government is deemed to be approved for purposes of this chapter.

(C) A course that is described in both subparagraph (A)(i) of this paragraph and in paragraph (14) or (15) of section 3676(c) of this title shall not be deemed to be approved for purposes of this chapter unless—

(i) a State approving agency, or the Secretary when acting in the role of a State approving agency, determines that the course meets the applicable criteria in such paragraphs; or

(ii) the Secretary issues a waiver for such course under section 3676(f)(1) of this title.

(D) A program that is described in subparagraph (A)(i) of this paragraph and offered by an educational institution that is at risk of losing accreditation shall not be deemed to be approved for purposes of this chapter. For purposes of this subparagraph, an educational institution is at risk of losing accreditation if that educational institution has received from the relevant accrediting agency or association a notice described in section 3673(e)(2)(D) of this title.

(c)(1)(A) The State approving agency for a multi-State apprenticeship program is—

(i) for purposes of approval of the program, the State approving agency for the State in which the headquarters of the apprenticeship program is located; and

(ii) for all other purposes, the State approving agency for the State in which the apprenticeship program takes place.

(B) In this paragraph, the term “multi-State apprenticeship program” means a non-Federal apprenticeship program operating in more than one State that meets the minimum national program standards, as developed by the Department of Labor.

(2) The period of a program of apprenticeship may be determined based upon a specific period of time (commonly referred to as a “time-based program”), based upon the demonstration of successful mastery of skills (commonly referred to as a “competency-based program”), or based upon a combination thereof.

(3)(A) In the case of a competency-based program of apprenticeship, State approving agencies shall determine the period for which payment may be made for such a program under chapters 30 and 35 of this title and chapter 1606 of title 10. In determining the period of such a program, State approving agencies shall take into consideration the approximate term of the