nish such services in such a manner as to relieve any other person or entity of a contractual obligation to furnish services to the veteran. When home health services are furnished in a setting other than the veteran's home, such services may not include any structural improvement or alteration.

(b) The Secretary may furnish an invalid lift, or any type of therapeutic or rehabilitative device, as well as other medical equipment and supplies (excluding medicines), if medically indicated, to any veteran who is receiving (1) compensation under section 1114(*l*)–(p) of this title (or the comparable rates provided pursuant to section 1134 of this title), or (2) pension under chapter 15 of this title by reason of being in need of regular aid and attendance.

(c) The Secretary may furnish devices for assisting in overcoming the handicap of deafness (including telecaptioning television decoders) to any veteran who is profoundly deaf and is entitled to compensation on account of hearing impairment.

(Added Pub. L. 86–211, § 5, Aug. 29, 1959, 73 Stat. 435, § 617; amended Pub. L. 88–450, § 6(a), (c), Aug. 19, 1964, 78 Stat. 504; Pub. L. 90–77, title I, § 109, Aug. 31, 1967, 81 Stat. 180; Pub. L. 90–493, § 3(a), Aug. 19, 1968, 82 Stat. 809; Pub. L. 97–295, § 4(18), Oct. 12, 1982, 96 Stat. 1306; Pub. L. 98–528, title I, § 107, Oct. 19, 1984, 98 Stat. 2690; Pub. L. 99–576, title II, § 202(2), Oct. 28, 1986, 100 Stat. 3254; Pub. L. 100–322, title I, § 101(d), May 20, 1988, 102 Stat. 491; renumbered § 1717 and amended Pub. L. 102–83, §§ 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404–406; Pub. L. 102–405, title I, § 101(a), Oct. 9, 1992, 106 Stat. 1973; Pub. L. 104–262, title I, § 101(d)(6), Oct. 9, 1996, 110 Stat. 3180; Pub. L. 105–114, title IV, § 402(b), Nov. 21, 1997, 111 Stat. 2294.)

AMENDMENTS

1997—Subsec. (a)(1). Pub. L. 105–114, § 402(b)(1), substituted "treatment of the veteran" for "treatment of the veteran's disability".

Subsec. (a)(2)(B). Pub. L. 105–114, § 402(b)(2), substituted "section 1710(a)" for "section 1710(a)(2)".

1996—Subsec. (a)(1). Pub. L. 104–262, § 101(d)(6)(A), substituted "section 1710(a)" for "section 1712(a)".

Subsec. (a)(2)(A). Pub. L. 104–262, § 101(d)(6)(B)(i), substituted "section 1710(a)(1) of this title, or for a disability described in section 1710(a)(2)(C) of this title" for "paragraph (1) of section 1712(a) of this title".

Subsec. (a)(2)(B). Pub. L. 104–262, § 101(d)(6)(B)(ii), substituted "section 1710(a)(2)" for "section 1712".

1992—Subsec. (a)(2). Pub. L. 102–405 substituted "$4,100" for "$2,500" in subpar. (A) and "$1,200" for "$600" in subpar. (B).

1991—Pub. L. 102–83, § 5(a), renumbered section 617 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 5(c)(1), substituted "1712(a)" for "612(a)" in pars. (1) and (2)(A) and "1712" for "612" in par. (2)(B).

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" wherever appearing in pars. (1) and (3).

Subsec. (b). Pub. L. 102–83, § 5(c)(1), substituted "1114(*l*)–(p)" for "314(*l*)–(p)" and "1134" for "334".

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

Subsec. (c). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1988—Pub. L. 100–322, § 101(d)(3), substituted "Home health services; invalid" for "Invalid" in section catchline.

Subsec. (a). Pub. L. 100–322, § 101(d)(1)(B), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (a)(3). Pub. L. 100–322, § 101(d)(2), transferred subsec. (k) of section 612 of this title to subsec. (a) of this section and redesignated it as par. (3).

