

-CITE-

38 USC CHAPTER 31 - TRAINING AND REHABILITATION FOR
VETERANS WITH SERVICE-CONNECTED DISABILITIES 01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 31 - TRAINING AND REHABILITATION FOR VETERANS WITH
SERVICE-CONNECTED DISABILITIES

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CHAPTER 31 - TRAINING AND REHABILITATION FOR VETERANS WITH
SERVICE-CONNECTED DISABILITIES

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AMENDMENTS

1991 - Pub. L. 102-83, Sec. 5(b)(1), Aug. 6, 1991, 105 Stat. 406,
renumbered items 1500 to 1521 as 3100 to 3121, respectively.

1986 - Pub. L. 99-576, title III, Sec. 333(b)(7), Oct. 28, 1986,
100 Stat. 3279, substituted "Program" for "Pilot program" in item
1520.

1980 - Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94
Stat. 2171, amended chapter generally, substituting in chapter
heading "TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-
CONNECTED DISABILITIES" for "VOCATIONAL REHABILITATION", in item
1504 "Scope of services and assistance" for "Subsistence
allowances", in item 1505 "Duration of rehabilitation programs" for
"Leaves of absence", in item 1506 "Initial and extended
evaluations; determinations regarding serious employment handicap"
for "Medical care of trainees", in item 1507 "Individualized
vocational rehabilitation plan" for "Loans to trainees", in item
1508 "Allowances" for "Regulations to promote good conduct", in
item 1509 "Entitlement to independent living services and
assistance" for "Books, supplies, and equipment", in item 1510
"Leaves of absence" for "Vocational rehabilitation for hospitalized
persons", in item 1511 "Regulations to promote satisfactory conduct
and cooperation" for "Training and training facilities", and adding
items 1500 and 1512 to 1521.

1965 - Pub. L. 89-138, Sec. 2(1), Aug. 26, 1965, 79 Stat. 578,
struck out item 1502A, added item 1503, and redesignated former

item 1503 as 1511.

1962 - Pub. L. 87-591, Sec. 2, Aug. 16, 1962, 76 Stat. 394, added item 1502A.

-End-

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38 USC Sec. 3100

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
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Sec. 3100. Purposes

-STATUTE-

The purposes of this chapter are to provide for all services and assistance necessary to enable veterans with service-connected disabilities to achieve maximum independence in daily living and, to the maximum extent feasible, to become employable and to obtain and maintain suitable employment.

-SOURCE-

(Added Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2172, Sec. 1500; renumbered Sec. 3100, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1500 of this title as this section.

EFFECTIVE DATE

Section 802(a)(1)-(5) of Pub. L. 96-466 provided that:

"(a)(1) Except as provided in paragraph (2), the amendments made by subsections (a) and (b) of section 101 [enacting this chapter] shall become effective on April 1, 1981.

"(2) The provisions of sections 1508, 1512, 1516, 1518, 1519, 1520, and 1521 [now 3108, 3112, 3116, 3118, 3119, 3120, and 3121] of title 38, United States Code, as added by section 101(a), shall become effective on October 1, 1980.

"(3) Notwithstanding paragraph (2), the provisions of chapter 31 of title 38, United States Code, as in effect on the day before the date of the enactment of this Act [Oct. 17, 1980] (other than section 1504, relating to subsistence allowances, and section 1507, relating to loans [former sections 1504 and 1507 of this title, respectively]), shall continue in effect until March 31, 1981.

"(4) Effective on October 1, 1980, sections 1504 and 1507 [former sections 1504 and 1507 of this title] are repealed. During the period beginning on October 1, 1980, and ending on March 31, 1981, the provisions of sections 1508 and 1512 [now 3108 and 3112] of title 38, United States Code, as added by section 101(a), shall apply to veterans pursuing a program of vocational rehabilitation training under chapter 31 of such title in the same manner as sections 1504 and 1507 of such title, respectively, applied to veterans pursuing a program of vocational rehabilitation training under such chapter on September 30, 1980.

"(5) Subsection (c) of section 101 [enacting provisions set out as a note under section 3108 of this title] shall become effective on October 1, 1980. Subsection (d) of such section [enacting provisions set out as a note under section 3107 of this title] shall become effective on the date of the enactment of this Act

[Oct. 17, 1980]."

-End-

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38 USC Sec. 3101

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PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 31 - TRAINING AND REHABILITATION FOR VETERANS WITH
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-HEAD-

Sec. 3101. Definitions

-STATUTE-

For the purposes of this chapter -

(1) The term "employment handicap" means an impairment, resulting in substantial part from a disability described in section 3102(1)(A) of this title, of a veteran's ability to prepare for, obtain, or retain employment consistent with such veteran's abilities, aptitudes, and interests.

(2) The term "independence in daily living" means the ability of a veteran, without the services of others or with a reduced level of the services of others, to live and function within such veteran's family and community.

(3) The term "program of education" has the meaning provided in section 3452(b) of this title.

(4) The term "program of independent living services and assistance" includes (A) the services provided for in this chapter that are needed to enable a veteran to achieve independence in daily living, including such counseling, diagnostic, medical, social, psychological, and educational services as are determined by the Secretary to be needed for such veteran to achieve maximum independence in daily living, and (B) the assistance authorized by this chapter for such veteran.

(5) The term "rehabilitated to the point of employability" means rendered employable in an occupation for which a vocational rehabilitation program has been provided under this chapter.

(6) The term "rehabilitation program" means (A) a vocational rehabilitation program, or (B) a program of independent living services and assistance authorized under section 3120 of this title for a veteran for whom a vocational goal has been determined not to be currently reasonably feasible.

(7) The term "serious employment handicap" means a significant impairment, resulting in substantial part from a service-connected disability rated at 10 percent or more, of a veteran's ability to prepare for, obtain, or retain employment consistent with such veteran's abilities, aptitudes, and interests.

(8) The term "vocational goal" means a gainful employment status consistent with a veteran's abilities, aptitudes, and interests.

(9) The term "vocational rehabilitation program" includes -

(A) the services provided for in this chapter that are needed for the accomplishment of the purposes of this chapter, including such counseling, diagnostic, medical, social, psychological, independent living, economic, educational, vocational, and employment services as are determined by the Secretary to be needed -

(i) in the case of a veteran for whom the achievement of a vocational goal has not been determined not to be currently reasonably feasible, (I) to determine whether a vocational goal is reasonably feasible, (II) to improve such veteran's potential to participate in a program of services designed to achieve a vocational goal, and (III) to enable such veteran to achieve maximum independence in daily living, and

(ii) in the case of a veteran for whom the achievement of a vocational goal is determined to be reasonably feasible, to enable such veteran to become, to the maximum extent feasible, employable and to obtain and maintain suitable employment, and

(B) the assistance authorized by this chapter for a veteran receiving any of the services described in clause (A) of this paragraph.

-SOURCE-

(Added Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2172, Sec. 1501; amended Pub. L. 99-576, title III, Sec. 333(b)(1), Oct. 28, 1986, 100 Stat. 3279; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3101 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 104-275, title I, Sec. 101(a), Oct. 9, 1996, 110 Stat. 3323.)

-MISC1-

PRIOR PROVISIONS

Prior section 3101 was renumbered section 5301 of this title.

AMENDMENTS

1996 - Par. (1). Pub. L. 104-275, Sec. 101(a)(1), inserted ", resulting in substantial part from a disability described in section 3102(1)(A) of this title," after "impairment".

Par. (6). Pub. L. 104-275, Sec. 101(a)(2), inserted "authorized under section 3120 of this title" after "assistance".

Par. (7). Pub. L. 104-275, Sec. 101(a)(3), inserted ", resulting in substantial part from a service-connected disability rated at 10 percent or more," after "impairment".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1501 of this title as this section.

Par. (3). Pub. L. 102-83, Sec. 5(c)(1), substituted "3452(b)" for "1652(b)".

1989 - Pars. (4), (9)(A). Pub. L. 101-237 substituted "Secretary" for "Administrator".

1986 - Pars. (6)(B), (9)(A)(i). Pub. L. 99-576 inserted "currently" after "be".

EFFECTIVE DATE OF 1996 AMENDMENT

Section 101(j) of Pub. L. 104-275 provided that:

"(1) Except as provided in paragraph (2), the amendments made by this section [amending this section and sections 3102 to 3109, 3117, 3118, and 3120 of this title] shall take effect on the date of the enactment of this Act [Oct. 9, 1996].

"(2) The amendments made by subsection (a) (other than paragraph (2)) [amending this section], subsection (d) (other than subparagraphs (A) and (B) of paragraph (1)) [amending section 3104 of this title], and subsection (i) [amending section 3120 of this title] shall only apply with respect to claims of eligibility or entitlement to services and assistance (including claims for extension of such services and assistance) under chapter 31 of title 38, United States Code, received by the Secretary of Veterans Affairs on or after the date of the enactment of this Act, including those claims based on original applications, and applications seeking to reopen, revise, reconsider, or otherwise adjudicate or readjudicate on any basis claims for services and assistance under such chapter."

EFFECTIVE DATE

Section effective Apr. 1, 1981, see section 802(a)(1) of Pub. L. 96-466, as amended, set out as a note under section 3100 of this title.

-End-

-CITE-

38 USC Sec. 3102

01/08/2008

-EXPCITE-

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-HEAD-

Sec. 3102. Basic entitlement

-STATUTE-

A person shall be entitled to a rehabilitation program under the terms and conditions of this chapter if -

(1) the person -

(A) is -

(i) a veteran who has a service-connected disability rated at 20 percent or more which was incurred or aggravated in service on or after September 16, 1940; or

(ii) hospitalized or receiving outpatient medical care, services, or treatment for a service-connected disability pending discharge from the active military, naval, or air service, and the Secretary determines that -

(I) the hospital (or other medical facility) providing the hospitalization, care, services, or treatment is doing so under contract or agreement with the Secretary concerned, or is under the jurisdiction of the Secretary of Veterans Affairs or the Secretary concerned; and

(II) the person is suffering from a disability which will likely be compensable at a rate of 20 percent or more under chapter 11 of this title; and

(B) is determined by the Secretary to be in need of rehabilitation because of an employment handicap; or

(2) the person is a veteran who -

(A) has a service-connected disability rated at 10 percent which was incurred or aggravated in service on or after September 16, 1940; and

(B) is determined by the Secretary to be in need of rehabilitation because of a serious employment handicap.

-SOURCE-

(Added Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2173, Sec. 1502; amended Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 101-508, title VIII, Sec. 8021(a), Nov. 5, 1990, 104 Stat. 1388-347; Pub. L. 102-16, Sec. 3(a), Mar. 22, 1991, 105 Stat. 49; renumbered Sec. 3102, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-568, title IV, Sec. 404(a), Oct. 29, 1992, 106 Stat. 4338; Pub. L. 104-275, title I, Sec. 101(b), Oct. 9, 1996, 110 Stat. 3323.)

-MISC1-

PRIOR PROVISIONS

Prior section 3102 was renumbered section 5302 of this title.

AMENDMENTS

1996 - Par. (1)(A)(i). Pub. L. 104-275, Sec. 101(b)(1), substituted "rated at 20 percent or more" for "which is, or but for the receipt of retired pay would be, compensable at a rate of 20 percent or more under chapter 11 of this title and".

Par. (2)(A). Pub. L. 104-275, Sec. 101(b)(2), substituted "rated at 10 percent" for "which is, or but for the receipt of retired pay would be, compensable at a rate of 10 percent under chapter 11 of

this title and".

Par. (2)(B). Pub. L. 104-275, Sec. 101(b)(3), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: "has a serious employment handicap."

1992 - Pub. L. 102-568 amended section generally, making changes in substance and structure.

1991 - Pub. L. 102-83 renumbered section 1502 of this title as this section.

Par. (1)(B). Pub. L. 102-16 substituted "or receiving outpatient medical care, services, or treatment for a service-connected disability pending discharge from the active military, naval, or air service, and the Secretary determines that (i) the hospital (or other medical facility) providing the hospitalization, care, services, or treatment either is doing so under contract or agreement with the Secretary concerned or is under the jurisdiction of the Secretary of Veterans Affairs or the Secretary concerned, and (ii) the person is suffering from a disability which" for "for a service-connected disability in a hospital over which the Secretary concerned has jurisdiction pending discharge or release from active military, naval, or air service and is suffering from a disability which the Secretary determines".

1990 - Par. (1). Pub. L. 101-508 substituted "compensable at a rate of 20 percent or more" for "compensable" in cls. (A) and (B).

