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-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR
VETERANS

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CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR
VETERANS

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AMENDMENTS

2011 - Pub. L. 112-56, title II, Secs. 223(a)(2), 234(c), Nov. 21, 2011, 125 Stat. 718, 722, added item 4104A and substituted "Transition Assistance Program personnel" for "Outstationing of Transition Assistance Program personnel" in item 4113.

2006 - Pub. L. 109-461, title VI, Sec. 604(a)(2), Dec. 22, 2006, 120 Stat. 3439, added item 4114.

Pub. L. 109-233, title II, Sec. 202(a)(3), June 15, 2006, 120 Stat. 403, substituted "Advisory Committee on Veterans Employment, Training, and Employer Outreach" for "Advisory Committee on Veterans Employment and Training" in item 4110.

2003 - Pub. L. 108-183, title III, Sec. 309(a)(2), Dec. 16, 2003, 117 Stat. 2663, added item 4113.

2002 - Pub. L. 107-288, Secs. 3(b), 4(a)(2), (3)(A)(ii), Nov. 7, 2002, 116 Stat. 2038, 2042, substituted "Assistant Secretary of

Labor for Veterans' Employment and Training; program functions; Regional Administrators" for "Assistant Secretary of Labor for Veterans' Employment and Training; Regional Administrators" in item 4102A and "Directors and Assistant Directors for Veterans' Employment and Training; additional Federal personnel" for "Directors and Assistant Directors for Veterans' Employment and Training" in item 4103, struck out item 4104A "Performance of disabled veterans' outreach program specialists and local veterans' employment representatives", and added item 4112.

2001 - Pub. L. 107-95, Sec. 5(g)(3), Dec. 21, 2001, 115 Stat. 919, struck out item 4111 "Homeless veterans' reintegration programs".

2000 - Pub. L. 106-419, title IV, Sec. 404(a)(8), Nov. 1, 2000, 114 Stat. 1865, added item 4110B.

1999 - Pub. L. 106-117, title IX, Sec. 901(b), Nov. 30, 1999, 113 Stat. 1587, added item 4111.

1991 - Pub. L. 102-83, Sec. 5(b)(1), Aug. 6, 1991, 105 Stat. 406, renumbered items 2000 to 2010A as 4100 to 4110A, respectively.

Pub. L. 102-16, Sec. 8(b), Mar. 22, 1991, 105 Stat. 53, substituted "Advisory Committee on Veterans Employment and Training" for "Secretary of Labor's Committee on Veterans' Employment" in item 2010.

1988 - Pub. L. 100-323, Secs. 2(e)(3)(B), 3(c), 4(b), 6(b)(2)(B), 8(b), 9(b), 15(c)(3)(B), May 20, 1988, 102 Stat. 559, 562-564, 566, 574, inserted "and Training; Regional Administrators" after "for Veterans' Employment" in item 2002A, substituted "Directors and Assistant Directors for Veterans' Employment and Training" for "State and Assistant State Directors for Veterans' Employment" in item 2003, substituted "Local veterans' employment representatives" for "Employees of local offices" in item 2004, added item 2004A, struck out "with the Veterans' Administration" after "Cooperation and coordination" in item 2008, substituted "National Veterans' Employment and Training Services Institute" for "National veterans' employment and training programs" in item 2009, and added item 2010A.

1982 - Pub. L. 97-306, title III, Secs. 301(b)(1), 304(a)(2), 308(b), Oct. 14, 1982, 96 Stat. 1437, 1438, 1441, added item 2000, substituted "State and Assistant State Directors for Veterans' Employment" for "Assignment of veterans' employment representative" in item 2003 and added items 2009 and 2010.

1980 - Pub. L. 96-466, title V, Secs. 504(a)(1), 506(b), Oct. 17, 1980, 94 Stat. 2203, 2205, struck out "Deputy" before "Assistant Secretary" in item 2002A and added item 2003A.

1976 - Pub. L. 94-502, title VI, Sec. 601(b)(2), Oct. 15, 1976, 90 Stat. 2404, added item 2002A.

1972 - Pub. L. 92-540, title V, Sec. 502(a), Oct. 24, 1972, 86 Stat. 1094, in chapter heading substituted "TRAINING AND" for "AND EMPLOYMENT", redesignated former items 2001 to 2005 as items 2002 to 2006, and added items 2001, 2007, and 2008, and in redesignated item 2006 "authorization of appropriations".

1966 - Pub. L. 89-358, Sec. 6(a), Mar. 3, 1966, 80 Stat. 27, substituted "JOB COUNSELING AND EMPLOYMENT PLACEMENT SERVICE FOR VETERANS" for "UNEMPLOYMENT BENEFITS FOR VETERANS" in chapter heading.

1962 - Pub. L. 87-675, Sec. 1(b), (d), Sept. 19, 1962, 76 Stat. 558, 559, substituted "Purpose" for "Compensation for veterans under State agreements" in item 2001, "Assignment of veterans' employment representative" for "Unemployment compensation in absence of State agreements" in item 2002, "Employees of local offices" for "Payments to States" in item 2003, "Cooperation of Federal agencies" for "Information" in item 2004, and "Estimate of

funds for administration" for "Penalties" in item 2005, and struck out items 2006 to 2014 and headings of subchapters I and II.

-End-

-CITE-

38 USC Sec. 4100

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

-HEAD-

Sec. 4100. Findings

-STATUTE-

The Congress makes the following findings:

(1) As long as unemployment and underemployment continue as serious problems among disabled veterans and Vietnam-era veterans, alleviating unemployment and underemployment among such veterans is a national responsibility.

(2) Because of the special nature of employment and training needs of such veterans and the national responsibility to meet those needs, policies and programs to increase opportunities for such veterans to obtain employment, job training, counseling, and job placement services and assistance in securing advancement in employment should be effectively and vigorously implemented by the Secretary of Labor and such implementation should be accomplished through the Assistant Secretary of Labor for Veterans' Employment and Training.

-SOURCE-

(Added Pub. L. 97-306, title III, Sec. 301(a), Oct. 14, 1982, 96 Stat. 1436, Sec. 2000; amended Pub. L. 100-323, Sec. 15(b)(1), May 20, 1988, 102 Stat. 574; renumbered Sec. 4100, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-MISC1-

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 2000 of this title as this section.

1988 - Par. (2). Pub. L. 100-323, Sec. 15(b)(1), inserted "and Training" after "for Veterans' Employment".

VETERANS RETRAINING ASSISTANCE PROGRAM

Pub. L. 112-56, title II, Sec. 211, Nov. 21, 2011, 125 Stat. 713, provided that:

"(a) Program Authorized. -

"(1) In general. - Not later than July 1, 2012, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, establish and commence a program of retraining assistance for eligible veterans.

"(2) Number of eligible veterans. - The number of unique eligible veterans who participate in the program established under paragraph (1) may not exceed -

"(A) 45,000 during fiscal year 2012; and

"(B) 54,000 during the period beginning October 1, 2012, and ending March 31, 2014.

"(b) Retraining Assistance. - Except as provided by subsection (k), each veteran who participates in the program established under subsection (a)(1) shall be entitled to up to 12 months of retraining assistance provided by the Secretary of Veterans Affairs. Such retraining assistance may only be used by the veteran to pursue a program of education (as such term is defined in section 3452(b) of title 38, United States Code) for training, on a full-time basis, that -

"(1) is approved under chapter 36 of such title;

"(2) is offered by a community college or technical school;

"(3) leads to an associate degree or a certificate (or other similar evidence of the completion of the program of education or training);

"(4) is designed to provide training for a high-demand occupation, as determined by the Commissioner of Labor Statistics; and

"(5) begins on or after July 1, 2012.

"(c) Monthly Certification. - Each veteran who participates in the program established under subsection (a)(1) shall certify to the Secretary of Veterans Affairs the enrollment of the veteran in a program of education described in subsection (b) for each month in which the veteran participates in the program.

"(d) Amount of Assistance. - The monthly amount of the retraining assistance payable under this section is the amount in effect under section 3015(a)(1) of title 38, United States Code.

"(e) Eligibility. -

"(1) In general. - For purposes of this section, an eligible veteran is a veteran who -

"(A) as of the date of the submittal of the application for assistance under this section, is at least 35 years of age but not more than 60 years of age;

"(B) was last discharged from active duty service in the Armed Forces under conditions other than dishonorable;

"(C) as of the date of the submittal of the application for assistance under this section, is unemployed;

"(D) as of the date of the submittal of the application for assistance under this section, is not eligible to receive educational assistance under chapter 30, 31, 32, 33, or 35 of title 38, United States Code, or chapter 1606 or 1607 of title 10, United States Code;

"(E) is not in receipt of compensation for a service-connected disability rated totally disabling by reason of unemployability;

"(F) was not and is not enrolled in any Federal or State job training program at any time during the 180-day period ending on the date of the submittal of the application for assistance under this section; and

"(G) by not later than October 1, 2013, submits to the Secretary of Labor an application for assistance under this section containing such information and assurances as that Secretary may require.

"(2) Determination of eligibility. -

"(A) Determination by secretary of labor. -

"(i) In general. - For each application for assistance under this section received by the Secretary of Labor from an applicant, the Secretary of Labor shall determine whether the applicant is eligible for such assistance under subparagraphs (A), (C), (F), and (G) of paragraph (1).

"(ii) Referral to secretary of veterans affairs. - If the

Secretary of Labor determines under clause (i) that an applicant is eligible for assistance under this section, the Secretary of Labor shall forward the application of such applicant to the Secretary of Veterans Affairs in accordance with the terms of the agreement required by subsection (h).

"(B) Determination by secretary of veterans affairs. - For each application relating to an applicant received by the Secretary of Veterans Affairs under subparagraph (A)(ii), the Secretary of Veterans Affairs shall determine under subparagraphs (B), (D), and (E) of paragraph (1) whether such applicant is eligible for assistance under this section.

"(f) Employment Assistance. - For each veteran who participates in the program established under subsection (a)(1), the Secretary of Labor shall contact such veteran not later than 30 days after the date on which the veteran completes, or terminates participation in, such program to facilitate employment of such veteran and availability or provision of employment placement services to such veteran.

"(g) Charging of Assistance Against Other Entitlement. - Assistance provided under this section shall be counted against the aggregate period for which section 3695 of title 38, United States Code, limits the individual's receipt of educational assistance under laws administered by the Secretary of Veterans Affairs.

"(h) Joint Agreement. -

"(1) In general. - The Secretary of Veterans Affairs and the Secretary of Labor shall enter into an agreement to carry out this section.

"(2) Appeals process. - The agreement required by paragraph (1) shall include establishment of a process for resolving disputes relating to and appeals of decisions of the Secretaries under subsection (e)(2).

"(i) Report. -

"(1) In general. - Not later than July 1, 2014, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, submit to the appropriate committees of Congress a report on the retraining assistance provided under this section.

"(2) Elements. - The report required by paragraph (1) shall include the following:

"(A) The total number of -

"(i) eligible veterans who participated; and

"(ii) associates degrees or certificates awarded (or other similar evidence of the completion of the program of education or training earned).

"(B) Data related to the employment status of eligible veterans who participated.

"(j) Funding. - Payments under this section shall be made from amounts appropriated to or otherwise made available to the Department of Veterans Affairs for the payment of readjustment benefits. Not more than \$2,000,000 shall be made available from such amounts for information technology expenses (not including personnel costs) associated with the administration of the program established under subsection (a)(1).

"(k) Termination of Authority. - The authority to make payments under this section shall terminate on March 31, 2014.

"(l) Appropriate Committees of Congress Defined. - In this section, the term 'appropriate committees of Congress' means -

"(1) the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pension of the Senate; and

"(2) the Committee on Veterans' Affairs and the Committee on Education and the Workforce of the House of Representatives."

COMMITTEE TO RAISE EMPLOYER AWARENESS OF SKILLS OF VETERANS AND
BENEFITS OF HIRING VETERANS

Pub. L. 107-288, Sec. 6, Nov. 7, 2002, 116 Stat. 2046,
established within the Department of Labor the President's National
Hire Veterans Committee to carry out a national program to raise
employer awareness of skills of veterans and benefits of hiring
veterans, required reports to Congress not later than Dec. 31,
2003, 2004, and 2005 on the Committee's activities, and provided
for termination of the Committee 60 days after submitting the
report that was due on Dec. 31, 2005.

REPORT ON IMPLEMENTATION OF EMPLOYMENT REFORMS

Pub. L. 107-288, Sec. 7, Nov. 7, 2002, 116 Stat. 2048, directed
that the Comptroller General conduct a study on the implementation
by the Secretary of Labor of the provisions of Pub. L. 107-288
during the program years beginning during fiscal years 2003 and
2004 and, not later than 6 months after the conclusion of the
fiscal year 2004 program, submit to Congress a report on the study
with appropriate recommendations.

PILOT PROGRAM TO FURNISH EMPLOYMENT AND TRAINING INFORMATION AND
SERVICES TO MEMBERS OF ARMED FORCES SEPARATING FROM ARMED FORCES

Pub. L. 101-237, title IV, Sec. 408, Dec. 18, 1989, 103 Stat.
2083, as amended by Pub. L. 104-66, title I, Sec. 1101, Dec. 21,
1995, 109 Stat. 722, provided that:

"(a) Requirement for Program. - During the three-year period
beginning on January 1, 1990, the Secretary of Labor (hereafter in
this section referred to as the 'Secretary'), in conjunction with
the Secretary of Veterans Affairs and the Secretary of Defense,
shall conduct a pilot program to furnish employment and training
information and services to members of the Armed Forces within 180
days before such members are separated from the Armed Forces.

"(b) Areas To Be Covered by the Program. - The Secretary shall
conduct the pilot program in at least five, but not more than ten,
geographically dispersed States in which the Secretary determines
that employment and training services to eligible veterans will not
be unduly limited by the provision of such services to members of
the Armed Forces under the pilot program.

"(c) Utilization of Specific Personnel. - The Secretary shall
utilize disabled veterans' outreach program specialists or local
veterans' employment representatives to the maximum extent feasible
to furnish employment and training information and services under
the pilot program."

-End-

-CITE-

38 USC Sec. 4101

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR
VETERANS

-HEAD-

Sec. 4101. Definitions

-STATUTE-

For the purposes of this chapter -

- (1) The term "special disabled veteran" has the same meaning provided in section 4211(1) of this title.
- (2) The term "veteran of the Vietnam era" has the same meaning provided in section 4211(2) of this title.
- (3) The term "disabled veteran" has the same meaning provided in section 4211(3) of this title.
- (4) The term "eligible veteran" has the same meaning provided in section 4211(4) of this title.
- (5) The term "eligible person" means -
 - (A) the spouse of any person who died of a service-connected disability,
 - (B) the spouse of any member of the Armed Forces serving on active duty who, at the time of application for assistance under this chapter, is listed, pursuant to section 556 of title 37 and regulations issued thereunder, by the Secretary concerned in one or more of the following categories and has been so listed for a total of more than ninety days: (i) missing in action, (ii) captured in line of duty by a hostile force, or (iii) forcibly detained or interned in line of duty by a foreign government or power, or
 - (C) the spouse of any person who has a total disability permanent in nature resulting from a service-connected disability or the spouse of a veteran who died while a disability so evaluated was in existence.

(6) The term "State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico, and may include, to the extent determined necessary and feasible, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas Islands, and the Trust Territory of the Pacific Islands.

(7) The term "employment service delivery system" means a service delivery system at which or through which labor exchange services, including employment, training, and placement services, are offered in accordance with the Wagner-Peyser Act.

(8) The term "Secretary" means the Secretary of Labor.

(9) The term "intensive services" means local employment and training services of the type described in section 134(d)(3) of the Workforce Investment Act of 1998.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1221, Sec. 2010; renumbered Sec. 2001, Pub. L. 87-675, Sec. 1(a), Sept. 19, 1962, 76 Stat. 558; amended Pub. L. 89-358, Sec. 6(c)(1), Mar. 3, 1966, 80 Stat. 27; Pub. L. 92-540, title V, Sec. 502(a), Oct. 24, 1972, 86 Stat. 1094; Pub. L. 93-508, title IV, Sec. 401(a), Dec. 3, 1974, 88 Stat. 1592; Pub. L. 96-466, title V, Sec. 503, title VIII, Sec. 801(h), Oct. 17, 1980, 94 Stat. 2203, 2216; Pub. L. 100-323, Secs. 3(b), 15(a)(1), May 20, 1988, 102 Stat. 562, 574; renumbered Sec. 4101 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 107-288, Sec. 5(a)(1)(A), (c)(1), Nov. 7, 2002, 116 Stat. 2044, 2045.)

-REFTEXT-

REFERENCES IN TEXT

The Wagner-Peyser Act, referred to in par. (7), is act June 6, 1933, ch. 49, 48 Stat. 113, as amended, which is classified generally to chapter 4B (Sec. 49 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 49 of Title 29 and Tables.

Section 134(d)(3) of the Workforce Investment Act of 1998, referred to in par. (9), is classified to section 2864(d)(3) of Title 29, Labor.

-MISC1-

PRIOR PROVISIONS

Prior section 4101, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1243; Pub. L. 89-785, title I, Sec. 101, Nov. 7, 1966, 80 Stat. 1368; Pub. L. 93-82, title II, Sec. 201, Aug. 2, 1973, 87 Stat. 187; Pub. L. 94-581, title II, Secs. 205(a), 209(a)(1), (3), 210(c)(1), Oct. 21, 1976, 90 Stat. 2857, 2860, 2863; Pub. L. 96-330, title I, Sec. 105(a), title III, Sec. 302, title IV, Sec. 408, Aug. 26, 1980, 94 Stat. 1036, 1048, 1053; Pub. L. 97-295, Sec. 4(80), Oct. 12, 1982, 96 Stat. 1311; Pub. L. 98-528, title I, Sec. 104, Oct. 19, 1984, 98 Stat. 2689; Pub. L. 99-166, title II, Sec. 202, Dec. 3, 1985, 99 Stat. 950; Pub. L. 100-322, title I, Sec. 135, May 20, 1988, 102 Stat. 507; Pub. L. 100-687, div. B, title XV, Sec. 1506(a), Nov. 18, 1988, 102 Stat. 4135, related to functions of Department of Medicine and Surgery, prior to repeal by Pub. L. 102-40, title IV, Sec. 401(a)(3), May 7, 1991, 105 Stat. 210. See sections 7301 to 7303, 7314, 7315, 7317, and 7425 of this title.

AMENDMENTS

2002 - Par. (7). Pub. L. 107-288, Sec. 5(c)(1), amended par. (7) generally. Prior to amendment, par. (7) read as follows: "The term 'local employment service office' means a service delivery point which has an intrinsic management structure and at which employment services are offered in accordance with the Wagner-Peyser Act."

Par. (9). Pub. L. 107-288, Sec. 5(a)(1)(A), added par. (9).

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 2001 of this title as this section.

Pars. (1) to (4). Pub. L. 102-83, Sec. 5(c)(1), substituted "4211(1)" for "2011(1)" in par. (1), "4211(2)" for "2011(2)" in par. (2), "4211(3)" for "2011(3)" in par. (3), and "4211(4)" for "2011(4)" in par. (4).

1988 - Pars. (7), (8). Pub. L. 100-323 added pars. (7) and (8).

1980 - Par. (1). Pub. L. 96-466, Sec. 503(1), substituted provisions defining "special disabled veteran" for provisions that term "eligible veteran" meant a person who served in the active military, naval, or air service and who was discharged or released therefrom with other than a dishonorable discharge.

Pars. (2) to (4). Pub. L. 96-466, Sec. 503(2), added pars. (2) to (4). Former pars. (2) and (3) redesignated (5) and (6), respectively.

Par. (5). Pub. L. 96-466, Secs. 503(2), 801(h)(1), redesignated former par. (2) as (5) and substituted "The term" for "the term".

Par. (6). Pub. L. 96-466, Secs. 503(2), 801(h)(2), redesignated former par. (3) as (6) and inserted "the Commonwealth of the Northern Marianas Islands," after "the Virgin Islands,".