Subsecs. (b), (c). Pub. L. 100–322, § 101(d)(1)(A), redesignated subsecs. (a) and (b) as (b) and (c), respectively.

1986—Subsec. (a)(3) [formerly § 612(k)]. Pub. L. 99–576 added subsec. (k). See 1988 Amendment note above.

1984—Pub. L. 98–528 designated existing provision as subsec. (a) and added subsec. (b).

1982—Pub. L. 97–295 substituted "section 314(*l*)–(p) of this title (or the comparable rates provided pursuant to section 334 of this title)" for "subsections 314(*l*)–(p) (or the comparable rates provided pursuant to section 334) of this title".

1968—Pub. L. 90–493 substituted "Invalid lifts and other devices" for "Invalid lifts and other devices for pensioners" in section catchline, and inserted provisions authorizing the Administrator to furnish lifts and other devices to any veteran who is receiving compensation under subsections 314(*l*)–(p) (or the comparable rates provided pursuant to section 334) of this title.

1967—Subsec. (b). Pub. L. 90–77 substituted "to any veteran in receipt of pension under chapter 15 of this title based on need of regular aid and attendance" for "to any veteran who is eligible to receive an invalid lift under subsection (a) of this section, or who would be so eligible, but for the fact that he has such a lift".

1964—Pub. L. 88–450 inserted "and other devices" in section catchline, designated existing provisions of section as subsec. (a), and added subsec. (b).

EFFECTIVE DATE OF 1992 AMENDMENT

Section 101(b) of Pub. L. 102–405 provided that: "The amendments made by subsection (a) [amending this section] shall apply with respect to a veteran who first applies for benefits under section 1717(a)(2) of title 38, United States Code, after December 31, 1989."

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–322 applicable with respect to furnishing of medical services to veterans who apply for such services after June 30, 1988, see section 101(i) of Pub. L. 100–322, set out as a note under section 1703 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90–77 effective first day of first calendar month which begins more than ten days after Aug. 31, 1967, see section 405 of Pub. L. 90–77, set out as a note under section 101 of this title.

EFFECTIVE DATE

Section effective July 1, 1960, see section 10 of Pub. L. 86–211, set out as an Effective Date of 1959 Amendment note under section 1521 of this title.

APPLICABILITY OF INCREASE IN GRANT LIMITS

Section 101(c) of Pub. L. 102–405 provided that: "A veteran who exhausts such veteran's eligibility for benefits under section 1717(a)(2) of title 38, United States Code, before January 1, 1990, is not entitled to additional benefits under such section by reason of the amendments made by subsection (a) [amending this section]."

§ 1718. Therapeutic and rehabilitative activities

(a) In providing rehabilitative services under this chapter, the Secretary, upon the recommendation of the Under Secretary for Health, may use the services of patients and members in Department health care facilities for therapeutic and rehabilitative purposes. Such patients and members shall not under these circumstances be held or considered as employees

of the United States for any purpose. The Secretary shall prescribe the conditions for the use of such services.

(b)(1) In furnishing rehabilitative services under this chapter, the Secretary, upon the recommendation of the Under Secretary for Health, may enter into a contract or other arrangement with any appropriate source (whether or not an element of the Department of Veterans Affairs or of any other Federal entity) to provide for therapeutic work for patients and members in Department health care facilities.

(2) Notwithstanding any other provision of law, the Secretary may also furnish rehabilitative services under this subsection through contractual arrangements with nonprofit entities to provide for such therapeutic work for such patients. The Secretary shall establish appropriate fiscal, accounting, management, recordkeeping, and reporting requirements with respect to the activities of any such nonprofit entity in connection with such contractual arrangements.