1989 - Pub. L. 101-237 substituted "Secretary determines" for "Administrator determines" in par. (1)(B) and "Secretary" for "Administrator" in par. (2).

EFFECTIVE DATE OF 1992 AMENDMENT

Section 404(b) of Pub. L. 102-568, as amended by Pub. L. 103-446, title VI, Sec. 602(c)(1), Nov. 2, 1994, 108 Stat. 4671, provided that: "The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1993, but shall not apply to veterans and other persons who originally applied for assistance under chapter 31 of title 38, United States Code, before November 1, 1990."

[Section 602(c)(2) of Pub. L. 103-446 provided that: "The amendment made by paragraph (1) [amending section 404(b) of Pub. L. 102-568, set out above] shall take effect as of October 29, 1992."]

EFFECTIVE DATE OF 1990 AMENDMENT

Section 8021(b) of Pub. L. 101-508 provided that: "The amendments made by this section [amending this section] shall apply to veterans and other persons originally applying for assistance under chapter 31 of title 38, United States Code, on or after November 1, 1990."

EFFECTIVE DATE

Section effective Apr. 1, 1981, see section 802(a)(1) of Pub. L. 96-466, set out as a note under section 3100 of this title.

-End-

-CITE-

38 USC Sec. 3103

01/08/2008

-EXPCITE-

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-HEAD-

Sec. 3103. Periods of eligibility

-STATUTE-

(a) Except as provided in subsection (b), (c), or (d) of this

section, a rehabilitation program may not be afforded to a veteran under this chapter after the end of the twelve-year period beginning on the date of such veteran's discharge or release from active military, naval, or air service.

(b)(1) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because a medical condition of such veteran made it infeasible for such veteran to participate in such a program, the twelve-year period of eligibility shall not run during the period of time that such veteran was so prevented from participating in such a program, and such period of eligibility shall again begin to run on the first day following such veteran's recovery from such condition on which it is reasonably feasible, as determined under regulations which the Secretary shall prescribe, for such veteran to participate in such a program.

(2) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because -

(A) such veteran had not met the requirement of a discharge or release from active military, naval, or air service under conditions other than dishonorable before (i) the nature of such discharge or release was changed by appropriate authority, or (ii) the Secretary determined, under regulations prescribed by the Secretary, that such discharge or release was under conditions other than dishonorable, or

(B) such veteran's discharge or dismissal was, under section 5303 of this title, a bar to benefits under this title before the Secretary made a determination that such discharge or dismissal is not a bar to such benefits,

the twelve-year period of eligibility shall not run during the period of time that such veteran was so prevented from participating in such a program.

(3) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because such veteran had not established the existence of a service-connected disability rated at 10 percent or more, the twelve-year period of eligibility shall not run during the period such veteran was so prevented from participating in such a program.

(c) In any case in which the Secretary determines that a veteran is in need of services to overcome a serious employment handicap, such veteran may be afforded a vocational rehabilitation program after the expiration of the period of eligibility otherwise applicable to such veteran if the Secretary also determines, on the basis of such veteran's current employment handicap and need for such services, that an extension of the applicable period of eligibility is necessary for such veteran and -

(1) that such veteran had not previously been rehabilitated to the point of employability;

(2) that such veteran had previously been rehabilitated to the point of employability but (A) the need for such services had arisen out of a worsening of such veteran's service-connected disability that precludes such veteran from performing the duties of the occupation for which such veteran was previously trained in a vocational rehabilitation program under this chapter, or (B) the occupation for which such veteran had been so trained is not suitable in view of such veteran's current employment handicap and capabilities; or

(3) under regulations which the Secretary shall prescribe, that an extension of the period of eligibility of such veteran is necessary to accomplish the purposes of a rehabilitation program for such veteran.

(d) In any case in which the Secretary has determined that a veteran's disability or disabilities are so severe that the achievement of a vocational goal currently is not reasonably feasible, such veteran may be afforded a program of independent living services and assistance in accordance with the provisions of section 3120 of this title after the expiration of the period of eligibility otherwise applicable to such veteran if the Secretary also determines that an extension of the period of eligibility of such veteran is necessary for such veteran to achieve maximum independence in daily living.

(e) In any case in which the Secretary has determined that a veteran was prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility otherwise prescribed in this section as a result of being ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10, such period of eligibility shall not run for the period of such active duty service plus four months.

-SOURCE-

(Added Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2173, Sec. 1503; amended Pub. L. 99-576, title III, Sec. 333(b)(2), Oct. 28, 1986, 100 Stat. 3279; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 102-40, title IV, Sec. 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered Sec. 3103 and amended, Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title XII, Sec. 1201(d)(8), Nov. 2, 1994, 108 Stat. 4684; Pub. L. 104-275, title I, Sec. 101(c), Oct. 9, 1996, 110 Stat. 3324; Pub. L. 107-103, title I, Sec. 103(c)(2), Dec. 27, 2001, 115 Stat. 979; Pub. L. 107-330, title III, Sec. 308(h), Dec. 6, 2002, 116 Stat. 2829.)

-MISC1-

PRIOR PROVISIONS

Prior section 3103 was renumbered section 5303 of this title.

AMENDMENTS

2002 - Subsec. (e). Pub. L. 107-330 made technical correction to directory language of Pub. L. 107-103. See 2001 Amendment note below.

2001 - Subsec. (e). Pub. L. 107-103, as amended by Pub. L. 107-330, added subsec. (e).

1996 - Subsec. (b)(3). Pub. L. 104-275, Sec. 101(c)(1), substituted "rated at 10 percent or more" for "described in section 3102(1)(A)(i) of this title".

Subsec. (c). Pub. L. 104-275, Sec. 101(c)(2)(A), substituted "current" for "particular" in introductory provisions.

Subsec. (c)(2). Pub. L. 104-275, Sec. 101(c)(2)(B), substituted "veteran's current employment" for "veteran's employment".

Subsec. (d). Pub. L. 104-275, Sec. 101(c)(3), substituted "in accordance with the provisions of section 3120 of this title" for "under this chapter".

1994 - Subsec. (b)(3). Pub. L. 103-446 substituted "section 3102(1)(A)(i)" for "section 3102(1)(A)".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1503 of this title as this section.

Subsec. (b)(2)(B). Pub. L. 102-40 substituted "5303" for "3103".

Subsec. (b)(3). Pub. L. 102-83, Sec. 5(c)(1), substituted "3102(1)(A)" for "1502(1)(A)".

1989 - Subsecs. (b) to (d). Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

1986 - Subsec. (d). Pub. L. 99-576 inserted "currently" after "goal".

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-330, title III, Sec. 308(h), Dec. 6, 2002, 116 Stat. 2829, provided that the amendment made by section 308(h) of Pub. L.

38C31

107-330 is effective as of Dec. 27, 2001, and as if included in section 103(c) of the Veterans Education and Benefits Expansion Act of 2001, Pub. L. 107-103, as originally enacted.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-103 effective Sept. 11, 2001, see section 103(e) of Pub. L. 107-103, set out as a note under section 3013 of this title.

EFFECTIVE DATE

Section effective Apr. 1, 1981, see section 802(a)(1) of Pub. L. 96-466, set out as a note under section 3100 of this title.

-End-

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38 USC Sec. 3104

01/08/2008

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-HEAD-

Sec. 3104. Scope of services and assistance

-STATUTE-

(a) Services and assistance which the Secretary may provide under this chapter, pursuant to regulations which the Secretary shall prescribe, include the following:

(1) Evaluation, including periodic reevaluations as appropriate with respect to a veteran participating in a rehabilitation program, of the potential for rehabilitation of a veteran, including diagnostic and related services (A) to determine whether the veteran has an employment handicap or a serious employment handicap and whether a vocational goal is reasonably feasible for such veteran, and (B) to provide a basis for planning a suitable vocational rehabilitation program or a program of services and assistance to improve the vocational rehabilitation potential or independent living status of such veteran, as appropriate.

(2) Educational, vocational, psychological, employment, and personal adjustment counseling.

(3) An allowance and other appropriate assistance, as authorized by section 3108 of this title.

(4) A work-study allowance as authorized by section 3485 of this title.

(5) Placement services to effect suitable placement in employment, and postplacement services to attempt to insure satisfactory adjustment in employment.

(6) Personal adjustment and work adjustment training.

(7)(A) Vocational and other training services and assistance, including individualized tutorial assistance, tuition, fees, books, supplies, handling charges, licensing fees, and equipment and other training materials determined by the Secretary to be necessary to accomplish the purposes of the rehabilitation program in the individual case.

(B) Payment for the services and assistance provided under subparagraph (A) of this paragraph shall be made from funds available for the payment of readjustment benefits.

(8) Loans as authorized by section 3112 of this title.

(9) Treatment, care, and services described in chapter 17 of this title.

(10) Prosthetic appliances, eyeglasses, and other corrective and assistive devices.

(11) Services to a veteran's family as necessary for the effective rehabilitation of such veteran.

(12) For veterans with the most severe service-connected disabilities who require homebound training or self-employment, or both homebound training and self-employment, such license fees and essential equipment, supplies, and minimum stocks of materials as the Secretary determines to be necessary for such a veteran to begin employment and are within the criteria and cost limitations that the Secretary shall prescribe in regulations for the furnishing of such fees, equipment, supplies, and stocks.

(13) Travel and incidental expenses under the terms and conditions set forth in section 111 of this title, plus, in the case of a veteran who because of such veteran's disability has transportation expenses in addition to those incurred by persons not so disabled, a special transportation allowance to defray such additional expenses during rehabilitation, job seeking, and the initial employment stage.

(14) Special services (including services related to blindness and deafness) including -

(A) language training, speech and voice correction, training in ambulation, and one-hand typewriting;

(B) orientation, adjustment, mobility, reader, interpreter, and related services; and

(C) telecommunications, sensory, and other technical aids and devices.

(15) Services necessary to enable a veteran to achieve maximum independence in daily living.

(16) Other incidental goods and services determined by the Secretary to be necessary to accomplish the purposes of a rehabilitation program in an individual case.

(b) A rehabilitation program (including individual courses) to be pursued by a veteran shall be subject to the approval of the Secretary.

-SOURCE-

(Added Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2174, Sec. 1504; amended Pub. L. 100-323, Sec. 11(a)(3)(A), May 20, 1988, 102 Stat. 568; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 102-16, Sec. 3(b)(1), Mar. 22, 1991, 105 Stat. 49; Pub. L. 102-54, Sec. 14(c)(3), June 13, 1991, 105 Stat. 285; renumbered Sec. 3104 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 104-275, title I, Sec. 101(d), Oct. 9, 1996, 110 Stat. 3324.)

-MISC1-

PRIOR PROVISIONS

Prior section 3104 was renumbered section 5304 of this title.

AMENDMENTS

1996 - Subsec. (a)(1). Pub. L. 104-275, Sec. 101(d)(1)(A), substituted "the veteran has an employment handicap or" for "such veteran's disability or disabilities cause" and inserted "reasonably" after "goal is".

Subsec. (a)(7)(A). Pub. L. 104-275, Sec. 101(d)(1)(B), struck out "(i)" after "assistance, including" and ", and (ii) job-readiness skills development and counseling under section 14(a)(2) of the Veterans' Job Training Act (29 U.S.C. 1721 note) for a participant in a program of training under such Act" after "individual case".

Subsec. (a)(12). Pub. L. 104-275, Sec. 101(d)(1)(C), substituted "For veterans with the most severe service-connected disabilities who require" for "For the most severely disabled veterans requiring".

Subsecs. (b), (c). Pub. L. 104-275, Sec. 101(d)(2), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as

follows: "A program of independent living services and assistance may include the types of services and assistance described in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a)."

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1504 of this title as this section.

Subsec. (a)(3). Pub. L. 102-83, Sec. 5(c)(1), substituted "3108" for "1508".

Subsec. (a)(4). Pub. L. 102-83, Sec. 5(c)(1), substituted "3485" for "1685".

Subsec. (a)(7). Pub. L. 102-16 designated existing provisions as subpar. (A), redesignated former cls. (A) and (B) as cls. (i) and (ii), respectively, substituted "handling charges, licensing" for "and licensing", and added subpar. (B).

Subsec. (a)(8). Pub. L. 102-83, Sec. 5(c)(1), substituted "3112" for "1512".

Subsec. (b). Pub. L. 102-54 substituted "(29 U.S.C. 796a)" for "(29 U.S.C. 796)".