1974 - Pars. (2), (3). Pub. L. 93-508 added par. (2) and redesignated former par. (2) as (3).

1972 - Pub. L. 92-540 substituted provisions defining "eligible veteran" and "State", for provisions stating the Congressional declaration of purpose.

1966 - Pub. L. 89-358 inserted "or of service after January 31, 1955" after "veterans of any war".

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-288, Sec. 5(a)(2), Nov. 7, 2002, 116 Stat. 2044, provided that: "The amendments made by paragraph (1) [amending this

section and sections 4102, 4106, 4107, and 4109 of this title] shall take effect on the date of the enactment of this Act [Nov. 7, 2002]."

Pub. L. 107-288, Sec. 5(c)(2), Nov. 7, 2002, 116 Stat. 2045, provided that: "The amendments made by paragraph (1) [amending this section] shall take effect on the date of the enactment of this Act [Nov. 7, 2002]."

EFFECTIVE DATE OF 1980 AMENDMENT

Section 802(e) of Pub. L. 96-466 provided that: "The amendments made by title V [see Tables for classification] and the provisions of sections 512 and 513 [set out as notes under sections 4106 and 4107 of this title] shall become effective on October 1, 1980."

Amendment by section 801(h) of Pub. L. 96-466 effective Oct. 1, 1980, see section 802(h) of Pub. L. 96-466, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 601(b) of Pub. L. 92-540 provided that: "The provisions of title V of this Act [see Tables for classification] shall become effective 90 days after the date of enactment of this Act [Oct. 24, 1972]."

SAVINGS PROVISION

Section 1(e) of Pub. L. 87-675 provided that: "Claims for benefits under [former] sections 2001 through 2009 of chapter 41 of title 38, United States Code, for any benefit week beginning before January 31, 1960, which claims are pending on the date these sections are repealed [Sept. 19, 1962], shall be adjudicated in the same manner and with the same effect as if the sections had not been repealed. For the purpose of administering the program with respect to such claims, all functions, powers, and duties conferred upon the Secretary of Labor by sections 2001 through 2009 are continued in effect, and all rules and regulations established by the Secretary of Labor pursuant to these sections, and in effect when the sections are repealed, shall remain in full force and effect until modified or suspended."

-TRANS-

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

-MISC2-

EMPLOYMENT ASSISTANCE AND SERVICES FOR VETERANS INELIGIBLE FOR ASSISTANCE

Pub. L. 96-466, title V, Sec. 512, Oct. 17, 1980, 94 Stat. 2207, as amended by Pub. L. 105-277, div. A, Sec. 101(f) [title VIII, Sec. 405(d)(28), (f)(20)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-424, 2681-432, provided that: "The Secretary of Labor shall assure that any veteran who is made ineligible for employment assistance under chapter 41 of title 38, United States Code, by virtue of the amendments made by section 503(1) of this Act [amending this

section] shall be provided with the employment assistance and services made available under the provisions of the Act entitled 'An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes', approved June 6, 1933 (commonly referred to as the 'Wagner-Peyser Act'), (29 U.S.C. 49-49k), title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.], and other applicable provisions of law."

-End-

-CITE-

38 USC Sec. 4102

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

-HEAD-

Sec. 4102. Purpose

-STATUTE-

The Congress declares as its intent and purpose that there shall be an effective (1) job and job training intensive services program, (2) employment placement service program, and (3) job training placement service program for eligible veterans and eligible persons and that, to this end policies and regulations shall be promulgated and administered by an Assistant Secretary of Labor for Veterans' Employment and Training, established by section 4102A of this title, through a Veterans' Employment and Training Service within the Department of Labor, so as to provide such veterans and persons the maximum of employment and training opportunities, with priority given to the needs of disabled veterans and veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized through existing programs, coordination and merger of programs and implementation of new programs, including programs carried out by the Veterans' Employment and Training Service to implement all efforts to ease the transition of servicemembers to civilian careers that are consistent with, or an outgrowth of, the military experience of the servicemembers.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1217, Sec. 2011; renumbered Sec. 2002, Pub. L. 87-675, Sec. 1(a), Sept. 19, 1962, 76 Stat. 558; amended Pub. L. 89-358, Sec. 6(c), Mar. 3, 1966, 80 Stat. 27; Pub. L. 92-540, title V, Sec. 502(a), Oct. 24, 1972, 86 Stat. 1094; Pub. L. 93-508, title IV, Sec. 401(b), Dec. 3, 1974, 88 Stat. 1592; Pub. L. 94-502, title VI, Sec. 601(a), Oct. 15, 1976, 90 Stat. 2404; Pub. L. 96-466, title V, Sec. 504(a)(2), Oct. 17, 1980, 94 Stat. 2203; Pub. L. 97-306, title III, Sec. 302, Oct. 14, 1982, 96 Stat. 1437; Pub. L. 98-160, title VII, Sec. 702(15), Nov. 21, 1983, 97 Stat. 1010; Pub. L. 100-323, Sec. 15(b)(1), (d), May 20, 1988, 102 Stat. 574; renumbered Sec. 4102 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 107-288, Sec. 5(a)(1)(B), (b)(1), Nov. 7, 2002, 116 Stat. 2044, 2045.)

-MISC1-

PRIOR PROVISIONS

Prior section 4102, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1243; Pub. L. 89-785, title I, Sec. 102, Nov. 7, 1966, 80 Stat. 1368; Pub. L. 94-581, title I, Sec. 110(1), Oct. 21, 1976, 90 Stat. 2848, related to divisions of Department of Medicine and Surgery, prior to repeal by Pub. L. 102-40, title IV, Sec. 401(a)(3), May 7, 1991, 105 Stat. 210. See section 7305 of this title.

Provisions similar to those comprising this section were contained in former section 2001 of this title prior to the amendment of this chapter by Pub. L. 92-540.

AMENDMENTS

2002 - Pub. L. 107-288, Sec. 5(a)(1)(B), substituted "job and job training intensive services program," for "job and job training counseling service program,".

Pub. L. 107-288, Sec. 5(b)(1), substituted "and veterans who served on active duty during a war or in a campaign or expedition for which a campaign badge has been authorized" for "and veterans of the Vietnam era" and inserted before period ", including programs carried out by the Veterans' Employment and Training Service to implement all efforts to ease the transition of servicemembers to civilian careers that are consistent with, or an outgrowth of, the military experience of the servicemembers".

1991 - Pub. L. 102-83 renumbered section 2002 of this title as this section and substituted "4102A" for "2002A".

1988 - Pub. L. 100-323 inserted "and Training" after "for Veterans' Employment" and substituted "Veterans' Employment and Training Service" for "Veterans Employment Service".

1983 - Pub. L. 98-160 substituted "an Assistant" for "a Assistant".

1982 - Pub. L. 97-306 inserted "and regulations" after "to this end policies", and inserted ", with priority given to the needs of disabled veterans and veterans of the Vietnam era" after "opportunities".

1980 - Pub. L. 96-466 struck out "Deputy" before "Assistant Secretary".

1976 - Pub. L. 94-502 inserted "by a Deputy Assistant Secretary of Labor for Veteran's Employment, established by section 2002A of this title," after "promulgated and administered".

1974 - Pub. L. 93-508 substituted "eligible veterans and eligible persons" for "eligible veterans" and "to provide such veterans and persons" for "to provide such veterans".

1972 - Pub. L. 92-540 substituted provisions stating the Congressional declaration of purpose, for provisions relating to the assignment of veterans' employment representatives. See section 2003 of this title.

1966 - Pub. L. 89-358 inserted "or of service after January 31, 1955" after "veterans of any war" in cls. (3) and (5); "or of service after January 31, 1955" after "veteran of any war" in first sentence; and "or of service after January 31, 1955," after "veterans of any war" in cls. (1) and (4), wherever appearing, respectively.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-288, Sec. 5(b)(2), Nov. 7, 2002, 116 Stat. 2045, provided that: "The amendments made by paragraph (1) [amending this section] shall take effect on the date of the enactment of this Act [Nov. 7, 2002]."

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, see section 802(e) of Pub. L. 96-466, set out as a note under section 4101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Dec. 1, 1976, see section 703(c) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-540 effective 90 days after Oct. 24, 1972, see section 601(b) of Pub. L. 92-540, set out as a note under section 4101 of this title.

VETERAN'S EMPLOYMENT PROVISIONS

Pub. L. 93-567, title I, Sec. 104, Dec. 31, 1974, 88 Stat. 1848, as amended by Pub. L. 94-444, Sec. 12(a), Oct. 1, 1976, 90 Stat. 1483; Pub. L. 94-502, title VI, Sec. 601(c), Oct. 15, 1976, 90 Stat. 2404, which authorized Secretary of Labor to provide for an outreach and public information program for veterans utilizing, to maximum extent, the Departments of Labor and Health, Education, and Welfare and the Veterans' Administration, was repealed by Pub. L. 95-524, Sec. 7, Oct. 27, 1978, 92 Stat. 2021.

-End-

-CITE-

38 USC Sec. 4102A

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

-HEAD-

Sec. 4102A. Assistant Secretary of Labor for Veterans' Employment and Training; program functions; Regional Administrators

-STATUTE-

(a) Establishment of Position of Assistant Secretary of Labor for Veterans' Employment and Training. - (1) There is established within the Department of Labor an Assistant Secretary of Labor for Veterans' Employment and Training, appointed by the President by and with the advice and consent of the Senate, who shall formulate and implement all departmental policies and procedures to carry out (A) the purposes of this chapter, chapter 42, and chapter 43 of this title, and (B) all other Department of Labor employment, unemployment, and training programs to the extent they affect veterans.

(2) The employees of the Department of Labor administering chapter 43 of this title shall be administratively and functionally responsible to the Assistant Secretary of Labor for Veterans'

Employment and Training.

(3)(A) There shall be within the Department of Labor a Deputy Assistant Secretary of Labor for Veterans' Employment and Training. The Deputy Assistant Secretary shall perform such functions as the Assistant Secretary of Labor for Veterans' Employment and Training prescribes.

(B) No individual may be appointed as a Deputy Assistant Secretary of Labor for Veterans' Employment and Training unless the individual has at least five years of service in a management position as an employee of the Federal civil service or comparable service in a management position in the Armed Forces. For purposes of determining such service of an individual, there shall be excluded any service described in subparagraphs (A), (B), and (C) of section 308(d)(2) of this title.

(b) Program Functions. - The Secretary shall carry out the following functions:

(1) Except as expressly provided otherwise, carry out all provisions of this chapter and chapter 43 of this title through the Assistant Secretary of Labor for Veterans' Employment and Training and administer through such Assistant Secretary all programs under the jurisdiction of the Secretary for the provision of employment and training services designed to meet the needs of all veterans and persons eligible for services furnished under this chapter.

(2) In order to make maximum use of available resources in meeting such needs, encourage all such programs, and all grantees and contractors under such programs to enter into cooperative arrangements with private industry and business concerns (including small business concerns owned by veterans or disabled veterans), educational institutions, trade associations, and labor unions.

(3) Ensure that maximum effectiveness and efficiency are achieved in providing services and assistance to eligible veterans under all such programs by coordinating and consulting with the Secretary of Veterans Affairs with respect to (A) programs conducted under other provisions of this title, with particular emphasis on coordination of such programs with readjustment counseling activities carried out under section 1712A of this title, apprenticeship or other on-the-job training programs carried out under section 3687 of this title, and rehabilitation and training activities carried out under chapter 31 of this title and (B) determinations covering veteran population in a State.

(4) Ensure that employment, training, and placement activities are carried out in coordination and cooperation with appropriate State public employment service officials.

(5) Subject to subsection (c), make available for use in each State by grant or contract such funds as may be necessary to support -

(A) disabled veterans' outreach program specialists appointed under section 4103A(a)(1) of this title,

(B) local veterans' employment representatives assigned under section 4104(b) of this title, and

(C) the reasonable expenses of such specialists and representatives described in subparagraphs (A) and (B), respectively, for training, travel, supplies, and other business expenses, including travel expenses and per diem for attendance at the National Veterans' Employment and Training Services Institute established under section 4109 of this title.

(6) Monitor and supervise on a continuing basis the distribution and use of funds provided for use in the States under paragraph (5).

(7) Establish, and update as appropriate, a comprehensive performance accountability system (as described in subsection (f)) and carry out annual performance reviews of veterans employment, training, and placement services provided through employment service delivery systems, including through disabled veterans' outreach program specialists and through local veterans' employment representatives in States receiving grants, contracts, or awards under this chapter.

(8) With advice and assistance from the Advisory Committee on Veterans Employment, Training, and Employer Outreach established under section 4110 of this title, furnish information to employers (through meetings in person with hiring executives of corporations and otherwise) with respect to the training and skills of veterans and disabled veterans, and the advantages afforded employers by hiring veterans with such training and skills, and to facilitate employment of veterans and disabled veterans through participation in labor exchanges (Internet-based and otherwise), and other means.

(c) Conditions for Receipt of Funds. - (1) The distribution and use of funds under subsection (b)(5) in order to carry out sections 4103A(a) and 4104(a) of this title shall be subject to the continuing supervision and monitoring of the Secretary and shall not be governed by the provisions of any other law, or any regulations prescribed thereunder, that are inconsistent with this section or section 4103A or 4104 of this title.

(2)(A) A State shall submit to the Secretary an application for a grant or contract under subsection (b)(5). The application shall contain the following information:

(i) A plan that describes the manner in which the State shall furnish employment, training, and placement services required under this chapter for the program year, including a description of -

(I) duties assigned by the State to disabled veterans' outreach program specialists and local veterans' employment representatives consistent with the requirements of sections 4103A and 4104 of this title;

(II) the manner in which such specialists and representatives are integrated in the employment service delivery systems in the State; and

(III) the program of performance incentive awards described in section 4112 of this title in the State for the program year.

(ii) The veteran population to be served.

(iii) For each employee of the State who is assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative under this chapter -

(I) the date on which the employee is so assigned; and

(II) whether the employee has satisfactorily completed such training by the National Veterans' Employment and Training Services Institute as the Secretary requires for purposes of paragraph (8).

(iv) Such additional information as the Secretary may require to make a determination with respect to awarding a grant or contract to the State.

(B)(i) Subject to the succeeding provisions of this subparagraph, of the amount available under subsection (b)(5) for a fiscal year, the Secretary shall make available to each State with an application approved by the Secretary an amount of funding in proportion to the number of veterans seeking employment using such criteria as the Secretary may establish in regulation, including civilian labor force and unemployment data, for the State on an annual basis. The proportion of funding shall reflect the ratio of -

(I) the total number of veterans residing in the State that are seeking employment; to

(II) the total number of veterans seeking employment in all States.

(ii) The Secretary shall phase in over the three fiscal-year period that begins on October 1, 2003, the manner in which amounts are made available to States under subsection (b)(5) and this subsection, as amended by the Jobs for Veterans Act.

(iii) In carrying out this paragraph, the Secretary may establish minimum funding levels and hold-harmless criteria for States.

(3)(A)(i) As a condition of a grant or contract under this section for a program year, in the case of a State that the Secretary determines has an entered-employment rate for veterans that is deficient for the preceding program year, the State shall develop a corrective action plan to improve that rate for veterans in the State.

(ii) The State shall submit the corrective action plan to the Secretary for approval, and if approved, shall expeditiously implement the plan.

(iii) If the Secretary does not approve a corrective action plan submitted by the State under clause (i), the Secretary shall take such steps as may be necessary to implement corrective actions in the State to improve the entered-employment rate for veterans in that State.

(B) To carry out subparagraph (A), the Secretary shall establish in regulations a uniform national threshold entered-employment rate for veterans for a program year by which determinations of deficiency may be made under subparagraph (A).

(C) In making a determination with respect to a deficiency under subparagraph (A), the Secretary shall take into account the applicable annual unemployment data for the State and consider other factors, such as prevailing economic conditions, that affect performance of individuals providing employment, training, and placement services in the State.

(4) In determining the terms and conditions of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title, the Secretary shall take into account -

(A) the results of reviews, carried out pursuant to subsection (b)(7), of the performance of the employment, training, and placement service delivery system in the State, and

(B) the monitoring carried out under this section.

(5) Each grant or contract by which funds are made available to a State shall contain a provision requiring the recipient of the funds -

(A) to comply with the provisions of this chapter; and

(B) on an annual basis, to notify the Secretary of, and provide supporting rationale for, each nonveteran who is employed as a disabled veterans' outreach program specialist and local veterans' employment representative for a period in excess of 6

months.

(6) Each State shall coordinate employment, training, and placement services furnished to veterans and eligible persons under this chapter with such services furnished with respect to such veterans and persons under the Workforce Investment Act of 1998 and the Wagner-Peyser Act.

(7) Of the amount of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title for any program year, one percent shall be for the purposes of making cash awards under the program of performance incentive awards described in section 4112 of this title in the State.

(8)(A) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title, the Secretary shall require the State to require each employee hired by the State who is assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative under this chapter to satisfactorily complete training provided by the National Veterans' Employment and Training Services Institute during the 18-month period that begins on the date on which the employee is so assigned.

(B) For any employee described in subparagraph (A) who does not complete such training during such period, the Secretary may reduce by an appropriate amount the amount made available to the State employing that employee.

(C) The Secretary may establish such reasonable exceptions to the completion of training otherwise required under subparagraph (A) as the Secretary considers appropriate.

(d) Participation in Other Federally Funded Job Training Programs. - The Assistant Secretary of Labor for Veterans' Employment and Training shall promote and monitor participation of qualified veterans and eligible persons in employment and training opportunities under title I of the Workforce Investment Act of 1998 and other federally funded employment and training programs.

(e) Regional Administrators. - (1) The Secretary shall assign to each region for which the Secretary operates a regional office a representative of the Veterans' Employment and Training Service to serve as the Regional Administrator for Veterans' Employment and Training in such region.

(2) Each such Regional Administrator shall carry out such duties as the Secretary may require to promote veterans employment and reemployment within the region that the Administrator serves.

(f) Establishment of Performance Standards and Outcomes Measures. - (1) The Assistant Secretary of Labor for Veterans' Employment and Training shall establish and implement a comprehensive performance accountability system to measure the performance of employment service delivery systems, including disabled veterans' outreach program specialists and local veterans' employment representatives providing employment, training, and placement services under this chapter in a State to provide accountability of that State to the Secretary for purposes of subsection (c).

(2) Such standards and measures shall -

(A) be consistent with State performance measures applicable under section 136(b) of the Workforce Investment Act of 1998; and

(B) be appropriately weighted to provide special consideration for placement of (i) veterans requiring intensive services (as defined in section 4101(9) of this title), such as special disabled veterans and disabled veterans, and (ii) veterans who enroll in readjustment counseling under section 1712A of this

title.

(g) Authority to Provide Technical Assistance to States. - The Secretary may provide such technical assistance as the Secretary determines appropriate to any State that the Secretary determines has, or may have, an entered-employment rate in the State that is deficient, as determined under subsection (c)(3) with respect to a program year, including assistance in the development of a corrective action plan under that subsection.

(h) Consolidation of Disabled Veterans' Outreach Program Specialists and Veterans' Employment Representatives. - The Secretary may allow the Governor of a State receiving funds under subsection (b)(5) to support specialists and representatives as described in such subsection to consolidate the functions of such specialists and representatives if -

(1) the Governor determines, and the Secretary concurs, that such consolidation -

(A) promotes a more efficient administration of services to veterans with a particular emphasis on services to disabled veterans; and

(B) does not hinder the provision of services to veterans and employers; and

(2) the Governor submits to the Secretary a proposal therefor at such time, in such manner, and containing such information as the Secretary may require.