(c)(1) There is hereby established in the Treasury of the United States a revolving fund known as the Department of Veterans Affairs Special Therapeutic and Rehabilitation Activities Fund (hereinafter in this section referred to as the ''fund'') for the purpose of furnishing rehabilitative services authorized in subsection (b) or (d). Such amounts of the fund as the Secretary may determine to be necessary to establish and maintain operating accounts for the various rehabilitative services activities may be deposited in checking accounts in other depositaries selected or established by the Secretary.

(2) All funds received by the Department under contractual arrangements made under subsection (b) or (d), or by nonprofit entities described in subsection (b)(2), shall be deposited in or credited to the fund, and the Secretary shall distribute out of the fund moneys to participants at rates not less than the wage rates specified in the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) and regulations prescribed thereunder for work of similar character.

(3) The Under Secretary for Health shall prepare, for inclusion in the annual report submitted to Congress under section 529 of this title, a description of the scope and achievements of activities carried out under this section (including pertinent data regarding productivity and rates of distribution) during the prior twelve months and an estimate of the needs of the program of therapeutic and rehabilitation activities to be carried out under this section for the ensuing fiscal year.

(d) In providing to a veteran rehabilitative services under this chapter, the Secretary may furnish the veteran with the following:

(1) Work skills training and development services.

(2) Employment support services.

(3) Job development and placement services.

(e) In providing rehabilitative services under this chapter, the Secretary shall take appropriate action to make it possible for the patient to take maximum advantage of any benefits to which such patient is entitled under chapter 31, 34, or 35 of this title, and, if the patient is still receiving treatment of a prolonged nature under this chapter, the provision of rehabilitative services under this chapter shall be continued during, and coordinated with, the pursuit of education and training under such chapter 31, 34, or 35.

(f) The Secretary shall prescribe regulations to ensure that the priorities set forth in section 1705 of this title shall be applied, insofar as practicable, to participation in therapeutic and rehabilitation activities carried out under this section.

(g)(1) The Secretary may not consider any of the matters stated in paragraph (2) as a basis for the denial or discontinuance of a rating of total disability for purposes of compensation or pension based on the veteran's inability to secure or follow a substantially gainful occupation as a result of disability.

(2) Paragraph (1) applies to the following:

(A) A veteran's participation in an activity carried out under this section.

(B) A veteran's receipt of a distribution as a result of participation in an activity carried out under this section.

(C) A veteran's participation in a program of rehabilitative services that (i) is provided as part of the veteran's care furnished by a State home and (ii) is approved by the Secretary as conforming appropriately to standards for activities carried out under this section.

(D) A veteran's receipt of payment as a result of participation in a program described in subparagraph (C).

(3) A distribution of funds made under this section and a payment made to a veteran under a program of rehabilitative services described in paragraph (2)(C) shall be considered for the purposes of chapter 15 of this title to be a donation from a public or private relief or welfare organization.

(Added Pub. L. 87–574, § 2(1), Aug. 6, 1962, 76 Stat. 308, § 618; amended Pub. L. 94–581, title I, § 105(a), Oct. 21, 1976, 90 Stat. 2845; Pub. L. 98–543, title III, § 303, Oct. 24, 1984, 98 Stat. 2748; Pub. L. 99–576, title II, § 205, Oct. 28, 1986, 100 Stat. 3256; Pub. L. 102–54, §§ 10, 14(b)(12), June 13, 1991, 105 Stat. 273, 284; renumbered § 1718 and amended Pub. L. 102–83, §§ 2(c)(3), 4(a)(3), (4), (b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 402, 404–406; Pub. L. 102–86, title V, § 506(a)(1), Aug. 14, 1991, 105 Stat. 426; Pub. L. 102–405, title III, § 302(c)(1), Oct. 9, 1992, 106 Stat. 1984; Pub. L. 102–585, title IV, § 401, Nov. 4, 1992, 106 Stat. 4953; Pub. L. 103–446, title XII, § 1201(i)(1), Nov. 2, 1994, 108 Stat. 4688; Pub. L. 104–262, title I, § 101(d)(7), Oct. 9, 1996, 110 Stat. 3180; Pub. L. 108–170, title I, § 104(b), Dec. 6, 2003, 117 Stat. 2045; Pub. L. 109–444, § 8(a)(1), Dec. 21, 2006, 120 Stat. 3313; Pub. L. 109–461, title X, §§ 1004(a)(1), 1006(b), Dec. 22, 2006, 120 Stat. 3465, 3468.)

