

PRIOR PROVISIONS

Prior section 3108 was renumbered section 5308 of this title.

Provisions similar to those comprising this section were contained in former section 1504 of this title prior to the general revision of this chapter by Pub. L. 96-466.

AMENDMENTS

2015—Subsec. (b)(4). Pub. L. 114-58 inserted “the” before “rehabilitation program concerned”.

2012—Subsec. (a)(2). Pub. L. 112-154 designated existing provisions as subpar. (A) and added subpar. (B).

2011—Subsec. (b)(4). Pub. L. 111-377 added par. (4).

2006—Subsec. (g)(1). Pub. L. 109-461 substituted “local, or other penal institution or correctional facility” for “or local penal institution”.

1996—Subsec. (a)(2). Pub. L. 104-275, §101(g)(1), substituted “while satisfactorily following a program of employment services provided under section 3104(a)(5) of this title” for “following the conclusion of such pursuit”.

Subsec. (f)(1)(A). Pub. L. 104-275, §101(g)(2)(A), inserted “eligible for and” after “veteran is” and substituted “chapter 30” for “chapter 30 or 34” and “enrolled under chapter 30” for “enrolled under either chapter 30 or chapter 34”.

Subsec. (f)(1)(B). Pub. L. 104-275, §101(g)(2)(B), substituted “chapter 30” for “chapter 30 or 34”.

1994—Subsec. (c)(2). Pub. L. 103-446 inserted “or federally recognized Indian tribe” after “local government agency”.

1992—Subsec. (b). Pub. L. 102-568, §405(b), designated existing provisions as par. (1) and added pars. (2) and (3).

Pub. L. 102-568, §405(a), increased the monthly rehabilitation subsistence allowance for eligible veterans in column II from \$333, \$250, \$167, \$291, \$333, \$333, \$250, and \$167 to \$366, \$275, \$184, \$320, \$366, \$366, \$275, and \$184; in column III from \$413, \$310, \$207, \$352, \$413, \$413, \$310, and \$207 to \$454, \$341, \$228, \$387, \$454, \$454, \$341, and \$228; in column IV from \$486, \$364, \$244, \$405, \$486, \$486, \$364, and \$244 to \$535, \$400, \$268, \$446, \$535, \$535, \$400, and \$268; and in column V from \$35, \$27, \$18, \$26, \$35, \$35, \$27, and \$18 to \$39, \$30, \$20, \$29, \$39, \$39, \$30, and \$20, respectively.

1991—Pub. L. 102-83, §5(a), renumbered section 1508 of this title as this section.

Subsec. (a)(3). Pub. L. 102-83, §5(c)(1), substituted “3106(a)” for “1506(a)” and “3105(b)” for “1505(b)”.

Subsec. (c)(2). Pub. L. 102-83, §5(c)(1), substituted “3115(a)(1)” for “1515(a)(1)”.

Pub. L. 102-16 inserted “, State, or local government” after “Federal”.

Subsec. (f)(2). Pub. L. 102-83, §5(c)(1), substituted “3104(a)(3)” for “1504(a)(3)”.

Subsec. (h). Pub. L. 102-83, §5(c)(1), substituted “1114(j)” for “314(j)” in two places.

Subsec. (i). Pub. L. 102-83, §5(c)(1), substituted “3680(d)” for “1780(d)”.

1989—Subsec. (a)(1), (2). Pub. L. 101-237, §423(b)(1)(A), substituted “Secretary” for “Administrator”.

Subsec. (b). Pub. L. 101-237, §423(b)(1)(A), substituted “Secretary” for “Administrator”.

Pub. L. 101-237, §402(a), increased the monthly rehabilitation subsistence allowance for eligible veterans in column II from \$310, \$233, \$155, \$271, \$310, \$310, \$233, and \$155 to \$333, \$250, \$167, \$291, \$333, \$333, \$250, and \$167; in column III from \$384, \$288, \$193, \$327, \$384, \$384, \$288, and \$193 to \$413, \$310, \$207, \$352, \$413, \$413, \$310, and \$207; in column IV from \$452, \$339, \$227, \$377, \$452, \$452, \$339, and \$227 to \$486, \$364, \$244, \$405, \$486, \$486, \$364, and \$244; in column V from \$33, \$25, \$17, \$24, \$33, \$33, \$25, and \$17 to \$35, \$27, \$18, \$26, \$35, \$35, \$27, and \$18, respectively.

