

Editorial Notes

REFERENCES IN TEXT

The Higher Education Act of 1965, referred to in subsecs. (b)(3) and (c)(1)(C)(iv), (vi), 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. Subpart 2 of part H of title IV of the Act is classified generally to subpart 2 (§1099b) of part H of subchapter IV of chapter 28 of Title 20. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of Title 20 and Tables.

Executive Order No. 13607, referred to in subsec. (d)(1), is set out as a note under section 3301 of this title.

PRIOR PROVISIONS

A prior section 3698, added Pub. L. 93-508, title III, §301(a), Dec. 3, 1974, 88 Stat. 1589, §1798; amended Pub. L. 94-502, title V, §§502(a), 513(a)(23), Oct. 15, 1976, 90 Stat. 2399, 2403; Pub. L. 95-202, title I, §104(3), title II, §202, Nov. 23, 1977, 91 Stat. 1435, 1438; Pub. L. 95-476, title II, §201, Oct. 18, 1978, 92 Stat. 1502; Pub. L. 96-466, title II, §§203(4), 213(4), title VI, §§601(h), 603(b), title VIII, §801(g), Oct. 17, 1980, 94 Stat. 2189, 2191, 2208, 2209, 2216; Pub. L. 97-35, title XX, §2005(d), Aug. 13, 1981, 95 Stat. 783; Pub. L. 97-295, §4(60), Oct. 12, 1982, 96 Stat. 1309; Pub. L. 97-306, title II, §208, Oct. 14, 1982, 96 Stat. 1436; Pub. L. 98-543, title II, §204(3), Oct. 24, 1984, 98 Stat. 2742; Pub. L. 100-689, title I, §124(b), Nov. 18, 1988, 102 Stat. 4174; Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 102-16, §5(a), Mar. 22, 1991, 105 Stat. 50; renumbered §3698 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406, related to eligibility for loans under former subchapter III of this chapter, prior to repeal by Pub. L. 108-183, title III, §306(e), (h)(2), Dec. 16, 2003, 117 Stat. 2661, effective 90 days after Dec. 16, 2003.

AMENDMENTS

2021—Subsec. (c)(1)(C)(xiii) to (xv). Pub. L. 117-16, §3(a)(1), added cl. (xiii) to (xv).

Subsec. (c)(2). Pub. L. 117-16, §3(a)(2), inserted at end “To the extent practicable, the Secretary shall ensure that such information is provided in a searchable format.”

Subsec. (f)(3), (4). Pub. L. 117-16, §3(b), added pars. (3) and (4).

2018—Subsec. (c)(1)(C)(xii). Pub. L. 115-407 added cl. (xii).

2017—Subsec. (c)(1)(C)(xi). Pub. L. 115-48 added cl. (xi).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Pub. L. 117-16, §3(c), June 8, 2021, 135 Stat. 283, provided that: “The amendments made by this section [amending this section] shall apply with respect to the information provided under section 3698 of title 38, United States Code, beginning on the date that is two years after the date of the enactment of this Act [June 8, 2021].”

SURVEY AND REPORT; DEFINITIONS

Pub. L. 112-249, §1(b)-(d), Jan. 10, 2013, 126 Stat. 2400, 2401, provided that:

“(b) SURVEY.—In developing the policy required by section 3698(a) of title 38, United States Code, as added by subsection (a), the Secretary of Veterans Affairs shall conduct a market survey to determine the availability of the following:

“(1) A commercially available off-the-shelf online tool that allows a veteran or member of the Armed Forces to assess whether the veteran or member is academically ready to engage in postsecondary education and training opportunities and whether the veteran or member would need any remedial preparation before beginning such opportunities.

“(2) A commercially available off-the-shelf online tool that provides a veteran or member of the Armed Forces with a list of providers of postsecondary education and training opportunities based on criteria selected by the veteran or member.

“(c) REPORT.—Not later than 90 days after the date of the enactment of this Act [Jan. 10, 2013], the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report that includes—

“(1) a description of the policy developed by the Secretary under section 3698(a) of title 38, United States Code, as added by subsection (a);

“(2) a plan of the Secretary to implement such policy; and

“(3) the results of the survey conducted under subsection (b), including whether the Secretary plans to implement the tools described in such subsection.

