

“(B) The evaluation required by subparagraph (A) shall be designed to determine the effectiveness of the provision of educational assistance referred to in such subparagraph in preparing the recipients of such assistance for recognized vocational objectives in the field of aviation.

“(2) Not later than January 31, 1994, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the evaluation required by paragraph (1). Such report shall include—

“(A) information, separately as to payments made under chapter 30 of title 38, United States Code, and payments made under chapter 106 of title 10, United States Code, regarding—

“(i) the number of recipients paid educational assistance allowances for flight training;

“(ii) the amount of such assistance;

“(iii) the amount paid by the recipients for such training;

“(iv) the vocational objectives of the recipients; and

“(v) the extent to which the training (I) assists the recipients in achieving employment in the field of aviation, or (II) was used only or primarily for recreational or avocational purposes; and

“(B) any recommendations for legislation that the Secretary considers appropriate to include in the report.”

§ 3035. Allocation of administration and of program costs

(a) Except to the extent otherwise specifically provided in this chapter, the educational assistance programs established by this chapter shall be administered by the Department of Veterans Affairs.

(b)(1) Except to the extent provided in paragraphs (2), (3), and (4), payments for entitlement earned under subchapter II of this chapter shall be made from funds appropriated to, or otherwise available to, the Department of Veterans Affairs for the payment of readjustment benefits and from transfers from the Post-Vietnam Era Veterans Education Account pursuant to section 3232(b)(2)(B) of this title.

(2) Payments for entitlement earned under subchapter II of this chapter that is established under section 3015(d) of this title at a rate in excess of the rate prescribed under subsection (a) or (b) of section 3015 of this title shall, to the extent of that excess, be made from the Department of Defense Education Benefits Fund established under section 2006 of title 10 or from appropriations made to the Department of Homeland Security, as appropriate.

(3) Payment for entitlements established under section 3018A or 3018B of this title shall be made—

(A) except as provided in subparagraphs (B) and (C) of this paragraph, from the Department of Defense Education Benefits Fund established under section 2006 of title 10;

(B) in the case of any individual described in section 3018A(a)(3), 3018B(a)(1)(C), or 3018B(a)(2)(C) of this title, from funds appropriated, or otherwise available, to the Department of Veterans Affairs for the payment of readjustment benefits; and

(C) in the case of the increase in payments made under section 3015(f) of this title, from the Post-Vietnam Era Veterans Education Account established pursuant to section 3222(a) of this title.

(4) Payments attributable to the increased usage of benefits as a result of transfers of entitlement to basic educational assistance under section 3020 of this title shall be made from the Department of Defense Education Benefits Fund established under section 2006 of title 10 or from appropriations made to the Department of Transportation, as appropriate.

(c) Payments for educational assistance provided under subchapter III of this chapter shall be made from the Department of Defense Education Benefits Fund established under section 2006 of title 10 or from appropriations made to the Department of Homeland Security, as appropriate.

(d) Funds for the payment by the Secretary of benefits under this chapter that are to be paid from the Department of Defense Education Benefits Fund shall be transferred to the Department of Veterans Affairs from such Fund as necessary and in accordance with agreements entered into under section 2006 of title 10 by the Secretary, the Secretary of Defense, and the 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.)

Editorial Notes

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)”.

Statutory Notes and Related Subsidiaries

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; 116 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

Sec.	Purposes.
3100.	Definitions.
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Editorial Notes

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