1989 - Subsecs. (a), (c). Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

1988 - Subsec. (a)(7). Pub. L. 100-323 designated existing provisions as subpar. (A) and added subpar. (B).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-275 effective Oct. 9, 1996, with amendment by section 101(d)(1)(C), (2) of Pub. L. 104-275 only applicable with respect to claims of eligibility or entitlement to services and assistance (including claims for extension of such services and assistance) under this chapter received by the Secretary of Veterans Affairs on or after Oct. 9, 1996, including those claims based on original applications, and applications seeking to reopen, revise, reconsider, or otherwise adjudicate or readjudicate on any basis claims for services and assistance under this chapter, see section 101(j) of Pub. L. 104-275, set out as a note under section 3101 of this title.

EFFECTIVE DATE OF 1991 AMENDMENT

Section 3(b)(2) of Pub. L. 102-16 provided that: "The amendments made by this subsection [amending this section] shall apply only to payments made on or after the date of the enactment of this Act [Mar. 22, 1991]."

EFFECTIVE DATE OF 1988 AMENDMENT

Section 16 of Pub. L. 100-323 provided that:

"(a) In General. - Except as provided in subsection (b), the provisions of and amendments made by this Act [see Tables for classification] shall take effect on the date of the enactment of this Act [May 20, 1988].

"(b) Exceptions. - (1) The following provisions of or amendments made by this Act shall take effect for all of fiscal year 1988 and subsequent fiscal years:

"(A) Clause (5) of subsection (b) of section 2002A [now 4102A] of title 38, United States Code, as added by section 2(a)(2) of this Act.

"(B) Subsection (a) of section 2003A [now 4103A] of such title, as amended by section 2(e)(1)(A) of this Act.

"(C) Paragraphs (1), (2), and (3) of section 2004(a) [now 4104(a)] of such title, as amended by section 3(a) of this Act.

"(D) Paragraphs (2) through (5) of section 1774(a) [now 3674(a)] of such title, as added by section 13(a)(1) of this Act.

"(2) The provisions of and amendments made by sections 4 through 11 [see Tables for classification] shall take effect on the 60th day after the date of the enactment of this Act [May 20, 1988]."

EFFECTIVE DATE

Section effective Apr. 1, 1981, see section 802(a)(1) of Pub. L. 96-466, set out as a note under section 3100 of this title.

Pub. L. 109-461, title II, Sec. 207, Dec. 22, 2006, 120 Stat. 3412, provided that:

"(a) Findings. - Congress makes the following findings:

"(1) There are approximately 135,000 blind veterans throughout the United States, including approximately 35,000 who are enrolled with the Department of Veterans Affairs. An aging veteran population and injuries incurred in Operation Iraqi Freedom and Operation Enduring Freedom are increasing the number of blind veterans.

"(2) Since 1996, when the Department of Veterans Affairs hired its first 14 blind rehabilitation outpatient specialists (referred to in this section as 'specialists'), Specialists have been a critical part of the continuum of care for blind and visually impaired veterans.

"(3) The Department of Veterans Affairs operates 10 residential blind rehabilitation centers that are considered among the best in the world. These centers have had long waiting lists, with as many as 1,500 blind veterans waiting for openings in 2004.

"(4) Specialists provide -

"(A) critically needed services to veterans who are unable to attend residential centers or are waiting to enter a residential center program;

"(B) a range of services for blind veterans, including training with living skills, mobility, and adaptation of manual skills; and

"(C) pre-admission screening and follow-up care for blind rehabilitation centers.

"(5) There are not enough Specialist positions to meet the increased numbers and needs of blind veterans.

"(b) Establishment of Additional Specialist Positions. - Not later than 30 months after the date of the enactment of this Act [Dec. 22, 2006], the Secretary of Veterans Affairs shall establish an additional Specialist position at not fewer than 35 additional facilities of the Department of Veterans Affairs.

"(c) Selection of Facilities. - In identifying the most appropriate facilities to receive a Specialist position under this section, the Secretary shall -

"(1) give priority to facilities with large numbers of enrolled legally blind veterans;

"(2) ensure that each facility does not have such a position; and

"(3) ensure that each facility is in need of the services of a Specialist.

"(d) Coordination. - The Secretary shall coordinate the provision of blind rehabilitation services for veterans with services for the care of the visually impaired offered by State and local agencies, especially to the extent to which such State and local agencies can provide necessary services to blind veterans in settings located closer to the residences of such veterans at similar quality and cost to the veteran.

"(e) Authorization of Appropriations. - There are authorized to be appropriated for the Department of Veterans Affairs to carry out this section \$3,500,000 for each of fiscal years 2007 through 2012."

VETERANS PURSUING PROGRAM OF VOCATIONAL REHABILITATION UNDER FORMER SECTION 1504 OF THIS TITLE

During the period beginning on Oct. 1, 1980, and ending on Mar. 31, 1981, the provisions of section 3108 [formerly 1508] of this title, as added by Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2178, shall apply to veterans pursuing a program of vocational rehabilitation training under this chapter in the same manner as former section 1504 of this title applied to veterans pursuing such a program under this chapter on Sept. 30, 1980. See section 802(a)(4) of Pub. L. 96-466, set out as an Effective Date note under section 3100 of this title.

-CITE-

38 USC Sec. 3105

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 31 - TRAINING AND REHABILITATION FOR VETERANS WITH
SERVICE-CONNECTED DISABILITIES

-HEAD-

Sec. 3105. Duration of rehabilitation programs

-STATUTE-

(a) In any case in which the Secretary is unable to determine whether it currently is reasonably feasible for a veteran to achieve a vocational goal, the period of extended evaluation under section 3106(c) of this title may not exceed twelve months, except that such period may be extended for additional periods of up to six months each if the Secretary determines before granting any such extension that it is reasonably likely that, during the period of any such extension, a determination can be made whether the achievement of a vocational goal is reasonably feasible in the case of such veteran.

(b) Except as provided in subsection (c) of this section, the period of a vocational rehabilitation program for a veteran under this chapter following a determination of the current reasonable feasibility of achieving a vocational goal may not exceed forty-eight months, except that the counseling and placement and postplacement services described in section 3104(a)(2) and (5) of this title may be provided for an additional period not to exceed eighteen months in any case in which the Secretary determines the provision of such counseling and services to be necessary to accomplish the purposes of a rehabilitation program in the individual case.

(c) The Secretary may extend the period of a vocational rehabilitation program for a veteran to the extent that the Secretary determines that an extension of such period is necessary to enable such veteran to achieve a vocational goal if the Secretary also determines -

(1) that such veteran had previously been rehabilitated to the point of employability but (A) such veteran's need for further vocational rehabilitation has arisen out of a worsening of such veteran's service-connected disability that precludes such veteran from performing the duties of the occupation for which such veteran had been so rehabilitated, or (B) the occupation for which such veteran had been so rehabilitated is not suitable in view of such veteran's current employment handicap and capabilities; or

(2) under regulations which the Secretary shall prescribe, that such veteran has a serious employment handicap and that an extension of such period is necessary to accomplish the purposes of a rehabilitation program for such veteran.

(d) Unless the Secretary determines that a longer period is necessary and likely to result in a substantial increase in a veteran's level of independence in daily living, the period of a program of independent living services and assistance for a veteran under this chapter (following a determination by the Secretary that such veteran's disability or disabilities are so severe that the achievement of a vocational goal currently is not reasonably feasible) may not exceed twenty-four months.

(e)(1) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of a subsistence allowance and other assistance described in paragraph (2) shall not -

(A) be charged against any entitlement of any veteran under

this chapter; or

(B) be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of allowance or assistance.

(2) The payment of the subsistence allowance and other assistance referred to in paragraph (1) is the payment of such an allowance or assistance for the period described in paragraph (3) to a veteran for participation in a vocational rehabilitation program under this chapter if the Secretary finds that the veteran had to suspend or discontinue participation in such vocational rehabilitation program as a result of being ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10.

(3) The period for which, by reason of this subsection, a subsistence allowance and other assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall be the period of participation in the vocational rehabilitation program for which the veteran failed to receive credit or with respect to which the veteran lost training time, as determined by the Secretary.

-SOURCE-

(Added Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2176, Sec. 1505; amended Pub. L. 99-576, title III, Sec. 333(b)(3), Oct. 28, 1986, 100 Stat. 3279; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3105 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 104-275, title I, Sec. 101(e), Oct. 9, 1996, 110 Stat. 3324; Pub. L. 107-103, title I, Sec. 103(c)(1), Dec. 27, 2001, 115 Stat. 979.)

-MISC1-

PRIOR PROVISIONS

Prior section 3105 was renumbered section 5305 of this title.

AMENDMENTS

2001 - Subsec. (e). Pub. L. 107-103 added subsec. (e).

1996 - Subsec. (c)(1). Pub. L. 104-275 substituted "veteran's current employment" for "veteran's employment".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1505 of this title as this section.

Subsec. (a). Pub. L. 102-83, Sec. 5(c)(1), substituted "3106(c)" for "1506(c)".

Subsec. (b). Pub. L. 102-83, Sec. 5(c)(1), substituted "3104(a)(2)" for "1504(a)(2)".

1989 - Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

1986 - Subsec. (a). Pub. L. 99-576, Sec. 333(b)(3)(A), inserted "currently" after "it".

Subsec. (b). Pub. L. 99-576, Sec. 333(b)(3)(B), inserted "current" after "of the".

Subsec. (d). Pub. L. 99-576, Sec. 333(b)(3)(C), inserted "currently" after "goal".

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-103 effective Sept. 11, 2001, see section 103(e) of Pub. L. 107-103, set out as a note under section 3013 of this title.

EFFECTIVE DATE

Section effective Apr. 1, 1981, see section 802(a)(1) of Pub. L. 96-466, set out as a note under section 3100 of this title.

-End-

-CITE-

38 USC Sec. 3106

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
 PART III - READJUSTMENT AND RELATED BENEFITS
 CHAPTER 31 - TRAINING AND REHABILITATION FOR VETERANS WITH
 SERVICE-CONNECTED DISABILITIES

-HEAD-

Sec. 3106. Initial and extended evaluations; determinations
 regarding serious employment handicap

-STATUTE-

(a) The Secretary shall provide any veteran who has a service-connected disability rated at 10 percent or more and who applies for benefits under this chapter with an initial evaluation consisting of such services described in section 3104(a)(1) of this title as are necessary (1) to determine whether such veteran is entitled to and eligible for benefits under this chapter, and (2) in the case of a veteran who is determined to be entitled to and eligible for such benefits, to determine -

(A) whether such veteran has a serious employment handicap, and

(B) whether the achievement of a vocational goal currently is reasonably feasible for such veteran if it is reasonably feasible to make such determination without extended evaluation.

(b) In any case in which the Secretary has determined that a veteran has a serious employment handicap and that the achievement of a vocational goal currently is reasonably feasible for such veteran, such veteran shall be provided an individualized written plan of vocational rehabilitation developed under section 3107(a) of this title.

(c) In any case in which the Secretary has determined that a veteran has a serious employment handicap but the Secretary is unable to determine, in an initial evaluation pursuant to subsection (a) of this section, whether or not the achievement of a vocational goal currently is reasonably feasible, such veteran shall be provided with an extended evaluation consisting of the services described in section 3104(a)(1) of this title, such services under this chapter as the Secretary determines necessary to improve such veteran's potential for participation in a program of services designed to achieve a vocational goal and enable such veteran to achieve maximum independence in daily living, and assistance as authorized by section 3108 of this title.

(d) In any case in which the Secretary has determined that a veteran has a serious employment handicap and also determines, following such initial and any such extended evaluation, that achievement of a vocational goal currently is not reasonably feasible, the Secretary shall determine whether the veteran is capable of participating in a program of independent living services and assistance under section 3120 of this title.

(e) The Secretary shall in all cases determine as expeditiously as possible whether the achievement of a vocational goal by a veteran currently is reasonably feasible. In the case of a veteran provided extended evaluation under subsection (c) of this section (including any periods of extensions under section 3105(a) of this title), the Secretary shall make such determination not later than the end of such extended evaluation or period of extension, as the case may be. In determining whether the achievement of a vocational goal currently is reasonably feasible, the Secretary shall resolve any reasonable doubt in favor of determining that such achievement currently is reasonably feasible.

(f) In connection with each period of extended evaluation of a veteran and each rehabilitation program for a veteran who is determined to have a serious employment handicap, the Secretary shall assign a Department of Veterans Affairs employee to be responsible for the management and followup of the provision of all

services (including appropriate coordination of employment assistance under section 3117 of this title) and assistance under this chapter to such veteran.

