

(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.

§ 3102. Basic entitlement

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.

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

PRIOR PROVISIONS

Prior section 3102 was renumbered section 5302 of this title.

AMENDMENTS

1996—Par. (1)(A)(i). Pub. L. 104-275, §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, §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, §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, §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.

§ 3103. Periods of eligibility

(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 partici-