

erature used by sales persons, films, video tapes, and audio tapes disseminated through broadcast media, material disseminated through print media, tear sheets, leaflets, handbills, fliers, and any sales or recruitment manuals used to instruct sales personnel, agents, or representatives of such institution.

(c) The Secretary shall, pursuant to section 3694 of this title, enter into an agreement with the Federal Trade Commission to utilize, where appropriate, its services and facilities, consistent with its available resources, in carrying out investigations and making the Secretary's determinations under subsection (a) of this section. Such agreement shall provide that cases arising under subsection (a) of this section or any similar matters with respect to any of the requirements of this chapter or chapters 34 and 35 of this title shall be referred to the Federal Trade Commission which in its discretion will conduct an investigation and make preliminary findings. The findings and results of any such investigations shall be referred to the Secretary who shall take appropriate action in such cases within ninety days after such referral.

(d)(1) The Secretary shall not approve under this chapter any course offered by an educational institution if the educational institution provides any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance.

(2) To the degree practicable, the Secretary shall carry out paragraph (1) in a manner that is consistent with the Secretary of Education's enforcement of section 487(a)(20) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20)).

(Added Pub. L. 93-508, title II, §212(a), Dec. 3, 1974, 88 Stat. 1585, §1796; amended Pub. L. 94-502, title V, §§512, 513(a)(22), Oct. 15, 1976, 90 Stat. 2402, 2403; Pub. L. 98-543, title IV, §401, Oct. 24, 1984, 98 Stat. 2749; Pub. L. 101-237, title IV, §423(b)(1)(A), (2), Dec. 18, 1989, 103 Stat. 2092; renumbered §3696 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 112-249, §2, Jan. 10, 2013, 126 Stat. 2401.)

AMENDMENTS

- 2013—Subsec. (d). Pub. L. 112-249 added subsec. (d).
 1991—Pub. L. 102-83, §5(a), renumbered section 1796 of this title as this section.
 Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted "3694" for "1794".
 1989—Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing and "Secretary's" for "Administrator's" in subsec. (c).
 1984—Subsec. (d). Pub. L. 98-543 struck out subsec. (d) which provided that not later than 60 days after the end of each fiscal year the Administrator would be required to report to Congress regarding the disposition of cases under this section.
 1976—Subsec. (b). Pub. L. 94-502, §512, added subsec. (b) and redesignated former subsec. (b) as (c).
 Subsec. (c). Pub. L. 94-502, §§512(1), 513(a)(22), redesignated former subsec. (b) as (c) and substituted "making the Administrator's determinations" for "making his determinations". Former subsec. (c) redesignated (d).
 Subsec. (d). Pub. L. 94-502, §512(1), redesignated former subsec. (c) as (d).

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by sections 512 and 513(a)(22) of Pub. L. 94-502 effective Dec. 1, 1976, and Oct. 15, 1976, respectively, see section 703(b), (c) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE

Section effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as an Effective Date of 1974 Amendment note under section 3452 of this title.

§ 3697. Funding of contract educational and vocational counseling

(a) Subject to subsection (b) of this section, educational or vocational counseling services obtained by the Department of Veterans Affairs by contract and provided to an individual under section 3697A of this title or to an individual applying for or receiving benefits under section 1524 or chapter 30, 32, 33, 34, or 35 of this title, or chapter 106 of title 10, shall be paid for out of funds appropriated, or otherwise available, to the Department of Veterans Affairs for payment of readjustment benefits.

(b) Payments under this section shall not exceed \$6,000,000 in any fiscal year.

(Added Pub. L. 100-687, div. B, title XIII, §1302(a), Nov. 18, 1988, 102 Stat. 4127, §1797; amended Pub. L. 101-237, title IV, §423(b)(1)(B), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 102-16, §2(b)(3), Mar. 22, 1991, 105 Stat. 49; renumbered §3697 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title VI, §609(a), Nov. 2, 1994, 108 Stat. 4673; Pub. L. 110-252, title V, §5003(b)(2)(A)(vi), June 30, 2008, 122 Stat. 2375.)

AMENDMENTS

- 2008—Subsec. (a). Pub. L. 110-252 inserted "33," after "32,".
 1994—Subsec. (b). Pub. L. 103-446 substituted "\$6,000,000" for "\$5,000,000".
 1991—Pub. L. 102-83, §5(a), renumbered section 1797 of this title as this section.
 Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted "3697A" for "1797A" and "1524" for "524".
 Pub. L. 102-16 inserted "under section 1797A of this title or to an individual" after "individual".
 1989—Subsec. (a). Pub. L. 101-237 substituted "Department of Veterans Affairs" for "Veterans' Administration" wherever appearing.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-252 effective Aug. 1, 2009, see section 5003(d) of Pub. L. 110-252, set out as a note under section 16163 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1994 AMENDMENT

Pub. L. 103-446, title VI, §609(b), Nov. 2, 1994, 108 Stat. 4673, provided that: "The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1994."

