

Secretary of the Treasury. Funds for the payment by the Secretary of benefits under this chapter that are to be paid from appropriations made to the Department of Homeland Security shall be transferred to the Department of Veterans Affairs as necessary. The Secretary and the Secretary of Homeland Security shall enter into an agreement for the manner in which such transfers are to be made.

(e) Payments for tutorial assistance benefits under section 3019 of this title shall be made—

(1) in the case of the first \$600 of such benefits paid to an individual, from funds appropriated, or otherwise available, to the Department of Veterans Affairs for the payment of readjustment benefits; and

(2) in the case of payments to an individual for such benefits in excess of \$600, from—

(A) funds appropriated, or otherwise available, to the Department of Veterans Affairs for the payment of readjustment benefits;

(B) the Department of Defense Education Benefits Fund established under section 2006 of title 10; and

(C) funds appropriated to the Department of Homeland Security,

in the same proportion as the Fund described in subclause (B) of this clause and the funds described in subclause (A) or (C) of this clause are used to pay the educational assistance allowance to the individual under this chapter.

(Added Pub. L. 98-525, title VII, §702(a)(1), Oct. 19, 1984, 98 Stat. 2562, §1435; amended Pub. L. 99-576, title III, §321(8), Oct. 28, 1986, 100 Stat. 3278; Pub. L. 100-689, title I, §107(a)(2), Nov. 18, 1988, 102 Stat. 4168; Pub. L. 101-237, title IV, §423(b)(1), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 101-510, div. A, title V, §561(b)(3), Nov. 5, 1990, 104 Stat. 1573; renumbered §3035 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102-484, div. D, title XLIV, §4404(b)(3), Oct. 23, 1992, 106 Stat. 2706; Pub. L. 103-446, title XII, §1201(d)(7), Nov. 2, 1994, 108 Stat. 4684; Pub. L. 104-275, title I, §106(c)(2), Oct. 9, 1996, 110 Stat. 3329; Pub. L. 107-296, title XVII, §1704(d), Nov. 25, 2002, 116 Stat. 2315; Pub. L. 107-314, div. A, title VI, §643(b), Dec. 2, 2002, 116 Stat. 2577; Pub. L. 107-330, title III, §308(c)(1), Dec. 6, 2002, 116 Stat. 2827.)

#### AMENDMENTS

2002—Subsec. (b)(1). Pub. L. 107-314, §643(b)(1), and Pub. L. 107-330, §308(c)(1)(A), amended par. (1) identically, substituting “paragraphs (2), (3), and (4),” for “paragraphs (2) and (3) of this subsection.”

Subsec. (b)(2). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

Subsec. (b)(4). Pub. L. 107-314, §643(b)(2), and Pub. L. 107-330, §308(c)(1)(B), amended subsec. (b) identically, adding par. (4).

Subsecs. (c) to (e). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation” wherever appearing.

1996—Subsec. (b)(1). Pub. L. 104-275 inserted before period at end “and from transfers from the Post-Vietnam Era Veterans Education Account pursuant to section 3232(b)(2)(B) of this title”.

1994—Subsec. (b)(2). Pub. L. 103-446, §1201(d)(7)(A), substituted “section 3015(d)” for “section 3015(c)”.

Subsec. (b)(3)(C). Pub. L. 103-446, §1201(d)(7)(B), substituted “section 3015(f)” for “section 3015(e)”.

1992—Subsec. (b)(3). Pub. L. 102-484 inserted “or 3018B” in introductory provisions and “, 3018B(a)(1)(C), or 3018B(a)(2)(C)” in subpar. (B).

1991—Pub. L. 102-83, §5(a), renumbered section 1435 of this title as this section.

Subsec. (b)(2). Pub. L. 102-83, §5(c)(1), substituted “3015(c)” for “1415(c)” and “3015” for “1415”.

Subsec. (b)(3). Pub. L. 102-83, §5(c)(1), substituted “3018A” for “1418A” in introductory provisions, “3018A(a)(3)” for “1418A(a)(3)” in subpar. (B), and “3015(e)” for “1415(e)” and “3222(a)” for “1622(a)” in subpar. (C).

Subsec. (e). Pub. L. 102-83, §5(c)(1), substituted “3019” for “1419” in introductory provisions.

1990—Subsec. (b)(1). Pub. L. 101-510, §561(b)(3)(A), substituted “paragraphs (2) and (3)” for “paragraph (2)”.

Subsec. (b)(3). Pub. L. 101-510, §561(b)(3)(B), added par. (3).

1989—Subsecs. (a), (b)(1), (d), (e)(1), (2)(A). Pub. L. 101-237 substituted “Secretary” and “Department of 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. Repealed. Pub. L. 112-154, title IV, § 402(b)(1), Aug. 6, 2012, 126 Stat. 1189]

Section, 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, required the Secretary of Defense and the Secretary of Veterans Affairs to submit to the Congress at least once every two years separate reports on the operation of the program provided for in this chapter.

#### 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

Pub. L. 96-466, title VIII, §802(a)(1)-(5), Oct. 17, 1980, 94 Stat. 2217, 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 em-