

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 (§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.

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, §5(a), renumbered section 1517 of this title as this section.

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

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

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

Subsec. (b)(2), Pub. L. 102-83, §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.

§ 3118. Personnel training, development, and qualifications

(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).

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

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 (§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.

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, §5(a), renumbered section 1518 of this title as this section.

Subsec. (c), Pub. L. 102-83, §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.

§ 3119. Rehabilitation research and special projects

(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 non-profit 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.

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

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

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.

§ 3120. Program of independent living services and assistance

(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 2,700 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.

(Added Pub. L. 96-466, title I, §101(a), Oct. 17, 1980, 94 Stat. 2185, §1520; amended Pub. L. 99-576, title III, §333(a), (b)(6), (c), Oct. 28, 1986, 100 Stat. 3279; Pub. L. 100-689, title II, §202(b), Nov. 18, 1988, 102 Stat. 4176; Pub. L. 101-237, title IV, §404, 423(b)(1), Dec. 18, 1989, 103 Stat. 2080, 2092; renumbered §3120 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title XII, §1201(b)(1), (d)(11), Nov. 2, 1994, 108 Stat. 4682, 4684; Pub. L. 104-275, title I, §101(f)(2)(D), (i), Oct. 9, 1996, 110 Stat. 3325; Pub. L. 107-103, title V, §508(a), Dec. 27, 2001, 115 Stat. 997; Pub. L. 110-389, title III, §332, Oct. 10, 2008, 122 Stat. 4170; Pub. L. 111-275, title VIII, §801(a), Oct. 13, 2010, 124 Stat. 2888; Pub. L. 112-154, title VII, §701(c), Aug. 6, 2012, 126 Stat. 1203.)

AMENDMENT OF SUBSECTION (e)

Pub. L. 112-154, title VII, §701(c), (g), Aug. 6, 2012, 126 Stat. 1203, 1205, provided that, effective on the date that is one year after Aug. 6, 2012, subsection (e) of this section is amended as follows:

(1) by inserting "(1)" before "Programs"; and

(2) by adding at the end the following new paragraph:

(2) The limitation in paragraph (1) shall not apply in any case in which the Secretary determines that a veteran described in subsection (b) has been displaced as the result of, or has otherwise been adversely affected in the areas covered by, a natural or other disaster, as determined by the Secretary.

See 2012 Amendment note below.

AMENDMENTS

2012—Subsec. (e). Pub. L. 112-154 designated existing provisions as par. (1) and added par. (2).

2010—Subsec. (e). Pub. L. 111-275 substituted "2,700" for "2600".

2008—Subsec. (e). Pub. L. 110-389, which directed amendment of subsec. (e) by substituting "2600 veterans" for "2500 veterans", was executed by making the substitution for "2,500 veterans" to reflect the probable intent of Congress.

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

1996—Subsec. (b). Pub. L. 104-275, §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)(i)".