§ 305(b), title X, § 1006(b), Dec. 22, 2006, 120 Stat. 3428, 3468.)

AMENDMENTS

2006—Subsec. (d). Pub. L. 109–461, § 1006(b), provided that as of the enactment of Pub. L. 109–461, the amendments 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, § 305(b), substituted ''January 1, 2011'' for ''January 1, 2005''.

Pub. L. 109–444, which struck out subsec. (d), was terminated by Pub. L. 109–461, § 1006(b). See Amendment notes above.

2000—Subsec. (d). Pub. L. 106–419 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows:

''(d)(1) The first report by the Secretary of Defense under this section shall be submitted not later than January 1, 1986.

''(2) The first report by the Secretary under this section shall be submitted not later than January 1, 1988.''

1998—Subsec. (b)(1)(C). Pub. L. 105–368 added cl. (C).

1991—Pub. L. 102–83 renumbered section 1436 of this title as this section.

1989—Subsec. (a). Pub. L. 101–237, § 423(b)(1)(A), substituted ''Secretary shall'' for ''Administrator shall''.

Subsec. (b). Pub. L. 101–237, § 423(b)(4)(D), inserted ''of Defense'' after ''Secretary'' in introductory provisions and par. (2).

Subsecs. (c), (d)(2). Pub. L. 101–237, § 423(b)(1)(A), substituted ''Secretary'' for ''Administrator'' wherever appearing.

EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105–368, title II, § 207(d)(2), Nov. 11, 1998, 112 Stat. 3328, provided that: ''The amendments made by subsection (c) [amending this section] shall apply with respect to reports to Congress submitted by the Secretary of Defense under section 3036 of title 38, United States Code, on or after January 1, 2000.''

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

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AMENDMENTS

2008—Pub. L. 110–389, title III, § 334(b), Oct. 10, 2008, 122 Stat. 4173, added item 3122.

1991—Pub. L. 102–83, § 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, § 333(b)(7), Oct. 28, 1986, 100 Stat. 3279, substituted ''Program'' for ''Pilot program'' in item 1520.

1980—Pub. L. 96–466, title I, § 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, § 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, § 2, Aug. 16, 1962, 76 Stat. 394, added item 1502A.

§ 3100. Purposes

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.

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

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].''

§ 3101. Definitions

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.

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

Prior Provisions

Prior section 3101 was renumbered section 5301 of this title.

Amendments

1996—Par. (1). Pub. L. 104–275, § 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, § 101(a)(2), inserted ''authorized under section 3120 of this title'' after ''assistance''.

Par. (7). Pub. L. 104–275, § 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, § 5(a), renumbered section 1501 of this title as this section.

Par. (3). Pub. L. 102–83, § 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 readjudi-