

(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 (a), the institution concerned shall refund all tuition and fees (including payments for housing) for the academic term from which the covered member withdraws.

(c) LEAVE OF ABSENCE.—If a covered member takes a leave of absence from covered education

under subsection (a), the institution concerned shall—

(1) assign a grade of “incomplete” (or equivalent) to the covered member for covered education for the academic term from which the covered member takes such leave of absence; and

(2) to the extent practicable, permit the covered member, upon completion of the period covered service, to complete such academic term.

(d) DEFINITIONS.—In this section:

(1) The term “covered education” means a course of education—

(A) at an institution of higher education; and

(B) paid for with educational assistance furnished under a law administered by the Secretary.

(2) The term “covered member” means a member of the Armed Forces (including the reserve components) enrolled in covered education.

(3) The term “covered service” means—

(A) active service or inactive-duty training, as such terms are defined in section 101 of title 10; or

(B) State active duty, as defined in section 4303 of this title.

(4) The term “institution concerned” means, with respect to a covered member, the institution of higher education where the covered member is enrolled in covered education.

(5) The term “institution of higher education” has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(6) The term “period of covered service” means the period beginning on the date on which a covered member enters covered service and ending on the date on which the covered member is released from covered service or dies while in covered service.

(Added Pub. L. 117–328, div. U, title II, §216(a), Dec. 29, 2022, 136 Stat. 5455.)

§ 3692. Advisory committee

(a) There shall be a Veterans' Advisory Committee on Education formed by the Secretary which shall be composed of persons who are eminent in their respective fields of education, labor, and management and of representatives of institutions and establishments furnishing education to eligible veterans or persons enrolled under chapter 30, 32, 33, or 35 of this title and chapter 1606 of title 10. The committee shall also, to the maximum extent practicable, include a representative sample of veterans and other individuals who have used, or may in the future use, educational assistance benefits administered by the Secretary. The Assistant Secretary of Education for Postsecondary Education (or such other comparable official of the Department of Education as the Secretary of Education may designate) and the Assistant Secretary of Labor for Veterans' Employment and Training shall be ex officio members of the advisory committee.

(b) The Secretary shall consult with and seek the advice of the committee from time to time

with respect to the administration of this chapter, chapters 30, 32, 33, and 35 of this title, and chapter 1606 of title 10. The committee may make such reports and recommendations as it considers desirable to the Secretary and the Congress.

(c) The committee shall remain in existence until December 31, 2026.

(Added Pub. L. 89–358, §3(b), Mar. 3, 1966, 80 Stat. 23, §1788; renumbered §1792 and amended Pub. L. 92–540, title III, §316(2), (3), Oct. 24, 1972, 86 Stat. 1086, 1089; Pub. L. 96–466, title III, §346, Oct. 17, 1980, 94 Stat. 2200; Pub. L. 99–576, title III, §304, Oct. 28, 1986, 100 Stat. 3269; Pub. L. 100–689, title I, §123, Nov. 18, 1988, 102 Stat. 4174; Pub. L. 101–237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 102–25, title III, §338, Apr. 6, 1991, 105 Stat. 91; Pub. L. 102–54, §14(c)(7), June 13, 1991, 105 Stat. 285; renumbered §3692, Pub. L. 102–83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103–210, §2(d), Dec. 20, 1993, 107 Stat. 2497; Pub. L. 103–446, title VI, §608, Nov. 2, 1994, 108 Stat. 4672; Pub. L. 108–183, title III, §307, Dec. 16, 2003, 117 Stat. 2661; Pub. L. 110–252, title V, §5003(b)(2)(A)(v), June 30, 2008, 122 Stat. 2375; Pub. L. 111–275, title I, §102, Oct. 13, 2010, 124 Stat. 2866; Pub. L. 113–59, §12, Dec. 20, 2013, 127 Stat. 663; Pub. L. 113–175, title III, §301, Sept. 26, 2014, 128 Stat. 1904; Pub. L. 114–58, title II, §201, Sept. 30, 2015, 129 Stat. 533; Pub. L. 114–228, title II, §201, Sept. 29, 2016, 130 Stat. 938; Pub. L. 114–315, title IV, §413, Dec. 16, 2016, 130 Stat. 1562; Pub. L. 115–48, title III, §306, Aug. 16, 2017, 131 Stat. 993; Pub. L. 117–180, div. E, title IV, §404, Sept. 30, 2022, 136 Stat. 2139.)

Editorial Notes

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1190, which was classified to former section 1662 of this title, prior to repeal by section 4(a) of Pub. L. 89–358.

AMENDMENTS

2022—Subsec. (c). Pub. L. 117–180 substituted “December 31, 2026” for “December 31, 2022”.

2017—Subsec. (c). Pub. L. 115–48 substituted “December 31, 2022” for “December 31, 2017”.

2016—Subsec. (a). Pub. L. 114–315 substituted “a representative sample of veterans and other individuals who have used, or may in the future use, educational assistance benefits administered by the Secretary.” for “veterans representative of World War II, the Korean conflict era, the post-Korean conflict era, the Vietnam era, the post-Vietnam era, and the Persian Gulf War.”

Subsec. (c). Pub. L. 114–228 substituted “December 31, 2017” for “December 31, 2016”.

2015—Subsec. (c). Pub. L. 114–58 substituted “December 31, 2016” for “December 31, 2015”.

2014—Subsec. (c). Pub. L. 113–175 substituted “December 31, 2015” for “December 31, 2014”.

2013—Subsec. (c). Pub. L. 113–59 substituted “December 31, 2014” for “December 31, 2013”.

2010—Subsec. (c). Pub. L. 111–275 substituted “December 31, 2013” for “December 31, 2009”.

2008—Subsecs. (a), (b). Pub. L. 110–252 inserted “33,” after “32.”

2003—Subsec. (a). Pub. L. 108–183, §307(a), (c)(1), substituted “chapter 1606” for “chapter 106” in first sentence and inserted “, to the maximum extent practicable,” after “The committee shall also” in second sentence.

Subsec. (b). Pub. L. 108–183, §307(c), substituted “chapters 30” for “chapter 30” and “chapter 1606” for “chapter 106”.