

2001, 115 Stat. 979; Pub. L. 107-330, title III, § 308(h), Dec. 6, 2002, 116 Stat. 2829; Pub. L. 112-56, title II, § 233(b), Nov. 21, 2011, 125 Stat. 720; Pub. L. 115-48, title IV, § 402, Aug. 16, 2017, 131 Stat. 996; Pub. L. 116-283, div. A, title IX, § 926(a)(42), Jan. 1, 2021, 134 Stat. 3830; Pub. L. 116-315, title I, § 1025(a), Jan. 5, 2021, 134 Stat. 4960; Pub. L. 117-328, div. U, title II, § 233, Dec. 29, 2022, 136 Stat. 5457; Pub. L. 117-333, § 3(c)(1), Jan. 5, 2023, 136 Stat. 6126.)

Editorial Notes

REFERENCES IN TEXT

Subsection (h) of this section, referred to in subsec. (a), probably refers to both subssecs. (h) of this section. Pub. L. 117-328 and Pub. L. 117-333 each added a subsec. (h) and amended subsec. (a) to add a corresponding reference. See 2022 and 2023 Amendment notes below.

PRIOR PROVISIONS

Prior section 3103 was renumbered section 5303 of this title.

AMENDMENTS

2023—Subsec. (a). Pub. L. 117-333, § 3(c)(1)(A), made identical amendment to that made by Pub. L. 117-328, § 233(1). See 2022 Amendment note below.

Subsec. (h). Pub. L. 117-333, § 3(c)(1)(B), added subsec. (h) referring to the 12-year period of eligibility prescribed in subsec. (a).

2022—Subsec. (a). Pub. L. 117-328, § 233(1), substituted “(g), or (h)” for “or (g)”.

Subsec. (h). Pub. L. 117-328, § 233(2), added subsec. (h) referring to the period of eligibility prescribed in subsec. (a) because of a covered reason.

2021—Subsec. (a). Pub. L. 116-315, § 1025(a)(1), substituted “(e), or (g)” for “or (e)”.

Pub. L. 116-283 substituted “air, or space service” for “or air service”.

Subsec. (b)(2)(A). Pub. L. 116-283 substituted “air, or space service” for “or air service”.

Subsec. (g). Pub. L. 116-315, § 1025(a)(2), added subsec. (g).

2017—Subsec. (f). Pub. L. 115-48 substituted “12304, 12304a, or 12304b” for “or 12304”.

2011—Subsec. (a). Pub. L. 112-56, § 233(b)(1), substituted “in subsection (b), (c), (d), or (e)” for “in subsection (b), (c), or (d)”.

Subsecs. (e), (f). Pub. L. 112-56, § 233(b)(2), (3), added subsec. (e) and redesignated former subsec. (e) as (f).

2002—Subsec. (e). Pub. L. 107-330 made technical correction to directory language of Pub. L. 107-103. See 2001 Amendment note below.

2001—Subsec. (e). Pub. L. 107-103, as amended by Pub. L. 107-330, added subsec. (e).

1996—Subsec. (b)(3). Pub. L. 104-275, § 101(c)(1), substituted “rated at 10 percent or more” for “described in section 3102(1)(A)(i) of this title”.

Subsec. (c). Pub. L. 104-275, § 101(c)(2)(A), substituted “current” for “particular” in introductory provisions.

Subsec. (c)(2). Pub. L. 104-275, § 101(c)(2)(B), substituted “veteran’s current employment” for “veteran’s employment”.

Subsec. (d). Pub. L. 104-275, § 101(c)(3), substituted “in accordance with the provisions of section 3120 of this title” for “under this chapter”.

1994—Subsec. (b)(3). Pub. L. 103-446 substituted “section 3102(1)(A)(i)” for “section 3102(1)(A)”.

1991—Pub. L. 102-83, § 5(a), renumbered section 1503 of this title as this section.

Subsec. (b)(2)(B). Pub. L. 102-40 substituted “5303” for “3103”.

Subsec. (b)(3). Pub. L. 102-83, § 5(c)(1), substituted “3102(1)(A)” for “1502(1)(A)”.

1989—Subsecs. (b) to (d). Pub. L. 101-237 substituted “Secretary” for “Administrator” wherever appearing.

1986—Subsec. (d). Pub. L. 99-576 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 2002 AMENDMENT

Pub. L. 107-330, title III, § 308(h), Dec. 6, 2002, 116 Stat. 2829, provided that the amendment made by section 308(h) of Pub. L. 107-330 is effective as of Dec. 27, 2001, and as if included in section 103(c) of the Veterans Education and Benefits Expansion Act of 2001, Pub. L. 107-103, as originally enacted.

