

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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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 establishment 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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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 information 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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

NATIVE VETSUCCESS AT TRIBAL COLLEGES AND UNIVERSITIES PILOT PROGRAM

Pub. L. 117-328, div. U, title II, §211, Dec. 29, 2022, 136 Stat. 5451, provided that:

“(a) **SHORT TITLE.**—This section [enacting this note] may be cited as the ‘Native VetSuccess at Tribal Colleges and Universities Pilot Program Act’.

“(b) **PILOT PROGRAM.**—

“(1) **IN GENERAL.**—Not later than 18 months after the date of the enactment of this Act [Dec. 29, 2022], the Secretary of Veterans Affairs shall commence carrying out a pilot program to assess the feasibility and advisability of expanding the VetSuccess on Campus program to additional Tribal colleges and universities.

“(2) **DESIGNATION.**—The pilot program carried out under paragraph (1) shall be known as the ‘Native VetSuccess at Tribal Colleges and Universities Pilot Program’.

“(c) **DURATION.**—The Secretary shall carry out the pilot program required by subsection (b)(1) during the five-year period beginning on the date of the commencement of the pilot program.

“(d) **PARAMETERS.**—Under the pilot program required by subsection (b)(1) the Secretary shall—

“(1) identify three regional Native VetSuccess service areas consisting of at least two participating Tribal colleges or universities that do not already have a VetSuccess program, counselor, or outreach coordinator; and

“(2) assign to each regional Native VetSuccess service area a VetSuccess on Campus counselor and a full-time Vet Center outreach coordinator, both of whom shall—

“(A) be based on one or more of the participating Tribal colleges or universities in the service area; and

“(B) provide for eligible students at such participating colleges and universities with all services for which such students would be eligible under the VetSuccess on Campus program of the Department of Veterans Affairs.

“(e) **ELIGIBLE STUDENTS.**—For purposes of the pilot program, an eligible student is a student who is a veteran, member of the Armed Forces, or dependent of a veteran or member of the Armed Forces who is eligible for any service or benefit under the VetSuccess on Campus program of the Department.

“(f) **CONSULTATION REQUIREMENT.**—In developing the pilot program required by subsection (b)(1), the Secretary shall, acting through the Veteran Readiness and Employment Program of the Department of Veterans Affairs and in coordination with the Office of Tribal Government Relations of the Department, consult with Indian Tribes, and Tribal organizations, and seek comment from the Advisory Committee on Tribal and Indian Affairs of the Department, and veterans service organizations regarding each of the following:

“(1) The design of the pilot program.

“(2) The process for selection of the three regional Native VetSuccess service areas and participating Tribal colleges and universities, taking into consideration—

“(A) the number of eligible students enrolled in the college or university and in the regional service area;

“(B) the capacity of the colleges and universities in the regional service area to accommodate a full-time VetSuccess on Campus counselor and a full-time Vet Center outreach coordinator;

“(C) barriers in specific regional service areas that prevent native veterans’ access to benefits and services under the laws administered by the Secretary; and

“(D) any other factor that the Secretary, in consultation with Indian Tribes and Tribal organizations, and after considering input from veterans service organizations and the Advisory Committee on Tribal and Indian Affairs identifies as relevant.

“(3) The most effective way to provide culturally competent outreach and services to eligible students at Tribal colleges and universities.

“(g) **OUTREACH TO COLLEGES AND UNIVERSITIES.**—The Secretary shall provide notice of the pilot program to all Tribal colleges and universities and encourage all Tribal colleges and universities to coordinate with each other to create regional service areas to participate in the pilot program.

“(h) **BRIEFINGS AND REPORTS.**—

“(1) **IMPLEMENTATION BRIEFING.**—Not later than one year after the date of the enactment of this Act [Dec. 29, 2022], the Secretary shall provide the appropriate committees of Congress a briefing on—

“(A) the design, structure, and objectives of the pilot program required by subsection (b)(1); and

“(B) the three regional Native Vet Success service areas and the Tribal colleges and universities selected for participation in the pilot program and the reason for the selection of such service areas and such colleges and universities.

“(2) **REPORT.**—

“(A) **IN GENERAL.**—Not later than four years after the date on which the Secretary commences the