

997; Pub. L. 107–107, div. A, title X, §1048(i)(8), Dec. 28, 2001, 115 Stat. 1229; Pub. L. 108–375, div. A, title V, §527(b)(2), Oct. 28, 2004, 118 Stat. 1894; Pub. L. 110–252, title V, §5003(b)(1)(B), June 30, 2008, 122 Stat. 2375; Pub. L. 112–154, title IV, §401(a), Aug. 6, 2012, 126 Stat. 1188.)

REFERENCES IN TEXT

Parts VII and VIII, Veterans Regulation numbered 1(a), referred to in subsec. (a)(1), are Parts VII and VIII as added by acts Mar. 24, 1943, ch. 22, §2, 57 Stat. 43 and June 22, 1944, ch. 268, title II, §400(b), 58 Stat. 287 to Veterans Regulation numbered 1(a) promulgated by Ex. Ord. No. 6156, June 6, 1933, which had been classified as parts VII and VIII of chapter 12A of former Title 38, Pensions, Bonuses, and Veterans' Relief, and which were repealed by Pub. L. 85–857, §14(67), Sept. 2, 1958, 72 Stat. 1272.

The Veterans' Readjustment Assistance Act of 1952, referred to in subsec. (a)(2), is act July 16, 1952, ch. 875, 66 Stat. 663, as amended. Title II of the Veterans' Readjustment Assistance Act of 1952 was classified generally to subchapter II (§911 et seq.) of chapter 14 of former Title 38, which was repealed and the provisions thereof reenacted as chapter 33 (§1601 et seq.) of this title by Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1105. Chapter 33 of this title was repealed by Pub. L. 89–358, §4(a), Mar. 3, 1966, 80 Stat. 23. See chapter 32 (§3201 et seq.) of this title.

The War Orphans' Educational Assistance Act of 1956, referred to in subsec. (a)(3), is act June 29, 1956, ch. 476, 70 Stat. 411, as amended, which was classified generally to chapter 15 (§1031 et seq.) of former Title 38, which was repealed and the provisions thereof reenacted as chapter 35 of this title by Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1105.

Section 903 of the Department of Defense Authorization Act, 1981, referred to in subsec. (a)(6), is section 903 of Pub. L. 96–342, title IX, Sept. 8, 1980, 94 Stat. 1115, which is set out as a note under section 2141 of Title 10, Armed Forces.

The Hostage Relief Act of 1980, referred to in subsec. (a)(7), is Pub. L. 96–449, Oct. 14, 1980, 94 Stat. 1967, as amended, which was formerly set out as a note under section 5561 of Title 5, Government Organization and Employees.

The Omnibus Diplomatic Security and Antiterrorism Act of 1986, referred to in subsec. (a)(8), is Pub. L. 99–399, Aug. 27, 1986, 100 Stat. 853, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 4801 of Title 22, Foreign Relations and Intercourse, and Tables.

AMENDMENTS

2012—Subsec. (a)(4). Pub. L. 112–154, §401(a)(1), struck out “35,” after “34.”

Subsec. (c). Pub. L. 112–154, §401(a)(2), added subsec. (c).

2008—Subsec. (a)(4). Pub. L. 110–252 amended par. (4) generally. Prior to amendment, par. (4) read as follows: “Chapters 30, 32, 34, 35, and 36 of this title, and the former chapter 33.”

2004—Subsec. (a)(5). Pub. L. 108–375 inserted “1607,” after “1606.”

2001—Subsec. (a)(5). Pub. L. 107–103 and Pub. L. 107–107 amended par. (5) identically, substituting “1611” for “1610”.

1999—Subsec. (a)(5). Pub. L. 106–65 substituted “Chapters 107, 1606, and 1610” for “Chapters 106 and 107”.

1991—Pub. L. 102–83, §5(a), renumbered section 1795 of this title as this section.

Subsec. (b). Pub. L. 102–83, §5(c)(1), substituted “3101(5)” for “1501(5)”.

1989—Subsec. (a)(8). Pub. L. 101–237, §423(a)(8)(B), added par. (8).

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

1984—Subsec. (a). Pub. L. 98–525 inserted reference in cl. (4) to chapter 30 of this title, and in cl. (5) to chapter 106 of title 10.

Pub. L. 98–223, §203(c)(2)(A), substituted “48 months” for “forty-eight months”, capitalized the first word in cls. (1) to (4), and added cls. (5) to (7).

Subsec. (b). Pub. L. 98–223, §203(c)(2)(B), substituted “subsection (a)” for “clauses (1), (2), (3), and (4)” and “48” for “forty-eight”.

1980—Pub. L. 96–466 designated existing provisions as subsec. (a), substituted in par. (4) “chapters 32, 34, 35, and 36 of this title and the former chapter 33;” for “chapters 31, 34, 35, and 36 of this title, and the former chapter 33”, in provisions following par. (4) struck out “, but this section shall not be deemed to limit the period for which assistance may be received under chapter 31 alone” after “(or the part-time equivalent thereof)”, and added subsec. (b).

1972—Pub. L. 92–540, §403(13), inserted reference to chapter 36 of this title.

EFFECTIVE DATE OF 2012 AMENDMENT

Pub. L. 112–154, title IV, §401(b), Aug. 6, 2012, 126 Stat. 1188, provided that: “The amendment made by subsection (a) [amending this section] shall take effect on October 1, 2013, and shall not operate to revive any entitlement to assistance under chapter 35 of title 38, United States Code, or the provisions of law referred to in section 3695(a) of such title, as in effect on the day before such date, that was terminated by reason of the operation of section 3695(a) of such title, as so in effect, before such date.”

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 1980 AMENDMENT

Amendment by Pub. L. 96–466 effective Oct. 1, 1980, see section 802(a)(6) of Pub. L. 96–466, set out as a note under section 3681 of this title.

EFFECTIVE DATE

Section effective first day of second calendar month which begins after Oct. 23, 1968, see section 6(a) of Pub. L. 90–631, set out as a note under section 3500 of this title.

REVIVAL OF ENTITLEMENT REDUCED BY PRIOR UTILIZATION OF CHAPTER 35 ASSISTANCE

Pub. L. 112–154, title IV, §401(c), Aug. 6, 2012, 126 Stat. 1188, provided that:

“(1) IN GENERAL.—Subject to paragraph (2), in the case of an individual whose period of entitlement to assistance under a provision of law referred to in section 3695(a) of title 38, United States Code (other than chapter 35 of such title), as in effect on September 30, 2013, was reduced under such section 3695(a), as so in effect, by reason of the utilization of entitlement to assistance under chapter 35 of such title before October 1, 2013, the period of entitlement to assistance of such individual under such provision shall be determined without regard to any entitlement so utilized by the individual under chapter 35 of such title.

“(2) LIMITATION.—The maximum period of entitlement to assistance of an individual under paragraph (1) may not exceed 81 months.”

§3696. Limitation on certain advertising, sales, and enrollment practices

(a) The Secretary shall not approve the enrollment of an eligible veteran or eligible person in any course offered by an institution which utilizes advertising, sales, or enrollment practices of any type which are erroneous, deceptive, or misleading either by actual statement, omission, or intimation.

(b) To ensure compliance with this section, any institution offering courses approved for the

enrollment of eligible persons or veterans shall maintain a complete record of all advertising, sales, or enrollment materials (and copies thereof) utilized by or on behalf of the institution during the preceding 12-month period. Such record shall be available for inspection by the State approving agency or the Secretary. Such materials shall include but are not limited to any direct mail pieces, brochures, printed literature 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 sec-