“(d) DEFINITIONS.—In this section [enacting this note and this section]:

“(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(A) the Committee on Veterans’ Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate; and

“(B) the Committee on Veterans’ Affairs and the Committee on Education and the Workforce of the House of Representatives.

“(2) COMMERCIALLY AVAILABLE OFF-THE-SHELF.—The term ‘commercially available off-the-shelf’ has the meaning given that term in section 104 of title 41, United States Code.

“(3) POSTSECONDARY EDUCATION AND TRAINING OPPORTUNITIES.—The term ‘postsecondary education and training opportunities’ means any postsecondary program of education, including apprenticeships and on-job training, for which the Secretary of Veterans Affairs provides assistance to a veteran or member of the Armed Forces.”

§ 3699. Effects of closure or disapproval of educational institution

(a) CLOSURE OR DISAPPROVAL.—Any payment of educational assistance described in subsection (b) shall not—

(1) be charged against any entitlement to educational assistance of the individual concerned; or

(2) be counted against the aggregate period for which section 3695 of this title limits the receipt of educational assistance by such individual.

(b) EDUCATIONAL ASSISTANCE DESCRIBED.—Subject to subsection (c), the payment of educational assistance described in this subsection is the payment of such assistance to an individual for pursuit of a course or program of education at an educational institution under chapter 30, 31, 32, 33, or 35 of this title, or chapter 1606 or 1607 of title 10, if the Secretary determines that the individual—

(1) was unable to complete such course or program as a result of—

(A) the closure of the educational institution;

(B) the disapproval of the course or a course that is a necessary part of that program under this chapter by reason of—

(i) a provision of law enacted after the date on which the individual enrolls at such institution affecting the approval or disapproval of courses under this chapter; or

(ii) after the date on which the individual enrolls at such institution, the Sec-

retary prescribing or modifying regulations or policies of the Department affecting such approval or disapproval; or

(C) the temporary closure of an educational institution or training establishment or the temporary closure or termination of a course or program of education by reason of an emergency situation; and

(2) did not receive credit or lost training time, toward completion of the program of education being so pursued.

(c) PERIOD NOT CHARGED.—(1) The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the aggregate of—

(A) the portion of the period of enrollment in the course from which the individual did not receive credit or with respect to which the individual lost training time, as determined under subsection (b)(2); and

(B) the period by which a monthly stipend is extended under section 3680(a)(2)(B) of this title.

(2)(A)(i) An individual described in subparagraph (B) who transfers fewer than 12 credits from a program of education that is closed or disapproved as described in subsection (b)(1) shall be deemed to be an individual who did not receive such credits, as described in subsection (b)(2), except that the period for which such individual's entitlement is not charged shall be the entire period of the individual's enrollment in the program of education.

(ii) In carrying out clause (i), the Secretary shall—

(I) require an individual to certify in writing that the individual has transferred fewer than 12 credits as described in such clause;

(II) require an individual who makes a certification under subclause (I) to acknowledge in writing that if the individual transfers 12 or more credits as described in such clause (i)—

(aa) the individual may not be deemed under such clause to be an individual who did not receive such credits; and

(bb) the Secretary shall rescind the certificate of eligibility provided under subclause (IV);

(III) accept a certification under subclause (I) as proof of the individual transferring fewer than 12 credits; and

(IV) provide to the individual who makes a certification under subclause (I) and makes the acknowledgment under subclause (II) a certificate of eligibility that the individual may provide to an educational institution as proof of the individual being covered by this paragraph.

(iii) The Secretary shall notify individuals described in subparagraph (B) of being eligible to be covered by this paragraph.

(iv) In carrying out this subparagraph, the Secretary, in consultation with the Secretary of Education, shall establish procedures to determine whether the individual transferred credits to a comparable course or program of education.

(B) An individual described in this subparagraph is an individual who is enrolled in a course or program of education closed or discontinued as described in subsection (b)(1) during the period beginning on the date that is 120 days before the date of such closure or discontinuance and ending on the date of such closure or discontinuance, as the case may be.

(C) This paragraph shall apply with respect to a course or program of education closed or discontinued before September 30, 2025.