-SOURCE-

(Added Pub. L. 94-502, title VI, Sec. 601(b)(1), Oct. 15, 1976, 90 Stat. 2404, Sec. 2002A; amended Pub. L. 96-466, title V, Sec. 504(a)(3), (4), Oct. 17, 1980, 94 Stat. 2203; Pub. L. 97-306, title III, Sec. 303, Oct. 14, 1982, 96 Stat. 1437; Pub. L. 98-160, title VII, Sec. 702(15), Nov. 21, 1983, 97 Stat. 1010; Pub. L. 100-323, Secs. 2(a), (e)(3)(A), 15(a)(2), (b)(1), May 20, 1988, 102 Stat. 556, 559, 574; Pub. L. 101-237, title IV, Sec. 423(b)(8)(A), Dec. 18, 1989, 103 Stat. 2093; renumbered Sec. 4102A and amended Pub. L. 102-83, Secs. 4(b)(1), (2)(E), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 103-446, title VII, Sec. 701(a), title XII, Sec. 1201(a)(4), Nov. 2, 1994, 108 Stat. 4674, 4682; Pub. L. 104-275, title III, Sec. 301, Oct. 9, 1996, 110 Stat. 3332; Pub. L. 105-277, div. A, Sec. 101(f) [title VIII, Sec. 405(d)(29)(A), (f)(21)(A)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-424, 2681-432; Pub. L. 105-368, title X, Sec. 1005(b)(13), Nov. 11, 1998, 112 Stat. 3365; Pub. L. 107-288, Sec. 4(a)(1), Nov. 7, 2002, 116 Stat. 2038; Pub. L. 108-183, title VII, Sec. 708(b)(1)(A), (2), Dec. 16, 2003, 117 Stat. 2673; Pub. L. 109-233, title II, Sec. 201, title V, Sec. 503(11), June 15, 2006, 120 Stat. 402, 416; Pub. L. 109-461, title VI, Sec. 601(a), (b), Dec. 22, 2006, 120 Stat. 3436; Pub. L. 111-275, title I, Sec. 103(a), title X, Sec. 1001(k), Oct. 13, 2010, 124 Stat. 2866, 2897; Pub. L. 112-56, title II, Sec. 241(c), Nov. 21, 2011, 125 Stat. 728.)

-REFTEXT-

REFERENCES IN TEXT

The Jobs for Veterans Act, referred to in subsec. (c)(2)(B)(ii), is Pub. L. 107-288, Nov. 7, 2002, 116 Stat. 2033. For complete classification of this Act to the Code, see Short Title of 2002 Amendments note set out under section 101 of this title and Tables.

The Workforce Investment Act of 1998, referred to in subsecs. (c)(6) and (d), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended. Title I of the Act is classified principally to chapter 30

(Sec. 2801 et seq.) of Title 29, Labor. Section 136(b) of the Act is classified to section 2871(b) of Title 29. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

The Wagner-Peyser Act, referred to in subsec. (c)(6), is act June 6, 1933, ch. 49, 48 Stat. 113, as amended, which is classified generally to chapter 4B (Sec. 49 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 49 of Title 29 and Tables.

-MISC1-

AMENDMENTS

2011 - Subsec. (h). Pub. L. 112-56 added subsec. (h).

2010 - Subsec. (b)(8). Pub. L. 111-275, Sec. 1001(k), substituted "Employment, Training" for "Employment and Training".

Subsec. (c)(8)(A). Pub. L. 111-275, Sec. 103(a), substituted "18-month period" for "three-year period".

2006 - Subsec. (b)(8). Pub. L. 109-233, Sec. 201, added par. (8).

Subsec. (c)(2)(A)(iii), (iv). Pub. L. 109-461, Sec. 601(b), added cl. (iii) and redesignated former cl. (iii) as (iv).

Subsec. (c)(7). Pub. L. 109-233, Sec. 503(11)(A), substituted "Of" for "With respect to program years beginning during or after fiscal year 2004, one percent of" and "for any program year, one percent" for "for the program year".

Subsec. (c)(8). Pub. L. 109-461, Sec. 601(a), added par. (8).

Subsec. (f)(1). Pub. L. 109-233, Sec. 503(11)(B), substituted "The" for "By not later than May 7, 2003, the".

2003 - Subsec. (c)(2)(B)(ii). Pub. L. 108-183, Sec. 708(b)(1)(A), substituted "October 1, 2003" for "October 1, 2002".

Subsec. (f)(1). Pub. L. 108-183, Sec. 708(b)(2), substituted "May 7, 2003," for "6 months after the date of the enactment of this section,".

2002 - Pub. L. 107-288 substituted "Assistant Secretary of Labor for Veterans' Employment and Training; program functions; Regional Administrators" for "Assistant Secretary of Labor for Veterans' Employment and Training; Regional Administrators" in section catchline and amended text generally, substituting subsecs. (a) to (g) for former subsecs. (a) to (e) relating to establishment of Assistant Secretary's position, program functions, conditions for receipt of funds, participation in other federally-funded job training programs, and regional administrators.

1998 - Subsec. (d). Pub. L. 105-277, Sec. 101(f) [title VIII, Sec. 405(f)(21)(A)], struck out "the Job Training Partnership Act and" after "and training opportunities under".

Pub. L. 105-277, Sec. 101(f) [title VIII, Sec. 405(d)(29)(A)], substituted "the Job Training Partnership Act and title I of the Workforce Investment Act of 1998" for "the Job Training Partnership Act".

Subsec. (e)(1). Pub. L. 105-368 substituted "A person may not be assigned after October 9, 1996, as such a Regional Administrator unless the person is a veteran." for "Each Regional Administrator appointed after the date of the enactment of the Veterans' Benefits Improvements Act of 1996 shall be a veteran."

1996 - Subsec. (e)(1). Pub. L. 104-275 inserted at end "Each Regional Administrator appointed after the date of the enactment of the Veterans' Benefits Improvements Act of 1996 shall be a veteran."

1994 - Subsec. (a). Pub. L. 103-446, Sec. 701(a), designated existing provisions as par. (1), redesignated former cls. (1) and (2) as cls. (A) and (B), respectively, and added par. (2).

Subsec. (e)(1), (2). Pub. L. 103-446, Sec. 1201(a)(4), substituted "Regional Administrator" for "Regional Secretary".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 2002A of this title as this section.

Subsec. (b)(3). Pub. L. 102-83, Sec. 5(c)(1), substituted "1712A" for "612A" and "3687" for "1787".

Subsec. (b)(5). Pub. L. 102-83, Sec. 5(c)(1), substituted "4103A(a)(1)" for "2003A(a)(1)", "4104(b)" for "2004(b)", and "4109" for "2009".

Subsec. (b)(7). Pub. L. 102-83, Sec. 5(c)(1), substituted "4103A(a)(1) and 4104(a)(4)" for "2003A(a)(1) and 2004(a)(4)".

Subsec. (c)(1). Pub. L. 102-83, Sec. 5(c)(1), substituted "4103A(a) and 4104(a)" for "2003A(a) and 2004(a)" and "4103A or 4104" for "2003A or 2004".

Subsec. (c)(2). Pub. L. 102-83, Sec. 5(c)(1), substituted "4103A or 4104" for "2003A or 2004" and "4103(c)(15)" for "2003(c)(15)".

Subsec. (e)(1). Pub. L. 102-83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" after "Regional".

Subsec. (e)(2). Pub. L. 102-83, Sec. 5(c)(1), substituted "4212" for "2012" in subpar. (B).

Pub. L. 102-83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator" after "Regional" in introductory provisions.

1989 - Subsec. (b)(3). Pub. L. 101-237 substituted "Secretary of Veterans Affairs" for "Administrator".

1988 - Pub. L. 100-323, Sec. 2(e)(3)(A), inserted "and Training; Regional Administrators" after "for Veterans' Employment" in section catchline.

Subsec. (a). Pub. L. 100-323, Sec. 15(b)(1), inserted "and Training" after "for Veterans' Employment" in two places.

Pub. L. 100-323, Sec. 15(a)(2), struck out "of Labor" after "to the Secretary".

Pub. L. 100-323, Sec. 2(a), designated existing provisions as subsec. (a).

Subsecs. (b) to (e). Pub. L. 100-323, Sec. 2(a), added subsecs. (b) to (e).

1983 - Pub. L. 98-160 substituted "an Assistant" for "a Assistant".

1982 - Pub. L. 97-306 inserted provision that the employees of the Department of Labor administering chapter 43 of this title shall be administratively and functionally responsible to the Assistant Secretary of Labor for Veterans' Employment.

1980 - Pub. L. 96-466 struck out "Deputy" before "Assistant Secretary" in section catchline and text.

EFFECTIVE DATE OF 2010 AMENDMENT

Pub. L. 111-275, title I, Sec. 103(b), Oct. 13, 2010, 124 Stat. 2866, provided that:

"(1) Applicability to new employees. - The amendment made by subsection (a) [amending this section] shall apply with respect to a State employee assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative under chapter 41 of title 38, United States Code, who is so assigned on or after the date of the enactment of this Act [Oct. 13, 2010].

"(2) Applicability to previously-hired employees. - In the case of such a State employee who is so assigned on or after January 1, 2006, and before the date of the enactment of this Act, the Secretary of Labor shall require the State to require, as a condition of a grant or contract under which funds are made available to the State in order to carry out section 4103A or 4104 of title 38, United States Code, each such employee to

satisfactorily complete the training described in section 4102A(c)(8)(A) of such title by not later than the date that is 18 months after the date of the enactment of this Act."

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-461, title VI, Sec. 601(c), Dec. 22, 2006, 120 Stat. 3436, provided that: "Paragraph (8) of section 4102A(c) of title 38, United States Code, as added by subsection (a), and clause (iii) of section 4102A(c)(2)(A) of such title, as added by subsection (b), shall apply with respect to a State employee assigned to perform the duties of a disabled veterans' outreach program specialist or a local veterans' employment representative under chapter 41 of such title who is so assigned on or after January 1, 2006."

EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-183, title VII, Sec. 708(b)(1)(B), Dec. 16, 2003, 117 Stat. 2673, provided that: "The amendment made by subparagraph (A) [amending this section] shall take effect as if included in the enactment of section 4(a) of the Jobs for Veterans Act (Public Law 107-288; 116 Stat. 2038)."

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-288, Sec. 4(a)(4), Nov. 7, 2002, 116 Stat. 2042, provided that: "The amendments made by this subsection [amending this section and sections 4103 and 4107 of this title and repealing section 4104A of this title] shall take effect on the date of the enactment of this Act [Nov. 7, 2002], and apply for program and fiscal years under chapter 41 of title 38, United States Code, beginning on or after such date."

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by section 101(f) [title VIII, Sec. 405(d)(29)(A)] of Pub. L. 105-277 effective Oct. 21, 1998, and amendment by section 101(f) [title VIII, Sec. 405(f)(21)(A)] of Pub. L. 105-277 effective July 1, 2000, see section 101(f) [title VIII, Sec. 405(g)(1), (2)(B)] of Pub. L. 105-277, set out as a note under section 3502 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-323 effective May 20, 1988, except that subsec. (b)(5) effective for all of fiscal year 1988 and subsequent fiscal years, see section 16(a), (b)(1)(A) of Pub. L. 100-323, set out as a note under section 3104 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, see section 802(e) of Pub. L. 96-466, set out as a note under section 4101 of this title.

EFFECTIVE DATE

Section effective Dec. 1, 1976, see section 703(c) of Pub. L. 94-502, set out as a note under section 3693 of this title.

REFERENCES TO AND CONTINUATION OF POSITION OF DEPUTY ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT

Section 504(b), (c) of Pub. L. 96-466 provided that:

"(b) Any reference in any law, regulation, directive, or other document to the Deputy Assistant Secretary of Labor for Veterans' Employment shall be deemed to be a reference to the Assistant Secretary of Labor for Veterans' Employment.

"(c) Notwithstanding any other provision of law, the position of Deputy Assistant Secretary of Labor for Veterans' Employment, as constituted on the day before the date of the enactment of this section [Oct. 17, 1980], shall remain in existence until a person has been appointed to and has qualified for the position of Assistant Secretary of Labor for Veterans' Employment (established by the amendments made by subsection (a) [amending sections 2002 and 2002A [now 4102 and 4102A] of this title])."

[Reference to Assistant Secretary of Labor for Veterans' Employment in any law in force on Nov. 6, 1986, deemed to be a reference to Assistant Secretary of Labor for Veterans' Employment and Training, see section 2(b)(3) of Pub. L. 99-619, set out as a References in Other Laws note under section 553 of Title 29, Labor.]

[Section 802(e) of Pub. L. 96-466 provided that section 504(b), (c) are effective Oct. 1, 1980.]

-End-

-CITE-

38 USC Sec. 4103

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

-HEAD-

Sec. 4103. Directors and Assistant Directors for Veterans' Employment and Training; additional Federal personnel

-STATUTE-

(a) Directors and Assistant Directors. - (1) The Secretary shall assign to each State a representative of the Veterans' Employment and Training Service to serve as the Director for Veterans' Employment and Training, and shall assign full-time Federal clerical or other support personnel to each such Director.

(2)(A) Each Director for Veterans' Employment and Training for a State shall, at the time of appointment, have been a bona fide resident of the State for at least two years.

(B) The Secretary may waive the requirement in subparagraph (A) with respect to a Director for Veterans' Employment and Training if the Secretary determines that the waiver is in the public interest. Any such waiver shall be made on a case-by-case basis.

(3) Full-time Federal clerical or other support personnel assigned to Directors for Veterans' Employment and Training shall be appointed in accordance with the provisions of title 5 governing appointments in the competitive service and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5.

(b) Additional Federal Personnel. - The Secretary may also assign as supervisory personnel such representatives of the Veterans' Employment and Training Service as the Secretary determines appropriate to carry out the employment, training, and placement services required under this chapter, including Assistant Directors for Veterans' Employment and Training.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1218, Sec. 2012; renumbered Sec. 2003, Pub. L. 87-675, Sec. 1(a), Sept. 19, 1962, 76 Stat. 558; amended Pub. L. 89-358, Sec. 6(c)(1), Mar. 3, 1966, 80 Stat. 27; Pub. L. 92-540, title V, Sec. 502(a), Oct. 24, 1972, 86 Stat. 1094; Pub. L. 93-508, title IV, Sec. 401(c), Dec. 3, 1974, 88 Stat. 1592; Pub. L. 94-502, title VI, Secs. 602, 606(1), Oct. 15, 1976, 90 Stat. 2404, 2405; Pub. L. 96-466, title V, Sec. 505, title VIII, Sec. 801(j), Oct. 17, 1980, 94 Stat. 2204, 2216; Pub. L. 97-295, Sec. 4(70), Oct. 12, 1982, 96 Stat. 1310; Pub. L. 97-306, title III, Sec. 304(a)(1), (b), (c), Oct. 14, 1982, 96 Stat. 1437, 1438; Pub. L. 100-323, Secs. 5, 7(a), 15(a)(2), (c)(1), (3)(A), May 20, 1988, 102 Stat. 563, 564, 574; Pub. L. 101-237, title IV, Sec. 423(b)(8)(B), Dec. 18, 1989, 103 Stat. 2093; renumbered Sec. 4103 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 103-446, title XII, Sec. 1201(d)(14), Nov. 2, 1994, 108 Stat. 4684; Pub. L. 104-275, title III, Sec. 302, Oct. 9, 1996, 110 Stat. 3332; Pub. L. 107-288, Sec. 4(a)(1), Nov. 7, 2002, 116 Stat. 2042; Pub. L. 110-389, title III, Sec. 316, Oct. 10, 2008, 122 Stat. 4167.)

-MISC1-

PRIOR PROVISIONS

Prior section 4103, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1243; Pub. L. 86-568, title I, Sec. 114(a)-(e), July 1, 1960, 74 Stat. 300; Pub. L. 87-574, Sec. 5, Aug. 6, 1962, 76 Stat. 309; Pub. L. 87-793, Sec. 801, Oct. 11, 1962, 76 Stat. 859; Pub. L. 88-18, May 8, 1963, 77 Stat. 15; Pub. L. 88-426, title I, Sec. 117(a), Aug. 14, 1964, 78 Stat. 409; Pub. L. 89-785, title I, Sec. 103(a), (b), Nov. 7, 1966, 80 Stat. 1368; Pub. L. 93-82, title II, Sec. 202, Aug. 2, 1973, 87 Stat. 188; Pub. L. 94-581, title I, Sec. 110(2), title II, Secs. 205(d), 209(c)(1), 210(c)(2), Oct. 21, 1976, 90 Stat. 2848, 2859, 2861, 2863; Pub. L. 96-330, title I, Sec. 105(b), title III, Sec. 303, Aug. 26, 1980, 94 Stat. 1036, 1050; Pub. L. 100-687, div. B, title XV, Sec. 1506(b)(1), Nov. 18, 1988, 102 Stat. 4135, related to Office of Chief Medical Director, prior to repeal by Pub. L. 102-40, title IV, Sec. 401(a)(3), May 7, 1991, 105 Stat. 210. See section 7306 of this title.

Provisions similar to those comprising this section were contained in section 2002 of this title prior to the amendment of this chapter by Pub. L. 92-540.

AMENDMENTS

2008 - Subsec. (a)(2). Pub. L. 110-389 designated existing provisions as subpar. (A) and added subpar. (B).

2002 - Pub. L. 107-288 substituted "Directors and Assistant Directors for Veterans' Employment and Training; additional Federal personnel" for "Directors and Assistant Directors for Veterans' Employment and Training" in section catchline and amended text generally, substituting subsecs. (a) and (b) for former subsecs. (a) to (c) relating to Directors and Assistant Directors and their responsibilities.

1996 - Subsec. (a). Pub. L. 104-275 substituted "full-time Federal clerical or other support personnel" for "full-time Federal clerical support" in first sentence and "Full-time Federal clerical or other support personnel" for "Full-time Federal clerical support personnel" in third sentence.

1994 - Subsec. (c)(2). Pub. L. 103-446 substituted "subchapter II of chapter 77" for "subchapter IV of chapter 3".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 2003 of this title as this section.

Subsec. (a). Pub. L. 102-83, Sec. 5(c)(1), substituted "4107" for "2007".

Subsec. (c)(8). Pub. L. 102-83, Sec. 5(c)(1), substituted "4212" for "2012".

Subsec. (c)(11). Pub. L. 102-83, Sec. 5(c)(1), substituted "1712A" for "612A".

1989 - Subsec. (c)(2), (10). Pub. L. 101-237 substituted "Department of Veterans Affairs" for "Veterans' Administration".

1988 - Pub. L. 100-323, Sec. 15(c)(3)(A), substituted "Directors and Assistant Directors" for "State and Assistant State Directors" and inserted "and Training" after "for Veterans' Employment" in section catchline.

Subsec. (a). Pub. L. 100-323, Sec. 15(a)(2), struck out "of Labor" after "The Secretary" at beginning.

Pub. L. 100-323, Sec. 15(c)(1), substituted "Director for Veterans' Employment and Training" for "State Director for Veterans' Employment" in two places, "Assistant Director for Veterans' Employment and Training" for "Assistant State Director for Veterans' Employment", "Assistant Directors for Veterans' Employment and Training" for "Assistant State Directors for Veterans' Employment", and "Directors for Veterans' Employment and Training" for "State Directors for Veterans' Employment".

Subsec. (b)(1)(A). Pub. L. 100-323, Sec. 15(c)(1), substituted "Director for Veterans' Employment and Training" for "State Director for Veterans' Employment" and "Assistant Director for Veterans' Employment and Training" for "Assistant State Director for Veterans' Employment".

Pub. L. 100-323, Sec. 5(1)-(3), designated existing provisions as subpar. (A), redesignated former cls. (A) and (B) as (i) and (ii), respectively, and substituted ", except as provided in subparagraph (B) of this paragraph, be a qualified veteran" for "be an eligible veteran" in cl. (i).

Subpar. (b)(1)(B). Pub. L. 100-323, Sec. 5(4), added subpar. (B).

Subsec. (b)(2). Pub. L. 100-323, Sec. 15(c)(1), substituted "Director for Veterans' Employment and Training" for "State Director for Veterans' Employment" and "Assistant Director for Veterans' Employment and Training" for "Assistant State Director for Veterans' Employment".