-SOURCE-

(Added Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2176, Sec. 1506; amended Pub. L. 99-576, title III, Sec. 333(b)(4), Oct. 28, 1986, 100 Stat. 3279; Pub. L. 101-237, title IV, Sec. 423(b)(1), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3106 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title XII, Sec. 1201(d)(9), Nov. 2, 1994, 108 Stat. 4684; Pub. L. 104-275, title I, Sec. 101(f)(1), Oct. 9, 1996, 110 Stat. 3324.)

-MISC1-

PRIOR PROVISIONS

Prior section 3106 was renumbered section 5306 of this title.

AMENDMENTS

1996 - subsec. (a). Pub. L. 104-275, Sec. 101(f)(1)(A), substituted "rated at 10 percent or more" for "described in clause (i) or (ii) of section 3102(1)(A) of this title".

Subsec. (b). Pub. L. 104-275, Sec. 101(f)(1)(B), struck out "counseling in accordance with" before "an individualized written plan".

Subsec. (c). Pub. L. 104-275, Sec. 101(f)(1)(C), substituted "with an extended" for "with extended".

Subsecs. (d) to (f). Pub. L. 104-275, Sec. 101(f)(1)(D), added subsec. (d) and redesignated former subsecs. (d) and (e) as (e) and (f), respectively.

1994 - Subsec. (a). Pub. L. 103-446 substituted "clause (i) or (ii) of section 3102(1)(A)" for "section 3102(1)(A) or (B)".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1506 of this title as this section.

Subsec. (a). Pub. L. 102-83, Sec. 5(c)(1), substituted "3102(1)(A)" for "1502(1)(A)" and "3104(a)(1)" for "1504(a)(1)" in introductory provisions.

Subsec. (b). Pub. L. 102-83, Sec. 5(c)(1), substituted "3107(a)" for "1507(a)".

Subsec. (c). Pub. L. 102-83, Sec. 5(c)(1), substituted "3104(a)(1)" for "1504(a)(1)" and "3108" for "1508".

Subsec. (d). Pub. L. 102-83, Sec. 5(c)(1), substituted "3105(a)" for "1505(a)".

Subsec. (e). Pub. L. 102-83, Sec. 5(c)(1), substituted "3117" for "1517".

1989 - Pub. L. 101-237 substituted "Secretary" and "Department of Veterans Affairs" for "Administrator" and "Veterans' Administration", respectively, wherever appearing.

1986 - subsecs. (a)(2)(B), (b) to (d). Pub. L. 99-576 substituted "currently is reasonably feasible" for "is reasonably feasible" wherever appearing.

EFFECTIVE DATE

Section effective Apr. 1, 1981, see section 802(a)(1) of Pub. L. 96-466, set out as a note under section 3100 of this title.

-End-

-CITE-

38 USC Sec. 3107

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 31 - TRAINING AND REHABILITATION FOR VETERANS WITH

38C31
SERVICE-CONNECTED DISABILITIES

-HEAD-

Sec. 3107. Individualized vocational rehabilitation plan

-STATUTE-

(a) The Secretary shall formulate an individualized written plan of vocational rehabilitation for a veteran described in section 3106(b) of this title. Such plan shall be developed with such veteran and shall include, but not be limited to (1) a statement of long-range rehabilitation goals for such veteran and intermediate rehabilitation objectives related to achieving such goals, (2) a statement of the specific services (which shall include counseling in all cases) and assistance to be provided under this chapter, (3) the projected date for the initiation and the anticipated duration of each such service, and (4) objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved.

(b) The Secretary shall review at least annually the plan formulated under subsection (a) of this section for a veteran and shall afford such veteran the opportunity to participate in each such review. On the basis of such review, the Secretary shall (1) redevelop such plan with such veteran if the Secretary determines, under regulations which the Secretary shall prescribe, that redevelopment of such plan is appropriate, or (2) disapprove redevelopment of such plan if the Secretary determines, under such regulations, that redevelopment of such plan is not appropriate.

(c)(1) Each veteran for whom a plan has been developed or redeveloped under subsection (a) or (b)(1), respectively, of this section or in whose case redevelopment of a plan has been disapproved under subsection (b)(2) of this section, shall be informed of such veteran's opportunity for a review as provided in paragraph (2) of this subsection.

(2) In any case in which a veteran does not agree to such plan as proposed, to such plan as redeveloped, or to the disapproval of redevelopment of such plan, such veteran may submit to the person described in section 3106(f) of this title a written statement containing such veteran's objections and request a review of such plan as proposed or redeveloped, or a review of the disapproval of redevelopment of such plan, as the case may be.

(3) The Secretary shall review the statement submitted under paragraph (2) of this subsection and the plan as proposed or as redeveloped, and, if applicable, the disapproval of redevelopment of the plan, and render a decision on such review not later than ninety days after the date on which such veteran submits such statement, unless the case is one for which a longer period for review, not to exceed 150 days after such veteran submits such statement, is allowed under regulations prescribed by the Secretary, in which case the Secretary shall render a decision no later than the last day of the period prescribed in such regulations.

-SOURCE-

(Added Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2177, Sec. 1507; amended Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3107 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 104-275, title I, Sec. 101(f)(2)(A), Oct. 9, 1996, 110 Stat. 3325.)

-MISC1-

PRIOR PROVISIONS

Prior section 3107 was renumbered section 5307 of this title.

AMENDMENTS

1996 - subsec. (c)(2). Pub. L. 104-275 substituted "3106(f)" for "3106(e)".

38C31

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1507 of this title as this section.

Subsecs. (a), (c)(2). Pub. L. 102-83, Sec. 5(c)(1), substituted "3106(b)" for "1506(b)" in subsec. (a) and "3106(e)" for "1506(e)" in subsec. (c)(2).

1989 - Subsecs. (a), (b), (c)(3). Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

EFFECTIVE DATE

Section effective Apr. 1, 1981, see section 802(a)(1) of Pub. L. 96-466, set out as a note under section 3100 of this title.

INDIVIDUALIZED WRITTEN PLANS AND EXTENSIONS OF ELIGIBILITY AND VOCATIONAL REHABILITATION PROGRAM PERIODS FOR VETERANS IN PROGRAMS ON MARCH 31, 1981

Section 101(d) of Pub. L. 96-466 provided that with respect to veterans participating in a program of vocational rehabilitation under this chapter on Mar. 31, 1981, individualized written plans of vocational rehabilitation were to be formulated under this section as determined by Administrator, and authorized extensions of periods of vocational rehabilitation without regard to certain requirements for determinations of serious employment handicaps.

VETERANS PURSUING PROGRAM OF VOCATIONAL REHABILITATION UNDER FORMER SECTION 1507 OF THIS TITLE

During the period beginning on Oct. 1, 1980, and ending on Mar. 31, 1981, the provisions of section 3112 [formerly 1512] of this title, as added by Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2181, shall apply to veterans pursuing a program of vocational rehabilitation training under this chapter in the same manner as former section 1507 of this title applied to veterans pursuing such a program under this chapter on Sept. 30, 1980, see section 802(a)(4) of Pub. L. 96-466, set out as an Effective Date note under section 3100 of this title.

-End-

-CITE-

38 USC Sec. 3108

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 31 - TRAINING AND REHABILITATION FOR VETERANS WITH
SERVICE-CONNECTED DISABILITIES

-HEAD-

Sec. 3108. Allowances

-STATUTE-

(a)(1) Except in the case of a veteran who makes an election under subsection (f) of this section and subject to the provisions of paragraph (3) of this subsection, each veteran shall be paid a subsistence allowance in accordance with this section during a period determined by the Secretary to be a period of such veteran's participation under this chapter in a rehabilitation program.

(2) In any case in which the Secretary determines, at the conclusion of such veteran's pursuit of a vocational rehabilitation program under this chapter, that such veteran has been rehabilitated to the point of employability, such veteran shall be paid a subsistence allowance, as prescribed in this section for full-time training for the type of program that the veteran was pursuing, for two months while satisfactorily following a program of employment services provided under section 3104(a)(5) of this title.

(3) A subsistence allowance may not be paid under this chapter to

a veteran for any period during which such veteran is being provided with an initial evaluation under section 3106(a) of this title or during which such veteran is being provided only with counseling or with placement or postplacement services under section 3105(b) of this title.

(b)(1) Except as otherwise provided in this section, the Secretary shall determine the subsistence allowance to be paid to a veteran under this chapter in accordance with the following table, which shall be the monthly amount shown in column II, III, IV, or V (whichever is applicable as determined by the veteran's dependency status) opposite the appropriate type of program being pursued as specified in column I:

Column I Type of program	Column II No dependents	Column III One dependent	Column IV Two dependents	Column V More than two dependents
				The amount in column IV, plus the following for each dependent in excess of two:
Institutional training:				
Full-time	\$366	\$454	\$535	\$39
Three-quarter time	275	341	400	30
Half-time	184	228	268	20
Farm cooperative, apprentice, or other on-job training:				
Full-time	320	387	446	29
Extended evaluation:				
Full-time	366	454	535	39
Independent living training:				
Full-time	366	454	535	39
Three-quarter time	275	341	400	30
Half-time	184	228	268	20

(2) with respect to the fiscal year beginning on October 1, 1994, the Secretary shall provide a percentage increase in the monthly rates payable under paragraph (1) of this subsection equal to the percentage by which the Consumer Price Index (all items, United States city average published by the Bureau of Labor Statistics) for the 12-month period ending June 30, 1994, exceeds such Consumer Price Index for the 12-month period ending June 30, 1993.

(3) with respect to any fiscal year beginning on or after October 1, 1995, the Secretary shall continue to pay, in lieu of the rates payable under paragraph (1) of this subsection, the monthly rates payable under this subsection for the previous fiscal year and shall provide, for any such fiscal year, a percentage increase in such rates equal to the percentage by which -

(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on June 30 preceding the

beginning of the fiscal year for which the increase is made, exceeds

(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

(c)(1) In any case in which the vocational rehabilitation program for a veteran includes training on the job by an employer in any month, such employer shall be required to submit to the Secretary a statement in writing showing any wage, compensation, or other income paid (directly or indirectly) by the employer to such veteran for such month. Based upon such written statement, the Secretary is authorized to reduce the subsistence allowance of such veteran to an amount considered equitable and just in accordance with criteria which the Secretary shall establish in regulations which the Secretary shall prescribe.

(2) A veteran pursuing on-job training or work experience as part of a vocational rehabilitation program in a Federal, State, or local government agency or federally recognized Indian tribe under the provisions of section 3115(a)(1) of this title without pay or for nominal pay shall be paid the appropriate subsistence allowance rate provided in subsection (b) of this section for an institutional program.

(d)(1) The Secretary shall, in accordance with regulations which the Secretary shall prescribe, define full-time and each part-time status for veterans participating in rehabilitation programs under this chapter.

(2) A veteran participating in extended evaluation on less than a full-time basis may be paid a proportional subsistence allowance in accordance with regulations which the Secretary shall prescribe.

(e) In any case in which a veteran is pursuing a rehabilitation program on a residential basis in a specialized rehabilitation facility, the Secretary may (1) pay to such facility the cost of such veteran's room and board in lieu of payment to such veteran of the subsistence allowance (not including any portion payable for any dependents) payable under subsection (b) of this section, and (2) pay to such veteran that portion of the allowance for dependents payable, as determined by such veteran's dependency status, under subsection (b) of this section for a full-time institutional program.

(f)(1)(A) In any case in which the Secretary determines that a veteran is eligible for and entitled to rehabilitation under this chapter, to the extent that such veteran has remaining eligibility for and entitlement to educational assistance benefits under chapter 30 of this title, such veteran may elect, as part of a vocational rehabilitation program under this chapter, to pursue an approved program of education and receive allowances and other forms of assistance equivalent to those authorized for veterans enrolled under chapter 30 of this title, if the Secretary approves the educational, professional, or vocational objective chosen by such veteran for such program.

(B) In the event that such veteran makes such an election, the terms and conditions applicable to the pursuit of a comparable program of education and the payment of allowances and provision of assistance under chapter 30 of this title for such a comparable program shall be applied to the pursuit of the approved program of education under this chapter.

(2) A veteran who is receiving an allowance pursuant to paragraph (1) of this subsection may not receive any of the services or assistance described in section 3104(a)(3), (7), and (8) of this title (other than an allowance and other assistance under this subsection).

(g)(1) Notwithstanding any other provision of this title and subject to the provisions of paragraph (2) of this subsection, no subsistence allowance may be paid under this section in the case of any veteran who is pursuing a rehabilitation program under this chapter while incarcerated in a Federal, State, local, or other penal institution or correctional facility for conviction of a felony.

