

(Added Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 21, §1782; amended Pub. L. 92-540, title IV, §403(9), Oct. 24, 1972, 86 Stat. 1090; Pub. L. 100-323, §13(b)(6), May 20, 1988, 102 Stat. 574; renumbered §3682 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1190, 1201, which was classified to former sections 1663 and 1763 of this title, prior to repeal by sections 4(a) and 3(a)(3) of Pub. L. 89-358, respectively.

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1782 of this title as this section and substituted “3674A” for “1774A”.

1988—Pub. L. 100-323 substituted “Except as provided in section 1774A of this title, no” for “No”.

1972—Pub. L. 92-540 inserted “this chapter or” before “chapter 34 or 35”.

§ 3683. Conflicting interests

(a) Every officer or employee of the Department of Veterans Affairs who has, while such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, any educational institution operated for profit in which an eligible person or veteran was pursuing a program of education or course under this chapter or chapter 34 or 35 of this title shall be immediately dismissed from such officer's or employee's office or employment.

(b) If the Secretary finds that any person who is an officer or employee of a State approving agency has, while such person was such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, an educational institution operated for profit in which an eligible person or veteran was pursuing a program of education or course under this chapter or chapter 34 or 35 of this title, the Secretary shall discontinue making payments under section 3674 of this title to such State approving agency unless such agency shall, without delay, take such steps as may be necessary to terminate the employment of such person and such payments shall not be resumed while such person is an officer or employee of the State approving agency, or State department of veterans' affairs or State department of education.

(c) A State approving agency shall not approve any course offered by an educational institution operated for profit, and, if any such course has been approved, shall disapprove each such course, if it finds that any officer or employee of the Department of Veterans Affairs or the State approving agency owns an interest in, or receives any wages, salary, dividends, profits, gratuities, or services from, such institution.

(d) The Secretary may, after reasonable notice and public hearings, waive in writing the application of this section in the case of any officer or employee of the Department of Veterans Affairs or of a State approving agency, if the Secretary finds that no detriment will result to the United States or to eligible persons or veterans by reasons of such interest or connection of such officer or employee.

(Added Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 22, §1783; amended Pub. L. 92-540, title IV, §403(10), Oct. 24, 1972, 86 Stat. 1090; Pub. L. 94-502, title V, §513(a)(14)–(16), Oct. 15, 1976, 90 Stat. 2403; Pub. L. 97-295, §4(54), Oct. 12, 1982, 96 Stat. 1309; Pub. L. 101-237, title IV, §423(b)(1), Dec. 18, 1989, 103 Stat. 2092; renumbered §3683 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1190, 1201, which was classified to former sections 1664 and 1764 of this title, prior to repeal by sections 4(a) and 3(a)(3) of Pub. L. 89-358, respectively.

AMENDMENTS

1991—Pub. L. 102-83, §5(a), renumbered section 1783 of this title as this section.

Subsec. (b). Pub. L. 102-83, §5(c)(1), substituted “3674” for “1774”.

1989—Pub. L. 101-237 substituted “Secretary” and “Department of Veterans Affairs” for “Administrator” and “Veterans' Administration”, respectively, wherever appearing.

1982—Subsec. (a). Pub. L. 97-295 inserted “of this title” after “34 or 35”.

1976—Subsec. (a). Pub. L. 94-502, §513(a)(14), substituted “such officer's or employee's” for “his”.

Subsec. (b). Pub. L. 94-502, §513(a)(15), substituted “while such person was” for “while he was” and “the Administrator shall discontinue” for “he shall discontinue”.

Subsec. (d). Pub. L. 94-502, §513(a)(16), substituted “if the Administrator finds” for “if he finds”.

1972—Subsecs. (a), (b). Pub. L. 92-540 inserted “this chapter or” before “chapter 34 or 35” wherever appearing.

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.

§ 3684. Reports by veterans, eligible persons, and institutions; reporting fee

(a)(1) Except as provided in paragraph (2) of this subsection, the veteran or eligible person and the educational institution offering a course in which such veteran or eligible person is enrolled under chapter 31, 34,¹ 35, or 36 of this title shall, without delay, report to the Secretary, in the form prescribed by the Secretary, such enrollment and any interruption or termination of the education of each such veteran or eligible person. The date of such interruption or termination will be the last date of pursuit, or, in the case of correspondence training, the last date a lesson was serviced by a school.

(2)(A) In the case of a program of independent study pursued on less than a half-time basis in an educational institution, the Secretary may approve a delay by the educational institution in reporting the enrollment or reenrollment of an eligible veteran or eligible person until the end of the term, quarter, or semester if the educational institution requests the delay and the Secretary determines that it is not feasible for the educational institution to monitor interruption or termination of the veteran's or eligible person's pursuit of such program.

¹ So in original.

(B) An educational institution which, pursuant to subparagraph (A) of this paragraph, is delaying the reporting of the enrollment or re-enrollment of a veteran shall provide the veteran with notice of the delay at the time that the veteran enrolls or reenrolls.