Pub. L. 100-323, Sec. 15(a)(2), struck out "of Labor" after "to the Secretary".

Subsec. (c). Pub. L. 100-323, Sec. 15(c)(1), substituted "Director for Veterans' Employment and Training" for "State Director for Veterans' Employment" and "Assistant Directors for Veterans' Employment and Training" for "Assistant State Directors for Veterans' Employment".

Subsec. (c)(1). Pub. L. 100-323, Sec. 7(a)(1), inserted "(A) functionally supervise the provision of services to eligible veterans and eligible persons by such system and such program and their staffs, and (B)" after "(1)" and ", including the program conducted under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note)" after "programs".

Subsec. (c)(2). Pub. L. 100-323, Sec. 7(a)(2), inserted "and otherwise to promote the employment of eligible veterans and eligible persons" after "opportunities".

Subsec. (c)(13) to (15). Pub. L. 100-323, Sec. 7(a)(3)-(5), added cls. (13) to (15).

1982 - Pub. L. 97-306, Sec. 304(a)(1), struck out text that preceded cl. (1), which related to assignment, number, qualifications, pay, and administrative position of veterans' employment representatives, and inserted in lieu thereof a revised section catchline and subsecs. (a) to (c) relating to State and

Assistant State Directors for Veterans' Employment.

Pub. L. 97-295 substituted "chapter 51 and" for "chapter 51 of".

Subsec. (c)(6). Pub. L. 97-306, Sec. 304(b), substituted provision of cl. (6) that the Director and Assistant Director promote and facilitate the participation of veterans in Federal and federally funded employment and training programs and directly monitor the implementation and operation of such programs to ensure that eligible veterans, veterans of the Vietnam era, disabled veterans, and eligible persons receive such priority or other special consideration in the provision of services as is required by law or regulation, for provision that they promote the participation of veterans in Comprehensive Employment and Training Act programs and monitor the implementation and operation of Comprehensive Employment and Training Act programs to assure that eligible veterans, disabled veterans, and veterans of the Vietnam era receive special consideration when required.

Subsec. (c)(8) to (12). Pub. L. 97-306, Sec. 304(c), added cls. (8) to (12).

1980 - Pub. L. 96-466 in provisions preceding par. (1) inserted "(and shall assign full-time clerical support to each such representative)" after "to serve as the veterans' employment representative", struck out ", United States Code," after "title 5", substituted "employment and training programs" for "manpower and training programs", inserted "system" after "public employment service" wherever appearing, and in par. (6) inserted ", disabled veterans, and veterans of the Vietnam era" after "eligible veterans".

1976 - Pub. L. 94-502 substituted "the Secretary shall determine" for "he shall determine", "such representative's" for "his", "administered by the Secretary or by prime sponsors under the Comprehensive Employment and Training Act" for "administered by the Secretary", added cl. (6), and redesignated former cl. (6) as (7).

1974 - Pub. L. 93-508 substituted "250,000 veterans and eligible persons of the State" for "250,000 veterans of the State", and "Secretary's veterans' and eligible persons' counseling and placement policies" for "Secretary's veterans' counseling and placement policies", and in cls. (1), (2), (4), (5), and (6) of the fifth sentence substituted "eligible veterans and eligible persons" for "eligible veterans", in cl. (3) substituted "eligible veteran's or an eligible person's" for "eligible veteran's", and in cl. (4) substituted "such veterans and persons" for "such veterans".

1972 - Pub. L. 92-540 substituted provisions relating to the assignment of veterans' employment representatives for provisions relating to the assignment of employees of local offices. See section 2004 of this title.

1966 - Pub. L. 89-358 inserted "or of service after January 31, 1955" after "veterans of any war".

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-288 effective Nov. 7, 2002, and applicable for program and fiscal years under this chapter beginning on or after such date, see section 4(a)(4) of Pub. L. 107-288, set out as a note under section 4102A of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 15(a)(2), (c)(1), (3)(A) of Pub. L. 100-323 effective May 20, 1988, and amendment by sections 5 and 7(a) of Pub. L. 100-323 effective on 60th day after May 20, 1988, see section 16(a), (b)(2) of Pub. L. 100-323, set out as a note under section 3104 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 505 of Pub. L. 96-466 effective Oct. 1, 1980, see section 802(e) of Pub. L. 96-466, set out as a note under section 4101 of this title.

Amendment by section 801(i) of Pub. L. 96-466 effective Oct. 1, 1980, see section 802(h) of Pub. L. 96-466, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Dec. 1, 1976, see section 703(c) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-540 effective 90 days after Oct. 24, 1972, see section 601(b) of Pub. L. 92-540, set out as a note under section 4101 of this title.

-End-

-CITE-

38 USC Sec. 4103A

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

-HEAD-

Sec. 4103A. Disabled veterans' outreach program

-STATUTE-

(a) Requirement for Employment by States of a Sufficient Number of Specialists. - (1) Subject to approval by the Secretary, a State shall employ such full- or part-time disabled veterans' outreach program specialists as the State determines appropriate and efficient to carry out intensive services and facilitate placements under this chapter to meet the employment needs of eligible veterans with the following priority in the provision of services:

(A) Special disabled veterans.

(B) Other disabled veterans.

(C) Other eligible veterans in accordance with priorities determined by the Secretary taking into account applicable rates of unemployment and the employment emphases set forth in chapter 42 of this title.

(2) In the provision of services in accordance with this subsection, maximum emphasis in meeting the employment needs of veterans shall be placed on assisting economically or educationally disadvantaged veterans.

(3) In facilitating placement of a veteran under this program, a disabled veterans' outreach program specialist shall help to identify job opportunities that are appropriate for the veteran's

employment goals and assist that veteran in developing a cover letter and resume that are targeted for those particular jobs.

(b) Requirement for Qualified Veterans. - A State shall, to the maximum extent practicable, employ qualified veterans to carry out the services referred to in subsection (a). Preference shall be given in the appointment of such specialists to qualified disabled veterans.

(c) Part-Time Employees. - A part-time disabled veterans' outreach program specialist shall perform the functions of a disabled veterans' outreach program specialist under this section on a half-time basis.

(d) Additional Requirement for Full-time Employees. - (1) A full-time disabled veterans' outreach program specialist shall perform only duties related to meeting the employment needs of eligible veterans, as described in subsection (a), and shall not perform other non-veteran-related duties that detract from the specialist's ability to perform the specialist's duties related to meeting the employment needs of eligible veterans.

(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.

-SOURCE-

(Added Pub. L. 96-466, title V, Sec. 506(a), Oct. 17, 1980, 94 Stat. 2204, Sec. 2003A; amended Pub. L. 97-306, title III, Sec. 305, Oct. 14, 1982, 96 Stat. 1439; Pub. L. 100-323, Secs. 2(e)(1), 7(b), 15(c)(1), May 20, 1988, 102 Stat. 559, 565, 574; Pub. L. 101-237, title IV, Sec. 423(b)(8), Dec. 18, 1989, 103 Stat. 2093; renumbered Sec. 4103A and amended Pub. L. 102-83, Secs. 2(c)(4), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 402, 406; Pub. L. 102-568, title V, Secs. 501, 503, Oct. 29, 1992, 106 Stat. 4340; Pub. L. 103-446, title VII, Sec. 701(b), Nov. 2, 1994, 108 Stat. 4674; Pub. L. 105-277, div. A, Sec. 101(f) [title VIII, Sec. 405(d)(29)(B), (f)(21)(B)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-424, 2681-432; Pub. L. 105-368, title X, Sec. 1004(a), Nov. 11, 1998, 112 Stat. 3364; Pub. L. 107-95, Sec. 9(a), Dec. 21, 2001, 115 Stat. 920; Pub. L. 107-288, Sec. 4(b)(1), Nov. 7, 2002, 116 Stat. 2043; Pub. L. 109-461, title VI, Sec. 602(a), Dec. 22, 2006, 120 Stat. 3437; Pub. L. 112-56, title II, Secs. 234(b), 241(a), Nov. 21, 2011, 125 Stat. 722, 728.)

-MISC1-

AMENDMENTS

2011 - Subsec. (a)(1). Pub. L. 112-56, Sec. 234(b)(1), inserted "and facilitate placements" after "intensive services" in introductory provisions.

Subsec. (a)(3). Pub. L. 112-56, Sec. 234(b)(2), added par. (3).

Subsec. (d). Pub. L. 112-56, Sec. 241(a), added subsec. (d).

2006 - Subsec. (c). Pub. L. 109-461 added subsec. (c).

2002 - Pub. L. 107-288 amended section generally, substituting subsecs. (a) and (b) for former subsecs. (a) to (c) relating to appointment, services and stationing, and functions of disabled veterans' outreach program specialists.

2001 - Subsec. (c)(11). Pub. L. 107-95 added par. (11).

1998 - Subsec. (a)(1). Pub. L. 105-368, in first sentence, substituted "for each 7,400 veterans who are between the ages of 20 and 64 residing in such State." for "for each 6,900 veterans residing in such State who are either veterans of the Vietnam era,

veterans who first entered on active duty as a member of the Armed Forces after May 7, 1975, or disabled veterans.", in third sentence, struck out "of the Vietnam era" after "disabled veterans", and struck out after third sentence "If the Secretary finds that a qualified disabled veteran of the Vietnam era is not available for any such appointment, preference for such appointment shall be given to other qualified disabled veterans."

Subsec. (c)(4). Pub. L. 105-277, Sec. 101(f) [title VIII, Sec. 405(f)(21)(B)], struck out "part C of title IV of the Job Training Partnership Act and" after "training programs including".

Pub. L. 105-277, Sec. 101(f) [title VIII, Sec. 405(d)(29)(B)], substituted "including part C of title IV of the Job Training Partnership Act and title I of the Workforce Investment Act of 1998" for "(including part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.))".

1994 - Subsec. (a)(1). Pub. L. 103-446 substituted "rates comparable to those paid other professionals performing essentially similar duties" for "a rate not less than the rate prescribed for an entry level professional".

1992 - Subsec. (a)(1). Pub. L. 102-568, Sec. 501, substituted "specialist for each 6,900 veterans residing in such State who are either veterans of the Vietnam era, veterans who first entered on active duty as a member of the Armed Forces after May 7, 1975, or disabled veterans." for "specialist for each 5,300 veterans of the Vietnam era and disabled veterans residing in such State."

Subsec. (b)(1)(A). Pub. L. 102-568, Sec. 503, amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "Services to disabled veterans of the Vietnam era who are participating in or have completed a program of vocational rehabilitation under chapter 31 of this title."

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 2003A of this title as this section.

Subsec. (a). Pub. L. 102-83, Sec. 5(c)(1), substituted "4102A(b)(5)(A)(i)" for "2002A(b)(5)(A)(i)" in par. (1) and "4104" for "2004" in par. (2).

Subsec. (b)(2). Pub. L. 102-83, Sec. 5(c)(1), substituted "4103" for "2003" and "1712A" for "612A".

Pub. L. 102-83, Sec. 2(c)(4), substituted "7723" for "242".

Subsec. (c)(2). Pub. L. 102-83, Sec. 5(c)(1), substituted "3687" for "1787".

1989 - Subsecs. (b)(2), (c)(2), (3), (8). Pub. L. 101-237 substituted "Secretary of Veterans Affairs" and "Department of Veterans Affairs" for "Administrator" and "Veterans' Administration", respectively, wherever appearing.

1988 - Subsec. (a)(1). Pub. L. 100-323, Sec. 2(e)(1)(A)(i), (ii), redesignated par. (2) as (1), substituted "The amount of funds made available for use in a State under section 2002A(b)(5)(A)(i) of this title shall be sufficient to support the appointment of one disabled veterans' outreach program specialist for each 5,300 veterans of the Vietnam era and disabled veterans residing in such State." for "Funds provided for use in a State under this subsection shall be sufficient to support the appointment of one disabled veterans' outreach program specialist for each 5,300 veterans of the Vietnam era and disabled veterans residing in such State.", inserted "qualified" before "veteran" in second sentence, inserted "qualified" before "disabled" wherever appearing in third, fourth, and fifth sentences, inserted "qualified" after "any" in fifth sentence, and struck out former par. (1) which read as follows: "The Secretary of Labor, acting through the Assistant Secretary for Veterans' Employment, shall make available for use in each State, directly or by grant or contract, such funds as may be

necessary to support a disabled veterans' outreach program designed to meet the employment needs of veterans, especially disabled veterans of the Vietnam era."

Subsec. (a)(2). Pub. L. 100-323, Sec. 2(e)(1)(A)(i), (iii), redesignated par. (4) as (2) and struck out "paragraph (2) of" after "appointed pursuant to". Former par. (2) redesignated (1).

Subsec. (a)(3). Pub. L. 100-323, Sec. 2(e)(1)(A)(i), struck out par. (3) which read as follows: "The Secretary, acting through the Assistant Secretary of Labor for Veterans' Employment, shall also make available for use in the States such funds, in addition to those made available to carry out paragraphs (1) and (2) of this subsection, as may be necessary to support the reasonable expenses of such specialists for training, travel, supplies, and fringe benefits."

Subsec. (a)(4). Pub. L. 100-323, Sec. 2(e)(1)(A)(i), redesignated par. (4) as (2).

Subsec. (a)(5). Pub. L. 100-323, Sec. 2(e)(1)(A)(i), struck out par. (5) which read as follows: "The distribution and use of funds provided for use in States under this section shall be subject to the continuing supervision and monitoring of the Assistant Secretary for Veterans' Employment and shall not be governed by the provisions of any other law, or any regulations prescribed thereunder, that are inconsistent with this section."

Subsec. (b)(2). Pub. L. 100-323, Sec. 15(c)(1), substituted "Director for Veterans' Employment and Training" for "State Director for Veterans' Employment".

Subsec. (c)(4). Pub. L. 100-323, Sec. 7(b)(1), inserted "(including part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.))" after "programs".

Subsec. (c)(6). Pub. L. 100-323, Sec. 7(b)(2), inserted "(including the program conducted under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note))" after "programs".

Subsec. (c)(9), (10). Pub. L. 100-323, Sec. 7(b)(3), added pars. (9) and (10).

Subsec. (d). Pub. L. 100-323, Sec. 2(e)(1)(B), struck out subsec. (d) which read as follows: "The Secretary of Labor shall administer the program provided for by this section through the Assistant Secretary of Labor for Veterans' Employment. The Secretary shall monitor the appointment of disabled veterans' outreach program specialists to ensure compliance with the provisions of subsection (a)(2) of this section with respect to the employment of such specialists."

1982 - Subsec. (a)(1). Pub. L. 97-306, Sec. 305(a)(1), (3), inserted ", acting through the Assistant Secretary for Veterans' Employment," after "Secretary of Labor", and substituted "available for use in" for "available to".

Subsec. (a)(2). Pub. L. 97-306, Sec. 305(a)(4), substituted "provided for use in" for "provided to".

Subsec. (a)(3). Pub. L. 97-306, Sec. 305(a)(2), (3), inserted ", acting through the Assistant Secretary of Labor for Veterans' Employment," after "Secretary", and substituted "available for use in" for "available to".

Subsec. (a)(5). Pub. L. 97-306, Sec. 305(a)(5), added par. (5).

Subsec. (b)(2). Pub. L. 97-306, Sec. 305(b), inserted provision relating to waiver of the limitation on stationing at local employment service offices of disabled veterans' outreach program specialists and substituted "section 612A" for "section 621A".

Subsec. (c)(4). Pub. L. 97-306, Sec. 305(c)(1), substituted "appropriate grantees under other Federal and federally funded employment and training programs" for "prime sponsors under the Comprehensive Employment and Training Act".

Subsec. (c)(8). Pub. L. 97-306, Sec. 305(c)(2), added par. (8).

Subsecs. (d), (e). Pub. L. 97-306, Sec. 305(d), redesignated subsec. (e) as (d) and inserted provision that the Secretary shall monitor the appointment of disabled veterans' outreach program specialists to ensure compliance with the provisions of subsec. (a)(2) of this section with respect to the employment of such specialists. Former subsec. (d), which provided that persons serving as staff in the disabled veterans outreach program conducted under title III of the Comprehensive Employment and Training Act on the date of enactment of this section would be appointed as disabled veterans' outreach program specialists in the State in which such individual was so serving, unless the Secretary for good cause shown determined that such individual was not qualified for such appointment, was struck out.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-461, title VI, Sec. 602(c), Dec. 22, 2006, 120 Stat. 3437, provided that: "Section 4103A(c) of title 38, United States Code, as added by subsection (a), and section 4104(d) of such title, as amended by subsection (b), shall apply with respect to pay periods beginning after the date that is 180 days after the date of the enactment of this Act [Dec. 22, 2006]."

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-288, Sec. 4(b)(3), Nov. 7, 2002, 116 Stat. 2044, provided that: "The amendments made by this subsection [amending this section and section 4104 of this title] shall take effect on the date of the enactment of this Act [Nov. 7, 2002], and apply for program years under chapter 41 of title 38, United States Code, beginning on or after such date."

EFFECTIVE DATE OF 1998 AMENDMENTS

Pub. L. 105-368, title X, Sec. 1004(b), Nov. 11, 1998, 112 Stat. 3364, provided that: "The amendments made by this section [amending this section] shall apply with respect to appointments of disabled veterans' outreach program specialists under section 4103A of title 38, United States Code, on or after the date of the enactment of this Act [Nov. 11, 1998]."

Amendment by section 101(f) [title VIII, Sec. 405(d)(29)(B)] of Pub. L. 105-277 effective Oct. 21, 1998, and amendment by section 101(f) [title VIII, Sec. 405(f)(21)(B)] of Pub. L. 105-277 effective July 1, 2000, see section 101(f) [title VIII, Sec. 405(g)(1), (2)(B)] of Pub. L. 105-277, set out as a note under section 3502 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by sections 2(e)(1)(B) and 15(c)(1) of Pub. L. 100-323 effective May 20, 1988, amendment by section 2(e)(1)(A) of Pub. L. 100-323 effective for all of fiscal year 1988 and subsequent fiscal years, and amendment by section 7(b) of Pub. L. 100-323 effective on 60th day after May 20, 1988, see section 16(a), (b)(1)(B), (2) of Pub. L. 100-323, set out as a note under section 3104 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1980, see section 802(e) of Pub. L. 96-466, set out as an Effective Date of 1980 Amendment note under section 4101 of this title.

-End-

-CITE-

38 USC Sec. 4104

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR
VETERANS

-HEAD-

Sec. 4104. Local veterans' employment representatives

-STATUTE-

(a) Requirement for Employment by States of a Sufficient Number of Representatives. - Subject to approval by the Secretary, a State shall employ such full- and part-time local veterans' employment representatives as the State determines appropriate and efficient to carry out employment, training, and placement services under this chapter.

(b) Principal Duties. - As principal duties, local veterans' employment representatives shall -

- (1) conduct outreach to employers in the area to assist veterans in gaining employment, including conducting seminars for employers and, in conjunction with employers, conducting job search workshops and establishing job search groups; and
- (2) facilitate employment, training, and placement services furnished to veterans in a State under the applicable State employment service delivery systems.

(c) Requirement for Qualified Veterans and Eligible Persons. - A State shall, to the maximum extent practicable, employ qualified veterans or eligible persons to carry out the services referred to in subsection (a). Preference shall be accorded in the following order:

- (1) To qualified service-connected disabled veterans.
- (2) If no veteran described in paragraph (1) is available, to qualified eligible veterans.
- (3) If no veteran described in paragraph (1) or (2) is available, then to qualified eligible persons.

(d) Part-Time Employees. - A part-time local veterans' employment representative shall perform the functions of a local veterans' employment representative under this section on a half-time basis.

(e) Additional Requirements for Full-time Employees. - (1) A full-time local veterans' employment representative shall perform only duties related to the employment, training, and placement services under this chapter, and shall not perform other non-veteran-related duties that detract from the representative's ability to perform the representative's duties related to employment, training, and placement services under this chapter.

(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.

