



DEPARTMENT OF VETERANS AFFAIRS
WASHINGTON

June 15, 2021

Dr. Esther D. Brimmer
Executive Director & CEO
NAFSA: Association of International
Educators
1425 K Street NW
Suite 1200
Washington, DC 20005

Dear Dr. Brimmer:

Thank you for your April 20, 2021, co-signed letter to the Department of Veterans Affairs (VA) regarding your concerns about a recently revised interpretation of the use of Post-9/11 GI Bill benefits for study abroad programs by student Veterans. I am responding on behalf of the Department.

The conditions for the approval of enrollment in courses for GI Bill benefits is set by 38 U.S.C. § 3680A(f). Specifically, subsection (f) states the following:

The Secretary may not approve the enrollment of an eligible Veteran in a course as a part of a program of education offered by an educational institution if the course is provided under contract by another educational institution or entity and—

- (1) the Secretary would be barred under subsection (e) from approving the enrollment of an eligible Veteran during the educational institution or entity providing the course under contract; or
- (2) the educational institution or entity providing the course under contract has not obtained approval for the course under this chapter.

Despite the parameters set by 38 U.S.C. § 3680A(f), School Certifying Officials are certifying attendance of students completing part of their studies at foreign educational facilities for courses or training that are not GI Bill approved.

If a school is sending its students to another educational institution for training and considering such training as satisfying its own training requirements (i.e., granting credit for third-party training in the same manner as first-party training) then VA considers this to be "providing the course under contract" for the purposes of 38 U.S.C. § 3680A(f)(2). This is the case regardless of whether money is exchanged between the first-party educational institution and the third-party educational institution.

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Pursuant to section 3680A(f)(2), when a domestic educational institution wants to have its students complete training at a third-party educational institution, it can only do so if the training being provided by the third-party educational institution is approved for GI Bill benefits. This requirement includes training conducted by a third-party foreign educational institution. Therefore, if a domestic institution contracts with a foreign institution to provide training, that training must be approved by the State approving agency of jurisdiction. If the training is not approved for GI Bill benefits, then the hours and associated charges may not be certified by the GI Bill-approved institution. This rule applies even in cases where a foreign institution is not paid directly by the GI Bill-approved school to train GI Bill students.

According to section 3680A(f) if training is being certified to VA as part of a GI Bill-approved program of education, that training must be separately approved for the GI Bill. This requirement is not waived because the training occurs outside the borders of the United States. Foreign schools are eligible for GI Bill approval and clear processes are in place to facilitate such approvals. If a foreign school wishes to train a GI Bill student and for that student to receive GI Bill benefits for that training, the foreign school must complete the GI Bill approval process for that training.

Our decision does not "restrict access to some of the most common types of study abroad programs offered today." Rather, those opportunities remain available if the educational institutions offering these courses take the necessary steps to ensure they are complying with 38 U.S.C. § 3680A(f). The following relationships are allowable under 38 U.S.C. § 3680A(f)(2):

1. Student receives training from a foreign educational institution which is independently approved for GI Bill benefits;
2. Student receives training at an overseas campus of a domestic educational institution where the campus is approved for GI Bill benefits (Overseas campus may be that of a different domestic educational institution than the one in which the student is primarily enrolled);
3. Student receives training directly from a domestic educational institution without the involvement of a foreign educational institution or foreign campus even though the training may involve training at a location that is physically separated from the domestic educational institution's campus (including located in a foreign country).

Unfortunately, regarding your recommendation that VA follow the policies of the Department of Education (ED), VA does not have the statutory authority to pay GI Bill benefits for training that is not approved for GI Bill benefits and the statutory authorities under which ED administers Title IV Federal Student Aid is unrelated to VA.

Thank you for your continued support of our mission.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. J. Murphy', written in a cursive style.

Thomas J. Murphy
Acting Under Secretary for Benefits