(iii) is not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(C) begins such additional rehabilitation program within six months of the date of such exhaustion.

(2) For purposes of paragraph (1)(B)(i), a person shall be considered to have exhausted such person's rights to regular compensation under a State law when—

(A) no payments of regular compensation can be made under such law because such person has received all regular compensation available to such person based on employment or wages during such person's base period; or

(B) such person's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(3) In this subsection, the terms ''compensation'', ''regular compensation'', ''benefit year'', ''State'', ''State law'', and ''week'' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

(4) No person shall be entitled to an additional rehabilitation program under paragraph (1) from whom the Secretary receives an application therefor after March 31, 2014.

(Added Pub. L. 96–466, title I, § 101(a), Oct. 17, 1980, 94 Stat. 2173, § 1502; amended Pub. L. 101–237, title IV, § 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 101–508, title VIII, § 8021(a), Nov. 5, 1990, 104 Stat. 1388–347; Pub. L. 102–16, § 3(a), Mar. 22, 1991, 105 Stat. 49; renumbered § 3102, Pub. L. 102–83, § 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 102–568, title IV, § 404(a), Oct. 29, 1992, 106 Stat. 4338; Pub. L. 104–275, title I, § 101(b), Oct. 9, 1996, 110 Stat. 3323; Pub. L. 112–56, title II, § 233(a)(1), Nov. 21, 2011, 125 Stat. 719.)

REFERENCES IN TEXT

Section 205 of the Federal-State Extended Unemployment Compensation Act of 1970, referred to in subsec. (b)(3), is section 205 of Pub. L. 91–373, which is set out as a note under section 3304 of Title 26, Internal Revenue Code.

PRIOR PROVISIONS

Prior section 3102 was renumbered section 5302 of this title.

AMENDMENTS

2011—Pub. L. 112–56 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

1996—Par. (1)(A)(i). Pub. L. 104–275, § 101(b)(1), substituted ''rated at 20 percent or more'' for ''which is, or but for the receipt of retired pay would be, compensable at a rate of 20 percent or more under chapter 11 of this title and''.

Par. (2)(A). Pub. L. 104–275, § 101(b)(2), substituted ''rated at 10 percent'' for ''which is, or but for the receipt of retired pay would be, compensable at a rate of 10 percent under chapter 11 of this title and''.

Par. (2)(B). Pub. L. 104–275, § 101(b)(3), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: ''has a serious employment handicap.''

1992—Pub. L. 102–568 amended section generally, making changes in substance and structure.

1991—Pub. L. 102–83 renumbered section 1502 of this title as this section.

Par. (1)(B). Pub. L. 102–16 substituted ''or receiving outpatient medical care, services, or treatment for a service-connected disability pending discharge from the active military, naval, or air service, and the Secretary determines that (i) the hospital (or other medical facility) providing the hospitalization, care, services, or treatment either is doing so under contract or agreement with the Secretary concerned or is under the jurisdiction of the Secretary of Veterans Affairs or the Secretary concerned, and (ii) the person is suffering from a disability which'' for ''for a service-connected disability in a hospital over which the Secretary concerned has jurisdiction pending discharge or release from active military, naval, or air service and is suffering from a disability which the Secretary determines''.

1990—Par. (1). Pub. L. 101–508 substituted ''compensable at a rate of 20 percent or more'' for ''compensable'' in cls. (A) and (B).

1989—Pub. L. 101–237 substituted ''Secretary determines'' for ''Administrator determines'' in par. (1)(B) and ''Secretary'' for ''Administrator'' in par. (2).

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112–56, title II, § 233(c), Nov. 21, 2011, 125 Stat. 720, provided that: ''The amendments made by subsections (a) and (b) [amending this section and sections 3103 and 3105 of this title] shall take effect on June 1, 2012, and shall apply with respect to rehabilitation programs beginning after such date.''

EFFECTIVE DATE OF 1992 AMENDMENT

Section 404(b) of Pub. L. 102–568, as amended by Pub. L. 103–446, title VI, § 602(c)(1), Nov. 2, 1994, 108 Stat. 4671, provided that: ''The amendment made by subsection (a) [amending this section] shall take effect on October 1, 1993, but shall not apply to veterans and other persons who originally applied for assistance under chapter 31 of title 38, United States Code, before November 1, 1990.''

[Section 602(c)(2) of Pub. L. 103–446 provided that: ''The amendment made by paragraph (1) [amending section 404(b) of Pub. L. 102–568, set out above] shall take effect as of October 29, 1992.'']