(2) Paragraph (1) of this subsection shall not apply in the case of any veteran who is pursuing a rehabilitation program under this chapter while residing in a halfway house or participating in a work-release program in connection with such veteran's conviction of a felony.

(h) Notwithstanding any other provision of this title, the amount of subsistence allowance, or other allowance under subsection (f) of this section, that may be paid to a veteran pursuing a rehabilitation program for any month for which such veteran receives compensation at the rate prescribed in section 1114(j) of this title as the result of hospital treatment (not including post-hospital convalescence) or observation at the expense of the Department of Veterans Affairs may not exceed, when added to any compensation to which such veteran is entitled for such month, an amount equal to the greater of -

(1) the sum of -

(A) the amount of monthly subsistence or other allowance that would otherwise be paid to such veteran under this section, and

(B) the amount of monthly compensation that would be paid to such veteran if such veteran were not receiving compensation at such rate as the result of such hospital treatment or observation; or

(2) the amount of monthly compensation payable under section 1114(j) of this title.

(i) Payment of a subsistence allowance may be made in advance in accordance with the provisions of section 3680(d) of this title.

-SOURCE-

(Added Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2178, Sec. 1508; amended Pub. L. 97-306, title II, Sec. 205(a), Oct. 14, 1982, 96 Stat. 1434; Pub. L. 98-525, title VII, Sec. 703(a), Oct. 19, 1984, 98 Stat. 2564; Pub. L. 98-543, title II, Sec. 201, Oct. 24, 1984, 98 Stat. 2740; Pub. L. 101-237, title IV, Secs. 402(a), 423(b)(1), Dec. 18, 1989, 103 Stat. 2078, 2092; Pub. L. 102-16, Sec. 3(c), Mar. 22, 1991, 105 Stat. 49; renumbered Sec. 3108 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-568, title IV, Sec. 405(a), (b), Oct. 29, 1992, 106 Stat. 4338, 4339; Pub. L. 103-446, title VI, Sec. 602(b), Nov. 2, 1994, 108 Stat. 4671; Pub. L. 104-275, title I, Sec. 101(g), Oct. 9, 1996, 110 Stat. 3325; Pub. L. 109-461, title X, Sec. 1002(b), Dec. 22, 2006, 120 Stat. 3465.)

-MISC1-

PRIOR PROVISIONS

Prior section 3108 was renumbered section 5308 of this title.

Provisions similar to those comprising this section were contained in former section 1504 of this title prior to the general revision of this chapter by Pub. L. 96-466.

AMENDMENTS

2006 - Subsec. (g)(1). Pub. L. 109-461 substituted "local, or other penal institution or correctional facility" for "or local penal institution".

1996 - Subsec. (a)(2). Pub. L. 104-275, Sec. 101(g)(1), substituted "while satisfactorily following a program of employment services provided under section 3104(a)(5) of this title" for "following the conclusion of such pursuit".

Subsec. (f)(1)(A). Pub. L. 104-275, Sec. 101(g)(2)(A), inserted "eligible for and" after "veteran is" and substituted "chapter 30" for "chapter 30 or 34" and "enrolled under chapter 30" for "enrolled under either chapter 30 or chapter 34".

Subsec. (f)(1)(B). Pub. L. 104-275, Sec. 101(g)(2)(B), substituted "chapter 30" for "chapter 30 or 34".

1994 - Subsec. (c)(2). Pub. L. 103-446 inserted "or federally recognized Indian tribe" after "local government agency".

1992 - Subsec. (b). Pub. L. 102-568, Sec. 405(b), designated existing provisions as par. (1) and added pars. (2) and (3).

Pub. L. 102-568, Sec. 405(a), increased the monthly rehabilitation subsistence allowance for eligible veterans in column II from \$333, \$250, \$167, \$291, \$333, \$333, \$250, and \$167 to \$366, \$275, \$184, \$320, \$366, \$366, \$275, and \$184; in column III from \$413, \$310, \$207, \$352, \$413, \$413, \$310, and \$207 to \$454, \$341, \$228, \$387, \$454, \$454, \$341, and \$228; in column IV from \$486, \$364, \$244, \$405, \$486, \$486, \$364, and \$244 to \$535, \$400, \$268, \$446, \$535, \$535, \$400, and \$268; and in column V from \$35, \$27, \$18, \$26, \$35, \$35, \$27, and \$18 to \$39, \$30, \$20, \$29, \$39, \$39, \$30, and \$20, respectively.

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1508 of this title as this section.

Subsec. (a)(3). Pub. L. 102-83, Sec. 5(c)(1), substituted "3106(a)" for "1506(a)" and "3105(b)" for "1505(b)".

Subsec. (c)(2). Pub. L. 102-83, Sec. 5(c)(1), substituted "3115(a)(1)" for "1515(a)(1)".

Pub. L. 102-16 inserted ", State, or local government" after "Federal".

Subsec. (f)(2). Pub. L. 102-83, Sec. 5(c)(1), substituted "3104(a)(3)" for "1504(a)(3)".

Subsec. (h). Pub. L. 102-83, Sec. 5(c)(1), substituted "1114(j)" for "314(j)" in two places.

Subsec. (i). Pub. L. 102-83, Sec. 5(c)(1), substituted "3680(d)" for "1780(d)".

1989 - Subsec. (a)(1), (2). Pub. L. 101-237, Sec. 423(b)(1)(A), substituted "Secretary" for "Administrator".

Subsec. (b). Pub. L. 101-237, Sec. 423(b)(1)(A), substituted "Secretary" for "Administrator".

Pub. L. 101-237, Sec. 402(a), increased the monthly rehabilitation subsistence allowance for eligible veterans in column II from \$310, \$233, \$155, \$271, \$310, \$310, \$233, and \$155 to \$333, \$250, \$167, \$291, \$333, \$333, \$250, and \$167; in column III from \$384, \$288, \$193, \$327, \$384, \$384, \$288, and \$193 to \$413, \$310, \$207, \$352, \$413, \$413, \$310, and \$207; in column IV from \$452, \$339, \$227, \$377, \$452, \$452, \$339, and \$227 to \$486, \$364, \$244, \$405, \$486, \$486, \$364, and \$244; in column V from \$33, \$25, \$17, \$24, \$33, \$33, \$25, and \$17 to \$35, \$27, \$18, \$26, \$35, \$35, \$27, and \$18, respectively.

Subsecs. (c)(1) to (f)(1)(A). Pub. L. 101-237, Sec. 423(b)(1)(A), substituted "Secretary" for "Administrator" wherever appearing.

Subsec. (h). Pub. L. 101-237, Sec. 423(b)(1)(B), substituted "Department of Veterans Affairs" for "Veterans' Administration".

1984 - Subsec. (b). Pub. L. 98-543 increased the monthly rehabilitation subsistence allowance for eligible veterans in column II from \$282, \$212, \$141, \$246, \$282, \$282, \$212, and \$141 to \$310, \$233, \$155, \$271, \$310, \$310, \$233, and \$155; in column III from \$349, \$262, \$175, \$297, \$349, \$349, \$262, and \$175 to \$384, \$288, \$193, \$323, \$384, \$384, \$288, and \$193; in column IV from \$411, \$308, \$206, \$343, \$411, \$411, \$308, and \$206 to \$452, \$339, \$227, \$377, \$452, \$452, \$339, and \$227; in column V from \$30, \$23, \$15, \$22, \$30, \$30, \$23, and \$15 to \$33, \$25, \$17, \$24, \$33, \$33, \$25, and \$17, respectively.

Subsec. (f)(1)(A), (B). Pub. L. 98-525 inserted references to chapter 30 of this title.

1982 - Subsec. (g)(2). Pub. L. 97-306 inserted "not" after "shall" and struck out "if the Administrator determines that all the veteran's living expenses are being defrayed by a Federal, State, or local government" at end.

EFFECTIVE DATE OF 1992 AMENDMENT

Section 405(c) of Pub. L. 102-568 provided that: "The amendments made by subsections (a) and (b) [amending this section] shall take effect on October 1, 1993."

EFFECTIVE DATE OF 1989 AMENDMENT

Section 402(b) of Pub. L. 101-237 provided that: "The amendment

made by this section [amending this section] shall take effect on January 1, 1990."

EFFECTIVE DATE OF 1984 AMENDMENT

Section 205 of Pub. L. 98-543 provided that: "The amendments made by this part [part A (Secs. 201-205) of title II of Pub. L. 98-543, see Tables for classification] shall take effect as of October 1, 1984."

EFFECTIVE DATE; VETERANS PURSUING PROGRAM OF VOCATIONAL REHABILITATION UNDER THIS CHAPTER

Section effective Oct. 1, 1980, and during period beginning on Oct. 1, 1980, and ending on Mar. 31, 1981, the provisions of this section, as added by Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2178, shall apply to veterans pursuing a program of vocational rehabilitation training under this chapter in the same manner as former section 1504 of this title applied to veterans pursuing such a program under this chapter on Sept. 30, 1980, see section 802(a)(2), (4) of Pub. L. 96-466, set out as an Effective Date note under section 3100 of this title.

APPLICABILITY OF SUBSECTION (G)(1) TO APPORTIONMENTS MADE BEFORE OCTOBER 17, 1980

Section 101(c) of Pub. L. 96-466 provided that: "The provisions of section 1508(g)(1) [now 3108(g)(1)] of title 38, United States Code, as added by subsection (a) shall not apply to an apportionment made under section 3107(c) [now 5307(c)] of such title before the date of the enactment of this Act [Oct. 17, 1980]."

-End-

-CITE-

38 USC Sec. 3109

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 31 - TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES

-HEAD-

Sec. 3109. Entitlement to independent living services and assistance

-STATUTE-

In any case in which the Secretary has determined under section 3106(e) of this title that the achievement of a vocational goal by a veteran currently is not reasonably feasible, such veteran shall be entitled, in accordance with the provisions of section 3120 of this title, to a program of independent living services and assistance designed to enable such veteran to achieve maximum independence in daily living.

-SOURCE-

(Added Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2181, Sec. 1509; amended Pub. L. 99-576, title III, Sec. 333(b)(5), Oct. 28, 1986, 100 Stat. 3279; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3109 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 104-275, title I, Sec. 101(f)(2)(B), Oct. 9, 1996, 110 Stat. 3325.)

-MISC1-

38C31

Prior section 3109 was renumbered section 5309 of this title.

AMENDMENTS

- 1996 - Pub. L. 104-275 substituted "3106(e)" for "3106(d)".
- 1991 - Pub. L. 102-83 renumbered section 1509 of this title as this section and substituted "3106(d)" for "1506(d)" and "3120" for "1520".
- 1989 - Pub. L. 101-237 substituted "Secretary" for "Administrator".
- 1986 - Pub. L. 99-576 inserted "currently" after first reference to "veteran".

EFFECTIVE DATE

Section effective Apr. 1, 1981, see section 802(a)(1) of Pub. L. 96-466, set out as a note under section 3100 of this title.

-End-

-CITE-

38 USC Sec. 3110

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 31 - TRAINING AND REHABILITATION FOR VETERANS WITH
SERVICE-CONNECTED DISABILITIES

-HEAD-

Sec. 3110. Leaves of absence

-STATUTE-

The Secretary shall prescribe such regulations as the Secretary determines necessary for granting leaves of absence to veterans pursuing rehabilitation programs under this chapter. During authorized leaves of absence, a veteran shall be considered to be pursuing such program.

-SOURCE-

(Added Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2181, Sec. 1510; amended Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3110, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

PRIOR PROVISIONS

Prior section 3110 was renumbered section 5310 of this title. Provisions similar to those comprising this section were contained in former section 1505 of this title prior to the general revision of this chapter by Pub. L. 96-466.

AMENDMENTS

- 1991 - Pub. L. 102-83 renumbered section 1510 of this title as this section.
- 1989 - Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

EFFECTIVE DATE

Section effective Apr. 1, 1981, see section 802(a)(1) of Pub. L. 96-466, set out as a note under section 3100 of this title.

-End-

-CITE-

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 31 - TRAINING AND REHABILITATION FOR VETERANS WITH
SERVICE-CONNECTED DISABILITIES

-HEAD-

Sec. 3111. Regulations to promote satisfactory conduct and cooperation

-STATUTE-

The Secretary shall prescribe such rules and regulations as the Secretary determines necessary to promote satisfactory conduct and cooperation on the part of veterans who are pursuing rehabilitation programs under this chapter. In any case in which the Secretary determines that a veteran has failed to maintain satisfactory conduct or cooperation, the Secretary may, after determining that all reasonable counseling efforts have been made and are not reasonably likely to be effective, discontinue services and assistance unless the Secretary determines that mitigating circumstances exist. In any case in which such services and assistance have been discontinued, the Secretary may reinstitute such services and assistance only if the Secretary determines that -

- (1) the cause of the unsatisfactory conduct or cooperation of such veteran has been removed; and
- (2) the rehabilitation program which such veteran proposes to pursue (whether the same or revised) is suitable to such veteran's abilities, aptitudes, and interests.

