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).


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, Labor. For correspondence to 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).

PRIORITY PROVISIONS

Prior section 3118 was renumbered section 5318 of this title.

AMENDMENTS

1996—Subsec. (c). Pub. L. 104–275 substituted “3106(e)” for “3106(e)”.
1991—Pub. L. 102–83, §5(a), renumbered section 1518 of this title as this section.

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 nonprofit 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.


AMENDMENTS

1991—Pub. L. 102–83 renumbered section 1519 of this title as this section.

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)(1) 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.

(2) The limitation in paragraph (1) shall not apply in any case in which the Secretary determines that a veteran described in subsection (f) of this section who 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.

(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.

Amendments

2012—Subsec. (e). Pub. L. 112-154, § 407(1), substituted “3106(d) or (e)” for “3106(d)”.

2010—Subsec. (d). Pub. L. 111-348, § 401(2), struck out “(a)” after “section 3106(a)”.


Subsec. (b). Pub. L. 103-446, § 1201(d)(11), which directed substitution of “section 3102(1)(A)” for “section 3012(1)(A),” could not be executed because the words “section 3012(1)(A)” did not appear.

Subsec. (f). Pub. L. 103-446, § 1201(b)(1), substituted “Veterans Health Administration” for “Department of Medicine and Surgery.”

1991—Pub. L. 102-63, § 3(a), renumbered section 1520 of this title as this section.

Subsec. (b). Pub. L. 102-83, § 5(c)(1), substituted “3102(1)(A)” for “1520(1)(A)” and “3106(d)” for “1506(d)”.

Subsec. (d). Pub. L. 102-83, § 5(c)(1), substituted “3104(a)” for “1504(a)” and “3107” for “1507”.


Pub. L. 101-237, § 404(2)-(4), redesignated former part (1) of subsec. (a) as part (a) of this section, substituted “in this subsection” for “in this paragraph” wherever appearing, and struck out former subsec. (d) as (b), struck out before period at end “who is selected pursuant to criteria provided for in regulations prescribed under paragraph (1) of this subsection” and struck out former subsec. (e), which read as follows: “Not later than February 1, 1989, the Administrator shall submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives statistical data regarding veterans’ participation in the program conducted under subsection (a) of this section during fiscal years 1987 and 1988 and any recommendations of the Administrator for administrative or legislative action or both regarding the program.”

Subsec. (c). Pub. L. 101-237, § 423(b)(1), substituted “Secretary” and “Department of Veterans Affairs” for “Administrator” and “Veterans Administration”, respectively, wherever appearing.

Pub. L. 101-237, § 404(3), (6), redesignated former subsec. (a)(4) as (c) and substituted “section (2) of this subsection” for “paragraph (2) of this subsection”.

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


Subsec. (e). Pub. L. 101-237, § 404(3), (7), redesignated former subsec. (a)(5) as (e) and substituted “in each fiscal year” for “in each of the fiscal years 1982 through 1989”.

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

Pub. L. 101-237, § 404(3), (8), redesignated former subsec. (a)(7) as (f) and substituted “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.”

Pub. L. 100-689, § 202(b)(1), substituted “Secretary” for “Administrator” wherever appearing.

Pub. L. 100-689, § 202(b)(2), added par. (7).
§ 3121  Veterans' Advisory Committee on Rehabilitation

(a)(1) The Secretary shall appoint an advisory committee to be known as the Veterans' Advisory Committee on Rehabilitation (hereinafter in this section referred to as the "Committee").

(2) The members of the Committee shall be appointed by the Secretary from the general public and shall serve for terms to be determined by the Secretary not to exceed three years. Veterans with service-connected disabilities shall be appropriately represented in the membership of the Committee, and the Committee shall also include persons who have distinguished themselves in the public and private sectors in the fields of rehabilitation medicine, vocational guidance, vocational rehabilitation, and employment and training programs. The Secretary may designate one of the members of the Committee appointed under this paragraph to chair the Committee.

(3) The Committee shall also include as ex officio members the following: (A) one representative from the Veterans Health Administration and one from the Veterans Benefits Administration, (B) one representative from the Rehabilitation Services Administration of the Department of Education and one from the National Institute for Handicapped Research of the Department of Education, and (C) one representative of the Assistant Secretary of Labor for Veterans' Employment and Training of the Department of Labor.

(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of veterans' rehabilitation programs under this title.

(c) The Committee shall submit to the Secretary an annual report on the rehabilitation programs and activities of the Department of Veterans Affairs and shall submit with such other reports and recommendations to the Secretary as the Committee determines appropriate. The annual report shall include an assessment of the rehabilitation needs of veterans and a review of the programs and activities of the Department of Veterans Affairs designed to meet such needs. The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a copy of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary was submitted to the Congress pursuant to such section.


AMENDMENTS

1994—Subsec. (a)(3)(A). Pub. L. 103–446 substituted "Veterans Health Administration" for "Department of Medicine and Surgery" and "Veterans Benefits Administration" for "Department of Veterans' Benefits".

1991—Pub. L. 102–83, § 5(a), renumbered section 1521 of this title as this section.

Subsec. (a)(3). Pub. L. 102–54 substituted "Veterans' Employment and Training" for "Veterans' Employment and Training Programs".

Subsec. (c). Pub. L. 102–437, § 2(c)(3), substituted "section 529" for "section 214".

1989—Subsecs. (a)(1), (2). (b). Pub. L. 101–237 substituted "Secretary" and "Department of Veterans Affairs" for "Administrator and "Veterans Administration".


EFFECTIVE DATE


EFFECTIVE DATE


EFFECTIVE DATE

Amendment by Pub. L. 101–237 effective on the date which (A) such programs have met needs for competitiveness of such programs, including the extent to which (A) such programs have achieved and maintained greater independence in daily living as a result of participation in the programs, and (C) costs of care in hospital, nursing home, and domiciliary facilities have been and may be avoided as the result of such programs; and (2) the Administrator's recommendations for any legislative changes with respect to the provision of independent living services and assistance to veterans for whom the achievement of a vocational goal is not feasible.

EFFECTIVE DATE OF 2012 AMENDMENT


EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111–275, title VIII, § 801(b), Oct. 31, 2010, 124 Stat. 2988, provided that: "The amendment made by subsection (a) [amending this section] shall apply with respect to fiscal years beginning after the date of the enactment of this Act [Oct. 31, 2010]."

EFFECTIVE DATE OF 2001 AMENDMENT


EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–275 effective Oct. 9, 1996, with amendment by section 101(i) of Pub. L. 104–275 only applicable with respect to claims of eligibility or entitlement to services and assistance (including claims for extension of such services and assistance) under this chapter as this section.