

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.

(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; Pub. L. 117-333, §3(c)(2), Jan. 5, 2023, 136 Stat. 6127.)

#### Editorial Notes

##### PRIOR PROVISIONS

Prior section 3105 was renumbered section 5305 of this title.

##### AMENDMENTS

2023—Subsec. (b)(1). Pub. L. 117-333, §3(c)(2)(A), substituted “paragraphs (2) and (3)” for “paragraph (2)”.  
Subsec. (b)(3). Pub. L. 117-333, §3(c)(2)(B), added par. (3).

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, which temporarily provided for extended time to participate in counseling and placement and postplacement services and vocational rehabilitation programs, was repealed by Pub. L. 117-333, §3(f), Jan. 5, 2023, 136 Stat. 6128. See subsec. (b)(3) of this section.

#### § 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 employ-

ment 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 maximum independence in daily living, and assistance as authorized by section 3108 of this title.

(d) In any case in which the Secretary has determined that a veteran has a serious employment handicap and also determines, following such initial and any such extended evaluation, that achievement of a vocational goal currently is not reasonably feasible, the Secretary shall determine whether the veteran is capable of participating in a program of independent living services and assistance under section 3120 of this title.

(e) The Secretary shall in all cases determine as expeditiously as possible whether the achievement of a vocational goal by a veteran currently is reasonably feasible. In the case of a veteran provided extended evaluation under subsection (c) of this section (including any periods of extensions under section 3105(a) of this title), the Secretary shall make such determination not later than the end of such extended evaluation or period of extension, as the case may be. In determining whether the achievement of a vocational goal currently is reasonably feasible, the Secretary shall resolve any reasonable doubt in favor of determining that such achievement currently is reasonably feasible.

(f) In connection with each period of extended evaluation of a veteran and each rehabilitation program for a veteran who is determined to have a serious employment handicap, the Secretary shall assign a Department of Veterans Affairs employee to be responsible for the management and followup of the provision of all services (including appropriate coordination of employment assistance under section 3117 of this title) and assistance under this chapter to such veteran.

(Added Pub. L. 96-466, title I, §101(a), Oct. 17, 1980, 94 Stat. 2176, §1506; amended Pub. L. 99-576, title III, §333(b)(4), Oct. 28, 1986, 100 Stat. 3279; Pub. L. 101-237, title IV, §423(b)(1), Dec. 18, 1989, 103 Stat. 2092; renumbered §3106 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title XII, §1201(d)(9), Nov. 2, 1994, 108 Stat. 4684; Pub. L. 104-275, title I, §101(f)(1), Oct. 9, 1996, 110 Stat. 3324.)

## Editorial Notes

### PRIOR PROVISIONS

Prior section 3106 was renumbered section 5306 of this title.

### AMENDMENTS

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

Subsec. (b). Pub. L. 104-275, §101(f)(1)(B), struck out “counseling in accordance with” before “an individualized written plan”.

Subsec. (c). Pub. L. 104-275, §101(f)(1)(C), substituted “with an extended” for “with extended”.

Subsecs. (d) to (f). Pub. L. 104-275, §101(f)(1)(D), added subsec. (d) and redesignated former subsecs. (d) and (e) as (e) and (f), respectively.

1994—Subsec. (a). Pub. L. 103-446 substituted “clause (i) or (ii) of section 3102(1)(A)” for “section 3102(1)(A) or (B)”.

1991—Pub. L. 102-83, §5(a), renumbered section 1506 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted “3102(1)(A)” for “1502(1)(A)” and “3104(a)(1)” for “1504(a)(1)” in introductory provisions.

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

Subsec. (c). Pub. L. 102-83, §5(c)(1), substituted “3104(a)(1)” for “1504(a)(1)” and “3108” for “1508”.

Subsec. (d). Pub. L. 102-83, §5(c)(1), substituted “3105(a)” for “1505(a)”.

Subsec. (e). Pub. L. 102-83, §5(c)(1), substituted “3117” for “1517”.

1989—Pub. L. 101-237 substituted “Secretary” and “Department of Veterans Affairs” for “Administrator” and “Veterans’ Administration”, respectively, wherever appearing.

1986—Subsecs. (a)(2)(B), (b) to (d). Pub. L. 99-576 substituted “currently is reasonably feasible” for “is reasonably feasible” 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.

### §3107. Individualized vocational rehabilitation plan

(a) The Secretary shall formulate an individualized written plan of vocational rehabilitation for a veteran described in section 3106(b) of this title. Such plan shall be developed with such veteran and shall include, but not be limited to (1) a statement of long-range rehabilitation goals for such veteran and intermediate rehabilitation objectives related to achieving such goals, (2) a statement of the specific services (which shall include counseling in all cases) and assistance to be provided under this chapter, (3) the projected date for the initiation and the anticipated duration of each such service, and (4) objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved.

(b) The Secretary shall review at least annually the plan formulated under subsection (a) of this section for a veteran and shall afford such veteran the opportunity to participate in each such review. On the basis of such review, the Secretary shall (1) redevelop such plan with such veteran if the Secretary determines, under regulations which the Secretary shall prescribe,