(d) CONTINUING PURSUIT OF DISAPPROVED COURSES.—(1) The Secretary may treat a course of education that is disapproved under this chapter as being approved under this chapter with respect to an individual described in paragraph (2) if the Secretary determines, on a case-by-case basis, that—

(A) such disapproval is the result of an action described in clause (i) or (ii) of subsection (b)(1)(B); and

(B) continuing pursuing such course is in the best interest of the individual.

(2) An individual described in this paragraph is an individual who is pursuing a course of education at an educational institution under chapter 30, 31, 32, 33, or 35 of this title, or chapter 1606 or 1607 of title 10, as of the date on which the course is disapproved under this chapter.

(e) NOTICE OF CLOSURES.—Not later than 5 business days after the date on which the Secretary receives notice that an educational institution will close or is closed, the Secretary shall provide to each individual who is enrolled in a course or program of education at such educational institution using entitlement to educational assistance under chapter 30, 31, 32, 33, or 35 of this title, or chapter 1606 or 1607 of title 10, notice of—

(1) such closure and the date of such closure; and

(2) the effect of such closure on the individual's entitlement to educational assistance pursuant to this section.

(Added Pub. L. 115-48, title I, § 109(a)(1), Aug. 16, 2017, 131 Stat. 978; amended Pub. L. 116-61, § 6(6), Sept. 30, 2019, 133 Stat. 1117; Pub. L. 116-315, title I, §§ 1007(a), 1021(a), Jan. 5, 2021, 134 Stat. 4940, 4958; Pub. L. 117-297, § 2, Dec. 27, 2022, 136 Stat. 4375; Pub. L. 117-333, § 8(a), Jan. 5, 2023, 136 Stat. 6130; Pub. L. 118-19, § 2, Oct. 6, 2023, 137 Stat. 106.)

Editorial Notes

PRIOR PROVISIONS

A prior section 3699, added Pub. L. 93-508, title III, § 301(a), Dec. 3, 1974, 88 Stat. 1591, § 1799; amended Pub. L. 94-502, title V, § 513(a)(24), Oct. 15, 1976, 90 Stat. 2404; Pub. L. 97-295, § 4(61), Oct. 12, 1982, 96 Stat. 1309; Pub. L. 101-237, title IV, § 423(b)(1), (2), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3699 and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406, related to revolving fund available for making of loans under former subchapter III of this chapter, prior to repeal by Pub. L. 108-183, title III, § 306(e), Dec. 16, 2003, 117 Stat. 2661, effective 90 days after Dec. 16, 2003.

AMENDMENTS

2023—Subsec. (b)(1)(C). Pub. L. 117-333 added subpar. (C).

Subsec. (c)(2)(C). Pub. L. 118-19 substituted “September 30, 2025” for “September 30, 2023”.

2022—Subsec. (c)(2)(A). Pub. L. 117-297 designated first sentence as cl. (i) and second sentence as cl. (iv) and realigned margins and added clss. (ii) and (iii) after cl. (i).
 2021—Pub. L. 116-315, §1007(a), substituted “chapter 30, 31,” for “chapter 30,” wherever appearing.

Subsec. (c). Pub. L. 116-315, §1021(a), amended subsec. (c) generally. Prior to amendment, text read as follows: “The period for which, by reason of this subsection, educational assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall not exceed the aggregate of—

“(1) the portion of the period of enrollment in the course from which the individual did not receive credit or with respect to which the individual lost training time, as determined under subsection (b)(2); and

“(2) the period by which a monthly stipend is extended under section 3680(a)(2)(B) of this title.”

2019—Subsec. (b). Pub. L. 116-61 substituted “this subsection” for “this paragraph”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2021 AMENDMENT

Amendment by section 1007(a) of Pub. L. 116-315 applicable as if included in the enactment of section 109 of Pub. L. 115-48, see section 1007(d) of Pub. L. 116-315, set out as a note under section 3680 of this title, and Effective Date note below.

Pub. L. 116-315, title I, §1021(b), Jan. 5, 2021, 134 Stat. 4959, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on August 1, 2021.”

EFFECTIVE DATE

Pub. L. 115-48, title I, §109(c)(1), Aug. 16, 2017, 131 Stat. 980, as amended by Pub. L. 115-62, title V, §501(d), Sept. 29, 2017, 131 Stat. 1166, provided that:

“(A) IN GENERAL.—The amendments made by subsection (a) [enacting this section] shall take effect on the date that is 90 days after the date of the enactment of this Act [Aug. 16, 2017], and shall apply with respect to courses and programs of education discontinued as described in section 3699 of title 38, United States Code, as added by subsection (a)(1), after January 1, 2015.

