

(A) of an educational institution located in a foreign country; and

(B) that pertain to an individual who is not receiving educational assistance under this chapter.

(d) **FALSE OR MISLEADING STATEMENTS.**—Whenever the Secretary finds that an educational institution has willfully submitted a false or misleading claim, or that a veteran or person, with the complicity of an educational institution, has submitted such a claim, the Secretary shall make a complete report of the facts of the case to the appropriate State approving agency and, where deemed advisable, to the Attorney General of the United States for appropriate action.

(Added Pub. L. 92-540, title III, §316(2), Oct. 24, 1972, 86 Stat. 1088, §1790; amended Pub. L. 94-502, title V, §§510, 513(a)(19), Oct. 15, 1976, 90 Stat. 2401, 2403; Pub. L. 95-202, title III, §306, Nov. 23, 1977, 91 Stat. 1445; Pub. L. 96-466, title VIII, §801(f), Oct. 17, 1980, 94 Stat. 2216; Pub. L. 97-295, §4(59), Oct. 12, 1982, 96 Stat. 1309; Pub. L. 97-306, title II, §207, Oct. 14, 1982, 96 Stat. 1435; Pub. L. 101-237, title IV, §423(a)(9), (b)(1)(A), (2), Dec. 18, 1989, 103 Stat. 2092; renumbered §3690, Pub. L. 102-86, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-86, title V, §506(b)(1), Aug. 14, 1991, 105 Stat. 426; Pub. L. 109-233, title V, §503(8)(A), June 15, 2006, 120 Stat. 416; Pub. L. 110-252, title V, §5003(b)(2)(A)(iv), June 30, 2008, 122 Stat. 2375; Pub. L. 117-76, §3(c)(2), Dec. 21, 2021, 135 Stat. 1519.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those comprising subsec. (a) were contained in former section 1685, as added by Pub. L. 89-358, §2, Mar. 3, 1966, 80 Stat. 19, §1684; renumbered Pub. L. 90-77, title III, §304(a), Aug. 31, 1967, 81 Stat. 186, and former section 1734, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1199; Pub. L. 89-358, §4(m), Mar. 3, 1966, 80 Stat. 25; provisions similar to those comprising subsec. (b) were contained in former section 1687, as added by Pub. L. 89-358, §2, Mar. 3, 1966, 80 Stat. 19, §1686; renumbered Pub. L. 90-77, title III, §304(a), Aug. 31, 1967, 81 Stat. 186; and former section 1736, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1199; Pub. L. 88-126, §2, Sept. 23, 1963, 77 Stat. 162; Pub. L. 89-358, §4(o), Mar. 3, 1966, 80 Stat. 25; provisions similar to those comprising subsec. (c) were contained in former section 1786, as added by Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 23; and provisions similar to those comprising subsec. (d) were contained in former section 1787, as added by Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 23; prior to the general revision by Pub. L. 92-540.

AMENDMENTS

2021—Subsec. (c). Pub. L. 117-76 designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), notwithstanding” for “Notwithstanding”, and added par. (2).

2008—Subsec. (b)(3)(A). Pub. L. 110-252 inserted “33,” after “32.”.

2006—Pub. L. 109-233 revised style of subsec. headings. 1991—Pub. L. 102-83 renumbered section 1790 of this title as this section.

Subsec. (b). Pub. L. 102-86 made technical amendment to directory language of Pub. L. 101-237, §423(b)(2). See 1989 Amendment note below.

1989—Subsec. (a). Pub. L. 101-237, §423(a)(9)(A), (b)(1)(A), substituted “Secretary” for “Administrator” wherever appearing and struck out “and prepayment” after “advance” in par. (2).

Subsec. (b). Pub. L. 101-237, §423(a)(9)(B), (C), (b)(1)(A), substituted “Secretary” for “Administrator” wherever

appearing, inserted “30,” before “32” in par. (3)(A), and in par. (3)(B) substituted “(B)” for “(B(i))” and redesignated subcls. (I), (II), and (III) as cls. (i), (ii), and (iii), respectively.

Pub. L. 101-237, §423(b)(2), as amended by Pub. L. 102-86, substituted “Secretary’s” for “Administrator’s” in par. (3)(B)(iii).

Subsecs. (c), (d). Pub. L. 101-237, §423(b)(1)(A), substituted “Secretary” for “Administrator” wherever appearing.

1982—Subsec. (a). Pub. L. 97-295, §4(59)(A), substituted “after October 24, 1972” for “after the effective date of section 1780 of this title” in par. (2), and struck out the comma after “or 35” in provisions following par. (2).

Subsec. (b)(1). Pub. L. 97-295, §4(59)(B), inserted “of this title” after “provision of this chapter or chapter 34 or 35”.

Subsec. (b)(2). Pub. L. 97-306, §207(1), substituted “Except as provided in paragraph (3) of this subsection, any” for “Any”.

Subsec. (b)(3). Pub. L. 97-306, §207(2), added par. (3).

1980—Subsec. (b)(2). Pub. L. 96-466 substituted “for” for “therefor”.

1977—Subsec. (b). Pub. L. 95-202 designated existing provisions as par. (1) and added par. (2).

1976—Subsec. (a). Pub. L. 94-502, §513(a)(19), substituted “the Administrator may disapprove” for “he may disapprove”.

Subsec. (b). Pub. L. 94-502, §513(a)(19), substituted “if the Administrator finds” for “if he finds” in two places.

Subsec. (c). Pub. L. 94-502, §510, substituted “chapter 31, 32, 34, or 35” for “chapter 31, 34, or 35” and required the records of other students which the Administrator determines necessary to ascertain institutional compliance to be available for inspection.