§ 3697A. Educational and vocational counseling

(a) The Secretary shall make available to an individual described in subsection (b) of this section, upon such individual's request, counseling services, including such educational and vocational counseling and guidance, testing, and other assistance as the Secretary determines necessary to aid the individual in selecting—

- (1) an educational or training objective and an educational institution or training estab-

ishment appropriate for the attainment of such objective; or

(2) an employment objective that would be likely to provide such individual with satisfactory employment opportunities in the light of the individual's personal circumstances.

(b) For the purposes of this section, the term "individual" means an individual who—

(1) is eligible for educational assistance under chapter 30, 31, 32, or 33 of this title or chapter 106 or 107 of title 10;

(2) was discharged or released from active duty under conditions other than dishonorable if not more than one year has elapsed since the date of such last discharge or release from active duty; or

(3) is serving on active duty in any State with the Armed Forces and is within 180 days of the estimated date of such individual's discharge or release from active duty under conditions other than dishonorable, including those who are making a determination of whether to continue as members of the Armed Forces.

(c) In any case in which the Secretary has rated the individual as being incompetent, the counseling services described in subsection (a) of this section shall be required to be provided to the individual before the selection of a program of education or training.

(d) At such intervals as the Secretary determines necessary, the Secretary shall make available information concerning the need for general education and for trained personnel in the various crafts, trades, and professions. Facilities of other Federal agencies collecting such information shall be utilized to the extent the Secretary determines practicable.

(e) The Secretary shall take appropriate steps (including individual notification where feasible) to acquaint all individuals described in subsection (b) of this section with the availability and advantages of counseling services under this section.

(Added Pub. L. 102-16, §2(a), Mar. 22, 1991, 105 Stat. 48, §1797A; renumbered §3697A, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; amended Pub. L. 110-252, title V, §5003(b)(2)(B), June 30, 2008, 122 Stat. 2375.)

AMENDMENTS

2008—Subsec. (b)(1). Pub. L. 110-252 substituted "32, or 33" for "or 32".

1991—Pub. L. 102-83 renumbered section 1797A of this title as this section.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-252 effective Aug. 1, 2009, see section 5003(d) of Pub. L. 110-252, set out as a note under section 16163 of Title 10, Armed Forces.

DEPARTMENT OF VETERANS AFFAIRS PROVISION OF INFORMATION ON ARTICULATION AGREEMENTS BETWEEN INSTITUTIONS OF HIGHER LEARNING

Pub. L. 114-315, title IV, §415, Dec. 16, 2016, 130 Stat. 1564, provided that:

"(a) INFORMATION.—Department of Veterans Affairs counselors who provide educational or vocational counseling services pursuant to section 3697A of title 38, United States Code, shall provide to any eligible individual who requests such counseling services informa-

tion about the articulation agreements of each institution of higher learning in which the individual is interested.

"(b) CERTIFICATION OF ELIGIBILITY.—When the Secretary of Veterans Affairs provides to an individual a certification of eligibility for educational assistance provided by the Department of Veterans Affairs, the Secretary shall also include detailed information on such educational assistance, including information on requesting education counseling services and on articulation agreements.

"(c) DEFINITIONS.—In this section:

"(1) The term 'institution of higher learning' has the meaning given such term in section 3452(f) of title 38, United States Code.

"(2) The term 'articulation agreement' has the meaning given such term in section 486A of the Higher Education Act of 1965 (Public Law 89-329; 20 U.S.C. 1093a).

"(d) DEADLINE FOR IMPLEMENTATION.—The Secretary of Veterans Affairs shall implement this section not later than 90 days after the date of the enactment of this Act [Dec. 16, 2016]."

§ 3697B. On-campus educational and vocational counseling

(a) IN GENERAL.—The Secretary shall provide educational and vocational counseling services for individuals described in section 3697A(b) of this title at locations on the campuses of institutions of higher learning selected by the Secretary. Such counseling services shall be provided by employees of the Department who provide such services under section 3697A of this title.

(b) SELECTION OF LOCATIONS.—(1) To be selected by the Secretary under this section, an institution of higher learning shall provide an appropriate space on the campus of the institution where counseling services can be provided under this section.

(2) In selecting locations for the provision of counseling services under this section, the Secretary shall seek to select locations where the maximum number of veterans would have access to such services.

(c) ANNUAL REPORT.—Not later than 180 days after the date of the enactment of this section, and each year thereafter, the Secretary shall submit to Congress a report on the counseling services provided under this section. Such report shall include, for the year covered by the report—

(1) the average ratio of counselors providing such services to individuals who received such services at each location where such services were provided;

(2) a description of such services provided;

(3) the recommendations of the Secretary for improving the provision of such services; and

(4) any other matters the Secretary determines appropriate.

(Added Pub. L. 115-48, title III, §307(a), Aug. 16, 2017, 131 Stat. 993.)

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (c), is the date of enactment of Pub. L. 115-48, which was approved Aug. 16, 2017.

§ 3698. Comprehensive policy on providing education information to veterans

(a) COMPREHENSIVE POLICY REQUIRED.—The Secretary shall develop a comprehensive policy