(3)(A) Subject to subparagraph (B) of this paragraph, an educational institution offering courses on a term, quarter, or semester basis may certify the enrollment of a veteran who is not on active duty, or of an eligible person, in such courses for more than one term, quarter, or semester at a time, but not for a period extending beyond the end of a school year (including the summer enrollment period).

(B) Subparagraph (A) of this paragraph shall not apply with respect to any term, quarter, or semester for which the veteran or eligible person is enrolled on a less than half-time basis and shall not be construed as restricting the Secretary from requiring that an educational institution, in reporting an enrollment for more than one term, quarter, or semester, specify the dates of any intervals within or between any such terms, quarters, or semesters.

(b) The Secretary, prior to making payment of a reporting fee to an educational institution, as provided for in subsection (c) of this section, shall require such institution to certify that it has exercised reasonable diligence in determining whether such institution or any course offered by such institution approved for the enrollment of veterans or eligible persons meets all of the applicable requirements of chapters 31, 34, 35, and 36 of this title and that it will, without delay, report any failure to meet any such requirement to the Secretary.

(c) The Secretary may pay to any educational institution, or to the sponsor of a program of apprenticeship, furnishing education or training under either this chapter or chapter 31, 34, or 35 of this title, a reporting fee which will be in lieu of any other compensation or reimbursement for reports or certifications which such educational institution or joint apprenticeship training committee is required to submit to the Secretary by law or regulation. Such reporting fee shall be computed for each calendar year by multiplying \$7 by the number of eligible veterans or eligible persons enrolled under this chapter or chapter 31, 34, or 35 of this title, or \$11 in the case of those eligible veterans and eligible persons whose educational assistance checks are directed in care of each institution for temporary custody and delivery and are delivered at the time of registration as provided under section 3680(d)(4) of this title, during the calendar year. The reporting fee shall be paid to such educational institution or joint apprenticeship training committee as soon as feasible after the end of the calendar year for which it is applicable. No reporting fee payable to an educational institution under this subsection shall be subject to offset by the Secretary against any liability of such institution for any overpayment for which such institution may be administratively determined to be liable under section 3685 of this title unless such liability is not contested by such institution or has been upheld by a final decree of a court of appropriate jurisdiction. The reporting fee payable under this sub-

section shall be paid from amounts appropriated for readjustment benefits.

(Added Pub. L. 89-358, §3(b), Mar. 3, 1966, 80 Stat. 22, §1784; amended Pub. L. 90-77, title III, §308(a), Aug. 31, 1967, 81 Stat. 189; Pub. L. 92-540, title III, §315, Oct. 24, 1972, 86 Stat. 1084; Pub. L. 93-508, title II, §210(2), Dec. 3, 1974, 88 Stat. 1585; Pub. L. 94-502, title V, §§507, 508, 513(a)(17), Oct. 15, 1976, 90 Stat. 2400, 2403; Pub. L. 95-202, title III, §304(a)(1), Nov. 23, 1977, 91 Stat. 1442; Pub. L. 96-466, title III, §343(a), (b)(1), title VI, §601(e), Oct. 17, 1980, 94 Stat. 2198, 2208; Pub. L. 97-295, §4(55), Oct. 12, 1982, 96 Stat. 1309; Pub. L. 99-576, title III, §§318, 319, Oct. 28, 1986, 100 Stat. 3275; Pub. L. 101-237, title IV, §§416(a), 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2086, 2092; renumbered §3684 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 105-368, title II, §201(a), (b), Nov. 11, 1998, 112 Stat. 3326; Pub. L. 106-419, title IV, §404(a)(7), Nov. 1, 2000, 114 Stat. 1865; Pub. L. 108-454, title I, §110(d), Dec. 10, 2004, 118 Stat. 3605.)

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 1665(a) and 1765(a) of this title, prior to repeal by sections 4(a) and 3(a)(3) of Pub. L. 89-358, respectively.

AMENDMENTS

2004—Subsec. (c). Pub. L. 108-454 substituted “or to the sponsor of a program of apprenticeship” for “or to any joint apprenticeship training committee acting as a training establishment”.

2000—Subsec. (c). Pub. L. 106-419 substituted “calendar” for “calender” after “during the”.

1998—Subsec. (c). Pub. L. 105-368, in second sentence, substituted “during the calendar year.” for “on October 31 of that year; except that the Secretary may, where it is established by such educational institution or joint apprenticeship training committee that eligible veteran plus eligible person enrollment on such date varies more than 15 percent from the peak eligible veteran enrollment plus eligible person enrollment in such educational institution or joint apprenticeship training committee during such calendar year, establish such other date as representative of the peak enrollment as may be justified for such educational institution or joint apprenticeship training committee.” and inserted at end “The reporting fee payable under this subsection shall be paid from amounts appropriated for readjustment benefits.”