Subsec. (d). Pub. L. 94-502, §513(a)(19), substituted “the Administrator shall make” for “he shall make”.

Statutory Notes and Related Subsidiaries

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 1991 AMENDMENT

Pub. L. 102-86, title V, §506(b), Aug. 14, 1991, 105 Stat. 426, provided that the amendment made by section 506(b)(1) is effective as of Dec. 18, 1989.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, see section 802(h) of Pub. L. 96-466, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective 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. 15, 1976, see section 703(b) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

§ 3691. Change of program

(a) Except as provided in subsections (b) and (c) of this section, each eligible veteran and eligible person may make not more than one change of program of education, but an eligible veteran or eligible person whose program has been interrupted or discontinued due to the veteran's or person's own misconduct, the veteran's or person's own neglect, or the veteran's or person's own lack of application shall not be entitled to any such change.

(b) The Secretary, in accordance with procedures that the Secretary may establish, may approve a change other than a change under subsection (a) of this section (or an initial change in the case of a veteran or person not eligible to make a change under subsection (a)) in program if the Secretary finds that—

(1) the program of education which the eligible veteran or eligible person proposes to pursue is suitable to the veteran's or person's aptitudes, interests, and abilities; and

(2) in any instance where the eligible veteran or eligible person has interrupted, or failed to progress in, the veteran's or person's program due to the veteran's or person's own misconduct, the veteran's or person's own neglect, or the veteran's or person's own lack of application, there exists a reasonable likelihood with respect to the program which the eligible veteran or eligible person proposes to pursue that there will not be a recurrence of such an interruption or failure to progress.

(c) The Secretary may also approve additional changes in program if the Secretary finds such changes are necessitated by circumstances beyond the control of the eligible veteran or eligible person.

(d)(1) For the purposes of this section, the term "change of program of education" shall not be deemed to include a change by a veteran or eligible person from the pursuit of one program to the pursuit of another program if—

(A) the veteran or eligible person has successfully completed the former program;

(B) the program leads to a vocational, educational, or professional objective in the same general field as the former program;

(C) the former program is a prerequisite to, or generally required for, pursuit of the subsequent program;

(D) in the case of a change from the pursuit of a subsequent program to the pursuit of a former program, the veteran or eligible person resumes pursuit of the former program without loss of credit or standing in the former program; or

(E) the change from the program to another program is at the same educational institution and such educational institution determines that the new program is suitable to the aptitudes, interests, and abilities of the veteran or eligible person and certifies to the Secretary the enrollment of the veteran or eligible person in the new program.

(2) A veteran or eligible person undergoing a change from one program of education to another program of education as described in paragraph (1)(E) shall not be required to apply to the Secretary for approval of such change.

(Added Pub. L. 92-540, title III, §316(2), Oct. 24, 1972, 86 Stat. 1089, §1791; amended Pub. L. 94-502, title V, §513(a)(20), Oct. 15, 1976, 90 Stat. 2403; Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 101-366, title II, §208(a), Aug. 15, 1990, 104 Stat. 443; renumbered §3691, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-568, title III, §317, Oct. 29, 1992, 106 Stat. 4334; Pub. L. 110-389, title III, §324, Oct. 10, 2008, 122 Stat. 4168.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in former section 1672, as added by Pub. L. 89-358, §2, Mar. 3, 1966, 80 Stat. 15; and former section 1722, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1196, prior to repeal by sections 401(6) and 402(2) of Pub. L. 92-540, respectively.

AMENDMENTS

2008—Subsec. (d). Pub. L. 110-389 designated existing provisions as par. (1), redesignated former pars. (1) to (4) as subpars. (A) to (D) of par. (1), respectively, and added subpar. (E) of par. (1) and par. (2).

1992—Subsec. (d). Pub. L. 102-568 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: "As used in this section the term 'change of program of education' shall not be deemed to include a change from the pursuit of one program to pursuit of another where the first program is prerequisite to, or generally required for, entrance into pursuit of the second."

1991—Pub. L. 102-83 renumbered section 1791 of this title as this section.

1990—Subsec. (b). Pub. L. 101-366 substituted "The Secretary, in accordance with procedures that the Secretary may establish, may approve a change other than a change under subsection (a) of this section" for "The Secretary may approve one additional change".

1989—Subsecs. (b), (c). Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

1976—Subsec. (a). Pub. L. 94-502 substituted "the veteran's or person's" for "his" in three places.

Subsec. (b). Pub. L. 94-502 substituted "if the Administrator finds" for "if he finds" and "the veteran's or person's" for "his" wherever appearing.

Subsec. (c). Pub. L. 94-502 substituted "if the Administrator finds" for "if he finds".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101-366, title II, §208(b), Aug. 15, 1990, 104 Stat. 443, provided that: "The amendment made by subsection (a) [amending this section] shall take effect on June 1, 1991."

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.

§ 3691A. Withdrawal or leave of absence from certain education

(a) IN GENERAL.—(1) A covered member may, after receiving orders to enter a period of covered service, withdraw or take a leave of absence from covered education.

(2)(A) The institution concerned may not take any adverse action against a covered member on the basis that such covered member withdraws or takes a leave of absence under paragraph (1).

(B) Adverse actions under subparagraph (A) include the following:

(i) The assignment of a failing grade to a covered member for covered education.

(ii) The reduction of the grade point average of a covered member for covered education.

(iii) The characterization of any absence of a covered member from covered education as unexcused.

(iv) The assessment of any financial penalty against a covered member.

(b) WITHDRAWAL.—If a covered member withdraws from covered education under subsection