

Veterans Affairs" for "Administrator" and "Veterans' Administration", respectively, wherever appearing.

1988—Subsec. (e). Pub. L. 100-689 added subsec. (e).

1986—Subsec. (b)(2). Pub. L. 99-576 substituted "subsection (a) or (b) of section 1415" for "section 1415(a)".

EFFECTIVE DATE OF 2002 AMENDMENTS

Pub. L. 107-330, title III, §308(c)(2), Dec. 6, 2002, 116 Stat. 2828, provided that: "The amendments made by this subsection [amending this section] shall take effect as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107), to which such amendments relate."

Pub. L. 107-314, div. A, title VI, §643(c)(2), Dec. 2, 2002, 116 Stat. 2578, provided that: "The amendments made by subsection (b) [amending this section] shall take effect as if made by section 654 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1153)."

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

§ 3036. Reporting requirement

(a) The Secretary of Defense and the Secretary shall submit to the Congress at least once every two years separate reports on the operation of the program provided for in this chapter.

(b) The Secretary of Defense shall include in each report submitted under this section—

(1) information indicating (A) the extent to which the benefit levels provided under this chapter are adequate to achieve the purposes of inducing individuals to enter and remain in the Armed Forces and of providing an adequate level of financial assistance to help meet the cost of pursuing a program of education, (B) whether it is necessary for the purposes of maintaining adequate levels of well-qualified active-duty personnel in the Armed Forces to continue to offer the opportunity for educational assistance under this chapter to individuals who have not yet entered active-duty service, and (C) describing the efforts under sections 3011(i) and 3012(g) of this title to inform members of the Armed Forces of the minimum service requirements for entitlement to educational assistance benefits under this chapter and the results from such efforts; and

(2) such recommendations for administrative and legislative changes regarding the provision of educational assistance to members of the Armed Forces and veterans, and their dependents, as the Secretary of Defense considers appropriate.

(c) The Secretary shall include in each report submitted under this section—

(1) information concerning the level of utilization of educational assistance and of expenditures under this chapter; and

(2) such recommendations for administrative and legislative changes regarding the provision of educational assistance to members of the Armed Forces and veterans, and their dependents, as the Secretary considers appropriate.

(d) No report shall be required under this section after January 1, 2011.

(Added Pub. L. 98-525, title VII, §702(a)(1), Oct. 19, 1984, 98 Stat. 2563, §1436; amended Pub. L.

101-237, title IV, §423(b)(1)(A), (4)(D), Dec. 18, 1989, 103 Stat. 2092; renumbered §3036, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 105-368, title II, §207(c), Nov. 11, 1998, 112 Stat. 3328; Pub. L. 106-419, title IV, §403(c)(4), Nov. 1, 2000, 114 Stat. 1864; Pub. L. 109-444, §4(b), Dec. 21, 2006, 120 Stat. 3308; Pub. L. 109-461, title III, §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.