

erans with services for the care of the visually impaired offered by State and local agencies, especially to the extent to which such State and local agencies can provide necessary services to blind veterans in settings located closer to the residences of such veterans at similar quality and cost to the veteran.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the Department of Veterans Affairs to carry out this section \$3,500,000 for each of fiscal years 2007 through 2012.”

VETERANS PURSUING PROGRAM OF VOCATIONAL REHABILITATION UNDER FORMER SECTION 1504 OF THIS TITLE

During the period beginning on Oct. 1, 1980, and ending on Mar. 31, 1981, the provisions of section 3108 [formerly 1508] of this title, 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)(4) of Pub. L. 96-466, set out as an Effective Date note under section 3100 of this title.

§ 3105. Duration of rehabilitation programs

(a) In any case in which the Secretary is unable to determine whether it currently is reasonably feasible for a veteran to achieve a vocational goal, the period of extended evaluation under section 3106(c) of this title may not exceed twelve months, except that such period may be extended for additional periods of up to six months each if the Secretary determines before granting any such extension that it is reasonably likely that, during the period of any such extension, a determination can be made whether the achievement of a vocational goal is reasonably feasible in the case of such veteran.

(b)(1) Except as provided in paragraph (2)¹ and in subsection (c), the period of a vocational rehabilitation program for a veteran under this chapter following a determination of the current reasonable feasibility of achieving a vocational goal may not exceed forty-eight months, except that the counseling and placement and postplacement services described in section 3104(a)(2) and (5) of this title may be provided for an additional period not to exceed eighteen months in any case in which the Secretary determines the provision of such counseling and services to be necessary to accomplish the purposes of a rehabilitation program in the individual case.

(2) The period of a vocational rehabilitation program pursued by a veteran under section 3102(b) of this title following a determination of the current reasonable feasibility of achieving a vocational goal may not exceed 12 months.

(c) The Secretary may extend the period of a vocational rehabilitation program for a veteran to the extent that the Secretary determines that an extension of such period is necessary to enable such veteran to achieve a vocational goal if the Secretary also determines—

- (1) that such veteran had previously been rehabilitated to the point of employability but
- (A) such veteran's need for further vocational rehabilitation has arisen out of a worsening of such veteran's service-connected disability

that precludes such veteran from performing the duties of the occupation for which such veteran had been so rehabilitated, or (B) the occupation for which such veteran had been so rehabilitated is not suitable in view of such veteran's current employment handicap and capabilities; or

(2) under regulations which the Secretary shall prescribe, that such veteran has a serious employment handicap and that an extension of such period is necessary to accomplish the purposes of a rehabilitation program for such veteran.

(d)(1) Except as provided in paragraph (2), the period of a program of independent living services and assistance for a veteran under this chapter (following a determination by the Secretary that such veteran's disability or disabilities are so severe that the achievement of a vocational goal currently is not reasonably feasible) may not exceed twenty-four months.

(2)(A) The period of a program of independent living services and assistance for a veteran under this chapter may exceed twenty-four months as follows:

(i) If the Secretary determines that a longer period is necessary and likely to result in a substantial increase in the veteran's level of independence in daily living.

(ii) If the veteran served on active duty during the Post-9/11 Global Operations period and has a severe disability (as determined by the Secretary for purposes of this clause) incurred or aggravated in such service.

(B) In this paragraph, the term “Post-9/11 Global Operations period” means the period of the Persian Gulf War beginning on September 11, 2001, and ending on the date thereafter prescribed by Presidential proclamation or by law.

(e)(1) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of a subsistence allowance and other assistance described in paragraph (2) shall not—

(A) be charged against any entitlement of any veteran under this chapter; or

(B) be counted toward the aggregate period for which section 3695 of this title limits an individual's receipt of allowance or assistance.

(2) The payment of the subsistence allowance and other assistance referred to in paragraph (1) is the payment of such an allowance or assistance for the period described in paragraph (3) to a veteran for participation in a vocational rehabilitation program under this chapter if the Secretary finds that the veteran had to suspend or discontinue participation in such vocational rehabilitation program as a result of being ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, 12304, 12304a, or 12304b of title 10.

(3) The period for which, by reason of this subsection, a subsistence allowance and other assistance is not charged against entitlement or counted toward the applicable aggregate period under section 3695 of this title shall be the period of participation in the vocational rehabilitation program for which the veteran failed to receive credit or with respect to which the veteran lost training time, as determined by the Secretary.

¹ See Extension of Time Limitations for Use of Entitlement: Duration of Program note below.

