SEC. ___. INCLUSION OF RESERVE SERVICE IN ASSISTANCE OF A MAJOR DISASTER OR EMERGENCY OR FOR A PREPLANNED MISSION IN SUPPORT OF A COMBATANT COMMAND AS ELIGIBLE SERVICE FOR AN EXTENSION OF ELIGIBILITY FOR VOCATIONAL REHABILITATION BENEFITS.

Section 3103(f) of title 38, United States Code, is amended by striking "or 12304" and inserting "12304, 12304a, or 12304b".

[Please note: The "Changes to Existing Law" section below sets out in red-line format how the legislative text would amend existing law.]

Section-by-Section Analysis

This proposal would add sections 12304a and 12304b of title 10, United States Code, to the list of authorities that will extend the vocational rehabilitation benefit period of eligibility for veterans. The vocational rehabilitation program must be utilized within twelve-years of being discharged or released from active service. Currently, if a veteran was prevented from participating in a vocational rehabilitation program under chapter 31 of title 38, United States Code, within the period of eligibility due to certain activations to active service, the period of eligibility will be extended for the period of active service plus four months. Reserve component (RC) members eligible for the vocational rehabilitation program will have their period of eligibility extended when they volunteer to perform active duty under section 12301(d) of title 10. This proposal will allow RC members who are involuntarily activated under section 12304a or 12304b of title 10 to receive the same benefits of those RC members who have volunteered to perform duty.

Currently, two RC members who are serving side-by-side on active duty may not receive the same vocational rehabilitation program benefits. The RC member who volunteered for duty under section 12301(d) may have their vocational rehabilitation program eligibility benefits extended. The RC member who was involuntarily activated under section 12304a or 12304b for similar duty, may not have their program eligibility benefits extended.

The involuntarily activated RC member may be making additional sacrifices with their civilian career or family situation during the activation than the voluntary RC member. Equity suggests the benefits of both voluntarily and involuntarily activated RC members for identical duty should be the same.

Budget Implications: The VA funds the Vocational Rehabilitation benefit at no cost to DoD. This benefit is elective. Veterans who have elected to use this benefit should be expected to use the benefit whether their period of eligibility is extended or not.

Changes to Existing Law: This proposal would amend section 3103(f) of title 38, United States Code, as follows:

§ 3103. Periods of Eligibility

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(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,~~ 12304, 12304a, or 12304b of title 10, such period of eligibility shall not run for the period of such active duty service plus four months.