

## EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, see section 802(e) of Pub. L. 96-466, set out as a note under section 4101 of this title.

## APPLICABILITY

Pub. L. 114-315, title IV, § 409(f), Dec. 16, 2016, 130 Stat. 1560, provided that: "If after enrollment in a course of education that is subject to disapproval by reason of an amendment made by this section [amending this section and sections 3675, 3676, and 3679 of this title], an individual pursues one or more courses of education at the same educational institution while remaining continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at that institution, any course so pursued by the individual at that institution while so continuously enrolled shall not be subject to disapproval by reason of such amendment."

**§ 3672A. Uniform application**

(a) IN GENERAL.—(1) The Secretary, in partnership with State approving agencies, educational institutions, and training establishments, shall require the use of a uniform application by any educational institution or training establishment seeking the approval of a new course of education under this chapter.

(2) The Secretary shall maintain one uniform application for institutions of higher learning and one such application for other educational institutions and training establishments.

(3) In the case of any State that uses approval criteria not covered by a uniform application under this section, the State approving agency for that State shall require the use of the uniform application and may require the submittal of additional information.

(b) REQUIREMENTS.—The uniform application required under subsection (a) shall meet the following requirements:

(1) A requirement that the appropriate executive of the educational institution or training establishment seeking the approval of a course of education attests on behalf of the educational institution or training establishment that the educational institution or training establishment—

(A) is in compliance with all applicable laws and regulations relating to the approval of courses of education under this chapter; and

(B) during the five-year period preceding the date of the application—

(i) has not been subject to, or been party to a contract with any individual or entity that has been subject to, any adverse administrative or judicial action that—

(I) related to the instruction or training, including with respect to the quality of education, provided by the institution or establishment; and

(II) resulted in a fine or penalty in an amount equal to or more than five percent of the amount of funding provided to the institution or establishment under title IV of the Higher Education Act of 1965 for the fiscal year preceding the year in which the application is submitted; or

(ii) has not employed an individual, or been party to a contract with any indi-

vidual or entity, that has been convicted of a Federal fraud charge related to the instruction or training provided by the institution or establishment.

(2) In the case of any educational institution or training establishment that is not participating in title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), a requirement for the inclusion of—

(A) a copy of—

(i) the articles of incorporation filed on behalf of the institution or establishment or proof of licensing to operate as an educational institution or training establishment in the State where the institution or establishment is located; and

(ii) the financial position of the institution or establishment, as prepared by an appropriate third-party entity; or

(B) other adequate evidence, as determined by the Secretary, that the institution or establishment is authorized to provide post-secondary education or training in the State where the institution or establishment is located.

(3) In the case of any course of education that is offered by an educational institution or training establishment that has never offered a course of education that was approved under this chapter, a requirement for the inclusion of information about the course of education covered by the application, including—

(A) the number of students who have entered and graduated from the course during the preceding two-year period; and

(B) if available, the cohort default rate for funds provided to the institution or establishment under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(4) In the case of any educational institution or training establishment that is not an institution of higher learning, a requirement for the inclusion of—

(A) a list of individuals who will serve as fully qualified instructors for the course of education, as of the date of the application, and an attestation that such individuals—

(i) have a degree or other training, as appropriate, in the field of the course;

(ii) effectively teach the skills offered under the course; and

(iii) have demonstrated relevant industry experience in the field of the course; and

(B) a list of individuals who will serve as career services employees for students enrolled in the course and an attestation that such individuals are skilled at identifying professions in the relevant industry that are in need of new employees to hire, tailoring the course of education to meet market needs, and identifying the employers likely to hire graduates.

(c) REQUIREMENTS FOR STATE APPROVING AGENCIES.—During the approval process with respect to a uniform application submitted by an educational institution or training establishment, a State approving agency, or the Secretary when

acting in the role of a State approving agency, shall contact the Secretary of Education to determine whether the course of education subject to such approval process has withdrawn, or been denied or suspended, from receiving for benefits under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(d) APPROPRIATE EXECUTIVE.—In this section, the appropriate executive of an educational institution or training establishment is a senior executive official, senior administrator, owner, or operator designated by the institution or establishment.

(Added Pub. L. 117-333, §11(a), Jan. 5, 2023, 136 Stat. 6132.)