“(B) SPECIAL APPLICATION.—

“(i) IN GENERAL.—With respect to courses and programs of education discontinued as described in section 3699 of title 38, United States Code, as added by subsection (a)(1), during the period beginning January 1, 2015, and ending on the date of the enactment of this Act [Sept. 29, 2017], an individual described in clause (ii) who does not transfer credits from such program of education shall be deemed to be an individual who did not receive such credits, as described in subsection (b)(2) of such section, except that the period for which such individual's entitlement is not charged shall be the entire period of the individual's enrollment in the program of education. In carrying out this subparagraph, the Secretary of Veterans Affairs, in consultation with the Secretary of Education, shall establish procedures to determine whether the individual transferred credits to a comparable course or program of education.

“(ii) INDIVIDUAL DESCRIBED.—An individual described in this clause is an individual who is enrolled in a course or program of education discontinued as described in clause (i) during the period beginning on the date that is 120 days before the date of such discontinuance and ending on the date of such discontinuance.”

PROHIBITION OF CHARGE TO ENTITLEMENT OF STUDENTS UNABLE TO PURSUE A PROGRAM OF EDUCATION DUE TO AN EMERGENCY SITUATION

Pub. L. 116-315, title I, §1107(c), Jan. 5, 2021, 134 Stat. 4966, provided that: “The subparagraph (C) temporarily added to section 3699(b)(1) of title 38, United States

Code, by [former] section 5 of the Student Veteran Coronavirus Response Act of 2020 (Public Law 116-140; 38 U.S.C. 3699 note) [formerly set out below] is amended by inserting ‘or training establishment’ after ‘educational institution’.”

Pub. L. 116-140, §5, Apr. 28, 2020, 134 Stat. 632, which temporarily added closure of educational institution or training establishment due to emergency situation as reason for payment of educational assistance not to be charged against entitlement of students, was repealed by Pub. L. 117-333, §8(b), Jan. 5, 2023, 136 Stat. 6130. See subsec. (b)(1)(C) of this section.

RESTORATION OF ENTITLEMENT TO REHABILITATION PROGRAMS FOR VETERANS AFFECTED BY SCHOOL CLOSURE OR DISAPPROVAL

Pub. L. 116-140, §7(a), Apr. 28, 2020, 134 Stat. 634, which provided that, during the period from Mar. 1, 2020, to Dec. 21, 2020, the Secretary of Veterans Affairs was to apply this section as if it were amended by striking “chapter 30,” each time it appeared and inserting “chapter 30, 31,” was repealed by Pub. L. 116-315, title I, §1007(c), Jan. 5, 2021, 134 Stat. 4940. See 2021 Amendment note above.

§ 3699A. Provision of certain information to educational institutions

(a) IN GENERAL.—For each veteran or other individual pursuing a course of education that has been approved under this chapter using educational assistance to which the veteran or other individual is entitled under chapter 30, 32, 33, or 35 of this title, the Secretary shall make available to the educational institution offering the course information about the amount of such educational assistance to which the veteran or other individual is entitled. Such information shall be provided to such educational institution through a secure information technology system accessible by the educational institution and shall be regularly updated to reflect any amounts used by the veteran or other individual.

(b) ELECTION.—A veteran or other individual pursuing a course of education described in subsection (a) may elect not to provide the information described in such subsection to an educational institution in a manner prescribed by the Secretary.

(Added Pub. L. 115-48, title III, §308(a), Aug. 16, 2017, 131 Stat. 994.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 115-48, title III, §308(c), Aug. 16, 2017, 131 Stat. 994, provided that: “Section 3699A of title 38, United States Code, as added by this section, shall take effect on August 1, 2018.”

§ 3699B. Treatment of certain for-profit educational institutions

(a) IN GENERAL.—In the case of any for-profit educational institution that is converted to a nonprofit educational institution, the State approving agency or the Secretary when acting as a State approving agency shall conduct annual risk-based surveys of the institution during the three-year period beginning on the date on which the educational institution is so converted.

(b) RISK-BASED SURVEY DEFINED.—In this section, the term “risk-based survey” means the