Subsecs. (c)(1) to (f)(1)(A). Pub. L. 101-237, §423(b)(1)(A), substituted “Secretary” for “Administrator” wherever appearing.

Subsec. (h). Pub. L. 101-237, §423(b)(1)(B), substituted “Department of Veterans Affairs” for “Veterans’ Administration”.

1984—Subsec. (b). Pub. L. 98-543 increased the monthly rehabilitation subsistence allowance for eligible vet-

erans in column II from \$282, \$212, \$141, \$246, \$282, \$282, \$212, and \$141 to \$310, \$233, \$155, \$271, \$310, \$310, \$233, and \$155; in column III from \$349, \$262, \$175, \$297, \$349, \$349, \$262, and \$175 to \$384, \$288, \$193, \$323, \$384, \$384, \$288, and \$193; in column IV from \$411, \$308, \$206, \$343, \$411, \$411, \$308, and \$206 to \$452, \$339, \$227, \$377, \$452, \$452, \$339, and \$227; in column V from \$30, \$23, \$15, \$22, \$30, \$30, \$23, and \$15 to \$33, \$25, \$17, \$24, \$33, \$33, \$25, and \$17, respectively.

Subsec. (f)(1)(A), (B). Pub. L. 98-525 inserted references to chapter 30 of this title.

1982—Subsec. (g)(2). Pub. L. 97-306 inserted “not” after “shall” and struck out “if the Administrator determines that all the veteran’s living expenses are being defrayed by a Federal, State, or local government” at end.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-154 effective on the date that is one year after Aug. 6, 2012, see section 701(g) of Pub. L. 112-154, set out as an Effective Date note under section 2109 of this title.

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 111-377, title II, §205(b), Jan. 4, 2011, 124 Stat. 4126, provided that: “The amendment made by this section [amending this section] shall take effect on August 1, 2011.”

EFFECTIVE DATE OF 1992 AMENDMENT

Pub. L. 102-568, title IV, §405(c), Oct. 29, 1992, 106 Stat. 4339, provided that: “The amendments made by subsections (a) and (b) [amending this section] shall take effect on October 1, 1993.”

EFFECTIVE DATE OF 1989 AMENDMENT

Pub. L. 101-237, title IV, §402(b), Dec. 18, 1989, 103 Stat. 2078, provided that: “The amendment made by this section [amending this section] shall take effect on January 1, 1990.”

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98-543, title II, §205, Oct. 24, 1984, 98 Stat. 2743, provided that: “The amendments made by this part [part A (§§201-205) of title II of Pub. L. 98-543, see Tables for classification] shall take effect as of October 1, 1984.”

EFFECTIVE DATE; VETERANS PURSUING PROGRAM OF VOCATIONAL REHABILITATION UNDER THIS CHAPTER

Section effective Oct. 1, 1980, and during period beginning on Oct. 1, 1980, and ending on Mar. 31, 1981, the provisions of this section, as added by Pub. L. 96-466, title I, §101(a), Oct. 17, 1980, 94 Stat. 2178, shall apply to veterans pursuing a program of vocational rehabilitation training under this chapter in the same manner as former section 1504 of this title applied to veterans pursuing such a program under this chapter on Sept. 30, 1980, see section 802(a)(2), (4) of Pub. L. 96-466, set out as an Effective Date note under section 3100 of this title.

APPLICABILITY OF SUBSECTION (g)(1) TO APPORTIONMENTS MADE BEFORE OCTOBER 17, 1980

Pub. L. 96-466, title I, §101(c), Oct. 17, 1980, 94 Stat. 2186, provided that: “The provisions of section 1508(g)(1) [now 3108(g)(1)] of title 38, United States Code, as added by subsection (a) shall not apply to an apportionment made under section 3107(c) [now 5307(c)] of such title before the date of the enactment of this Act [Oct. 17, 1980].”

