

tion 13(a)(1)(C) of Pub. L. 100-323 effective for all of fiscal year 1988 and subsequent fiscal years, see section 16(a), (b)(1)(D) of Pub. L. 100-323, set out as a note under section 3104 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by sections 203(1) and 213(1) of Pub. L. 96-466 effective Oct. 1, 1980, and Jan. 1, 1981, respectively, see section 802(b)(1), (2) of Pub. L. 96-466, set out as a note under section 3482 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective first day of first month beginning 60 days after Nov. 23, 1977, see section 501 of Pub. L. 95-202, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Oct. 1, 1976, see section 703(a) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Pub. L. 90-631, §6(b), Oct. 23, 1968, 82 Stat. 1335, provided that: "The amendments made by section 4 of this Act [amending this section] shall apply with respect to contracts and agreements entered into under section 1774 [now 3674] of title 38, United States Code, effective for periods beginning after June 30, 1968."

REIMBURSEMENT FROM ACCOUNT USED FOR PAYMENT OF READJUSTMENT BENEFITS

Pub. L. 100-323, §13(a)(2), May 20, 1988, 102 Stat. 572, provided that: "If any payment is made to State or local approving agencies with respect to activities carried out under subchapter I [now subchapter II] of chapter 36 of title 38, United States Code, for fiscal year 1988 before the date of the enactment of this Act [May 20, 1988] and from an account other than the account used for payment of readjustment benefits, the account from which such payment was made shall be reimbursed from the account used for payment of readjustment benefits."

§ 3674A. Evaluations of agency performance; qualifications and performance of agency personnel

(a) The Secretary shall—

(1)(A) conduct, in conjunction with State approving agencies, an annual evaluation of each State approving agency on the basis of standards developed by the Secretary in conjunction with the State approving agencies, and (B) provide each such agency an opportunity to comment on the evaluation;

(2) take into account the results of annual evaluations carried out under paragraph (1) when negotiating the terms and conditions of a contract or agreement under section 3674 of this title;

(3) cooperate with State approving agencies in developing and implementing a uniform national curriculum, to the extent practicable, for training new employees and for continuing the training of employees of such agencies, and sponsor, with the agencies, such training and continuation of training; and

(4) prescribe prototype qualification and performance standards, developed in conjunction with State approving agencies, for use by such

agencies in the development of qualification and performance standards for State approving agency personnel carrying out approval responsibilities under a contract or agreement entered into under section 3674(a).

(b)(1) Each State approving agency carrying out a contract or agreement with the Secretary under section 3674(a) of this title shall—

(A) apply qualification and performance standards based on the standards developed under subsection (a)(4); and

(B) make available to any person, upon request, the criteria used to carry out its functions under a contract or agreement entered into under section 3674(a) of this title.

(2) In developing and applying standards described in subsection (a)(4), the State approving agency may take into consideration the State's merit system requirements and other local requirements and conditions.

(3) The Secretary shall provide assistance in developing such standards to a State approving agency that requests it.

(Added Pub. L. 100-323, §13(b)(1)(A), May 20, 1988, 102 Stat. 572, §1774A; amended Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered §3674A and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title VI, §606(c), Nov. 2, 1994, 108 Stat. 4672; Pub. L. 105-368, title X, §1005(b)(8), Nov. 11, 1998, 112 Stat. 3365; Pub. L. 107-14, §8(a)(8), June 5, 2001, 115 Stat. 35.)

Editorial Notes

AMENDMENTS

2001—Subsec. (a)(2). Pub. L. 107-14 substituted "paragraph (1)" for "clause (1)".

1998—Subsec. (b)(1). Pub. L. 105-368 struck out "after the 18-month period beginning on the date of the enactment of this section" after "section 3674(a) of this title" in introductory provisions.

1994—Subsec. (a)(3) to (5). Pub. L. 103-446, §606(c)(1), redesignated pars. (4) and (5) as (3) and (4), respectively, and struck out former par. (3) which read as follows: "supervise functionally the provision of course-approval services by State approving agencies under this subchapter:"

Subsec. (b). Pub. L. 103-446, §606(c)(2)(A), substituted "subsection (a)(4)" for "subsection (a)(5) of this section" in pars. (1)(A) and (2).

Subsec. (b)(1). Pub. L. 103-446, §606(c)(2)(B), inserted "of this title" after "section 3674(a)" in introductory provisions and subpar. (B).

1991—Pub. L. 102-83, §5(a), renumbered section 1774A of this title as this section.

Subsec. (a)(2), (5). Pub. L. 102-83, §5(c)(1), substituted "3674" for "1774" in par. (2) and "3674(a)" for "1774(a)" in par. (5).

Subsec. (b)(1). Pub. L. 102-83, §5(c)(1), substituted "3674(a)" for "1774(a)" in introductory provisions and in subpar. (B).

