

§ 3684A. Procedures relating to computer matching program

(a)(1) Notwithstanding section 552a(p) of title 5 and subject to paragraph (2) of this subsection, the Secretary may suspend, terminate, reduce, or make a final denial of any financial assistance or payment under an educational assistance program provided for in chapter 30 or 32 of this title or in chapter 106 of title 10 in the case of any individual, or take other adverse action against such individual, based on information produced by a matching program with the Department of Defense.

(2) The Secretary may not take any action referred to in paragraph (1) of this subsection until—

(A) the individual concerned has been provided a written notice containing a statement of the findings of the Secretary based on the matching program, a description of the proposed action, and notice of the individual's right to contest such findings within 10 days after the date of the notice; and

(B) the 10-day period referred to in subparagraph (A) of this paragraph has expired.

(3) In computing the 10-day period referred to in paragraph (2) of this subsection, Saturdays, Sundays, and Federal holidays shall be excluded.

(b) For the purposes of subsection (q) of section 552a of title 5, compliance with the provisions of subsection (a) of this section shall be considered compliance with the provisions of subsection (p) of such section 552a.

(c) For purposes of this section, the term "matching program" has the same meaning provided in section 552a(a)(8) of title 5.

(Added Pub. L. 101-366, title II, §206(a), Aug. 15, 1990, 104 Stat. 441, §1784A; renumbered §3684A, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

Editorial Notes

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1784A of this title as this section.

§ 3685. Overpayments to eligible persons or veterans

(a) Whenever the Secretary finds that an overpayment has been made to a veteran or eligible person relating to educational assistance under a law administered by the Secretary, the amount of such overpayment shall constitute a liability of such veteran or eligible person to the United States.

(b) Any overpayment to a veteran or eligible person with respect to pursuit by the veteran or eligible person of a program of education at an educational institution shall constitute a liability of the educational institution to the United States if—

(1) the Secretary finds that the overpayment has been made as the result of—

(A) the willful or negligent failure of an educational institution to report, as required under this chapter or chapter 34 or 35 of this title, to the Department of Veterans Affairs excessive absences from a course, or discontinuance or interruption of a course by the veteran or eligible person; or

(B) the willful or negligent false certification by an educational institution; or

(2) the benefit payment sent to an educational institution on behalf of an eligible veteran or person is made pursuant to—

(A) section 3313(h) of this title;

(B) section 3317 of this title; or

(C) section 3680(d) of this title; or

(D) section 3320(d) of this title.

(c) Any overpayment referred to in subsection (a) or (b) of this section may be recovered, except as otherwise provided in the last sentence of section 3684(c) of this title, in the same manner as any other debt due the United States.

(d) Any overpayment referred to in subsection (a) or (b) of this section may be waived as to a veteran or eligible person as provided in section 5302 of this title. Waiver of any such overpayment as to a veteran or eligible person shall in no way release any educational institution from liability under subsection (b) of this section.

(e)(1) Any amount collected from a veteran or eligible person pursuant to this section shall be reimbursed to the educational institution which is liable pursuant to subsection (b) of this section to the extent that collection was made from the educational institution.

(2) Nothing in this section or any other provision of this title shall be construed as (A) precluding the imposition of any civil or criminal liability under this title or any other law, or (B) requiring any institution of higher learning to maintain daily attendance records for any course leading to a standard college degree.

(Added Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 22, §1785; amended Pub. L. 92-540, title IV, §403(11), Oct. 24, 1972, 86 Stat. 1090; Pub. L. 95-202, title III, §304(a)(2), Nov. 23, 1977, 91 Stat. 1442; Pub. L. 96-466, title III, §344, Oct. 17, 1980, 94 Stat. 2199; Pub. L. 101-237, title IV, §423(b)(1), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 102-40, title IV, §402(d)(1), May 7, 1991, 105 Stat. 239; renumbered §3685 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 116-315, title I, §1019, Jan. 5, 2021, 134 Stat. 4950.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1191, 1202, which was classified to former sections 1666 and 1766 of this title, prior to repeal by sections 4(a) and 3(a)(3) of Pub. L. 89-358, respectively.

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-315, §1019(b), inserted "relating to educational assistance under a law administered by the Secretary" after "made to a veteran or eligible person".

Subsec. (b). Pub. L. 116-315, §1019(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "Whenever the Secretary finds that an overpayment has been made to a veteran or eligible person as the result of (1) the willful or negligent failure of an educational institution to report, as required under this chapter or chapter 34 or 35 of this title, to the Department of Veterans Affairs excessive absences from a course, or discontinuance or interruption of a course by the veteran or eligible person, or (2) the willful or negligent false certification by an educational institution, the amount of such overpayment shall constitute a li-