-SOURCE-

(Added Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2181, Sec. 1511; amended Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3111, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

PRIOR PROVISIONS

Prior section 3111 was renumbered section 5311 of this title.

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1511 of this title as this section.

1989 - Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

EFFECTIVE DATE

Section effective Apr. 1, 1981, see section 802(a)(1) of Pub. L. 96-466, set out as a note under section 3100 of this title.

-End-

-CITE-

38 USC Sec. 3112

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 31 - TRAINING AND REHABILITATION FOR VETERANS WITH
SERVICE-CONNECTED DISABILITIES

-HEAD-

Sec. 3112. Revolving fund loans

-STATUTE-

The revolving fund established pursuant to part VII of Veterans Regulation Numbered 1(a) is continued in effect, and may be used by the Secretary, under regulations prescribed by the Secretary, for making advances, not in excess of twice the amount of the full-time institutional monthly subsistence allowance for a veteran with no dependents (as provided in section 3108(b) of this title) to veterans pursuing rehabilitation programs under this chapter. Such advances, and advances from such fund made before the effective date of the Veterans' Rehabilitation and Education Amendments of 1980, shall bear no interest and shall be repaid in such installments, as may be determined by the Secretary, by proper deductions from future payments of compensation, pension, subsistence allowance, educational assistance allowance, or retirement pay.

-SOURCE-

(Added Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2181, Sec. 1512; amended Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3112 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

-REFTEXT-

REFERENCES IN TEXT

The revolving fund established pursuant to part VII of Veterans Regulation Numbered 1(a), referred to in text, means the vocational rehabilitation revolving fund established by par. 8 of part VII of Veterans Regulation Numbered 1(a), as added by act Mar. 24, 1943, ch. 22, Sec. 2, 57 Stat. 44, which was set out in chapter 12A of former Title 38, Pensions, Bonuses, and Veterans' Relief. The appropriation for such fund made by act July 12, 1943, ch. 218, Sec. 1, 57 Stat. 434, was reduced by act June 24, 1954, ch. 359, title I, Sec. 101(part), 68 Stat. 293, and repealed by Pub. L. 85-857, Sec. 14(82), Sept. 2, 1958, 72 Stat. 1272. Part VII of Veterans Regulation Numbered 1(a) was repealed by section 14(67) of Pub. L. 85-857, effective Jan. 1, 1959, which provided in part, that repeal of part VII should not take effect in such manner as to impair the operation of the deferred repeal of a portion of paragraph 9 of the part as provided in section 21 of the Government Employees Training Act, Pub. L. 85-507, July 7, 1958, 72 Stat. 337. For continuation of certain rights and benefits see section 12 of Pub. L. 85-857, set out as a note preceding part I of this title.

For effective date of the Veterans' Rehabilitation and Education Amendments of 1980, referred to in text, see section 802 of Pub. L. 96-466, set out as an Effective Date note under section 3100 of this title.

-MISC1-

PRIOR PROVISIONS

Prior section 3112 was renumbered section 5312 of this title. Provisions similar to those comprising this section were contained in former section 1507 of this title prior to the general revision of this chapter by Pub. L. 96-466.

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1512 of this title as this section and substituted "3108(b)" for "1508(b)".

1989 - Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

EFFECTIVE DATE; VETERANS PURSUING PROGRAM OF VOCATIONAL REHABILITATION UNDER THIS CHAPTER

Section effective Oct. 1, 1980, and during period beginning on Oct. 1, 1980, and ending on Mar. 31, 1981, the provisions of this section, as added by Pub. L. 96-466, title I, Sec. 101(a), Oct. 17,

38C31

1980, 94 Stat. 2181, shall apply to veterans pursuing a program of vocational rehabilitation training under this chapter in the same manner as former section 1507 of this title applied to veterans pursuing such a program under this chapter on Sept. 30, 1980, see section 802(a)(2), (4) of Pub. L. 96-466, set out as an Effective Date note under section 3100 of this title.

-End-

-CITE-

38 USC Sec. 3113

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 31 - TRAINING AND REHABILITATION FOR VETERANS WITH
SERVICE-CONNECTED DISABILITIES

-HEAD-

Sec. 3113. Vocational rehabilitation for hospitalized members of the Armed Forces and veterans

-STATUTE-

(a) Services and assistance may be provided under this chapter to a person described in subparagraphs (A)(ii) and (B) of section 3102(1) of this title who is hospitalized pending discharge from active military, naval, or air service. In such cases, no subsistence allowance shall be paid.

(b) Services and assistance may be provided under this chapter to a veteran who is receiving care in a Department of Veterans Affairs hospital, nursing home, or domiciliary facility or in any other hospital or medical facility.

-SOURCE-

(Added Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2181, Sec. 1513; amended Pub. L. 101-237, title IV, Sec. 423(b)(1)(B), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3113 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title XII, Sec. 1201(d)(10), Nov. 2, 1994, 108 Stat. 4684.)

-MISC1-

PRIOR PROVISIONS

Prior section 3113 was renumbered section 5313 of this title. Provisions similar to those comprising subsec. (a) of this section were contained in former section 1510 of this title prior to the general revision of this chapter by Pub. L. 96-466.

AMENDMENTS

1994 - Subsec. (a). Pub. L. 103-446 substituted "subparagraphs (A)(ii) and (B) of section 3102(1)" for "section 3102(1)(B) and (2)".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1513 of this title as this section.

Subsec. (a). Pub. L. 102-83, Sec. 5(c)(1), substituted "3102(1)(B)" for "1502(1)(B)".

1989 - Subsec. (b). Pub. L. 101-237 substituted "Department of Veterans Affairs" for "Veterans' Administration".

EFFECTIVE DATE

Section effective Apr. 1, 1981, see section 802(a)(1) of Pub. L. 96-466, set out as a note under section 3100 of this title.

-End-

-CITE-
38 USC Sec. 3114

01/08/2008

-EXPCITE-
TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 31 - TRAINING AND REHABILITATION FOR VETERANS WITH
SERVICE-CONNECTED DISABILITIES

-HEAD-
Sec. 3114. Vocational rehabilitation outside the United States

-STATUTE-
Under regulations which the Secretary shall prescribe, a vocational rehabilitation program under this chapter may be provided outside the United States if the Secretary determines that such training is (1) necessary in the particular case to provide the preparation needed to render a veteran employable and enable such veteran to obtain and retain suitable employment, and (2) in the best interest of such veteran and the Federal Government.

-SOURCE-
(Added Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2182, Sec. 1514; amended Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3114, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-
PRIOR PROVISIONS
Prior section 3114 was renumbered section 5314 of this title.

AMENDMENTS
1991 - Pub. L. 102-83 renumbered section 1514 of this title as this section.
1989 - Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

EFFECTIVE DATE
Section effective Apr. 1, 1981, see section 802(a)(1) of Pub. L. 96-466, set out as a note under section 3100 of this title.

-End-

-CITE-
38 USC Sec. 3115

01/08/2008

-EXPCITE-
TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 31 - TRAINING AND REHABILITATION FOR VETERANS WITH
SERVICE-CONNECTED DISABILITIES

-HEAD-
Sec. 3115. Rehabilitation resources

-STATUTE-
(a) Notwithstanding any other provision of law, for the purpose of providing services under this chapter, the Secretary may -
(1) use the facilities of any Federal agency (including the Department of Veterans Affairs), of any State or local government agency receiving Federal financial assistance, or of any federally recognized Indian tribe, to provide training or work experience as part or all of a veteran's vocational

rehabilitation program without pay or for nominal pay in any case in which the Secretary determines that such training or work experience is necessary to accomplish such veteran's rehabilitation;

(2) use the facilities, staff, and other resources of the Department of Veterans Affairs;

(3) employ such additional personnel and experts as the Secretary considers necessary; and

(4) use the facilities and services of any Federal, State, or other public agency, any agency maintained by joint Federal and State contributions, any federally recognized Indian tribe, any public or private institution or establishment, and any private individual.

(b)(1) while pursuing on-job training or work experience under subsection (a)(1) of this section at a Federal agency, a veteran shall be considered to be an employee of the United States for the purposes of the benefits of chapter 81 of title 5, but not for the purposes of laws administered by the Office of Personnel Management.

(2) Except as provided in chapter 17 of this title, hospital care and medical services provided under this chapter shall be furnished in facilities over which the Secretary has direct jurisdiction.

(3) Use of the facilities of a State or local government agency under subsection (a)(1) of this section or use of facilities and services under subsection (a)(4) of this section, shall be procured through contract, agreement, or other cooperative arrangement.

(4) The Secretary shall prescribe regulations providing for the monitoring of training and work experiences provided under such subsection (a)(1) at State or local government agencies and otherwise ensuring that such training or work experience is in the best interest of the veteran and the Federal Government.

(c) For purposes of this section, the term "federally recognized Indian tribe" means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

-SOURCE-

(Added Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2182, Sec. 1515; amended Pub. L. 100-689, title II, Sec. 201, Nov. 18, 1988, 102 Stat. 4175; Pub. L. 101-237, title IV, Sec. 423(b)(1), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3115, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title VI, Sec. 602(a), Nov. 2, 1994, 108 Stat. 4671.)

-REFTEXT-

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in subsec. (c), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (Sec. 1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

-MISC1-

PRIOR PROVISIONS

Prior section 3115 was renumbered section 5315 of this title. Provisions similar to those comprising this section were contained in former section 1511 of this title prior to the general revision of this chapter by Pub. L. 96-466.

AMENDMENTS

1994 - Subsec. (a)(1). Pub. L. 103-446, Sec. 602(a)(1)(A), struck
Page 29

out "or" after "(including the Department of Veterans Affairs)," and inserted "or of any federally recognized Indian tribe," after "financial assistance,".

Subsec. (a)(4). Pub. L. 103-446, Sec. 602(a)(1)(B), inserted "any federally recognized Indian tribe," after "contributions,".

Subsec. (c). Pub. L. 103-446, Sec. 602(a)(2), added subsec. (c).

1991 - Pub. L. 102-83 renumbered section 1515 of this title as this section.

1989 - Subsecs. (a), (b)(2), (4). Pub. L. 101-237 substituted "Secretary" and "Department of Veterans Affairs" for "Administrator" and "Veterans' Administration", respectively, wherever appearing.

1988 - Subsec. (a)(1). Pub. L. 100-689, Sec. 201(1), inserted ", or of any State or local government agency receiving Federal financial assistance," after "Administration)".

Subsec. (b)(1). Pub. L. 100-689, Sec. 201(2)(A), inserted "at a Federal agency" after "section".

Subsec. (b)(3), (4). Pub. L. 100-689, Sec. 201(2)(B), added pars. (3) and (4) and struck out former par. (3) which read as follows: "Use of facilities and services under clause (4) of subsection (a) of this section, shall be procured through contract, agreement, or other cooperative arrangement."

EFFECTIVE DATE

Section effective Apr. 1, 1981, see section 802(a)(1) of Pub. L. 96-466, set out as a note under section 3100 of this title.

-End-

-CITE-

38 USC Sec. 3116

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 31 - TRAINING AND REHABILITATION FOR VETERANS WITH
SERVICE-CONNECTED DISABILITIES

-HEAD-

Sec. 3116. Promotion of employment and training opportunities

-STATUTE-

(a) The secretary shall actively promote the development and establishment of employment, training, and other related opportunities for (1) veterans who are participating or who have participated in a rehabilitation program under this chapter, (2) veterans with service-connected disabilities, and (3) other veterans to whom the employment emphases set forth in chapter 42 of this title apply. The Secretary shall promote the development and establishment of such opportunities through Department of Veterans Affairs staff outreach efforts to employers and through Department of Veterans Affairs coordination with Federal, State, and local governmental agencies and appropriate nongovernmental organizations. In carrying out the provisions of this subsection with respect to veterans referred to in clause (3) of the first sentence of this subsection, the Secretary shall place particular emphasis on the needs of categories of such veterans on the basis of applicable rates of unemployment.

(b)(1) The Secretary, pursuant to regulations prescribed in accordance with paragraph (3) of this subsection, may make payments to employers for providing on-job training to veterans who have been rehabilitated to the point of employability in individual cases in which the Secretary determines that such payment is necessary to obtain needed on-job training or to begin employment. Such payments may not exceed the direct expenses incurred by such employers in providing such on-job training or employment

opportunity.