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: VOCATIONAL REHABILITATION AND TRAINING

Pub. L. 116-315, title I, § 1105(b), Jan. 5, 2021, 134 Stat. 4964, as amended by Pub. L. 117-76, § 5(a), Dec. 21, 2021, 135 Stat. 1520, amended text temporarily added by Pub. L. 116-140, § 6(c)(1), formerly set out below.

Pub. L. 116-140, § 6(c)(1), Apr. 28, 2020, 134 Stat. 633, which provided that during Mar. 1, 2020, to Dec. 21, 2021, the Secretary of Veterans Affairs would apply subsec. (a) by striking “or (e)” and inserting “(e), or (g)” and adding subsec. (g), relating to the twelve-year period of eligibility prescribed in subsec. (a), was repealed by Pub. L. 116-315, title I, § 1025(b), Jan. 5, 2021, 134 Stat. 4960.

§ 3104. Scope of services and assistance

(a) Services and assistance which the Secretary may provide under this chapter, pursuant to regulations which the Secretary shall prescribe, include the following:

(1) Evaluation, including periodic reevaluations as appropriate with respect to a veteran participating in a rehabilitation program, of the potential for rehabilitation of a veteran, including diagnostic and related services (A) to determine whether the veteran has an employment handicap or a serious employment handicap and whether a vocational goal is reasonably feasible for such veteran, and (B) to provide a basis for planning a suitable vocational rehabilitation program or a program of services and assistance to improve the vocational rehabilitation potential or independent living status of such veteran, as appropriate.

(2) Educational, vocational, psychological, employment, and personal adjustment counseling.

(3) An allowance and other appropriate assistance, as authorized by section 3108 of this title.

(4) A work-study allowance as authorized by section 3485 of this title.

(5) Placement services to effect suitable placement in employment, and postplacement services to attempt to insure satisfactory adjustment in employment.

(6) Personal adjustment and work adjustment training.

(7)(A) Vocational and other training services and assistance, including individualized tutorial assistance, tuition, fees, books, supplies, handling charges, licensing fees, and equipment and other training materials determined by the Secretary to be necessary to accomplish the purposes of the rehabilitation program in the individual case.

(B) Payment for the services and assistance provided under subparagraph (A) of this paragraph shall be made from funds available for the payment of readjustment benefits.

(8) Loans as authorized by section 3112 of this title.

(9) Treatment, care, and services described in chapter 17 of this title.

(10) Prosthetic appliances, eyeglasses, and other corrective and assistive devices.

(11) Services to a veteran's family as necessary for the effective rehabilitation of such veteran.

(12) Such license fees and essential equipment, supplies, and minimum stocks of materials as the Secretary determines to be necessary for a veteran to begin self-employment and are within the criteria and cost limitations that the Secretary shall prescribe in regulations for the furnishing of such fees, equipment, supplies, and stocks.

(13) Travel and incidental expenses under the terms and conditions set forth in section 111 of this title, plus, in the case of a veteran who because of such veteran's disability has transportation expenses in addition to those incurred by persons not so disabled, a special transportation allowance to defray such additional expenses during rehabilitation, job seeking, and the initial employment stage.

(14) Special services (including services related to blindness and deafness) including—

(A) language training, speech and voice correction, training in ambulation, and one-hand typewriting;

(B) orientation, adjustment, mobility, reader, interpreter, and related services; and

(C) telecommunications, sensory, and other technical aids and devices.

(15) Services necessary to enable a veteran to achieve maximum independence in daily living.

(16) Other incidental goods and services determined by the Secretary to be necessary to accomplish the purposes of a rehabilitation program in an individual case.

(b) A rehabilitation program (including individual courses) to be pursued by a veteran shall be subject to the approval of the Secretary. To the maximum extent practicable, a course of education or training may be pursued by a veteran as part of a rehabilitation program under this chapter only if the course is approved for purposes of chapter 30 or 33 of this title. The Secretary may waive the requirement under the preceding sentence to the extent the Secretary determines appropriate.

(c)(1) The Secretary shall have the authority to administer this chapter by prioritizing the provision of services under this chapter based on need, as determined by the Secretary, including with respect to providing priority for services

under subsection (a)(12) to veterans with the most severe service-connected disabilities who require homebound training or self-employment, or both homebound training and self-employment. In evaluating need for purposes of this subsection, the Secretary shall consider disability ratings, the severity of employment handicaps, qualification for a program of independent living, income, and any other factor the Secretary determines appropriate.

(2) Not later than 90 days before making any changes to the prioritization of the provision of services under this chapter as authorized under paragraph (1), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a plan describing such changes.