(Added Pub. L. 96-466, title I, §101(a), Oct. 17, 1980, 94 Stat. 2176, §1505; amended Pub. L. 99-576, title III, §333(b)(3), Oct. 28, 1986, 100 Stat. 3279; Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; renumbered §3105 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 104-275, title I, §101(e), Oct. 9, 1996, 110 Stat. 3324; Pub. L. 107-103, title I, §103(c)(1), Dec. 27, 2001, 115 Stat. 979; Pub. L. 110-389, title III, §331, Oct. 10, 2008, 122 Stat. 4170; Pub. L. 112-56, title II, §233(a)(2), Nov. 21, 2011, 125 Stat. 720; Pub. L. 115-407, title I, §101, Dec. 31, 2018, 132 Stat. 5369.)

Editorial Notes

PRIOR PROVISIONS

Prior section 3105 was renumbered section 5305 of this title.

AMENDMENTS

2018—Subsec. (e)(2). Pub. L. 115-407 substituted “12304, 12304a, or 12304b” for “or 12304”.

2011—Subsec. (b). Pub. L. 112-56 designated existing provisions as par. (1), substituted “Except as provided in paragraph (2) and in subsection (c)” for “Except as provided in subsection (c) of this section”, and added par. (2).

2008—Subsec. (d). Pub. L. 110-389 substituted “(1) Except as provided in paragraph (2),” for “Unless the Secretary determines that a longer period is necessary and likely to result in a substantial increase in a veteran’s level of independence in daily living,” and added par. (2).

2001—Subsec. (e). Pub. L. 107-103 added subsec. (e).

1996—Subsec. (c)(1). Pub. L. 104-275 substituted “veteran’s current employment” for “veteran’s employment”.

1991—Pub. L. 102-83, §5(a), renumbered section 1505 of this title as this section.

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

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

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

1986—Subsec. (a). Pub. L. 99-576, §333(b)(3)(A), inserted “currently” after “it”.

Subsec. (b). Pub. L. 99-576, §333(b)(3)(B), inserted “current” after “of the”.

Subsec. (d). Pub. L. 99-576, §333(b)(3)(C), inserted “currently” after “goal”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by Pub. L. 112-56 effective June 1, 2012, and applicable with respect to rehabilitation programs beginning after such date, see section 233(c) of Pub. L. 112-56, set out as a note under section 3102 of this title.

EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-103 effective Sept. 11, 2001, see section 103(e) of Pub. L. 107-103, set out as a note under section 3013 of this title.

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.

EXTENSION OF TIME LIMITATIONS FOR USE OF ENTITLEMENT: DURATION OF PROGRAM

Pub. L. 116-140, §6(c)(2), Apr. 28, 2020, 134 Stat. 633, provided that: “During the covered period, the Secretary of Veterans Affairs shall apply section 3105(b) of such title as if it were amended—

“(A) in paragraph (1), by striking ‘paragraph (2)’ and inserting ‘paragraphs (2) and (3)’; and

“(B) by adding at the end the following new paragraph:

“(3)(A) In any case in which the Secretary determines that a veteran has been prevented from participating in counseling and placement and postplacement services described in section 3104(a)(2) and (5) of this title by reason of an Executive order of the President or due to an emergency situation, the Secretary shall extend the period during which the Secretary may provide such counseling and placement and postplacement services for the veteran for a period equal to the number of months that the veteran was so prevented from participating in such counseling and services, as determined by the Secretary.

“(B) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter by reason of an Executive order of the President or due to an emergency situation, the Secretary shall extend the period of the veteran’s vocational rehabilitation program for a period equal to the number of months that the veteran was so prevented from participating in the vocational rehabilitation program, as determined by the Secretary.”

[The term “covered period” as used in section 6(c)(2) of Pub. L. 116-140, set out above, means Mar. 1, 2020, to June 1, 2022, see section 2 of Pub. L. 116-140, set out as a note under section 3031 of this title.]

§3106. Initial and extended evaluations; determinations regarding serious employment handicap

(a) The Secretary shall provide any veteran who has a service-connected disability rated at 10 percent or more and who applies for benefits under this chapter with an initial evaluation consisting of such services described in section 3104(a)(1) of this title as are necessary (1) to determine whether such veteran is entitled to and eligible for benefits under this chapter, and (2) in the case of a veteran who is determined to be entitled to and eligible for such benefits, to determine—

(A) whether such veteran has a serious employment handicap, and

(B) whether the achievement of a vocational goal currently is reasonably feasible for such veteran if it is reasonably feasible to make such determination without extended evaluation.

(b) In any case in which the Secretary has determined that a veteran has a serious employment handicap and that the achievement of a vocational goal currently is reasonably feasible for such veteran, such veteran shall be provided an individualized written plan of vocational rehabilitation developed under section 3107(a) of this title.

(c) In any case in which the Secretary has determined that a veteran has a serious employment handicap but the Secretary is unable to determine, in an initial evaluation pursuant to subsection (a) of this section, whether or not the achievement of a vocational goal currently is reasonably feasible, such veteran shall be provided with an extended evaluation consisting of the services described in section 3104(a)(1) of this title, such services under this chapter as the Secretary determines necessary to improve such veteran’s potential for participation in a program of services designed to achieve a vocational goal and enable such veteran to achieve