(f) Reporting. - Each local veterans' employment representative shall be administratively responsible to the manager of the employment service delivery system and shall provide reports, not less frequently than quarterly, to the manager of such office and

to the Director for Veterans' Employment and Training for the State regarding compliance with Federal law and regulations with respect to special services and priorities for eligible veterans and eligible persons.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1219, Sec. 2013; renumbered Sec. 2004, Pub. L. 87-675, Sec. 1(a), Sept. 19, 1962, 76 Stat. 558; amended Pub. L. 89-358, Sec. 6(c)(1), Mar. 3, 1966, 80 Stat. 27; Pub. L. 92-540, title V, Sec. 502(a), Oct. 24, 1972, 86 Stat. 1095; Pub. L. 94-502, title VI, Sec. 606(2), Oct. 15, 1976, 90 Stat. 2405; Pub. L. 100-323, Sec. 3(a), May 20, 1988, 102 Stat. 560; Pub. L. 101-237, title IV, Sec. 423(b)(8)(B), Dec. 18, 1989, 103 Stat. 2093; Pub. L. 102-16, Sec. 10(a)(8), Mar. 22, 1991, 105 Stat. 56; renumbered Sec. 4104 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 107-14, Sec. 8(a)(10), June 5, 2001, 115 Stat. 35; Pub. L. 107-95, Sec. 9(b), Dec. 21, 2001, 115 Stat. 920; Pub. L. 107-288, Sec. 4(b)(2), Nov. 7, 2002, 116 Stat. 2043; Pub. L. 109-461, title VI, Sec. 602(b), Dec. 22, 2006, 120 Stat. 3437; Pub. L. 112-56, title II, Sec. 241(b), Nov. 21, 2011, 125 Stat. 728.)

-MISC1-

PRIOR PROVISIONS

Prior section 4104, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1244; Pub. L. 89-785, title I, Sec. 104, Nov. 7, 1966, 80 Stat. 1369; Pub. L. 94-123, Sec. 5(a), Oct. 22, 1975, 89 Stat. 675; Pub. L. 94-581, title I, Sec. 110(3), title II, Secs. 209(a)(1), (2), 210(c)(3), Oct. 21, 1976, 90 Stat. 2848, 2860, 2863; Pub. L. 96-151, title III, Sec. 302(a), Dec. 20, 1979, 93 Stat. 1096; Pub. L. 98-160, title II, Sec. 201, Nov. 21, 1983, 97 Stat. 1000; Pub. L. 98-528, title I, Sec. 108, Oct. 19, 1984, 98 Stat. 2690; Pub. L. 100-322, title II, Sec. 211(a), May 20, 1988, 102 Stat. 513; Pub. L. 101-366, title I, Sec. 102(a), Aug. 15, 1990, 104 Stat. 430, related to appointment of additional personnel for medical care of veterans, prior to repeal by Pub. L. 102-40, title IV, Sec. 401(a)(3), May 7, 1991, 105 Stat. 210. See section 7401 of this title.

Provisions similar to those comprising this section were contained in former section 2003 of this title prior to the amendment of this chapter by Pub. L. 92-540.

AMENDMENTS

2011 - Subsecs. (e), (f). Pub. L. 112-56 added subsec. (e) and redesignated former subsec. (e) as (f).

2006 - Subsecs. (d), (e). Pub. L. 109-461 added subsec. (d) and redesignated former subsec. (d) as (e).

2002 - Pub. L. 107-288 amended text generally, substituting subsecs. (a) to (d) for former subsecs. (a) to (c) relating to appointment, functions, and reporting requirements of local veterans' employment representatives.

2001 - Subsec. (a)(1). Pub. L. 107-14, Sec. 8(a)(10)(A)(i), substituted "For any fiscal year," for "Beginning with fiscal year 1988," in introductory provisions.

Subsec. (a)(1)(B). Pub. L. 107-14, Sec. 8(a)(10)(A)(ii), substituted "subparagraph (A)" for "clause (A)".

Subsec. (a)(1)(C). Pub. L. 107-14, Sec. 8(a)(10)(A)(iii), substituted "subparagraphs (A) and (B)" for "clauses (A) and (B)".

Subsec. (a)(4). Pub. L. 107-14, Sec. 8(a)(10)(B), struck out "on or after July 1, 1988" after "local veterans' employment

representatives".

Subsec. (b). Pub. L. 107-14, Sec. 8(a)(10)(C)(i), substituted "shall perform the following functions:" for "shall - " in introductory provisions.

Subsec. (b)(1) to (10). Pub. L. 107-14, Sec. 8(a)(10)(C)(ii), (iii), capitalized the first letter of the first word and substituted a period for the semicolon at end.

Subsec. (b)(11). Pub. L. 107-95, Sec. 9(b)(1), which directed that "and" be struck out at end, could not be executed because of the intervening amendment by Pub. L. 107-14, Sec. 8(a)(10)(C)(iv). See below.

Pub. L. 107-14, Sec. 8(a)(10)(C)(ii), (iv), capitalized the first letter of the first word and substituted a period for "; and" at end.

Subsec. (b)(12). Pub. L. 107-95, Sec. 9(b)(2), substituted "; and" for period at end.

Pub. L. 107-14, Sec. 8(a)(10)(C)(ii), capitalized the first letter of the first word.

Subsec. (b)(13). Pub. L. 107-95, Sec. 9(b)(3), added par. (13).

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 2004 of this title as this section.

Subsec. (a)(1). Pub. L. 102-83, Sec. 5(c)(1), substituted "4102A(b)(5)(A)(ii)" for "2002A(b)(5)(A)(ii)" in introductory provisions.

Pub. L. 102-16, Sec. 10(a)(8)(A), (B), substituted "appointment" for "assignment" in two places in introductory provisions and in subpar. (C).

Subsec. (a)(4). Pub. L. 102-16, Sec. 10(a)(8)(C), substituted "appointment" for "assigning".

Subsec. (b)(6). Pub. L. 102-83, Sec. 5(c)(1), substituted "4212" for "2012".

Subsec. (b)(10). Pub. L. 102-83, Sec. 5(c)(1), substituted "1712A" for "612A".

Subsec. (d). Pub. L. 102-16, Sec. 10(a)(8)(D), struck out subsec. (d) which read as follows: "Local veterans' employment representatives shall be assigned, in accordance with this section, by the administrative head of the employment service in each State after consultation with the Director for Veterans' Employment and Training."

1989 - Subsec. (b)(7). Pub. L. 101-237 substituted "Department of Veterans Affairs" for "Veterans' Administration".

1988 - Pub. L. 100-323 substituted "Local veterans' employment representatives" for "Employees of local offices" as section catchline and amended section generally. Prior to amendment, section read as follows: "Except as may be determined by the Secretary of Labor based on a demonstrated lack of need for such services, there shall be assigned by the administrative head of the employment service in each State one or more employees, preferably eligible veterans or eligible persons, on the staffs of local employment service offices, whose services shall be fully devoted to discharging the duties prescribed for the veterans' employment representative and such representative's assistants."

1976 - Pub. L. 94-502 substituted "eligible veterans or eligible persons" for "eligible veterans" and "such representative's" for "his".

1972 - Pub. L. 92-540 substituted provisions relating to the assignment of employees of local offices for provisions relating to the cooperation of other Federal agencies. See section 2005 of this title.

1966 - Pub. L. 89-358 inserted "or of service after January 31, 1955" after "veterans of any war".

EFFECTIVE DATE OF 2006 AMENDMENT

Subsec. (d) of this section as amended by Pub. L. 109-461 applicable with respect to pay periods beginning after the date that is 180 days after Dec. 22, 2006, see section 602(c) of Pub. L. 109-461, set out as a note under section 4103A of this title.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-288 effective Nov. 7, 2002, and applicable for program years under this chapter beginning on or after such date, see section 4(b)(3) of Pub. L. 107-288, set out as a note under section 4103A of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-323 effective May 20, 1988, except that subsec. (a)(1) to (3) effective for all of fiscal year 1988 and subsequent fiscal years, see section 16(a), (b)(1)(C) of Pub. L. 100-323, set out as a note under section 3104 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Dec. 1, 1976, see section 703(c) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-540 effective 90 days after Oct. 24, 1972, see section 601(b) of Pub. L. 92-540, set out as a note under section 4101 of this title.

PILOT PROGRAM TO INTEGRATE AND STREAMLINE FUNCTIONS OF LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES

Pub. L. 104-275, title III, Sec. 303, Oct. 9, 1996, 110 Stat. 3332, as amended by Pub. L. 105-368, title X, Sec. 1005(c)(1), Nov. 11, 1998, 112 Stat. 3366, provided that:

"(a) Authority To Conduct Pilot Program. - In order to assess the effects on the timeliness and quality of services to veterans resulting from re-focusing the staff resources of local veterans' employment representatives, the Secretary of Labor may conduct a pilot program under which the primary responsibilities of local veterans' employment representatives will be case management and the provision and facilitation of direct employment and training services to veterans.

"(b) Authorities Under Chapter 41. - To implement the pilot program, the Secretary of Labor may suspend or limit application of those provisions of chapter 41 of title 38, United States Code (other than subsections (b)(1) and (c) of section 4104) that pertain to the Local Veterans' Employment Representative Program in States designated by the Secretary under subsection (d), except that the Secretary may use the authority of such chapter, as the Secretary may determine, in conjunction with the authority of this section, to carry out the pilot program. The Secretary may collect such data as the Secretary considers necessary for assessment of the pilot program. The Secretary shall measure and evaluate on a continuing basis the effectiveness of the pilot program in achieving its stated goals in general, and in achieving such goals in relation to their cost, their effect on related programs, and their structure and mechanisms for delivery of services.

"(c) Targeted Veterans. - Within the pilot program, eligible veterans who are among groups most in need of intensive services, including disabled veterans, economically disadvantaged veterans, and veterans separated within the previous four years from active

military, naval, or air service shall be given priority for service by local veterans' employment representatives. Priority for the provision of service shall be given first to disabled veterans and then to the other categories of veterans most in need of intensive services in accordance with priorities determined by the Secretary of Labor in consultation with appropriate State labor authorities.

"(d) States Designated. - The pilot program shall be limited to not more than five States to be designated by the Secretary of Labor.

"(e) Reports to Congress. - (1) Not later than one year after the date of the enactment of this Act [Oct. 9, 1996], the Secretary of Labor shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives an interim report describing in detail the development and implementation of the pilot program on a State by State basis.

"(2) Not later than 120 days after the expiration of this section under subsection (h), the Secretary of Labor shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a final report evaluating the results of the pilot program and make recommendations based on the evaluation, which may include legislative recommendations.

"(f) Definitions. - For the purposes of this section:

"(1) The term 'veteran' has the meaning given such term by section 101(2) of title 38, United States Code.

"(2) The term 'disabled veteran' has the meaning given such term by section 4211(3) of such title.

"(3) The term 'active military, naval, or air service' has the meaning given such term by section 101(24) of such title.

"(g) Allocation of Funds. - Any amount otherwise available for fiscal year 1997, 1998, or 1999 to carry out section 4102A(b)(5) of title 38, United States Code, with respect to a State designated by the Secretary of Labor pursuant to subsection (d) shall be available to carry out the pilot program during that fiscal year with respect to that State.

"(h) Expiration Date. - The authority to carry out the pilot program under this section shall expire on October 1, 1999."

-End-

-CITE-

38 USC Sec. 4104A

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR
VETERANS

-HEAD-

Sec. 4104A. Collaborative veterans' training, mentoring, and placement program

-STATUTE-

(a) Grants. - The Secretary shall award grants to eligible nonprofit organizations to provide training and mentoring for eligible veterans who seek employment. The Secretary shall award the grants to not more than three organizations, for periods of two years.

(b) Collaboration and Facilitation. - The Secretary shall ensure

that the recipients of the grants -

(1) collaborate with -

(A) the appropriate disabled veterans' outreach specialists (in carrying out the functions described in section 4103A(a)) and the appropriate local veterans' employment representatives (in carrying out the functions described in section 4104); and

(B) the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) for the areas to be served by recipients of the grants; and

(2) based on the collaboration, facilitate the placement of the veterans that complete the training in meaningful employment that leads to economic self-sufficiency.

(c) Application. - To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the information shall include -

(1) information describing how the organization will -

(A) collaborate with disabled veterans' outreach specialists and local veterans' employment representatives and the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));

(B) based on the collaboration, provide training that facilitates the placement described in subsection (b)(2); and

(C) make available, for each veteran receiving the training, a mentor to provide career advice to the veteran and assist the veteran in preparing a resume and developing job interviewing skills; and

(2) an assurance that the organization will provide the information necessary for the Secretary to prepare the reports described in subsection (d).

(d) Reports. - (1) Not later than six months after the date of the enactment of the VOW to Hire Heroes Act of 2011, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the process for awarding grants under this section, the recipients of the grants, and the collaboration described in subsections (b) and (c).

(2) Not later than 18 months after the date of enactment of the VOW to Hire Heroes Act of 2011, the Secretary shall -

(A) conduct an assessment of the performance of the grant recipients, disabled veterans' outreach specialists, and local veterans' employment representatives in carrying out activities under this section, which assessment shall include collecting information on the number of -

(i) veterans who applied for training under this section;

(ii) veterans who entered the training;

(iii) veterans who completed the training;

(iv) veterans who were placed in meaningful employment under this section; and

(v) veterans who remained in such employment as of the date of the assessment; and

(B) submit to the appropriate committees of Congress a report that includes -

(i) a description of how the grant recipients used the funds

made available under this section;

(ii) the results of the assessment conducted under subparagraph (A); and

(iii) the recommendations of the Secretary as to whether amounts should be appropriated to carry out this section for fiscal years after 2013.

(e) Authorization of Appropriations. - There is authorized to be appropriated to carry out this section \$4,500,000 for the period consisting of fiscal years 2012 and 2013.

(f) Definitions. - In this section -

(1) the term "appropriate committees of Congress" means -

(A) the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pension of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Education and Workforce of the House of Representatives; and

(2) the term "nonprofit organization" means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code.

-SOURCE-

(Added Pub. L. 112-56, title II, Sec. 234(a), Nov. 21, 2011, 125 Stat. 721.)

-REFTEXT-

REFERENCES IN TEXT

The date of enactment of the VOW to Hire Heroes Act of 2011, referred to in subsec. (d), is the date of enactment of Pub. L. 112-56, which was approved Nov. 21, 2011.

Section 501 of the Internal Revenue Code of 1986, referred to in subsec. (f)(2), is classified to section 501 of Title 26, Internal Revenue Code.

-MISC1-

PRIOR PROVISIONS

A prior section 4104A, added Pub. L. 100-323, Sec. 4(a)(1), May 20, 1988, 102 Stat. 562, Sec. 2004A; renumbered Sec. 4104A and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406, related to performance of disabled veterans' outreach program specialists and local veterans' employment representatives, prior to repeal by Pub. L. 107-288, Sec. 4(a)(3)(A)(i), Nov. 7, 2002, 116 Stat. 2042, effective Nov. 7, 2002, and applicable for program and fiscal years under this chapter beginning on or after such date.

-End-

-CITE-

38 USC Sec. 4105

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR

VETERANS

-HEAD-

Sec. 4105. Cooperation of Federal agencies

-STATUTE-

(a) All Federal agencies shall furnish the Secretary such records, statistics, or information as the Secretary may deem necessary or appropriate in administering the provisions of this chapter, and shall otherwise cooperate with the Secretary in providing continuous employment and training opportunities for eligible veterans and eligible persons.

(b) For the purpose of assisting the Secretary and the Secretary of Veterans Affairs in identifying employers with potential job training opportunities under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note) (!1) and otherwise in order to carry out this chapter, the Secretary of Defense shall, on the 15th day of each month, provide the Secretary and the Secretary of Veterans Affairs with updated information regarding any list maintained by the Secretary of Defense of employers participating in the National Committee for Employer Support of the Guard and Reserve.

-SOURCE-

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1219, Sec. 2014; renumbered Sec. 2005 and amended Pub. L. 87-675, Sec. 1(a), (c), Sept. 19, 1962, 76 Stat. 558, 559; Pub. L. 92-540, title V, Sec. 502(a), Oct. 24, 1972, 86 Stat. 1095; Pub. L. 93-508, title IV, Sec. 401(d), Dec. 3, 1974, 88 Stat. 1592; Pub. L. 94-502, title VI, Sec. 606(3), Oct. 15, 1976, 90 Stat. 2405; Pub. L. 100-323, Secs. 6(a), 15(a)(2), May 20, 1988, 102 Stat. 564, 574; Pub. L. 101-237, title IV, Sec. 423(b)(8)(A), Dec. 18, 1989, 103 Stat. 2093; renumbered Sec. 4105, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 109-233, title V, Sec. 503(12), June 15, 2006, 120 Stat. 417.)

-REFTEXT-

REFERENCES IN TEXT

The Veterans' Job Training Act, referred to in subsec. (b), is Pub. L. 98-77, Aug. 15, 1983, 97 Stat. 443, as amended, which is set out as a note under section 2913 of Title 29, Labor. For complete classification of this Act to the Code, see Tables.

-MISC1-

PRIOR PROVISIONS

Prior section 4105, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1244; Pub. L. 87-574, Sec. 4(1), Aug. 6, 1962, 76 Stat. 308; Pub. L. 89-785, title I, Sec. 105, Nov. 7, 1966, 80 Stat. 1369; Pub. L. 94-123, Sec. 5(b), Oct. 22, 1975, 89 Stat. 675; Pub. L. 94-581, title I, Sec. 110(4), title II, Secs. 205(e), 209(a)(1), (2), (4), (c)(2), Oct. 21, 1976, 90 Stat. 2848, 2859, 2860, 2861; Pub. L. 95-201, Sec. 4(a)(1), Nov. 23, 1977, 91 Stat. 1430; Pub. L. 96-151, title III, Sec. 302(b), Dec. 20, 1979, 93 Stat. 1096; Pub. L. 97-295, Sec. 4(81), Oct. 12, 1982, 96 Stat. 1311; Pub. L. 98-160, title II, Sec. 202, Nov. 21, 1983, 97 Stat. 1000, related to qualifications of appointees to positions in Department of Medicine and Surgery, prior to repeal by Pub. L. 102-40, title IV, Sec. 401(a)(3), May 7, 1991, 105 Stat. 210. See section 7402 of this title.

Provisions similar to those comprising this section were contained in former section 2004 of this title prior to the amendment of this chapter by Pub. L. 92-540.

AMENDMENTS

2006 - Subsec. (b). Pub. L. 109-233 substituted "shall, on the 15th day of each month, provide the Secretary and the Secretary of Veterans Affairs with updated information regarding" for "shall provide, not more than 30 days after the date of the enactment of this subsection, the Secretary and the Secretary of Veterans Affairs with" and struck out before period at end "and shall provide, on the 15th day of each month thereafter, updated information regarding the list".

1991 - Pub. L. 102-83 renumbered section 2005 of this title as this section.

1989 - Subsec. (b). Pub. L. 101-237 substituted "Secretary of Veterans Affairs" for "Administrator" wherever appearing.

1988 - Subsec. (a). Pub. L. 100-323, Sec. 15(a)(2), struck out "of Labor" after "furnish the Secretary".

Pub. L. 100-323, Sec. 6(a)(1), designated existing provisions as subsec. (a).

Subsec. (b). Pub. L. 100-323, Sec. 6(a)(2), added subsec. (b).

1976 - Pub. L. 94-502 substituted "the Secretary may deem" for "he may deem".

1974 - Pub. L. 93-508 substituted "eligible veterans and eligible persons" for "eligible veterans".

1972 - Pub. L. 92-540 substituted provisions relating to the cooperation of other Federal agencies for provisions relating to the estimation of funds for administration. See section 2006 of this title.

1962 - Pub. L. 87-675 substituted "chapter" for "subchapter" after "administration of this".