(d) The Secretary may not assist a veteran in acquiring adaptations to the residence of the veteran under this chapter. Any such assistance may be furnished only under section 2102B of this title.

(e) In the case of any veteran whom the Secretary determines is satisfactorily following a program of employment services provided under subsection (a)(5) during the period of an emergency situation, the Secretary may pay the veteran a subsistence allowance, as prescribed in section 3108 of this title for full-time training for the type of program that the veteran was pursuing, for two additional months, if the Secretary determines that the veteran is negatively affected by the emergency situation.

(Added Pub. L. 96-466, title I, §101(a), Oct. 17, 1980, 94 Stat. 2174, §1504; amended Pub. L. 100-323, §11(a)(3)(A), May 20, 1988, 102 Stat. 568; Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 102-16, §3(b)(1), Mar. 22, 1991, 105 Stat. 49; Pub. L. 102-54, §14(c)(3), June 13, 1991, 105 Stat. 285; renumbered §3104 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 104-275, title I, §101(d), Oct. 9, 1996, 110 Stat. 3324; Pub. L. 114-315, title IV, §§402(a), 403, Dec. 16, 2016, 130 Stat. 1553, 1554; Pub. L. 115-177, §1(c)(1), June 1, 2018, 132 Stat. 1377; Pub. L. 117-333, §§4(a), 14(a), (b), Jan. 5, 2023, 136 Stat. 6128, 6135.)

Editorial Notes

PRIOR PROVISIONS

Prior section 3104 was renumbered section 5304 of this title.

AMENDMENTS

2023—Subsec. (a)(12). Pub. L. 117-333, §14(a), amended par. (12) generally. Prior to amendment, par. (12) read as follows: "For veterans with the most severe service-connected disabilities who require homebound training or self-employment, or both homebound training and self-employment, such license fees and essential equipment, supplies, and minimum stocks of materials as the Secretary determines to be necessary for such a veteran to begin employment and are within the criteria and cost limitations that the Secretary shall prescribe in regulations for the furnishing of such fees, equipment, supplies, and stocks."

Subsec. (c)(1). Pub. L. 117-333, §14(b), inserted "including with respect to providing priority for services under subsection (a)(12) to veterans with the most severe service-connected disabilities who require homebound training or self-employment, or both homebound training and self-employment" after "determined by the Secretary".

Subsec. (e). Pub. L. 117-333, §4(a), added subsec. (e).
 2018—Subsec. (d). Pub. L. 115-177 added subsec. (d).
 2016—Subsec. (b). Pub. L. 114-315, §402(a), inserted at end “To the maximum extent practicable, a course of education or training may be pursued by a veteran as part of a rehabilitation program under this chapter only if the course is approved for purposes of chapter 30 or 33 of this title. The Secretary may waive the requirement under the preceding sentence to the extent the Secretary determines appropriate.”

Subsec. (c). Pub. L. 114-315, §403, added subsec. (c).
 1996—Subsec. (a)(1). Pub. L. 104-275, §101(d)(1)(A), substituted “the veteran has an employment handicap or” for “such veteran’s disability or disabilities cause” and inserted “reasonably” after “goal is”.

Subsec. (a)(7)(A). Pub. L. 104-275, §101(d)(1)(B), struck out “(i)” after “assistance, including” and “, and (ii) job-readiness skills development and counseling under section 14(a)(2) of the Veterans’ Job Training Act (29 U.S.C. 1721 note) for a participant in a program of training under such Act” after “individual case”.

Subsec. (a)(12). Pub. L. 104-275, §101(d)(1)(C), substituted “For veterans with the most severe service-connected disabilities who require” for “For the most severely disabled veterans requiring”.

Subsecs. (b), (c). Pub. L. 104-275, §101(d)(2), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: “A program of independent living services and assistance may include the types of services and assistance described in section 702 of the Rehabilitation Act of 1973 (29 U.S.C. 796a).”

1991—Pub. L. 102-83, §5(a), renumbered section 1504 of this title as this section.

Subsec. (a)(3). Pub. L. 102-83, §5(c)(1), substituted “3108” for “1508”.

Subsec. (a)(4). Pub. L. 102-83, §5(c)(1), substituted “3485” for “1685”.

Subsec. (a)(7). Pub. L. 102-16 designated existing provisions as subpar. (A), redesignated former cls. (A) and (B) as cls. (i) and (ii), respectively, substituted “handling charges, licensing” for “and licensing”, and added subpar. (B).

Subsec. (a)(8). Pub. L. 102-83, §5(c)(1), substituted “3112” for “1512”.

Subsec. (b). Pub. L. 102-54 substituted “(29 U.S.C. 796a)” for “(29 U.S.C. 796)”.