1991—Pub. L. 102-83, §5(a), renumbered section 1784 of this title as this section.

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted “3680(d)(4)” for “1780(d)(4)” and “3685” for “1785”.

1989—Subsec. (a)(1). Pub. L. 101-237, §423(b)(1)(A), substituted “Secretary” for “Administrator” wherever appearing.

Pub. L. 101-237, §416(a)(1), substituted “chapter 31, 34,” for “chapter 34”.

Subsec. (a)(2)(A), (3)(B). Pub. L. 101-237, §423(b)(1)(A), substituted “Secretary” for “Administrator” wherever appearing.

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

Pub. L. 101-237, §416(a)(2), inserted reference to chapter 31.

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

Pub. L. 101-237, §416(a)(3), inserted references to chapter 31.

1986—Subsec. (a)(1), (2). Pub. L. 99-576, §318, designated existing provisions as par. (1), substituted “Except as provided in paragraph (2) of this subsection, the” for “The”, and added par. (2).

Subsec. (a)(3). Pub. L. 99-576, §319, added par. (3).
1982—Subsec. (c). Pub. L. 97-295 substituted “percent” for “per centum”.

1980—Pub. L. 96-466, §343(b)(1), substituted “Reports by veterans, eligible persons, and institutions” for “Reports by institutions” in section catchline.

Subsec. (a). Pub. L. 96-466, §343(a)(1), expanded provisions to require reports by veterans and eligible persons.

Subsec. (b). Pub. L. 96-466, §343(a)(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 96-466, §§343(a)(2), 601(e), redesignated former subsec. (b) as (c) and substituted “section 1780(d)(4)” for “section 1780(d)(5)”.

1977—Subsec. (b). Pub. L. 95-202 substituted “\$7” and “\$11” for “\$5” and “\$6”, respectively, and inserted provision that no reporting fee payable to an educational institution under this subsection be subject to offset by the Administrator against any liability of the institution for any overpayment for which the institution may be administratively determined to be liable under section 1785 of this title unless that liability is not contested by the institution or has been upheld by a final decree of a court of appropriate jurisdiction.

1976—Subsec. (a). Pub. L. 94-502, §§507, 513(a)(17), substituted “prescribed by the Administrator” for “prescribed by him”, and specified the date of interruption or termination as the last date of pursuit, or in the case of a correspondence school, the last date a lesson was serviced.

Subsec. (b). Pub. L. 94-502, §§508, 513(a)(17), substituted “\$5” for “\$3”, “\$6” for “\$4”, and “submit to the Administrator” for “submit to him”.

1974—Subsec. (b). Pub. L. 93-508 extended the payment of reporting fee to educational institutions under this chapter and to joint apprenticeship training committees acting as training establishments, and in provisions relating to computation of such fee, substituted reference to this chapter for reference to chapter 36 of this title.

1972—Subsec. (a). Pub. L. 92-540, §315(1), inserted reference to chapter 36 of this title.

Subsec. (b). Pub. L. 92-540, §315(1), (2), (3), inserted reference to chapter 36 of this title, and substituted provisions relating to the computation of the reporting fee based on the number of eligible veterans or eligible persons enrolled under chapter 34, 35, or 36 of this title, or based on eligible veterans and eligible persons whose educational assistance checks are directed in care of such institution for temporary custody and delivery and are delivered at the time of registration as provided under section 1780(d)(5) of this title, for provisions relating to the computation of such fee based on eligible veterans enrolled under chapter 34 of this title, plus the number of eligible persons enrolled under chapter 35 of this title.

1967—Pub. L. 90-77 provided for the reporting fee in section catchline, designated existing provisions as subsec. (a), and added subsec. (b).

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-368, title II, §201(c), Nov. 11, 1998, 112 Stat. 3326, provided that: “The amendments made by this section [amending this section] shall apply with respect to calendar years beginning after December 31, 1998.”

EFFECTIVE DATE OF 1989 AMENDMENT

Section 416(b) of Pub. L. 101-237 provided that: “The amendments made by this section [amending this section] shall take effect on January 1, 1990.”

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 343(a), (b)(1) of Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically provided, see section 802(c) of Pub. L. 96-466, set out as a note under section 3452 of this title.

Amendment by section 601(e) of Pub. L. 96-466 effective Oct. 1, 1980, except as otherwise specifically pro-

vided, see section 802(f) of Pub. L. 96-466, set out as an Effective Date note under section 5314 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by section 304(a)(1)(A) of Pub. L. 95-202 effective retroactively to Oct. 1, 1977, and amendment by section 304(a)(1)(B) of 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 sections 507, 508, and 513(a)(17) of Pub. L. 94-502 effective Dec. 1, 1976, Oct. 1, 1976, and Oct. 15, 1976, respectively, see section 703 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 1967 AMENDMENT

Amendment by Pub. L. 90-77 effective first day of first month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90-77, set out as a note under section 101 of this title.

§ 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.)

AMENDMENTS

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