REFERENCES IN TEXT

The Fair Labor Standards Act of 1938, referred to in subsec. (c)(2), is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8 (§ 201 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

AMENDMENTS

2006—Subsec. (c)(2). Pub. L. 109–461, § 1006(b), provided that as of the enactment of Pub. L. 109–461, the amend-

ments made by Pub. L. 109–444 were deemed for all purposes not to have taken effect and that Pub. L. 109–444 ceased to be in effect. See Amendment notes below and section 1006(b) of Pub. L. 109–461, set out as a Coordination of Provisions With Pub. L. 109–444 note under section 101 of this title.

Pub. L. 109–461, § 1004(a)(1), inserted ''of 1938'' after ''Act''.

Pub. L. 109–444, which inserted ''of 1938'' after ''Act'', was terminated by Pub. L. 109–461, § 1006(b). See Amendment notes above.

2003—Subsec. (c)(1). Pub. L. 108–170, § 104(b)(2)(A), substituted ''subsection (b) or (d)'' for ''subsection (b) of this section''.

Subsec. (c)(2). Pub. L. 108–170, § 104(b)(2)(B), substituted ''subsection (b) or (d)'' for ''subsection (b) of this section'' and ''subsection (b)(2)'' for ''paragraph (2) of such subsection''.

Subsecs. (d) to (g). Pub. L. 108–170, § 104(b)(1), added subsec. (d) and redesignated former subsecs. (d) to (f) as (e) to (g), respectively.

1996—Subsec. (e). Pub. L. 104–262 substituted ''section 1705'' for ''section 1712(i)''.

1994—Subsec. (c)(1). Pub. L. 103–446 substituted ''Department of Veterans Affairs'' for ''Department''.

1992—Subsecs. (a), (b)(1), (c)(3). Pub. L. 102–405 substituted ''Under Secretary for Health'' for ''Chief Medical Director''.

Subsec. (f). Pub. L. 102–585 amended subsec. (f) generally. Prior to amendment, subsec. (f) read as follows:

''(1) Neither a veteran's participation in an activity carried out under this section nor a veteran's receipt of a distribution as a result of such participation may be considered as a basis for the denial or discontinuance of a rating of total disability for purposes of compensation or pension based on the veteran's inability to secure or follow a substantially gainful occupation as a result of disability.

''(2) A distribution of funds made under this section shall be considered for purposes of chapter 15 of this title to be a donation from a public or private relief or welfare organization.''

1991—Pub. L. 102–83, § 5(a), renumbered section 618 of this title as this section.

Subsec. (a). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in two places.

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration''.

Subsec. (b)(1). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator''.

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration''.

Pub. L. 102–54, § 10(a), substituted ''a contract or other arrangement with any appropriate source (whether or not an element of the Department of Veterans Affairs or of any other Federal entity)'' for ''contractual arrangements with private industry or other sources outside the Veterans' Administration''.

Subsec. (b)(2). Pub. L. 102–86 amended subsec. (b)(2) of this section as in effect before the redesignations made by Pub. L. 102–83, § 5, by substituting ''arrangements'' for ''arangements'' in first sentence.

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in two places.

Subsec. (c)(1). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator'' in two places.

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration''.

Pub. L. 102–54, § 10(b), substituted ''furnishing rehabilitative services authorized in'' for ''carrying out the provisions of''.

Subsec. (c)(2). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator''.

Pub. L. 102–83, § 4(a)(3), (4), substituted ''Department'' for ''Veterans' Administration''.