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

Statutory Notes and Related Subsidiaries

IMPLEMENTATION

Pub. L. 100-323, §13(b)(2), May 20, 1988, 102 Stat. 573, directed Administrator, for purposes of implementing amendments by section 13(b)(1) of Pub. L. 100-323, and within 120 days after May 20, 1988, to publish prototype standards developed under subsec. (a)(5) of this section,

directed each State approving agency, within 1 year after Administrator published the standards, to submit to Administrator a copy of the standards to be implemented by such agency under subsec. (b)(1)(A) of this section, and provided that Administrator could comment on consistency of the State's standards and prototype standards.

APPLICABILITY OF QUALIFICATION STANDARDS TO PERSONS EMPLOYED ON MAY 20, 1988

Pub. L. 100-323, §13(b)(3), May 20, 1988, 102 Stat. 573, provided that: "None of the qualification standards implemented pursuant to the amendments made by paragraph (1) [enacting this section] shall apply to any person employed by a State approving agency on the date of the enactment of this Act [May 20, 1988] as long as such person remains in the position in which the person is employed on such date."

§ 3675. Approval of accredited courses

(a)(1) A State approving agency, or the Secretary when acting in the role of a State approving agency, may approve accredited programs (including non-degree accredited programs) not covered by section 3672 of this title when—

(A) such courses have been accredited and approved by a nationally recognized accrediting agency or association;

(B) such courses are conducted under the Act of February 23, 1917 (20 U.S.C. 11 et seq.);¹

(C) such courses are accepted by the State department of education for credit for a teacher's certificate or a teacher's degree; or

(D) such courses are approved by the State as meeting the requirement of regulations prescribed by the Secretary of Health and Human Services under sections 1819(f)(2)(A)(i) and 1919(f)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395i-3(f)(2)(A)(i) and 1396r(f)(2)(A)(i)).

(2)(A) For the purposes of this chapter, the Secretary of Education shall publish a list of nationally recognized accrediting agencies and associations which that Secretary determines to be reliable authority as to the quality of training offered by an educational institution.

(B) Except as provided in section 3672(e) of this title, a State approving agency may utilize the accreditation of any accrediting association or agency listed pursuant to subparagraph (A) of this paragraph for approval of courses specifically accredited and approved by such accrediting association or agency.

(3)(A) An educational institution shall submit an application for approval of courses to the appropriate State approving agency. In making application for approval, the institution (other than an elementary school or secondary school) shall transmit to the State approving agency copies of its catalog or bulletin which must be certified as true and correct in content and policy by an authorized representative of the institution.

(B) Each catalog or bulletin transmitted by an institution under subparagraph (A) of this paragraph shall—

(i) state with specificity the requirements of the institution with respect to graduation;

(ii) include the information required under paragraphs (6) and (7) of section 3676(b) of this title; and

(iii) include any attendance standards of the institution, if the institution has and enforces such standards.

(b) As a condition of approval under this section, the State approving agency, or the Secretary when acting in the role of a State approving agency, must find the following:

(1) The educational institution keeps adequate records, as prescribed by the State approving agency, or the Secretary when acting in the role of a State approving agency, to show the progress and grades of the eligible person or veteran and to show that satisfactory standards relating to progress and conduct are enforced.

(2) The educational institution maintains a written record of the previous education and training of the eligible person or veteran that clearly indicates that appropriate credit has been given by the educational institution for previous education and training, with the training period shortened proportionately.

(3) The educational institution and its approved courses meet the criteria of paragraphs (1), (2), (3), (15), (16), and (17) of section 3676(c) of this title (or, with respect to such paragraphs (14) and (15), the requirements under such paragraphs are waived pursuant to subsection (f)(1) of section 3676 of this title).

(4) The educational institution—

(A) is approved and participates in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.); or

(B) does not participate in such a program and the Secretary has waived the requirement under this paragraph with respect to the educational institution, and submits to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives notice of such waiver, because the Secretary determines that the educational institution—

(i) elects not to participate in such a program;

(ii) cannot participate in such a program; or

(iii) is in the process of making a good-faith effort to submit an initial application for approval to participate in such a program, except that a waiver under this clause may not be provided for a period of longer than 36 months.

(5) The educational institution agrees to, not later than 30 days after any date on which such educational institution becomes subject to an action or event described in section 3673(e)(3) of this title, submit to the State approving agency, or the Secretary when acting in the role of a State approving agency, a notification of such action or event in such form and containing such information as the Secretary determines appropriate.

(c)(1) A State approving agency may approve the entrepreneurship courses offered by a qualified provider of entrepreneurship courses.

(2) For purposes of this subsection, the term "entrepreneurship course" means a non-degree, non-credit course of business education that enables or assists a person to start or enhance a small business concern (as defined pursuant to

¹ See References in Text note below.