

Statutory Notes and Related Subsidiaries

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.

EXTENSION OF PAYMENT OF VOCATIONAL REHABILITATION SUBSISTENCE ALLOWANCES

Pub. L. 116-140, §8, Apr. 28, 2020, 134 Stat. 634, which temporarily allowed for additional subsistence allowances for certain veterans, was repealed by Pub. L. 117-333, §4(b), Jan. 5, 2023, 136 Stat. 6128.

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 veteran 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.)

Editorial Notes

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".

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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 chap-

ter. 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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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 Regulation Numbered 1(a), as added by act Mar. 24, 1943, ch. 22, §2, 57 Stat. 44, which was set out in chapter 12A of former Title 38, Pensions, Bonuses, and Veterans' Relief. The appropriation for such fund made by act July 12, 1943, ch. 218, §1, 57 Stat. 434, was reduced by act June 24, 1954, ch. 359, title I, §101(part), 68 Stat. 293, and repealed by Pub. L. 85-857, §14(82), Sept. 2, 1958, 72 Stat. 1272. Part VII of Veterans Regulation Numbered 1(a) was repealed by section 14(67) of Pub. L. 85-857, effective Jan. 1, 1959, which provided in part, that repeal of part VII should not take effect in such manner as to impair the operation of the deferred repeal of a portion of paragraph 9 of the part as provided in section 21 of the Government Employees Training Act, Pub. L. 85-507, July 7, 1958, 72 Stat. 337. For continuation of certain rights and benefits see section 12 of Pub. L. 85-857, set out as a note preceding part I of this title.

For effective date of the Veterans' Rehabilitation and Education Amendments of 1980, referred to in text, see section 802 of Pub. L. 96-466, set out as an Effective Date note under section 3100 of this title.

PRIOR PROVISIONS

Prior section 3112 was renumbered section 5312 of this title.

Provisions similar to those comprising this section were contained in former section 1507 of this title prior to the general revision of this chapter by Pub. L. 96-466.

AMENDMENTS

1991—Pub. L. 102-83 renumbered section 1512 of this title as this section and substituted "3108(b)" for "1508(b)".

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

Statutory Notes and Related Subsidiaries

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. 2181, shall apply to veterans pursuing a program of vocational rehabilitation training under this chapter in the same manner as former section 1507 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.

§ 3113. Vocational rehabilitation for hospitalized members of the Armed Forces and veterans

(a) Services and assistance may be provided under this chapter to a person described in subparagraphs (A)(ii) and (B) of section 3102(1) of this title who is hospitalized pending discharge from active military, naval, air, or space service. In such cases, no subsistence allowance shall be paid.

(b) Services and assistance may be provided under this chapter to a veteran who is receiving care in a Department of Veterans Affairs hospital, nursing home, or domiciliary facility or in any other hospital or medical facility.

(Added Pub. L. 96-466, title I, §101(a), Oct. 17, 1980, 94 Stat. 2181, §1513; amended Pub. L. 101-237, title IV, §423(b)(1)(B), Dec. 18, 1989, 103