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 6(a) of Pub. L. 100-323 effective on 60th day after May 20, 1988, and amendment by section 15(a)(2) of Pub. L. 100-323 effective May 20, 1988, see section 16(a), (b)(2) of Pub. L. 100-323, set out as a note under section 3104 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Dec. 1, 1976, see section 703(c) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as a note under section 3452 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-540 effective 90 days after Oct. 24, 1972, see section 601(b) of Pub. L. 92-540, set out as a note under section 4101 of this title.

-FOOTNOTE-

(1) See References in Text note below.

-End-

-CITE-

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR
VETERANS

-HEAD-

Sec. 4106. Estimate of funds for administration; authorization of appropriations

-STATUTE-

(a) The Secretary shall estimate the funds necessary for the proper and efficient administration of this chapter and chapters 42 and 43 of this title. Such estimated sums shall include the annual amounts necessary for salaries, rents, printing and binding, travel, and communications. Sums thus estimated shall be included as a special item in the annual budget for the Department of Labor. Estimated funds necessary for proper intensive services, placement, and training services to eligible veterans and eligible persons provided by the various State public employment service agencies shall each be separately identified in the budgets of those agencies as approved by the Department of Labor. Funds estimated pursuant to the first sentence of this subsection shall include amounts necessary in all of the States for the purposes specified in paragraph (5) of section 4102A(b) of this title and to fund the National Veterans' Employment and Training Services Institute under section 4109 of this title and shall be approved by the Secretary only if the level of funding proposed is in compliance with such sections. Each budget submission with respect to such funds shall include a separate listing of the amount for the National Veterans' Employment and Training Services Institute together with information demonstrating the compliance of such budget submission with the funding requirements specified in the preceding sentence.

(b) There are authorized to be appropriated such sums as may be necessary for the proper and efficient administration of this chapter.

(c) In the event that the regular appropriations Act making appropriations for administrative expenses for the Department of Labor with respect to any fiscal year does not specify an amount for the purposes specified in subsection (b) of this section for that fiscal year, then of the amounts appropriated in such Act there shall be available only for the purposes specified in subsection (b) of this section such amount as was set forth in the budget estimate submitted pursuant to subsection (a) of this section.

(d) Any funds made available pursuant to subsections (b) and (c) of this section shall not be available for any purpose other than those specified in such subsections.

-SOURCE-

(Added Pub. L. 92-540, title V, Sec. 502(a), Oct. 24, 1972, 86 Stat. 1096, Sec. 2006; amended Pub. L. 93-508, title IV, Sec. 401(e), Dec. 3, 1974, 88 Stat. 1592; Pub. L. 94-502, title VI, Sec. 603, Oct. 15, 1976, 90 Stat. 2404; Pub. L. 97-306, title III, Sec. 306, Oct. 14, 1982, 96 Stat. 1440; Pub. L. 100-323, Secs. 2(b), (c), (e)(2), 15(a)(2), May 20, 1988, 102 Stat. 558, 559, 574; renumbered Sec. 4106 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 107-288, Secs. 4(d)(1), 5(a)(1)(C), Nov. 7, 2002, 116 Stat. 2044.)

-MISC1-

PRIOR PROVISIONS

Prior section 4106, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1245; Pub. L. 89-785, title I, Sec. 106, Nov. 7, 1966, 80 Stat. 1369; Pub. L. 94-123, Sec. 5(c), Oct. 22, 1975, 89 Stat. 675; Pub. L. 94-581, title I, Sec. 110(5), title II, Sec. 209(a)(1), (b)(1), Oct. 21, 1976, 90 Stat. 2848, 2860, 2861; Pub. L. 96-151, title III, Sec. 303, Dec. 20, 1979, 93 Stat. 1096; Pub. L. 98-160, title II, Sec. 203(a), Nov. 21, 1983, 97 Stat. 1000; Pub. L. 99-576, title VII, Sec. 701(86), Oct. 28, 1986, 100 Stat. 3298; Pub. L. 100-322, title II, Sec. 221, May 20, 1988, 102 Stat. 531; Pub. L. 101-237, title II, Sec. 203, Dec. 18, 1989, 103 Stat. 2067, related to period of appointment and promotions of persons appointed to Department of Medicine and Surgery, prior to repeal by Pub. L. 102-40, title IV, Sec. 401(a)(3), May 7, 1991, 105 Stat. 210. See section 7403 of this title.

Provisions similar to those comprising this section were contained in former section 2005 of this title prior to the amendment of this chapter by Pub. L. 92-540.

AMENDMENTS

2002 - Subsec. (a). Pub. L. 107-288, Sec. 5(a)(1)(C), substituted "proper intensive services" for "proper counseling".

Pub. L. 107-288, Sec. 4(d)(1), amended last sentence generally. Prior to amendment, last sentence read as follows: "Each budget submission with respect to such funds shall include separate listings of the amount for the National Veterans' Employment and Training Services Institute and of the proposed numbers, by State, of disabled veterans' outreach program specialists appointed under section 4103A of this title and local veterans' employment representatives assigned under section 4104 of this title, together with information demonstrating the compliance of such budget submission with the funding requirements specified in the preceding sentence."

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 2006 of this title as this section.

Subsec. (a). Pub. L. 102-83, Sec. 5(c)(1), substituted "4102A(b)" for "2002A(b)", "4109" for "2009", "4103A" for "2003A", and "4104" for "2004".

1988 - Subsec. (a). Pub. L. 100-323, Sec. 15(a)(2), struck out "of Labor" after "Secretary" in first and fifth sentences.

Pub. L. 100-323, Sec. 2(b), (e)(2), substituted "in all of the States for the purposes specified in paragraph (5) of section 2002A(b) of this title and to fund the National Veterans' Employment and Training Services Institute under section 2009" for "to fund the disabled veterans' outreach program under section 2003A" and "with such sections" for "with such section" in fifth sentence, inserted after fifth sentence "Each budget submission with respect to such funds shall include separate listings of the amount for the National Veterans' Employment and Training Services Institute and of the proposed numbers, by State, of disabled veterans' outreach program specialists appointed under section 2003A of this title and local veterans' employment representatives assigned under section 2004 of this title, together with information demonstrating the compliance of such budget submission with the funding requirements specified in the preceding sentence.", and struck out at end "Each budget submission with respect to such funds shall include a separate listing of the proposed number, by State, for disabled veterans outreach program

specialists appointed under such section. The Secretary shall carry out this subsection through the Assistant Secretary for Veterans' Employment."

Subsec. (d). Pub. L. 100-323, Sec. 2(c), struck out ", except with the approval of the Secretary of Labor, upon the recommendation of the Assistant Secretary of Labor for Veterans' Employment, based on a demonstrated lack of need for such funds for such purposes" after "in such subsections".

1982 - Subsec. (a). Pub. L. 97-306, Sec. 306(a), inserted "and chapters 42 and 43 of this title" after "administration of this chapter", and inserted provisions at end relating to the inclusion in estimated necessary funds of amounts necessary to fund the disabled veterans' outreach program, inclusion in budgets of the proposed number for program specialists, and the carrying out of this subsection through the Assistant Secretary for Veterans' Employment.

Subsec. (d). Pub. L. 97-306, Sec. 306(b), inserted ", upon the recommendation of the Assistant Secretary of Labor for Veterans' Employment," after "Secretary of Labor".

1976 - Subsec. (a). Pub. L. 94-502 substituted "agencies shall each be" for "agencies shall be".

1974 - Subsec. (a). Pub. L. 93-508 substituted "training services to eligible veterans and eligible persons" for "training services to veterans".

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-288, Sec. 4(d)(2), Nov. 7, 2002, 116 Stat. 2044, provided that: "The amendment made by paragraph (1) [amending this section] shall take effect on the date of the enactment of this Act [Nov. 7, 2002], and apply to budget submissions for fiscal year 2004 and each subsequent fiscal year."

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Dec. 1, 1976, see section 703(c) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as a note under section 3452 of this title.

EFFECTIVE DATE

Section effective 90 days after Oct. 24, 1972, see section 601(b) of Pub. L. 92-540, set out as an Effective Date of 1972 Amendment note under section 4101 of this title.

-End-

-CITE-

38 USC Sec. 4107

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR

VETERANS

-HEAD-

-STATUTE-

(a) The Secretary shall establish administrative controls for the following purposes:

(1) To insure that each eligible veteran, especially veterans of the Vietnam era and disabled veterans, and each eligible person who requests assistance under this chapter shall promptly be placed in a satisfactory job or job training opportunity or receive some other specific form of assistance designed to enhance such veteran's and eligible person's employment prospects substantially, such as individual job development or intensive services.

(2) To determine whether or not the employment service agencies in each State have committed the necessary staff to insure that the provisions of this chapter are carried out; and to arrange for necessary corrective action where staff resources have been determined by the Secretary to be inadequate.

(b) The Secretary shall apply performance standards established under section 4102A(f) of this title for determining compliance by the State public employment service agencies with the provisions of this chapter and chapter 42 of this title. Not later than February 1 of each year, the Secretary shall report to the Committees on Veterans' Affairs of the Senate and the House of Representatives on the performance of States and organizations and entities carrying out employment, training, and placement services under this chapter, as measured under subsection (b)(7) of section 4102A of this title. In the case of a State that the Secretary determines has not met the minimum standard of performance (established by the Secretary under subsection (f) of such section), the Secretary shall include an analysis of the extent and reasons for the State's failure to meet that minimum standard, together with the State's plan for corrective action during the succeeding year.

(c) Not later than February 1 of each year, the Secretary shall report to the Committees on Veterans' Affairs of the Senate and the House of Representatives on the success during the preceding program year of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter and programs for the provision of employment and training services to meet the needs of eligible veterans and eligible persons. The report shall include -

(1) specification, by State and by age group, of the numbers of eligible veterans, disabled veterans, special disabled veterans, eligible persons, recently separated veterans (as defined in section 4211(6) of this title), and servicemembers transitioning to civilian careers who registered for assistance with, or who are identified as veterans by, the public employment service system and, for each of such categories, the numbers referred to and placed in permanent and other jobs, the numbers referred to and placed in jobs and job training programs supported by the Federal Government, the number who received intensive services, and the number who received some, and the number who received no, reportable service;

(2) a comparison of the rate of entered employment (as determined in a manner consistent with State performance measures applicable under section 136(b) of the Workforce Investment Act of 1998) for each of the categories of veterans and persons described in paragraph (1) of this subsection with such rate of entered employment (as so determined) for nonveterans of the same age groups registered for assistance with the public employment

system in each State;

(3) any determination made by the Secretary during the preceding fiscal year under section 4106 of this title or subsection (a)(2) of this section and a statement of the reasons for such determination;

(4) a report on activities carried out during the preceding program year under section 4212(d) of this title;

(5) a report on the operation during the preceding program year of programs for the provision of employment and training services designed to meet the needs of eligible veterans and eligible persons, including an evaluation of the effectiveness of such programs during such program year in meeting the requirements of section 4102A(b) of this title, the efficiency with which services were provided through such programs during such year, and such recommendations for further legislative action relating to veterans' employment and training as the Secretary considers appropriate;

(6) a report on the operation during the preceding program year of the program of performance incentive awards for quality employment services under section 4112 of this title; and

(7) performance measures for the provision of assistance under this chapter, including -

(A) the percentage of participants in programs under this chapter who find employment before the end of the first 90-day period following their completion of the program;

(B) the percentage of participants described in subparagraph (A) who are employed during the first 180-day period following the period described in such subparagraph;

(C) the median earnings of participants described in subparagraph (A) during the period described in such subparagraph;

(D) the median earnings of participants described in subparagraph (B) during the period described in such subparagraph; and

(E) the percentage of participants in programs under this chapter who obtain a certificate, degree, diploma, licensure, or industry-recognized credential relating to the program in which they participated under this chapter during the third 90-day period following their completion of the program.

-SOURCE-

(Added Pub. L. 92-540, title V, Sec. 502(a), Oct. 24, 1972, 86 Stat. 1096, Sec. 2007; amended Pub. L. 93-508, title IV, Sec. 401(f), Dec. 3, 1974, 88 Stat. 1592; Pub. L. 94-502, title VI, Sec. 604, Oct. 15, 1976, 90 Stat. 2404; Pub. L. 95-202, title III, Sec. 309(b), Nov. 23, 1977, 91 Stat. 1446; Pub. L. 96-466, title V, Sec. 507, Oct. 17, 1980, 94 Stat. 2205; Pub. L. 97-306, title III, Sec. 307, Oct. 14, 1982, 96 Stat. 1440; Pub. L. 100-323, Secs. 2(d), 15(a)(2), May 20, 1988, 102 Stat. 558, 574; renumbered Sec. 4107 and amended Pub. L. 102-83, Sec. 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 107-288, Secs. 4(a)(3)(B), (e)(1), 5(a)(1)(D), (E), (d)(1), Nov. 7, 2002, 116 Stat. 2042, 2044, 2045; Pub. L. 112-56, title II, Sec. 238, Nov. 21, 2011, 125 Stat. 726.)

-REFTEXT-

REFERENCES IN TEXT

Section 136(b) of the Workforce Investment Act of 1998, referred to in subsec. (c)(2), is classified to section 2871(b) of Title 29, Labor.

PRIOR PROVISIONS

Prior section 4107, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1245; Pub. L. 86-568, title I, Sec. 114(f), July 1, 1960, 74 Stat. 301; Pub. L. 87-793, Sec. 802, Oct. 11, 1962, 76 Stat. 860; Pub. L. 88-426, title I, Sec. 118, Aug. 14, 1964, 78 Stat. 410; Pub. L. 89-301, Sec. 7, Oct. 29, 1965, 79 Stat. 1117; Pub. L. 89-504, title I, Sec. 105, July 18, 1966, 80 Stat. 291; Pub. L. 89-785, title I, Sec. 107(a), Nov. 7, 1966, 80 Stat. 1370; Pub. L. 90-206, title II, Sec. 208, Dec. 16, 1967, 81 Stat. 631; Pub. L. 91-496, Sec. 2, Oct. 22, 1970, 84 Stat. 1092; Pub. L. 93-82, title II, Sec. 203, Aug. 2, 1973, 87 Stat. 188; Pub. L. 94-123, Secs. 2(b), 5(d), Oct. 22, 1975, 89 Stat. 669, 675; Pub. L. 94-581, title I, Sec. 110(6), title II, Secs. 209(a)(1), (2), (b)(2), (c)(3), 210(c)(4), Oct. 21, 1976, 90 Stat. 2848, 2860, 2861, 2863; Pub. L. 95-201, Sec. 5(a)(1), (2), Nov. 23, 1977, 91 Stat. 1432; Pub. L. 96-22, title V, Sec. 504, June 13, 1979, 93 Stat. 65; Pub. L. 96-330, title I, Secs. 105(c), 111, 112, Aug. 26, 1980, 94 Stat. 1036, 1037; Pub. L. 96-385, title V, Sec. 508(a), Oct. 7, 1980, 94 Stat. 1538; Pub. L. 97-251, Sec. 2(a)-(c), Sept. 8, 1982, 96 Stat. 711, 712; Pub. L. 97-295, Sec. 4(82), Oct. 12, 1982, 96 Stat. 1311; Pub. L. 98-160, title II, Sec. 204, Nov. 21, 1983, 97 Stat. 1001; Pub. L. 98-528, title I, Secs. 101(b), 109, Oct. 19, 1984, 98 Stat. 2688, 2691; Pub. L. 99-576, title VII, Sec. 701(87), Oct. 28, 1986, 100 Stat. 3299; Pub. L. 100-322, title II, Secs. 211(b), 212(b), 213, 214(a), (b), 217, May 20, 1988, 102 Stat. 514, 516, 530; Pub. L. 100-687, div. B, title XV, Sec. 1506(b)(2), Nov. 18, 1988, 102 Stat. 4136; Pub. L. 101-237, title II, Secs. 204, 205(a), Dec. 18, 1989, 103 Stat. 2067; Pub. L. 101-366, title I, Secs. 101(c), 102(c), 103, Aug. 15, 1990, 104 Stat. 430, 436, 437, related to grades and pay scales of positions in Department of Medicine and Surgery, prior to repeal by Pub. L. 102-40, title IV, Sec. 401(a)(3), May 7, 1991, 105 Stat. 210. See sections 7404, 7426, and 7453 to 7457 of this title.

AMENDMENTS

2011 - Subsec. (c)(2). Pub. L. 112-56, Sec. 238(1), substituted "paragraph (1)" for "clause (1)".

Subsec. (c)(7). Pub. L. 112-56, Sec. 238(2)-(4), added par. (7).

2002 - Subsec. (a)(1). Pub. L. 107-288, Sec. 5(a)(1)(D), substituted "intensive services" for "employment counseling services".

Subsec. (b). Pub. L. 107-288, Sec. 5(d)(1)(E), inserted second and third sentences and struck out former second sentence which read as follows: "A full report as to the extent and reasons for any noncompliance by any such State agency during any fiscal year, together with the agency's plan for corrective action during the succeeding year, shall be included in the annual report of the Secretary required by subsection (c) of this section."

Pub. L. 107-288, Sec. 4(a)(3)(B), substituted "The Secretary shall apply performance standards established under section 4102A(f) of this title" for "The Secretary shall establish definitive performance standards".

Subsec. (c)(1). Pub. L. 107-288, Sec. 5(d)(1)(A), struck out "veterans of the Vietnam era," before "disabled veterans, special" and substituted "eligible persons, recently separated veterans (as defined in section 4211(6) of this title), and servicemembers transitioning to civilian careers who registered for assistance with, or who are identified as veterans by," for "and eligible persons who registered for assistance with".

Pub. L. 107-288, Sec. 5(a)(1)(E), substituted "the number who

received intensive services" for "the number counseled".

Subsec. (c)(2). Pub. L. 107-288, Sec. 5(d)(1)(B), substituted "the rate of entered employment (as determined in a manner consistent with State performance measures applicable under section 136(b) of the Workforce Investment Act of 1998) for each of the categories" for "the job placement rate for each of the categories" and "such rate of entered employment (as so determined) for nonveterans" for "the job placement rate for nonveterans".

Subsec. (c)(4). Pub. L. 107-288, Sec. 5(d)(1)(C), substituted "section 4212(d)" for "sections 4103A and 4104".

Subsec. (c)(5). Pub. L. 107-288, Sec. 4(e)(1), struck out "(including the need for any changes in the formulas governing the appointment of disabled veterans' outreach program specialists under section 4103A(a)(2) of this title and the assignment of local veterans' employment representatives under section 4104(b) of this title and the allocation of funds for the support of such specialists and representatives)" after "further legislative action".

Subsec. (c)(6). Pub. L. 107-288, Sec. 5(d)(1)(D), added par. (6).

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 2007 of this title as this section.

Subsec. (c)(3) to (5). Pub. L. 102-83, Sec. 5(c)(1), substituted "4106" for "2006" in par. (3), "4103A and 4104" for "2003A and 2004" in par. (4), and "4102A(b)" for "2002A(b)", "4103A(a)(2)" for "2003A(a)(2)", and "4104(b)" for "2004(b)" in par. (5).

1988 - Subsecs. (a), (b). Pub. L. 100-323, Sec. 15(a)(2), struck out "of Labor" after "Secretary" in four places.

Subsec. (c). Pub. L. 100-323, Sec. 2(d), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: "The Secretary of Labor shall report annually to the Congress on the success of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter. The report shall include, by State, specification of the numbers of eligible veterans, veterans of the Vietnam era, disabled veterans, special disabled veterans, and eligible persons who registered for assistance with the public employment service system and, of each of such categories, the number referred to jobs, the number placed in permanent jobs as defined by the Secretary, the number referred to and the number placed in employment and job training programs supported by the Federal Government, the number counseled, and the number who received some reportable service. The report shall also include any determination by the Secretary under section 2004, 2006, or 2007(a) of this title and a statement of the reasons for such determination. The report shall also include a report on activities carried out under section 2003A of this title."

1982 - Subsec. (c). Pub. L. 97-306 inserted provision that the report shall also include a report on activities carried out under section 2003A of this title.

1980 - Subsec. (a)(1). Pub. L. 96-466, Sec. 507(1), substituted "veterans of the Vietnam era and disabled veterans" for "those veterans who have been recently discharged or released from active duty".