§ 3109. Entitlement to independent living services and assistance

In any case in which the Secretary has determined under section 3106(e) of this title that the achievement of a vocational goal by a veteran currently is not reasonably feasible, such vet-

eran shall be entitled, in accordance with the provisions of section 3120 of this title, to a program of independent living services and assistance designed to enable such veteran to achieve maximum independence in daily living.

(Added Pub. L. 96-466, title I, §101(a), Oct. 17, 1980, 94 Stat. 2181, §1509; amended Pub. L. 99-576, title III, §333(b)(5), Oct. 28, 1986, 100 Stat. 3279; Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered §3109 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)(B), Oct. 9, 1996, 110 Stat. 3325.)

PRIOR PROVISIONS

Prior section 3109 was renumbered section 5309 of this title.

AMENDMENTS

1996—Pub. L. 104-275 substituted “3106(e)” for “3106(d)”.

1991—Pub. L. 102-83 renumbered section 1509 of this title as this section and substituted “3106(d)” for “1506(d)” and “3120” for “1520”.

1989—Pub. L. 101-237 substituted “Secretary” for “Administrator”.

1986—Pub. L. 99-576 inserted “currently” after first reference to “veteran”.

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.

§ 3110. Leaves of absence

The Secretary shall prescribe such regulations as the Secretary determines necessary for granting leaves of absence to veterans pursuing rehabilitation programs under this chapter. During authorized leaves of absence, a veteran shall be considered to be pursuing such program.

(Added Pub. L. 96-466, title I, §101(a), Oct. 17, 1980, 94 Stat. 2181, §1510; amended Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered §3110, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Prior section 3110 was renumbered section 5310 of this title.

Provisions similar to those comprising this section were contained in former section 1505 of this title prior to the general revision of this chapter by Pub. L. 96-466.

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1510 of this title as this section.

1989—Pub. L. 101-237 substituted “Secretary” for “Administrator” wherever appearing.

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.

§ 3111. Regulations to promote satisfactory conduct and cooperation

The Secretary shall prescribe such rules and regulations as the Secretary determines necessary to promote satisfactory conduct and cooperation on the part of veterans who are pursuing rehabilitation programs under this chapter.

In any case in which the Secretary determines that a veteran has failed to maintain satisfactory conduct or cooperation, the Secretary may, after determining that all reasonable counseling efforts have been made and are not reasonably likely to be effective, discontinue services and assistance unless the Secretary determines that mitigating circumstances exist. In any case in which such services and assistance have been discontinued, the Secretary may reinstitute such services and assistance only if the Secretary determines that—

(1) the cause of the unsatisfactory conduct or cooperation of such veteran has been removed; and

(2) the rehabilitation program which such veteran proposes to pursue (whether the same or revised) is suitable to such veteran's abilities, aptitudes, and interests.

(Added Pub. L. 96-466, title I, §101(a), Oct. 17, 1980, 94 Stat. 2181, §1511; amended Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered §3111, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406.)

PRIOR PROVISIONS

Prior section 3111 was renumbered section 5311 of this title.

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1511 of this title as this section.

1989—Pub. L. 101-237 substituted “Secretary” for “Administrator” wherever appearing.

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.

§ 3112. Revolving fund loans

The revolving fund established pursuant to part VII of Veterans Regulation Numbered 1(a) is continued in effect, and may be used by the Secretary, under regulations prescribed by the Secretary, for making advances, not in excess of twice the amount of the full-time institutional monthly subsistence allowance for a veteran with no dependents (as provided in section 3108(b) of this title) to veterans pursuing rehabilitation programs under this chapter. Such advances, and advances from such fund made before the effective date of the Veterans' Rehabilitation and Education Amendments of 1980, shall bear no interest and shall be repaid in such installments, as may be determined by the Secretary, by proper deductions from future payments of compensation, pension, subsistence allowance, educational assistance allowance, or retirement pay.

(Added Pub. L. 96-466, title I, §101(a), Oct. 17, 1980, 94 Stat. 2181, §1512; amended Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered §3112 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406.)

REFERENCES IN TEXT

The revolving fund established pursuant to part VII of Veterans Regulation Numbered 1(a), referred to in text, means the vocational rehabilitation revolving fund established by par. 8 of part VII of Veterans Regu-