Subsec. (c)(3). Pub. L. 102–83, § 2(c)(3), substituted ''section 529'' for ''section 214''.

Pub. L. 102–54, § 14(b)(12), inserted ''and'' after ''productivity''.

Subsec. (d). Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator''.

Subsec. (e). Pub. L. 102–83, § 5(c)(1), substituted ''1712(i)'' for ''612(i)''.

Pub. L. 102–83, § 4(b)(1), (2)(E), substituted ''Secretary'' for ''Administrator''.

1986—Subsec. (a). Pub. L. 99–576, § 205(1), substituted ''may use'' for ''may utilize'', ''purposes. Such'' for ''purposes, at nominal remuneration, and such'', and ''use'' for ''utilization''.

Subsec. (b)(1). Pub. L. 99–576, § 205(2), struck out ''for remuneration'' after ''therapeutic work''.

Subsec. (c)(2), (3). Pub. L. 99–576, § 205(3), substituted ''distribute'' for ''pay'' in par. (2), and substituted ''rates of distribution'' for ''and wage rates'' in par. (3).

Subsec. (f). Pub. L. 99–576, § 205(4), designated existing provisions as par. (1), substituted ''a distribution'' for ''remuneration'', and added par. (2).

1984—Subsec. (f). Pub. L. 98–543 added subsec. (f).

1976—Subsec. (a). Pub. L. 94–581, § 105(a)(1), (2), designated existing provisions as subsec. (a) and substituted ''In providing rehabilitative services under this chapter, the'' for ''The'' and ''health care facilities'' for ''hospitals and domiciliaries''.

Subsecs. (b) to (e). Pub. L. 94–581, § 105(a)(3), added subsecs. (b) to (e).

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94–581 effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as a note under section 111 of this title.

DEMONSTRATION PROGRAM OF COMPENSATED WORK THERAPY AND THERAPEUTIC TRANSITIONAL HOUSING

Section 7 of Pub. L. 102–54, as amended by Pub. L. 102–83, § 5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102–86, title V, § 501, Aug. 14, 1991, 105 Stat. 424; Pub. L. 103–452, title I, § 103(f), Nov. 2, 1994, 108 Stat. 4787; Pub. L. 104–110, title I, § 102(b), Feb. 13, 1996, 110 Stat. 769, authorized Secretary of Veterans' Affairs, between Oct. 1, 1991, and Dec. 31, 1997, to carry out compensated work therapy and therapeutic transitional housing demonstration program, prior to repeal by Pub. L. 105–114, title II, § 202(c)(1), Nov. 21, 1997, 111 Stat. 2287.

SETTLEMENT OF CLAIMS

Section 105(b) of Pub. L. 94–581, as amended by Pub. L. 97–258, § 4(b), Sept. 13, 1982, 96 Stat. 1067; Pub. L. 102–83, § 6(a), Aug. 6, 1991, 105 Stat. 407, provided that:

''(1) The Secretary of Veterans Affairs may settle claims made by the Department of Veterans Affairs against any private nonprofit corporation organized under the laws of any State, for the use of facilities and personnel of the Department in work projects as a part of a therapeutic or rehabilitation program for patients and members in health care facilities of the Department, and to execute a binding release of all claims by the United States against any such corporation, in such amounts, and upon such terms and conditions as the Secretary considers appropriate.

''(2) For the purposes of this subsection, notwithstanding section 3302 of title 31, or any other provision of law, the Secretary may utilize any funds received under any settlement made pursuant to paragraph (1) of this subsection for any purpose agreed upon by the Secretary and such corporation.''

§ 1719. Repair or replacement of certain prosthetic and other appliances

The Secretary may repair or replace any artificial limb, truss, brace, hearing aid, spectacles, or similar appliance (not including dental appliances) reasonably necessary to a veteran and belonging to such veteran which was damaged or destroyed by a fall or other accident caused by a service-connected disability for which such veteran is in receipt of, or but for the receipt of