

Legislative Update: 38 U.S.C. § 3679(f)

PRESENTER

Thomas Alphonso
VBA Education Service,
Department of Veterans Affairs



Agenda

- What is 38 U.S.C. 3679(f)?
- To whom does it apply?
- Effective dates and Waivers



What is 38 U.S.C. § 3679(f)

- This is the section of the U.S. Code that was added by section 1018 of Isakson-Roe (PL 116-315) and amended by section 3 of the REMOTE Act (PL 117-76)
- In some ways it models and mandates the provisions of the Principles of Excellence but has additional requirement
- Main parts:
 - Schools must provide students with complete information about costs, financing, graduation requirements, etc...
 - Schools are prohibited from engaging in certain actions and tactics deemed unacceptable by Congress
- Not an exhaustive list -- A full list of the requirements was provided through school advisories last year



To whom does 38 U.S.C § 3679(f) apply?

- Applies to every educational institution
 - Public IHL
 - Private, not-for-profit IHL
 - Private, for-profit IHL
 - Accredited
 - Non-accredited
 - Non-college degree programs

- Does not apply to the following:
 - Educational institutions located in a foreign country
 - Educational institution that provide students with a “College Financial Plan” (CFP) in accordance with Department of Education guidance



Effective Date and Waivers

- Will be effective on August 1, 2022
- Waivers
 - We have already provided guidance on the waiver process and how to utilize the Section 1018 waiver inbox. The process remains the same.
 - Last year we issued hundreds of waivers (school that said they needed more time to implement the requirement).
 - By law (38 USC 2679(f)(5)(A)), waivers may only be issued for “a one-academic year period beginning in August of the year in which the waiver is made”



Effective Date and Waivers (cont)

- Waivers (cont)
 - Those waivers remain in place and will expire on August 1, 2022.
 - Schools are expected to have appropriately utilized the time afforded to them by the one-year waiver and to have successfully implemented the statutory requirements by the expiration of their waiver
 - Issuance of the CFP is an exemption – not a requirement.
 - If a school is already issuing a CFP and can issue a CFP by August 1, 2022 – that school is exempt from all of 38 U.S.C. 3679(f)
 - If a school cannot issue a CFP by August 1, 2022, it must satisfy the requirements of 38 U.S.C. 3679(f)



QUESTIONS