#### Editorial Notes

##### REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsecs. (b)(1)(B)(i)(II), (2), (3)(B) and (c), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219. Title IV of the Act is classified generally to subchapter IV (§1070 et seq.) of chapter 28 of Title 20, Education. For complete classification of this Act to the Code, see section 1 of Pub. L. 89-329, set out as a Short Title note under section 1001 of Title 20 and Tables.

##### CODIFICATION

Pub. L. 117-333, §11(a), Jan. 5, 2023, 136 Stat. 6132, which directed the amendment of subchapter I of this chapter by adding this section after section 3672 of this title, was executed by adding this section after section 3672 in this subchapter, to reflect the probable intent of Congress and the redesignation of former subchapter I of this chapter as subchapter II by section 2(a)(1) of Pub. L. 117-333.

#### Statutory Notes and Related Subsidiaries

##### APPLICABILITY

Pub. L. 117-333, §11(c), Jan. 5, 2023, 136 Stat. 6134, provided that: “The application required by section 3672A of title 38, United States Code, as added by subsection (a), shall—

“(1) be developed by not later than October 1, 2023; and

“(2) be required for the approval of any new course of education proposed on or after that day.”

#### § 3673. Approval activities: cooperation and coordination of activities

(a) COOPERATION IN ACTIVITIES.—The Secretary and each State approving agency shall take cognizance of the fact that definite duties, functions, and responsibilities are conferred upon the Secretary and each State approving agency under the educational programs established under this chapter and chapters 34 and 35 of this title. To assure that such programs are effectively and efficiently administered, the cooperation of the Secretary and the State approving agencies is essential. It is necessary to establish an exchange of information pertaining to activities of educational institutions, and particular attention should be given to the enforcement of approval standards, enforcement of enrollment restrictions, and fraudulent and other criminal activities on the part of persons connected with educational institutions in which eligible persons or veterans are enrolled under this chapter and chapters 34 and 35 of this title.

(b) COORDINATION OF ACTIVITIES.—The Secretary shall take appropriate actions to ensure

the coordination of approval activities performed by State approving agencies under this chapter and chapters 34 and 35 of this title and approval activities performed by the Department of Labor, the Department of Education, and other entities in order to reduce overlap and improve efficiency in the performance of such activities.

(c) AVAILABILITY OF INFORMATION MATERIAL.—The Secretary will furnish the State approving agencies with copies of such Department of Veterans Affairs informational material as may aid them in carrying out chapters 34 and 35 of this title.

(d) USE OF STATE APPROVING AGENCIES FOR OVERSIGHT ACTIVITIES.—The Secretary shall utilize the services of a State approving agency for conducting a risk-based survey developed under section 3673A of this title and other such oversight purposes as the Secretary, in consultation with the State approving agencies, considers appropriate without regard to whether the Secretary or the agency approved the courses offered in the State concerned.

(e) NOTICE OF GOVERNMENT ACTION.—(1)(A) If the Secretary receives notice described in paragraph (2), or otherwise becomes aware of an action or event described in paragraph (3), with respect to an educational institution, the Secretary shall transmit such notice or provide notice of such action or event to the State approving agency for the State where the educational institution is located by not later than 30 days after the date on which the Secretary receives such notice or becomes aware of such action or event.

(B) If a State approving agency receives notice as described in paragraph (2), or otherwise becomes aware of an action or event described in paragraph (3), with respect to an educational institution, other than from the Secretary pursuant to subparagraph (A) of this paragraph, the State approving agency shall immediately notify the Secretary.

(C) Not later than 60 days after the date on which a State approving agency receives notice under subparagraph (A), receives notice as described in subparagraph (B), or becomes aware as described in such subparagraph, as the case may be, regarding an educational institution, such State approving agency shall—

- (i) complete a risk-based survey of such educational institution; and
- (ii) provide the Secretary with—

(I) a complete report on the findings of the State approving agency with respect to the risk-based survey completed under clause (i) and any actions taken as a result of such findings; and

(II) any supporting documentation and pertinent records.

(2) Notice described in this paragraph is any of the following:

(A) Notice from the Secretary of Education of an event under paragraph (3)(A).

(B) Notice of an event under paragraph (3)(B).

(C) Notice from a State of an action taken by that State under paragraph (3)(C).

(D) Notice provided by an accrediting agency or association of an action described in para-