Subsec. (c). Pub. L. 96-466, Sec. 507(2), substituted provisions that the report include, by State, specification of the numbers of eligible veterans, veterans of the Vietnam era, disabled veterans, special disabled veterans, and eligible persons who registered for assistance with the public employment service system and, of each of such categories, the number referred to jobs, the number placed in permanent jobs, the number referred to and the number placed in employment and job training programs supported by the Federal

Government, the number counseled, and the number who received some reportable service for provisions that the report include, by State, the number of recently discharged or released eligible veterans, veterans with service-connected disabilities, other eligible veterans, and eligible persons who requested assistance through the public employment service and, of these, the number placed in suitable employment or job training opportunities or who were otherwise assisted, with separate reference to occupational training and public service employment under appropriate Federal law.

1977 - Subsec. (c). Pub. L. 95-202 directed that "2004" be substituted for "2001". Since subsec. (c) already contained a reference to "2004" not "2001", the amendment has been carried as a reenactment of subsec. (c) without change.

1976 - Subsec. (a)(1). Pub. L. 94-502, Sec. 604(1), substituted "such veteran's and eligible person's" for "his".

Subsec. (c). Pub. L. 94-502, Sec. 604(2), (3), substituted "occupational training and public service employment" for "occupational training" and "section 2004, 2006, or 2007(a)" for "section 2004 or 2006".

1974 - Subsec. (a)(1). Pub. L. 93-508, Sec. 401(f)(1), substituted "active duty and each eligible person" for "active duty".

Subsec. (b). Pub. L. 93-508, Sec. 401(f)(2), added subsec. (b) and redesignated former subsec. (b) as (c).

Subsec. (c). Pub. L. 93-508, Sec. 401(f)(2), (3), redesignated former subsec. (b) as (c) and substituted "other eligible veterans, and eligible persons" for "and other eligible veterans".

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by section 4(a)(3)(B) of Pub. L. 107-288 effective Nov. 7, 2002, and applicable for program and fiscal years under this chapter beginning on or after such date, see section 4(a)(4) of Pub. L. 107-288, set out as a note under section 4102A of this title.

Pub. L. 107-288, Sec. 5(d)(2), Nov. 7, 2002, 116 Stat. 2046, provided that: "The amendments made by paragraph (1) [amending this section] shall apply to reports for program years beginning on or after July 1, 2003."

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-466 effective Oct. 1, 1980, see section 802(e) of Pub. L. 96-466, set out as a note under section 4101 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective Nov. 23, 1977, see section 501 of Pub. L. 95-202, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Dec. 1, 1976, see section 703(c) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-508 effective Dec. 3, 1974, see section 503 of Pub. L. 93-508, set out as a note under section 3452 of this title.

EFFECTIVE DATE

Section effective 90 days after Oct. 24, 1972, see section 601(b) of Pub. L. 92-540, set out as an Effective Date of 1972 Amendment note under section 4101 of this title.

PUBLICATION OF LABOR-MARKET STATISTICS RELATING TO VETERANS WHO SERVED IN VIETNAM THEATRE OF OPERATIONS

Section 513 of Pub. L. 96-466 provided that:

"(a) When the Commissioner of the Bureau of Labor Statistics publishes annual labor-market statistics relating specifically to veterans who served in the Armed Forces during the Vietnam era, the Commissioner shall also publish separate labor-market statistics on the same subject matter which apply only to veterans who served in the Vietnam theatre of operations. When the Commissioner of the Bureau of Labor Statistics publishes labor-market statistics which relate specifically to veterans who served in the Armed Forces during the Vietnam era in addition to those statistics published on an annual basis to which the preceding sentence applies, the Commissioner shall also, if feasible, publish separate labor-market statistics on the same subject matter which apply only to veterans who served in the Vietnam theatre of operations.

"(b) For the purposes of this section, veterans who during the Vietnam era served in Vietnam, in air missions over Vietnam, or in naval missions in the waters adjacent to Vietnam shall be considered to be veterans who served in the Vietnam theatre of operations."

Section 802(e) of Pub. L. 96-466 provided in part that the provisions of section 513 shall become effective on Oct. 1, 1980.

-End-

-CITE-

38 USC Sec. 4108

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

-HEAD-

Sec. 4108. Cooperation and coordination

-STATUTE-

(a) In carrying out the Secretary's responsibilities under this chapter, the Secretary shall from time to time consult with the Secretary of Veterans Affairs and keep the Secretary of Veterans Affairs fully advised of activities carried out and all data gathered pursuant to this chapter to insure maximum cooperation and coordination between the Department of Labor and the Department of Veterans Affairs.

(b) The Secretary of Veterans Affairs shall provide to appropriate employment service offices and Department of Labor offices, as designated by the Secretary, on a monthly or more frequent basis, the name and address of each employer located in the areas served by such offices that offer a program of job training which has been approved by the Secretary of Veterans Affairs under section 7 of the Veterans' Job Training Act (29 U.S.C. 1721 note).

-SOURCE-

(Added Pub. L. 92-540, title V, Sec. 502(a), Oct. 24, 1972, 86 Stat. 1097, Sec. 2008; amended Pub. L. 94-502, title VI, Sec. 606(4), Oct. 15, 1976, 90 Stat. 2405; Pub. L. 100-323, Secs. 6(b)(1), (2)(A), 15(a)(2), May 20, 1988, 102 Stat. 564, 574; Pub. L. 101-237, title IV, Sec. 423(b)(8), Dec. 18, 1989, 103 Stat. 2093; renumbered Sec. 4108, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406.)

-REFTEXT-

REFERENCES IN TEXT

Section 7 of the Veterans' Job Training Act, referred to in subsec. (b), is section 7 of Pub. L. 98-77, which is set out as a note under section 1721 of Title 29, Labor.

-MISC1-

PRIOR PROVISIONS

Prior section 4108, added Pub. L. 93-82, title II, Sec. 204(a), Aug. 2, 1973, 87 Stat. 190; amended Pub. L. 94-123, Sec. 5(e), Oct. 22, 1975, 89 Stat. 675; Pub. L. 94-581, title I, Sec. 110(7), title II, Secs. 205(f), 209(a)(1), (2), (c)(4), 210(c)(5), Oct. 21, 1976, 90 Stat. 2849, 2859, 2860, 2862, 2864; Pub. L. 96-22, title V, Sec. 501, June 13, 1979, 93 Stat. 64; Pub. L. 96-330, title I, Sec. 113(a), Aug. 26, 1980, 94 Stat. 1038; Pub. L. 97-295, Sec. 4(83), Oct. 12, 1982, 96 Stat. 1312; Pub. L. 101-237, title II, Sec. 206(a), Dec. 18, 1989, 103 Stat. 2067, related to personnel administration, prior to repeal by Pub. L. 102-40, title IV, Sec. 401(a)(3), May 7, 1991, 105 Stat. 210. See sections 7402, 7421, 7423, and 7424 of this title.

Another prior section 4108, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1246; Pub. L. 86-568, title I, Sec. 114(g), July 1, 1960, 74 Stat. 301; Pub. L. 87-574, Sec. 3, Aug. 6, 1962, 76 Stat. 308; Pub. L. 87-793, Sec. 803(a), Oct. 11, 1962, 76 Stat. 860, related to administration, prior to repeal by section 204(a) of Pub. L. 93-82.

AMENDMENTS

1991 - Pub. L. 102-83 renumbered section 2008 of this title as this section.

1989 - Pub. L. 101-237 substituted "Secretary of Veterans Affairs" and "Department of Veterans Affairs" for "Administrator" and "Veterans' Administration", respectively, wherever appearing.

1988 - Pub. L. 100-323, Sec. 6(b)(2)(A), struck out "with the Veterans' Administration" after "Cooperation and coordination" in section catchline.

Subsec. (a). Pub. L. 100-323, Sec. 15(a)(2), struck out "of Labor" after "Secretary".

Pub. L. 100-323, Sec. 6(b)(1)(A), designated existing provisions as subsec. (a).

Subsec. (b). Pub. L. 100-323, Sec. 6(b)(1)(B), added subsec. (b).

1976 - Pub. L. 94-502 substituted "the Secretary's" for "his" and "the Administrator fully advised" for "him fully advised".

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 6(b)(1), (2)(A) of Pub. L. 100-323 effective on 60th day after May 20, 1988, and amendment by section 15(a)(2) of Pub. L. 100-323 effective May 20, 1988, see section 16(a), (b)(2) of Pub. L. 100-323, set out as a note under section 3104 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-502 effective Dec. 1, 1976, see section 703(c) of Pub. L. 94-502, set out as an Effective Date note under section 3693 of this title.

EFFECTIVE DATE

Section effective 90 days after Oct. 24, 1972, see section 601(b) of Pub. L. 92-540, set out as an Effective Date of 1972 Amendment note under section 4101 of this title.

-End-

-CITE-

38 USC Sec. 4109

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

-HEAD-

Sec. 4109. National Veterans' Employment and Training Services Institute

-STATUTE-

(a) In order to provide for such training as the Secretary considers necessary and appropriate for the efficient and effective provision of employment, job-training, intensive services, placement, job-search, and related services to veterans, the Secretary shall establish and make available such funds as may be necessary to operate a National Veterans' Employment and Training Services Institute for the training of disabled veterans' outreach program specialists, local veterans' employment representatives, Directors for Veterans' Employment and Training, and Assistant Directors for Veterans' Employment and Training, Regional Administrators for Veterans' Employment and Training, and such other personnel involved in the provision of employment, job-training, intensive services, placement, or related services to veterans as the Secretary considers appropriate, including travel expenses and per diem for attendance at the Institute.

(b) In implementing this section, the Secretary shall, as the Secretary considers appropriate, provide, out of program funds designated for the Institute, training for Veterans' Employment and Training Service personnel, including travel expenses and per diem to attend the Institute.

(c)(1) Nothing in this section shall be construed as preventing the Institute to enter into contracts or agreements with departments or agencies of the United States or of a State, or with other organizations, to carry out training of personnel of such departments, agencies, or organizations in the provision of services referred to in subsection (a).

(2) All proceeds collected by the Institute under a contract or agreement referred to in paragraph (1) shall be applied to the applicable appropriation.

(d)(1) The Secretary shall require that each disabled veterans' outreach program specialist and local veterans' employment representative who receives training provided by the Institute, or its successor, is given a final examination to evaluate the specialist's or representative's performance in receiving such

training.

(2) The results of such final examination shall be provided to the entity that sponsored the specialist or representative who received the training.

-SOURCE-

(Added Pub. L. 97-306, title III, Sec. 308(a), Oct. 14, 1982, 96 Stat. 1440, Sec. 2009; amended Pub. L. 100-323, Sec. 8(a), May 20, 1988, 102 Stat. 566; renumbered Sec. 4109, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 107-288, Sec. 5(a)(1)(F), (e), Nov. 7, 2002, 116 Stat. 2044, 2046; Pub. L. 112-56, title II, Sec. 240(a), Nov. 21, 2011, 125 Stat. 727.)

-MISC1-

PRIOR PROVISIONS

Prior section 4109, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1246; Pub. L. 93-82, title II, Sec. 205(a), Aug. 2, 1973, 87 Stat. 192; Pub. L. 96-330, title I, Sec. 114, Aug. 26, 1980, 94 Stat. 1039; Pub. L. 96-385, title V, Sec. 508(b), Oct. 7, 1980, 94 Stat. 1538; Pub. L. 97-72, title IV, Sec. 402(a), Nov. 3, 1981, 95 Stat. 1062; Pub. L. 97-295, Sec. 4(84), Oct. 12, 1982, 96 Stat. 1312; Pub. L. 99-272, title XV, Sec. 15204(b), Apr. 7, 1986, 100 Stat. 335; Pub. L. 99-509, title VII, Sec. 7003(a), Oct. 21, 1986, 100 Stat. 1949, related to retirement rights, prior to repeal by Pub. L. 102-40, title IV, Sec. 401(a)(3), May 7, 1991, 105 Stat. 210. See section 7426 of this title.

AMENDMENTS

2011 - Subsec. (d). Pub. L. 112-56 added subsec. (d).

2002 - Subsec. (a). Pub. L. 107-288, Sec. 5(a)(1)(F), substituted "intensive services," for "counseling," in two places.

Subsec. (c). Pub. L. 107-288, Sec. 5(e), added subsec. (c).

1991 - Pub. L. 102-83 renumbered section 2009 of this title as this section.

1988 - Pub. L. 100-323 amended section generally, substituting provisions relating to a National Veterans' Employment and Training Services Institute for provisions relating to national veterans' employment and training programs.

EFFECTIVE DATE OF 2011 AMENDMENT

Pub. L. 112-56, title II, Sec. 240(b), Nov. 21, 2011, 125 Stat. 727, provided that: "Subsection (d) of section 4109 of title 38, United States Code, as added by subsection (a), shall apply with respect to training provided by the National Veterans' Employment and Training Services Institute that begins on or after the date that is 180 days after the date of the enactment of this Act [Nov. 21, 2011]."

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-323 effective on 60th day after May 20, 1988, see section 16(b)(2) of Pub. L. 100-323, set out as a note under section 3104 of this title.

-End-

-CITE-

38 USC Sec. 4110

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR
VETERANS

-HEAD-

Sec. 4110. Advisory Committee on Veterans Employment, Training, and
Employer Outreach

-STATUTE-

(a)(1) There is hereby established within the Department of Labor
an advisory committee to be known as the Advisory Committee on
Veterans Employment, Training, and Employer Outreach.

(2) The advisory committee shall -

(A) assess the employment and training needs of veterans and
their integration into the workforce;

(B) determine the extent to which the programs and activities
of the Department of Labor are meeting such needs;

(C) assist the Assistant Secretary of Labor for Veterans'
Employment and Training in carrying out outreach activities to
employers with respect to the training and skills of veterans and
the advantages afforded employers by hiring veterans;

(D) make recommendations to the Secretary, through the
Assistant Secretary of Labor for Veterans' Employment and
Training, with respect to outreach activities and the employment
and training of veterans; and

(E) carry out such other activities that are necessary to make
the reports and recommendations referred to in subsection (f) of
this section.

(b) The Secretary of Labor shall, on a regular basis, consult
with and seek the advice of the advisory committee with respect to
the matters referred to in subsection (a)(2) of this section.

(c)(1) The Secretary of Labor shall appoint at least 12, but no
more than 16, individuals to serve as members of the advisory
committee as follows:

(A) Seven individuals, one each from among representatives
nominated by each of the following organizations:

(i) The National Society of Human Resource Managers.

(ii) The Business Roundtable.

(iii) The National Association of State Workforce Agencies.

(iv) The United States Chamber of Commerce.

(v) The National Federation of Independent Business.

(vi) A nationally recognized labor union or organization.

(vii) The National Governors Association.

(B) Not more than five individuals from among representatives
nominated by veterans service organizations that have a national
employment program.

(C) Not more than five individuals who are recognized
authorities in the fields of business, employment, training,
rehabilitation, or labor and who are not employees of the
Department of Labor.

(2) A vacancy in the advisory committee shall be filled in the
manner in which the original appointment was made.

(d) The following, or their representatives, shall be ex officio,
nonvoting members of the advisory committee:

(1) The Secretary of Veterans Affairs.

(2) The Secretary of Defense.

- (3) The Director of the Office of Personnel Management.
- (4) The Assistant Secretary of Labor for Veterans Employment and Training.
- (5) The Assistant Secretary of Labor for Employment and Training.
- (6) The Administrator of the Small Business Administration.

(e)(1) The advisory committee shall meet at least quarterly.

(2) The Secretary of Labor shall appoint the chairman of the advisory committee who shall serve in that position for no more than 2 consecutive years.

(3)(A) Members of the advisory committee shall serve without compensation.

(B) Members of the advisory committee shall be allowed reasonable and necessary travel expenses, including per diem in lieu of subsistence, at rates authorized for persons serving intermittently in the Government service in accordance with the provisions of subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of the responsibilities of the advisory committee.

(4) The Secretary of Labor shall provide staff and administrative support to the advisory committee through the Veterans Employment and Training Service.

(f)(1) Not later than December 31 of each year, the advisory committee shall submit to the Secretary and to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the employment and training needs of veterans, with special emphasis on disabled veterans, for the previous fiscal year. Each such report shall contain -

(A) an assessment of the employment and training needs of veterans and their integration into the workforce;

(B) an assessment of the outreach activities carried out by the Secretary of Labor to employers with respect to the training and skills of veterans and the advantages afforded employers by hiring veterans;

(C) an evaluation of the extent to which the programs and activities of the Department of Labor are meeting such needs;

(D) a description of the activities of the advisory committee during that fiscal year;

(E) a description of activities that the advisory committee proposes to undertake in the succeeding fiscal year; and

(F) any recommendations for legislation, administrative action, and other action that the advisory committee considers appropriate.

(2) In addition to the annual reports made under paragraph (1), the advisory committee may make recommendations to the Secretary of Labor with respect to the employment and training needs of veterans at such times and in such manner as the advisory committee determines appropriate.

(g) Within 60 days after receiving each annual report referred to in subsection (f)(1), the Secretary of Labor shall transmit to Congress a copy of the report together with any comments concerning the report that the Secretary considers appropriate.

(h) The advisory committee shall continue until terminated by law.

-SOURCE-

(Added Pub. L. 97-306, title III, Sec. 308(a), Oct. 14, 1982, 96 Stat. 1441, Sec. 2010; amended Pub. L. 100-323, Secs. 10, 15(a)(2), (3), (b)(1), May 20, 1988, 102 Stat. 566, 574; Pub. L. 101-237,

title IV, Sec. 423(b)(8)(A), Dec. 18, 1989, 103 Stat. 2093; Pub. L. 102-16, Sec. 8(a), Mar. 22, 1991, 105 Stat. 52; renumbered Sec. 4110 and amended Pub. L. 102-83, Secs. 4(b)(1), (2)(E), 5(a), Aug. 6, 1991, 105 Stat. 404-406; Pub. L. 102-568, title V, Sec. 504, Oct. 29, 1992, 106 Stat. 4340; Pub. L. 103-446, title XII, Sec. 1201(a)(5), (g)(3), (i)(7), Nov. 2, 1994, 108 Stat. 4682, 4687, 4688; Pub. L. 109-233, title II, Sec. 202(a)(1), (2), (b)-(d), June 15, 2006, 120 Stat. 403, 404; Pub. L. 109-461, title VI, Sec. 604(b), Dec. 22, 2006, 120 Stat. 3439; Pub. L. 110-387, title IX, Sec. 901(a)(4), Oct. 10, 2008, 122 Stat. 4142.)

-MISC1-

PRIOR PROVISIONS

Prior section 4110, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1246; Pub. L. 88-207, Dec. 17, 1963, 77 Stat. 402; Pub. L. 98-160, title II, Sec. 205, Nov. 21, 1983, 97 Stat. 1001; Pub. L. 99-576, title VII, Sec. 701(88), Oct. 28, 1986, 100 Stat. 3299, related to disciplinary boards, prior to repeal by Pub. L. 102-40, title IV, Sec. 401(a)(3), May 7, 1991, 105 Stat. 210. See section 7464 of this title.

AMENDMENTS

2008 - Subsec. (c)(1). Pub. L. 110-387 substituted "16" for "15" in introductory provisions.

2006 - Pub. L. 109-233, Sec. 202(a)(2), amended section catchline generally, substituting "Advisory Committee on Veterans Employment, Training, and Employer Outreach" for "Advisory Committee on Veterans Employment and Training".

Subsec. (a)(1). Pub. L. 109-233, Sec. 202(a)(1), substituted "Advisory Committee on Veterans Employment, Training, and Employer Outreach" for "Advisory Committee on Veterans Employment and Training".

Subsec. (a)(2). Pub. L. 109-233, Sec. 202(b), inserted "and their integration into the workforce" after "veterans" in subpar. (A), added subpars. (C) and (D), and redesignated former subpar. (C) as (E).