(2) In any case in which a veteran described in paragraph (1) of this subsection participates in on-job training described in such paragraph that satisfies the criteria for payment of a training assistance allowance under section 3687 of this title, such veteran shall, to the extent that such veteran has remaining eligibility for and entitlement to such allowance, be paid such allowance.

(3) The Secretary shall prescribe regulations under this subsection in consultation with the Secretary of Labor and, in prescribing such regulations, shall take into consideration the provisions of title V of the Rehabilitation Act of 1973 (29 U.S.C. ch. 16, subch. V) and section 4212 of this title, and regulations prescribed under such provisions.

-SOURCE-

(Added Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2182, Sec. 1516; amended Pub. L. 101-237, title IV, Sec. 423(b)(1), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3116 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

-REFTEXT-

REFERENCES IN TEXT

The Rehabilitation Act of 1973, referred to in subsec. (b)(3), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended. Title V of the Rehabilitation Act of 1973 is classified generally to subchapter V (Sec. 790 et seq.) of chapter 16 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

-MISC1-

PRIOR PROVISIONS

Prior section 3116 was renumbered section 5316 of this title.

AMENDMENTS

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1516 of this title as this section.

Subsec. (b)(2), (3). Pub. L. 102-83, Sec. 5(c)(1), substituted "3687" for "1787" in par. (2) and "4212" for "2012" in par. (3).

1989 - Subsecs. (a), (b)(1), (3). Pub. L. 101-237 substituted "Secretary" and "Department of Veterans Affairs" for "Administrator" and "Veterans' Administration", respectively, wherever appearing.

EFFECTIVE DATE

Section effective Oct. 1, 1980, see section 802(a)(2) of Pub. L. 96-466, set out as a note under section 3100 of this title.

COORDINATION WITH PROGRAMS UNDER VETERANS' JOB TRAINING ACT

Pub. L. 99-238, title II, Sec. 202, Jan. 13, 1986, 99 Stat. 1768, as amended by Pub. L. 102-83, Secs. 5(c)(2), 6(g), Aug. 6, 1991, 105 Stat. 406, 408, provided that:

"(a) In General. - In carrying out section 3116(b) [formerly 1516(b)] of title 38, United States Code, the Secretary of Veterans Affairs shall take all feasible steps to establish and encourage, for veterans who are eligible to have payments made on their behalf under such section, the development of training opportunities through programs of job training consistent with the provisions of the Veterans' Job Training Act (as redesignated by section 201(a)(1) of this Act) [29 U.S.C. 1721 note] so as to utilize programs of job training established by employers pursuant to such Act.

"(b) Directive. - In carrying out such Act, the Secretary of Veterans Affairs shall take all feasible steps to ensure that, in the cases of veterans who are eligible to have payments made on their behalf under both such Act and section 3116(b) [formerly 1516(b)] of title 38, United States Code, the authority under such

section is utilized, to the maximum extent feasible and consistent with the veteran's best interests, to make payments to employers on behalf of such veterans."

-End-

-CITE-

38 USC Sec. 3117

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 31 - TRAINING AND REHABILITATION FOR VETERANS WITH
SERVICE-CONNECTED DISABILITIES

-HEAD-

Sec. 3117. Employment assistance

-STATUTE-

(a)(1) A veteran with a service-connected disability rated at 10 percent or more who has participated in a vocational rehabilitation program under this chapter or a similar program under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) and who the Secretary has determined to be employable shall be furnished assistance in obtaining employment consistent with such veteran's abilities, aptitudes, interests, and employment handicap, including assistance necessary to insure that such veteran receives the benefit of any applicable provisions of law or regulation providing for special consideration or emphasis or preference for such veteran in employment or training.

(2) Assistance provided under this subsection may include -

(A) direct placement of such veteran in employment;
(B) utilization of employment, training, and placement services under chapter 41 of this title; and

(C) utilization of the job development and placement services of (i) programs under the Rehabilitation Act of 1973, (ii) the State employment service and the Veterans' Employment Service of the Department of Labor, (iii) the Office of Personnel Management, (iv) any other public or nonprofit organization having placement services available, and (v) any for-profit entity in a case in which the Secretary has determined that services necessary to provide such assistance are available from such entity and that comparably effective services are not available, or cannot be obtained cost-effectively, from the entities described in subclauses (i) through (iv) of this clause.

(b)(1) In any case in which a veteran has completed a vocational rehabilitation program for self-employment in a small business enterprise under this chapter, the Secretary shall assist such veteran in securing, as appropriate, a loan under subchapter IV of chapter 37 of this title and shall cooperate with the Small Business Administration to assist such veteran to secure a loan for the purchase of equipment needed to establish such veteran's own business and to insure that such veteran receives the special consideration provided for in section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)).

(2) In the case of a veteran described in clause (12) of section 3104(a) of this title who has trained under a State rehabilitation program with the objective of self-employment in a small business enterprise, the Secretary may, subject to the limitations and criteria provided for in such clause, provide such veteran with such supplementary equipment and initial stocks and supplies as are determined to be needed by such veteran if such supplementary equipment and initial stocks and supplies, or assistance in acquiring them, are not available through the State program or other sources.

-SOURCE-

(Added Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2183, Sec. 1517; amended Pub. L. 97-72, title III, Sec. 303(k), Nov. 3, 1981, 95 Stat. 1060; Pub. L. 100-689, title II, Sec. 202(a), Nov. 18, 1988, 102 Stat. 4175; Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 102-54, Sec. 14(c)(4), June 13, 1991, 105 Stat. 285; renumbered Sec. 3117 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 104-275, title I, Sec. 101(h), Oct. 9, 1996, 110 Stat. 3325; Pub. L. 107-288, Sec. 4(e)(2), Nov. 7, 2002, 116 Stat. 2044; Pub. L. 109-233, title V, Sec. 503(6), June 15, 2006, 120 Stat. 416.)

-REFTEXT-

REFERENCES IN TEXT

The Rehabilitation Act of 1973, referred to in subsec. (a)(1), (2)(C)(i), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified principally to chapter 16 (Sec. 701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

-MISC1-

PRIOR PROVISIONS

Prior section 3117 was renumbered section 5317 of this title.

AMENDMENTS

2006 - Subsec. (b)(1). Pub. L. 109-233 substituted "section 4(b)(1)" for "section 8" and "633(b)(1)" for "633(b)".

2002 - Subsec. (a)(2)(B). Pub. L. 107-288 amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: "utilization of the services of disabled veterans outreach program specialists under section 4103A of this title; and".

1996 - Subsec. (a)(1). Pub. L. 104-275 inserted "rated at 10 percent or more" after "disability".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1517 of this title as this section.

Subsec. (a)(1). Pub. L. 102-54, Sec. 14(c)(4)(A), inserted "(29 U.S.C. 701 et seq.)" after "1973".

Subsec. (a)(2)(B). Pub. L. 102-83, Sec. 5(c)(1), substituted "4103A" for "2003A".

Subsec. (a)(2)(C)(v). Pub. L. 102-54, Sec. 14(c)(4)(B), struck out second period at end.

Subsec. (b)(2). Pub. L. 102-83, Sec. 5(c)(1), substituted "3104(a)" for "1504(a)".

1989 - Subsecs. (a)(1), (2)(C), (b). Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

1988 - Subsec. (a)(2)(C). Pub. L. 100-689 struck out "and" at end of subcl. (iii), substituted "available, and" for "available" in subcl. (iv), and added subcl. (v).

1981 - Subsec. (b)(1). Pub. L. 97-72 inserted provision requiring the Administrator to assist veterans in securing, as appropriate, a loan under subchapter IV of chapter 37 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-72 effective at end of 180-day period beginning on Nov. 3, 1981, see section 305 of Pub. L. 97-72, set out as an Effective Date note under section 3741 of this title.

EFFECTIVE DATE

Section effective Apr. 1, 1981, see section 802(a)(1) of Pub. L. 96-466, set out as a note under section 3100 of this title.

-End-

-CITE-

38 USC Sec. 3118

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
 PART III - READJUSTMENT AND RELATED BENEFITS
 CHAPTER 31 - TRAINING AND REHABILITATION FOR VETERANS WITH
 SERVICE-CONNECTED DISABILITIES

-HEAD-

Sec. 3118. Personnel training, development, and qualifications

-STATUTE-

(a) The Secretary shall provide a program of ongoing professional training and development for Department of Veterans Affairs counseling and rehabilitation personnel engaged in providing rehabilitation services under this chapter. The objective of such training shall be to insure that rehabilitation services for disabled veterans are provided in accordance with the most advanced knowledge, methods, and techniques available for the rehabilitation of handicapped persons. For this purpose, the Secretary may employ the services of consultants and may make grants to and contract with public or private agencies (including institutions of higher learning) to conduct such training and development.

(b) The Secretary shall coordinate with the Commissioner of the Rehabilitation Services Administration in the Department of Education and the Assistant Secretary for Veterans' Employment in the Department of Labor in planning and carrying out personnel training in areas of mutual programmatic concern.

(c) Notwithstanding any other provision of law, the Secretary shall establish such qualifications for personnel providing evaluation and rehabilitation services to veterans under this chapter and for employees performing the functions described in section 3106(f) of this title as the Secretary determines are necessary and appropriate to insure the quality of rehabilitation programs under this chapter. In establishing such qualifications, the Secretary shall take into account the qualifications established for comparable personnel under the Rehabilitation Act of 1973 (29 U.S.C. ch. 16).

-SOURCE-

(Added Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2184, Sec. 1518; amended Pub. L. 101-237, title IV, Sec. 423(b)(1), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3118 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 104-275, title I, Sec. 101(f)(2)(C), Oct. 9, 1996, 110 Stat. 3325.)

-REFTEXT-

REFERENCES IN TEXT

The Rehabilitation Act of 1973 (29 U.S.C. ch. 16), referred to in subsec. (c), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified generally to chapter 16 (Sec. 701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

-MISC1-

PRIOR PROVISIONS

Prior section 3118 was renumbered section 5318 of this title.

AMENDMENTS

1996 - Subsec. (c). Pub. L. 104-275 substituted "3106(f)" for "3106(e)".

1991 - Pub. L. 102-83, sec. 5(a), renumbered section 1518 of this title as this section.

38C31

Subsec. (c). Pub. L. 102-83, Sec. 5(c)(1), substituted "3106(e)" for "1506(e)".

1989 - Pub. L. 101-237 substituted "Secretary" and "Department of Veterans Affairs" for "Administrator" and "Veterans' Administration", respectively, wherever appearing.

EFFECTIVE DATE

Section effective Oct. 1, 1980, see section 802(a)(2) of Pub. L. 96-466, set out as a note under section 3100 of this title.

-End-

-CITE-

38 USC Sec. 3119

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 31 - TRAINING AND REHABILITATION FOR VETERANS WITH
SERVICE-CONNECTED DISABILITIES

-HEAD-

Sec. 3119. Rehabilitation research and special projects

-STATUTE-

(a) The Secretary shall carry out an ongoing program of activities for the purpose of advancing the knowledge, methods, techniques, and resources available for use in rehabilitation programs for veterans. For this purpose, the Secretary shall conduct and provide support for the development or conduct, or both the development and conduct, of -

(1) studies and research concerning the psychological, educational, employment, social, vocational, industrial, and economic aspects of the rehabilitation of disabled veterans, including new methods of rehabilitation; and

(2) projects which are designed to increase the resources and potential for accomplishing the rehabilitation of disabled veterans.

(b) For the purpose specified in subsection (a) of this section, the Secretary is authorized to make grants to or contract with public or nonprofit agencies, including institutions of higher learning.

(c) The Secretary shall cooperate with the Commissioner of the Rehabilitation Services Administration and the Director of the Institute of Handicapped Research in the Department of Education, the Assistant Secretary for Veterans' Employment in the Department of Labor, and the Secretary of Health and Human Services regarding rehabilitation studies, research, and special projects of mutual programmatic concern.

-SOURCE-

(Added Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2184, Sec. 1519; amended Pub. L. 101-237, title IV, Sec. 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered Sec. 3119, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 1519 of this title as this section.

1989 - Pub. L. 101-237 substituted "Secretary" for "Administrator" wherever appearing.

EFFECTIVE DATE

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38C31

Section effective Oct. 1, 1980, see section 802(a)(2) of Pub. L. 96-466, set out as a note under section 3100 of this title.