EFFECTIVE DATE OF 1990 AMENDMENT

Section 8021(b) of Pub. L. 101–508 provided that: ''The amendments made by this section [amending this section] shall apply to veterans and other persons originally applying for assistance under chapter 31 of title 38, United States Code, on or after November 1, 1990.''

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.

§ 3103. Periods of eligibility

(a) Except as provided in subsection (b), (c), (d), or (e) of this section, a rehabilitation program may not be afforded to a veteran under this chapter after the end of the twelve-year period beginning on the date of such veteran's discharge or release from active military, naval, or air service.

(b)(1) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because a medical condition of such veteran made it infeasible for such veteran to participate in such a program, the twelve-year period of eligibility shall not run during the period of time that such veteran was so prevented from participating in such a program, and such period of eligibility shall again begin to run on the

first day following such veteran's recovery from such condition on which it is reasonably feasible, as determined under regulations which the Secretary shall prescribe, for such veteran to participate in such a program.

(2) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because—

(A) such veteran had not met the requirement of a discharge or release from active military, naval, or air service under conditions other than dishonorable before (i) the nature of such discharge or release was changed by appropriate authority, or (ii) the Secretary determined, under regulations prescribed by the Secretary, that such discharge or release was under conditions other than dishonorable, or

(B) such veteran's discharge or dismissal was, under section 5303 of this title, a bar to benefits under this title before the Secretary made a determination that such discharge or dismissal is not a bar to such benefits,

the twelve-year period of eligibility shall not run during the period of time that such veteran was so prevented from participating in such a program.

(3) In any case in which the Secretary determines that a veteran has been prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility prescribed in subsection (a) of this section because such veteran had not established the existence of a service-connected disability rated at 10 percent or more, the twelve-year period of eligibility shall not run during the period such veteran was so prevented from participating in such a program.

(c) In any case in which the Secretary determines that a veteran is in need of services to overcome a serious employment handicap, such veteran may be afforded a vocational rehabilitation program after the expiration of the period of eligibility otherwise applicable to such veteran if the Secretary also determines, on the basis of such veteran's current employment handicap and need for such services, that an extension of the applicable period of eligibility is necessary for such veteran and—

(1) that such veteran had not previously been rehabilitated to the point of employability;

(2) that such veteran had previously been rehabilitated to the point of employability but (A) the need for such services had 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 was previously trained in a vocational rehabilitation program under this chapter, or (B) the occupation for which such veteran had been so trained is not suitable in view of such veteran's current employment handicap and capabilities; or

(3) under regulations which the Secretary shall prescribe, that an extension of the period of eligibility of such veteran is necessary to accomplish the purposes of a rehabilitation program for such veteran.

(d) In any case in which the Secretary has determined that a veteran's disability or disabilities are so severe that the achievement of a vocational goal currently is not reasonably feasible, such veteran may be afforded a program of independent living services and assistance in accordance with the provisions of section 3120 of this title after the expiration of the period of eligibility otherwise applicable to such veteran if the Secretary also determines that an extension of the period of eligibility of such veteran is necessary for such veteran to achieve maximum independence in daily living.

(e)(1) The limitation in subsection (a) shall not apply to a rehabilitation program described in paragraph (2).

(2) A rehabilitation program described in this paragraph is a rehabilitation program pursued by a veteran under section 3102(b) of this title.

(f) In any case in which the Secretary has determined that a veteran was prevented from participating in a vocational rehabilitation program under this chapter within the period of eligibility otherwise prescribed in this section as a result of being ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10, such period of eligibility shall not run for the period of such active duty service plus four months.

(Added Pub. L. 96–466, title I, § 101(a), Oct. 17, 1980, 94 Stat. 2173, § 1503; amended Pub. L. 99–576, title III, § 333(b)(2), Oct. 28, 1986, 100 Stat. 3279; Pub. L. 101–237, title IV, § 423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 102–40, title IV, § 402(d)(1), May 7, 1991, 105 Stat. 239; renumbered § 3103 and amended, Pub. L. 102–83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103–446, title XII, § 1201(d)(8), Nov. 2, 1994, 108 Stat. 4684; Pub. L. 104–275, title I, § 101(c), Oct. 9, 1996, 110 Stat. 3324; Pub. L. 107–103, title I, § 103(c)(2), Dec. 27, 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.)

PRIOR PROVISIONS

Prior section 3103 was renumbered section 5303 of this title.

AMENDMENTS

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''.

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.

§ 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) 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.

(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.

(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.)

PRIOR PROVISIONS

Prior section 3104 was renumbered section 5304 of this title.

AMENDMENTS

1996—Subsec. (a)(1). Pub. L. 104–275, § 101(d)(1)(A), substituted ''the veteran has an employment handicap or''