1989—Subsecs. (a), (c). Pub. L. 101-237 substituted “Secretary” for “Administrator” wherever appearing.

1988—Subsec. (a)(7). Pub. L. 100-323 designated existing provisions as subpar. (A) and added subpar. (B).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2016 AMENDMENT

Pub. L. 114-315, title IV, §402(b), Dec. 16, 2016, 130 Stat. 1554, provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to a course of education or training pursued by a veteran who first begins a program of rehabilitation under chapter 31 of title 38, United States Code, on or after the date that is 1 year after the date of the enactment of this Act [Dec. 16, 2016].”

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-275 effective Oct. 9, 1996, with amendment by section 101(d)(1)(C), (2) 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 received by the Secretary of Veterans Affairs on or after Oct. 9, 1996, including those claims based on original applications, and applications seeking to reopen, revise, reconsider, or otherwise adjudicate or readjudicate on any basis claims for services and assistance under this chapter, see section 101(j) of Pub. L. 104-275, set out as a note under section 3101 of this title.

EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102-16, §3(b)(2), Mar. 22, 1991, 105 Stat. 49, provided that: “The amendments made by this subsection

[amending this section] shall apply only to payments made on or after the date of the enactment of this Act [Mar. 22, 1991].”

EFFECTIVE DATE OF 1988 AMENDMENT

Pub. L. 100-323, §16, May 20, 1988, 102 Stat. 575, provided that:

“(a) IN GENERAL.—Except as provided in subsection (b), the provisions of and amendments made by this Act [see Tables for classification] shall take effect on the date of the enactment of this Act [May 20, 1988].

“(b) EXCEPTIONS.—(1) The following provisions of or amendments made by this Act shall take effect for all of fiscal year 1988 and subsequent fiscal years:

“(A) Clause (5) of subsection (b) of section 2002A [now 4102A] of title 38, United States Code, as added by section 2(a)(2) of this Act.

“(B) Subsection (a) of section 2003A [now 4103A] of such title, as amended by section 2(e)(1)(A) of this Act.

“(C) Paragraphs (1), (2), and (3) of section 2004(a) [now 4104(a)] of such title, as amended by section 3(a) of this Act.

“(D) Paragraphs (2) through (5) of section 1774(a) [now 3674(a)] of such title, as added by section 13(a)(1) of this Act.

“(2) The provisions of and amendments made by sections 4 through 11 [see Tables for classification] shall take effect on the 60th day after the date of the enactment of this Act [May 20, 1988].”

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.

BLIND REHABILITATION OUTPATIENT SPECIALISTS

Pub. L. 109-461, title II, §207, Dec. 22, 2006, 120 Stat. 3412, provided that:

“(a) FINDINGS.—Congress makes the following findings:

“(1) There are approximately 135,000 blind veterans throughout the United States, including approximately 35,000 who are enrolled with the Department of Veterans Affairs. An aging veteran population and injuries incurred in Operation Iraqi Freedom and Operation Enduring Freedom are increasing the number of blind veterans.

“(2) Since 1996, when the Department of Veterans Affairs hired its first 14 blind rehabilitation outpatient specialists (referred to in this section as ‘Specialists’), Specialists have been a critical part of the continuum of care for blind and visually impaired veterans.

“(3) The Department of Veterans Affairs operates 10 residential blind rehabilitation centers that are considered among the best in the world. These centers have had long waiting lists, with as many as 1,500 blind veterans waiting for openings in 2004.

“(4) Specialists provide—

“(A) critically needed services to veterans who are unable to attend residential centers or are waiting to enter a residential center program;

“(B) a range of services for blind veterans, including training with living skills, mobility, and adaptation of manual skills; and

“(C) pre-admission screening and follow-up care for blind rehabilitation centers.

“(5) There are not enough Specialist positions to meet the increased numbers and needs of blind veterans.

“(b) ESTABLISHMENT OF ADDITIONAL SPECIALIST POSITIONS.—Not later than 30 months after the date of the enactment of this Act [Dec. 22, 2006], the Secretary of Veterans Affairs shall establish an additional Specialist position at not fewer than 35 additional facilities of the Department of Veterans Affairs.

“(c) SELECTION OF FACILITIES.—In identifying the most appropriate facilities to receive a Specialist position under this section, the Secretary shall—

“(1) give priority to facilities with large numbers of enrolled legally blind veterans;

“(2) ensure that each facility does not have such a position; and

“(3) ensure that each facility is in need of the services of a Specialist.

“(d) COORDINATION.—The Secretary shall coordinate the provision of blind rehabilitation services for veterans 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 paragraphs (2) and (3) 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.

(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 paragraphs (2) and (5) of section 3104(a) of this title 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 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.

(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—