-End-

-CITE-

38 USC Sec. 3120

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 31 - TRAINING AND REHABILITATION FOR VETERANS WITH
SERVICE-CONNECTED DISABILITIES

-HEAD-

Sec. 3120. Program of independent living services and assistance

-STATUTE-

(a) The Secretary may, under contracts with entities described in subsection (f) of this section, or through facilities of the Veterans Health Administration, which possess a demonstrated capability to conduct programs of independent living services for severely handicapped persons, provide, under regulations which the Secretary shall prescribe, programs of independent living services and assistance under this chapter, in various geographic regions of the United States, to veterans described in subsection (b) of this section.

(b) A program of independent living services and assistance may be made available under this section only to a veteran who has a serious employment handicap resulting in substantial part from a service-connected disability described in section 3102(1)(A)(i) of this title and with respect to whom it is determined under section 3106(d) or (e) of this title that the achievement of a vocational goal currently is not reasonably feasible.

(c) The Secretary shall, to the maximum extent feasible, include among those veterans who are provided with programs of independent living services and assistance under this section substantial numbers of veterans described in subsection (b) of this section who are receiving long-term care in Department of Veterans Affairs hospitals and nursing homes and in nursing homes with which the Secretary contracts for the provision of care to veterans.

(d) A program of independent living services and assistance for a veteran shall consist of such services described in section 3104(a) of this title as the Secretary determines necessary to enable such veteran to achieve maximum independence in daily living. Such veteran shall have the same rights with respect to an individualized written plan of services and assistance as are afforded veterans under section 3107 of this title.

(e) Programs of independent living services and assistance shall be initiated for no more than 2,500 veterans in each fiscal year, and the first priority in the provision of such programs shall be afforded to veterans for whom the reasonable feasibility of achieving a vocational goal is precluded solely as a result of a service-connected disability.

(f) Entities described in this subsection are (1) public or nonprofit agencies or organizations, and (2) for-profit entities in cases in which the Secretary determines that services comparable in effectiveness to services available from such an entity are not available, or cannot be obtained cost-effectively from, public or nonprofit agencies or through facilities of the Veterans Health Administration.

-SOURCE-

(Added Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2185, Sec. 1520; amended Pub. L. 99-576, title III, Sec. 333(a), (b)(6), (c), Oct. 28, 1986, 100 Stat. 3279; Pub. L. 100-

689, title II, Sec. 202(b), Nov. 18, 1988, 102 Stat. 4176; Pub. L. 101-237, title IV, Secs. 404, 423(b)(1), Dec. 18, 1989, 103 Stat. 2080, 2092; renumbered Sec. 3120 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title XII, Sec. 1201(b)(1), (d)(11), Nov. 2, 1994, 108 Stat. 4682, 4684; Pub. L. 104-275, title I, Sec. 101(f)(2)(D), (i), Oct. 9, 1996, 110 Stat. 3325; Pub. L. 107-103, title V, Sec. 508(a), Dec. 27, 2001, 115 Stat. 997.)

-MISC1-

AMENDMENTS

2001 - Subsec. (e). Pub. L. 107-103 substituted "2,500 veterans" for "five hundred veterans".

1996 - Subsec. (b). Pub. L. 104-275, Sec. 101(i)(1), substituted "serious employment handicap resulting in substantial part from a service-connected disability described in section 3102(1)(A)(i)" for "service-connected disability described in section 3102(1)(A)".

Pub. L. 104-275, Sec. 101(f)(2)(D), substituted "3106(d) or (e)" for "3106(d)".

Subsec. (d). Pub. L. 104-275, Sec. 101(i)(2), struck out "and (b)" after "section 3104(a)".

1994 - Subsec. (a). Pub. L. 103-446, Sec. 1201(b)(1), substituted "Veterans Health Administration" for "Department of Medicine and Surgery".

Subsec. (b). Pub. L. 103-446, Sec. 1201(d)(11), which directed substitution of "section 3102(1)(A)(i)" for "section 3012(1)(A)", could not be executed because the words "section 3012(1)(A)" did not appear.

Subsec. (f). Pub. L. 103-446, Sec. 1201(b)(1), substituted "Veterans Health Administration" for "Department of Medicine and Surgery".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1520 of this title as this section.

Subsec. (b). Pub. L. 102-83, Sec. 5(c)(1), substituted "3102(1)(A)" for "1502(1)(A)" and "3106(d)" for "1506(d)".

Subsec. (d). Pub. L. 102-83, Sec. 5(c)(1), substituted "3104(a)" for "1504(a)" and "3107" for "1507".

1989 - Subsec. (a). Pub. L. 101-237, Sec. 423(b)(1)(A), substituted "Secretary" for "Administrator" wherever appearing.

Pub. L. 101-237, Sec. 404(2)-(4), redesignated former par. (1) of subsec. (a) as entire subsection, substituted "The" for "During fiscal years 1982 through 1989, the", "subsection (f) of this section" for "paragraph (7) of this subsection" and "subsection (b) of this section" for "paragraph (2) of this subsection", redesignated former pars. (2), (3), (4), (6), and (7) of subsec. (a) as subsecs. (b), (c), (d), (e), and (f) of this section, respectively, and struck out former par. (5) which read as follows: "Any contract for services initiated with respect to any veteran under this section before the end of fiscal year 1989 may be continued in effect after the end of such year for the purposes of providing services and assistance to such veteran in accordance with the provisions of this chapter."

Subsec. (b). Pub. L. 101-237, Sec. 404(1), (3), (5), redesignated former subsec. (a)(2) as (b), struck out before period at end "and who is selected pursuant to criteria provided for in regulations prescribed under paragraph (1) of this subsection" and struck out former subsec. (b) which read as follows: "Not later than February 1, 1989, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives statistical data regarding veterans' participation in the program conducted under subsection (a) of this section during fiscal years 1987 and 1988 and any recommendations of the Administrator for administrative or legislative action or both regarding the program."

Subsec. (c). Pub. L. 101-237, Sec. 423(b)(1), substituted "Secretary" and "Department of Veterans Affairs" for "Administrator" and "Veterans' Administration", respectively,

wherever appearing.

Pub. L. 101-237, Sec. 404(3), (6), redesignated former subsec. (a)(3) as (c) and substituted "subsection (b) of this section" for "paragraph (2) of this subsection".

Subsec. (d). Pub. L. 101-237, Sec. 423(b)(1)(A), substituted "Secretary" for "Administrator".

Pub. L. 101-237, Sec. 404(3), redesignated former subsec. (a)(4) as (d).

Subsec. (e). Pub. L. 101-237, Sec. 404(3), (7), redesignated former subsec. (a)(6) as (e) and substituted "in each fiscal year" for "in each of the fiscal years 1982 through 1989".

Subsec. (f). Pub. L. 101-237, Sec. 423(b)(1)(A), substituted "Secretary" for "Administrator".

Pub. L. 101-237, Sec. 404(3), (8), redesignated former subsec. (a)(7) as (f) and substituted "in this subsection are (1) public or nonprofit agencies or organizations, and (2)" for "in this paragraph are (A) public or nonprofit agencies or organizations, and (B)".

1988 - Subsec. (a)(1). Pub. L. 100-689, Sec. 202(b)(1), substituted "entities described in paragraph (7) of this subsection" for "public or nonprofit private agencies or organizations".

Subsec. (a)(7). Pub. L. 100-689, Sec. 202(b)(2), added par. (7).

1986 - Pub. L. 99-576, Sec. 333(b)(6), substituted "Program" for "Pilot program" in section catchline.

Subsec. (a)(1). Pub. L. 99-576, Sec. 333(a)(1)(A), substituted "1989" for "1985".

Subsec. (a)(2). Pub. L. 99-576, Sec. 333(a)(1)(B), inserted "currently" after "goal".

Subsec. (a)(5), (6). Pub. L. 99-576, Sec. 333(a)(1)(A), substituted "1989" for "1985".

Subsec. (b). Pub. L. 99-576, Sec. 333(c), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "Not later than September 30, 1984, the Administrator shall submit to the Congress a report on the programs of independent living services and assistance provided for in subsection (a) of this section. Such report shall include -

"(1) the results of a study which the Administrator shall conduct of the accomplishments and cost-effectiveness of such programs, including the extent to which (A) such programs have met needs for comprehensive independent living services that would not otherwise have been met, (B) severely disabled veterans have achieved and maintained greater independence in daily living as a result of participation in the programs, and (C) costs of care in hospital, nursing home, and domiciliary facilities have been and may be avoided as the result of such programs; and

"(2) the Administrator's recommendations for any legislative changes with respect to the provision of independent living services and assistance to veterans for whom the achievement of a vocational goal is not feasible."

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-103, title V, Sec. 508(b), Dec. 27, 2001, 115 Stat. 997, provided that: "The amendment made by subsection (a) [amending this section] shall take effect as of September 30, 2001."

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-275 effective Oct. 9, 1996, with amendment by section 101(i) of Pub. L. 104-275 only applicable with respect to claims of eligibility or entitlement to services and assistance (including claims for extension of such services and assistance) under this chapter received by the Secretary of Veterans Affairs on or after Oct. 9, 1996, including those claims based on original applications, and applications seeking to reopen, revise, reconsider, or otherwise adjudicate or readjudicate on any basis claims for services and assistance under this chapter, see section 101(j) of Pub. L. 104-275, set out as a note under section 3101 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1980, see section 802(a)(2) of Pub. L. 96-466, set out as a note under section 3100 of this title.

-End-

-CITE-

38 USC Sec. 3121

01/08/2008

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 31 - TRAINING AND REHABILITATION FOR VETERANS WITH
SERVICE-CONNECTED DISABILITIES

-HEAD-

Sec. 3121. Veterans' Advisory Committee on Rehabilitation

-STATUTE-

(a)(1) The Secretary shall appoint an advisory committee to be known as the Veterans' Advisory Committee on Rehabilitation (hereinafter in this section referred to as the "Committee").

(2) The members of the Committee shall be appointed by the Secretary from the general public and shall serve for terms to be determined by the Secretary not to exceed three years. Veterans with service-connected disabilities shall be appropriately represented in the membership of the Committee, and the Committee shall also include persons who have distinguished themselves in the public and private sectors in the fields of rehabilitation medicine, vocational guidance, vocational rehabilitation, and employment and training programs. The Secretary may designate one of the members of the Committee appointed under this paragraph to chair the Committee.

(3) The Committee shall also include as ex officio members the following: (A) one representative from the Veterans Health Administration and one from the Veterans Benefits Administration, (B) one representative from the Rehabilitation Services Administration of the Department of Education and one from the National Institute for Handicapped Research of the Department of Education, and (C) one representative of the Assistant Secretary of Labor for Veterans' Employment and Training of the Department of Labor.

(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of veterans' rehabilitation programs under this title.

(c) The Committee shall submit to the Secretary an annual report on the rehabilitation programs and activities of the Department of Veterans Affairs and shall submit such other reports and recommendations to the Secretary as the Committee determines appropriate. The annual report shall include an assessment of the rehabilitation needs of veterans and a review of the programs and activities of the Department of Veterans Affairs designed to meet such needs. The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a copy of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary was submitted to the Congress pursuant to such section.

-SOURCE-

(Added Pub. L. 96-466, title I, Sec. 101(a), Oct. 17, 1980, 94 Stat. 2186, Sec. 1521; amended Pub. L. 101-237, title IV, Sec. 423(b)(1), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 102-54, Sec. 14(c)(5), June 13, 1991, 105 Stat. 285; renumbered Sec. 3121 and amended Pub. L. 102-83, Secs. 2(c)(3), 5(a), Aug. 6, 1991, 105 Stat. 402, 406; Pub. L. 103-446, title XII, Sec. 1201(b)(1),

(i)(5), Nov. 2, 1994, 108 Stat. 4682, 4688.)

-MISC1-

AMENDMENTS

1994 - Subsec. (a)(3)(A). Pub. L. 103-446 substituted "Veterans Health Administration" for "Department of Medicine and Surgery" and "Veterans Benefits Administration" for "Department of Veterans' Benefits".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 1521 of this title as this section.

Subsec. (a)(3). Pub. L. 102-54 substituted "Veterans' Employment and Training" for "Veterans' Employment".

Subsec. (c). Pub. L. 102-83, Sec. 2(c)(3), substituted "section 529" for "section 214".

1989 - Subsecs. (a)(1), (2), (b). Pub. L. 101-237 substituted "Secretary" and "Department of Veterans Affairs" for "Administrator" and "Veterans' Administration", respectively, wherever appearing.

EFFECTIVE DATE

Section effective Oct. 1, 1980, see section 802(a)(2) of Pub. L. 96-466, set out as a note under section 3100 of this title.

-End-