Subsec. (c)(1). Pub. L. 109-233, Sec. 202(c)(1), amended par. (1) generally. Prior to amendment, par. (1) read as follows: "The Secretary of Labor shall appoint at least 12, but no more than 18, individuals to serve as members of the advisory committee consisting of -

"(A) representatives nominated by veterans' organizations that have a national employment program; and

"(B) not more than 6 individuals who are recognized authorities in the fields of business, employment, training, rehabilitation, or labor and who are not employees of the Department of Labor."

Subsec. (c)(1)(A). Pub. L. 109-461 substituted "Seven" for "Six" in introductory provisions and added cl. (vii).

Subsec. (d)(3) to (12). Pub. L. 109-233, Sec. 202(c)(2), struck out pars. (3), (4), (8), and (10) to (12) which related to certain ex officio, nonvoting members of the advisory committee and redesignated pars. (5) to (7) and (9) as (3) to (6), respectively.

Subsec. (f)(1). Pub. L. 109-233, Sec. 202(d)(1), substituted first sentence for former first sentence which read "Not later than July 1 of each year, the advisory committee shall submit to the Secretary of Labor a report on the employment and training needs of veterans."

Subsec. (f)(1)(A). Pub. L. 109-233, Sec. 202(d)(2), inserted "and their integration into the workforce" after "veterans".

Subsec. (f)(1)(B) to (F). Pub. L. 109-233, Sec. 202(d)(3)-(6),

added subpars. (B), (D), and (E), and redesignated former subpars. (B) and (C) as (C) and (F), respectively.

1994 - Subsec. (c)(1). Pub. L. 103-446, Sec. 1201(g)(3), substituted "shall appoint" for "shall, within 90 days after the date of the enactment of this section, appoint".

Subsec. (d)(9). Pub. L. 103-446, Sec. 1201(a)(5), substituted "Administrator of the Small Business Administration" for "Secretary of the Small Business Administration".

Subsec. (e)(3)(B). Pub. L. 103-446, Sec. 1201(i)(7), struck out ", United States Code," after "title 5" and substituted "the advisory committee" for "the Board".

1992 - Subsec. (c)(1)(A). Pub. L. 102-568 struck out "are chartered by Federal law and" after "that".

1991 - Pub. L. 102-83, Sec. 5(a), renumbered section 2010 of this title as this section.

Pub. L. 102-16 amended section generally, substituting present catchline and text consisting of subsecs. (a) to (h) for former catchline which read "Secretary of Labor's Committee on Veterans' Employment" and former text consisting of subsecs. (a) to (c).

Subsec. (d)(9). Pub. L. 102-83, Sec. 4(b)(1), (2)(E), substituted "Secretary" for "Administrator".

1989 - Subsec. (b)(1)(A). Pub. L. 101-237 substituted "Secretary of Veterans Affairs" for "Administrator".

1988 - Subsec. (b). Pub. L. 100-323, Sec. 15(b)(1), inserted "and Training" after "for Veterans' Employment".

Pub. L. 100-323, Sec. 15(a)(3), substituted "Notwithstanding section 2002A(b) of this title, the" for "The".

Pub. L. 100-323, Sec. 15(a)(2), struck out "of Labor" after "Secretary" in first sentence.

Subsec. (b)(1)(D) to (I). Pub. L. 100-323, Sec. 10, added subpars. (D), (H), and (I) and redesignated former subpars. (D) to (F) as (E) to (G), respectively.

-CHANGE-

CHANGE OF NAME

Pub. L. 109-233, title II, Sec. 202(a)(4), June 15, 2006, 120 Stat. 403, provided that: "Any reference to the Advisory Committee established under section 4110 of such title [this title] in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Advisory Committee on Veterans Employment, Training, and Employer Outreach."

-MISC2-

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 10 of Pub. L. 100-323 effective on 60th day after May 20, 1988, and amendment by section 15(a)(2), (3), (b)(1) of Pub. L. 100-323 effective May 20, 1988, see section 16(b)(2) of Pub. L. 100-323, set out as a note under section 3104 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in subsec. (g) of this section, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 125 of House Document No. 103-7.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee

established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

-End-

-CITE-

38 USC Sec. 4110A

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

-HEAD-

Sec. 4110A. Special unemployment study

-STATUTE-

(a)(1) The Secretary, through the Bureau of Labor Statistics, shall conduct an annual study of unemployment among each of the following categories of veterans:

(A) Veterans who were called to active duty while members of the National Guard or a Reserve Component.

(B) Veterans who served in combat or in a war zone in the Post 9/11 Global Operations theaters.

(C) Veterans who served on active duty during the Post 9/11 Global Operations period who did not serve in the Post 9/11 Global Operations theaters.

(D) Veterans of the Vietnam era who served in the Vietnam theater of operations during the Vietnam era.

(E) Veterans who served on active duty during the Vietnam era who did not serve in the Vietnam theater of operations.

(F) Veterans discharged or released from active duty within four years of the applicable study.

(G) Special disabled veterans.

(2) Within each of the categories of veterans specified in paragraph (1), the Secretary shall include a separate category for women who are veterans.

(b) The Secretary shall promptly submit to Congress a report on the results of each study under subsection (a).

(c) In this section:

(1) 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 law.

(2) The term "Post 9/11 Global Operations theaters" means Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.

-SOURCE-

(Added Pub. L. 100-323, Sec. 9(a), May 20, 1988, 102 Stat. 566, Sec. 2010A; renumbered Sec. 4110A, Pub. L. 102-83, Sec. 5(a), Aug. 6, 1991, 105 Stat. 406; amended Pub. L. 103-446, title VII, Sec.

701(c), Nov. 2, 1994, 108 Stat. 4674; Pub. L. 105-368, title X, Sec. 1005(b)(14), Nov. 11, 1998, 112 Stat. 3365; Pub. L. 110-389, title III, Sec. 317, Oct. 10, 2008, 122 Stat. 4167.)

-MISC1-

AMENDMENTS

2008 - Subsec. (a)(1). Pub. L. 110-389, Sec. 317(a), substituted "an annual study" for "a study every two years" in introductory provisions, added subpars. (A) to (G), and struck out former subpars. (A) to (E) which read as follows:

"(A) Special disabled veterans.

"(B) Veterans of the Vietnam era who served in the Vietnam theater of operations during the Vietnam era.

"(C) Veterans who served on active duty during the Vietnam era who did not serve in the Vietnam theater of operations.

"(D) Veterans who served on active duty after the Vietnam era.

"(E) Veterans discharged or released from active duty within four years of the applicable study."

Subsec. (c). Pub. L. 110-389, Sec. 317(b), added subsec. (c).

1998 - Subsec. (a)(3). Pub. L. 105-368, Sec. 1005(b)(14)(B), redesignated par. (3) as subsec. (b).

Subsec. (b). Pub. L. 105-368 redesignated subsec. (a)(3) as (b), substituted "subsection (a)" for "paragraph (1)", and struck out former subsec. (b) which read as follows: "The first study under this section shall be completed not later than 180 days after the date of the enactment of this section."

1994 - Subsec. (a). Pub. L. 103-446 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "The Secretary, through the Bureau of Labor Statistics, shall conduct, on a biennial basis, studies of unemployment among special disabled veterans and among veterans who served in the Vietnam Theater of Operations during the Vietnam era and promptly report to the Congress on the results of such studies."

1991 - Pub. L. 102-83 renumbered section 2010A of this title as this section.

EFFECTIVE DATE

Section effective on 60th day after May 20, 1988, see section 16(b)(2) of Pub. L. 100-323, set out as an Effective Date of 1988 Amendment note under section 3104 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in subsec. (b) of this section, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 125 of House Document No. 103-7.

-End-

-CITE-

38 USC Sec. 4110B

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

-HEAD-

Sec. 4110B. Coordination and nonduplication

-STATUTE-

In carrying out this chapter, the Secretary shall require that an appropriate administrative entity in each State enter into an agreement with the Secretary regarding the implementation of the Workforce Investment Act of 1998 that includes the description and information described in paragraphs (8) and (14) of section 112(b) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b)).

-SOURCE-

(Added Pub. L. 105-220, title III, Sec. 322, Aug. 7, 1998, 112 Stat. 1087; amended Pub. L. 109-233, title V, Sec. 503(13), June 15, 2006, 120 Stat. 417.)

-REFTEXT-

REFERENCES IN TEXT

The Workforce Investment Act of 1998, referred to in text, is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

-MISC1-

AMENDMENTS

2006 - Pub. L. 109-233 substituted "implementation of the Workforce Investment Act of 1998" for "implementation of this Act" and inserted "(29 U.S.C. 2822(b))" before period at end.

-End-

-CITE-

38 USC Sec. 4111 01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS
PART III - READJUSTMENT AND RELATED BENEFITS
CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

-HEAD-

Sec. 4111. Repealed.

-MISC1-

[Sec. 4111. Repealed. Pub. L. 107-95, Sec. 5(e)(3), Dec. 21, 2001, 115 Stat. 918].

Section, added Pub. L. 106-117, title IX, Sec. 901(a), Nov. 30, 1999, 113 Stat. 1586, related to homeless veterans' reintegration programs.

PRIOR PROVISIONS

Prior section 4111, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1247; Pub. L. 87-793, Sec. 804, Oct. 11, 1962, 76 Stat. 861; Pub. L. 89-785, title I, Sec. 108, Nov. 7, 1966, 80 Stat. 1370; Pub. L. 98-160, title II, Sec. 206, Nov. 21, 1983, 97 Stat. 1001, related to appointment of additional employees, prior to repeal by Pub. L. 102-40, title IV, Sec. 401(a)(3), May 7, 1991, 105 Stat. 210. See section 7408 of this title.

-End-

-CITE-

38 USC Sec. 4112

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR
VETERANS

-HEAD-

Sec. 4112. Performance incentive awards for quality employment,
training, and placement services

-STATUTE-

(a) Criteria for Performance Incentive Awards. - (1) For purposes of carrying out a program of performance incentive awards under section 4102A(c)(2)(A)(i)(III) of this title, the Secretary, acting through the Assistant Secretary of Labor for Veterans' Employment and Training, shall establish criteria for performance incentive awards programs to be administered by States to -

(A) encourage the improvement and modernization of employment, training, and placement services provided under this chapter; and

(B) recognize eligible employees and employment service offices for excellence in the provision of such services or for having made demonstrable improvements in the provision of such services.

(2) The Secretary shall establish such criteria in consultation with representatives of States, political subdivisions of States, and other providers of employment, training, and placement services under the Workforce Investment Act of 1998 consistent with the performance measures established under section 4102A(b)(7) of this title.

(b) Form of Awards. - Under the criteria established by the Secretary for performance incentive awards to be administered by States, an award under such criteria may be a cash award or such other nonfinancial awards as the Secretary may specify.

(c) Administration and Use of Awards. - Performance incentive cash awards under this section -

(1) shall be made from amounts allocated from the grant or contract amount for a State for a program year under section 4102A(c)(7) of this title;

(2) in the case of such an award made to an eligible employee, shall be in addition to the regular pay of the recipient; and

(3) in the case of such an award made to an employment service office, may be used by that employment service office for any purpose.

(d) Eligible Employee Defined. - In this section, the term "eligible employee" means any of the following:

(1) A disabled veterans' outreach program specialist.

(2) A local veterans' employment representative.

(3) An individual providing employment, training, and placement services to veterans under the Workforce Investment Act of 1998 or through an employment service delivery system (as defined in section 4101(7) of this title).

-SOURCE-

(Added Pub. L. 107-288, Sec. 3(a), Nov. 7, 2002, 116 Stat. 2037; amended Pub. L. 109-461, title VI, Sec. 603, Dec. 22, 2006, 120 Stat. 3437.)

-REFTEXT-

REFERENCES IN TEXT

The Workforce Investment Act of 1998, referred to in subsecs. (a)(2) and (d)(3), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of Title 20, Education, and Tables.

-MISC1-

PRIOR PROVISIONS

A prior section 4112, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1247; Pub. L. 89-785, title I, Sec. 109(a), Nov. 7, 1966, 80 Stat. 1370; Pub. L. 93-82, title II, Sec. 205(b), Aug. 2, 1973, 87 Stat. 192; Pub. L. 94-581, title I, Sec. 110(8), title II, Secs. 209(b)(3), 210(c)(6), Oct. 21, 1976, 90 Stat. 2849, 2861, 2864; Pub. L. 96-151, title III, Sec. 305, Dec. 20, 1979, 93 Stat. 1096; Pub. L. 96-330, title I, Sec. 115, Aug. 26, 1980, 94 Stat. 1039; Pub. L. 98-223, title II, Sec. 209, Mar. 2, 1984, 98 Stat. 44; Pub. L. 100-322, title II, Sec. 224, May 20, 1988, 102 Stat. 532, related to special medical advisory group and other advisory bodies, prior to repeal by Pub. L. 102-40, title IV, Sec. 401(a)(3), May 7, 1991, 105 Stat. 210. See sections 7312 and 7313 of this title.

AMENDMENTS

2006 - Subsec. (a)(1)(B). Pub. L. 109-461, Sec. 603(a)(1), inserted "and employment service offices" after "recognize eligible employees".

Subsec. (c). Pub. L. 109-461, Sec. 603(b), substituted "Administration and Use of Awards" for "Relationship of Award to Grant Program and Employee Compensation" as heading.

Subsec. (c)(2). Pub. L. 109-461, Sec. 603(a)(2)(B)(i), substituted "in the case of such an award made to an eligible employee, shall be" for "is".

Subsec. (c)(3). Pub. L. 109-461, Sec. 603(a)(2)(A), (B)(ii), (C), added par. (3).

-End-

-CITE-

38 USC Sec. 4113

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR VETERANS

-HEAD-

Sec. 4113. Transition Assistance Program personnel

-STATUTE-

(a) Requirement to Contract. - In accordance with section 1144 of

title 10, the Secretary shall enter into a contract with an appropriate private entity or entities to provide the functions described in subsection (b) at all locations where the program described in such section is carried out.

(b) Functions. - Contractors under subsection (a) shall provide to members of the Armed Forces who are being separated from active duty (and the spouses of such members) the services described in section 1144(a)(1) of title 10, including the following:

- (1) Counseling.
- (2) Assistance in identifying employment and training opportunities and help in obtaining such employment and training.
- (3) Assessment of academic preparation for enrollment in an institution of higher learning or occupational training.
- (4) Other related information and services under such section.
- (5) Such other services as the Secretary considers appropriate.

-SOURCE-

(Added Pub. L. 108-183, title III, Sec. 309(a)(1), Dec. 16, 2003, 117 Stat. 2663; amended Pub. L. 109-233, title IV, Sec. 402(e)(2), June 15, 2006, 120 Stat. 411; Pub. L. 112-56, title II, Sec. 223(a)(1), Nov. 21, 2011, 125 Stat. 717.)

-MISC1-

PRIOR PROVISIONS

A prior section 4113, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1247; Pub. L. 89-785, title I, Sec. 110, Nov. 7, 1966, 80 Stat. 1371; Pub. L. 94-581, title I, Sec. 110(9), title II, Sec. 209(a)(5), (c)(5), Oct. 21, 1976, 90 Stat. 2849, 2860, 2862, related to travel expenses of employees prior to repeal by Pub. L. 102-40, title IV, Sec. 401(a)(3), May 7, 1991, 105 Stat. 210. See section 7424 of this title.

AMENDMENTS

2011 - Pub. L. 112-56 amended section generally. Prior to amendment, section related to outstationing of Transition Assistance Program personnel.

2006 - Subsec. (a)(2). Pub. L. 109-233 substituted "section 6304(a)" for "section 7723(a)".

DEADLINE FOR IMPLEMENTATION

Pub. L. 112-56, title II, Sec. 223(b), Nov. 21, 2011, 125 Stat. 718, provided that: "The Secretary of Labor shall enter into the contract required by section 4113 of title 38, United States Code, as added by subsection (a), not later than two years after the date of the enactment of this Act [Nov. 21, 2011]."

Pub. L. 108-183, title III, Sec. 309(b), Dec. 16, 2003, 117 Stat. 2663, provided that: "Not later than 90 days after the date of the enactment of this Act [Dec. 16, 2003], the Secretary of Labor shall implement section 4113 of title 38, United States Code, as added by subsection (a), and shall have employees of the Veterans' Employment and Training Service, or contractors, to carry out that section at the military installations involved by such date."

-End-

-CITE-

38 USC Sec. 4114

01/03/2012 (112-90)

-EXPCITE-

TITLE 38 - VETERANS' BENEFITS

PART III - READJUSTMENT AND RELATED BENEFITS

CHAPTER 41 - JOB COUNSELING, TRAINING, AND PLACEMENT SERVICE FOR
VETERANS

-HEAD-

Sec. 4114. Credentialing and licensure of veterans: demonstration
project

-STATUTE-

(a) Demonstration Project Authorized. - The Assistant Secretary for Veterans' Employment and Training shall carry out a demonstration project on credentialing in accordance with this section for the purpose of facilitating the seamless transition of members of the Armed Forces from service on active duty to civilian employment.

(b) Identification of Military Occupational Specialties and Associated Credentials and Licenses. - (1) The Assistant Secretary for Veterans' Employment and Training shall, in consultation with the Assistant Secretary for Employment and Training, select not more than five military occupational specialties for purposes of the demonstration project. Each specialty so selected by the Assistant Secretary for Veterans' Employment and Training shall require a skill or set of skills that is required for civilian employment in an industry with high growth or high worker demand.

(2) The Assistant Secretary shall enter into a contract with an appropriate entity representing a coalition of State governors to consult with appropriate Federal, State, and industry officials and identify requirements for credentials, certifications, and licenses that require a skill or set of skills required by a military occupational specialty selected under paragraph (1).

(3) The Assistant Secretary shall analyze the requirements identified under paragraph (2) to determine which requirements may be satisfied by the skills, training, or experience acquired by members of the Armed Forces with the military occupational specialties selected under paragraph (1).

(c) Elimination of Barriers to Credentialing and Licensure. - The Assistant Secretary shall cooperate with appropriate Federal, State, and industry officials to reduce or eliminate any barriers to providing a credential, certification, or license to a veteran who acquired any skill, training, or experience while serving as a member of the Armed Forces with a military occupational specialty selected under subsection (b)(1) that satisfies the Federal and State requirements for the credential, certification, or license.

(d) Period of Project. - The period during which the Assistant Secretary shall carry out the demonstration project under this section shall be the two-year period beginning on the date of the enactment of the VOW to Hire Heroes Act of 2011.

-SOURCE-

(Added Pub. L. 109-461, title VI, Sec. 604(a)(1), Dec. 22, 2006, 120 Stat. 3437; amended Pub. L. 112-56, title II, Sec. 237(a), Nov. 21, 2011, 125 Stat. 725.)

-REFTEXT-

REFERENCES IN TEXT

The date of the enactment of the VOW to Hire Heroes Act of 2011, referred to in subsec. (d), is the date of enactment of Pub. L. 112-56, which was approved Nov. 21, 2011.

PRIOR PROVISIONS

Prior sections 4114 to 4119 were repealed by Pub. L. 102-40, title IV, Sec. 401(a)(3), May 7, 1991, 105 Stat. 210.

Section 4114, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1247; Pub. L. 87-574, Sec. 4(2), Aug. 6, 1962, 76 Stat. 309; Pub. L. 89-785, title I, Sec. 111(a)-(c), Nov. 7, 1966, 80 Stat. 1371; Pub. L. 91-496, Secs. 1, 3, Oct. 22, 1970, 84 Stat. 1092; Pub. L. 93-82, title II, Sec. 206, Aug. 2, 1973, 87 Stat. 192; Pub. L. 94-581, title I, Secs. 109, 110(10), title II, Secs. 205(g), 209(a)(6), (c)(6), 210(c)(7), Oct. 21, 1976, 90 Stat. 2848, 2849, 2859, 2860, 2862, 2864; Pub. L. 95-201, Sec. 4(a)(2), Nov. 23, 1977, 91 Stat. 1430; Pub. L. 96-330, title I, Sec. 116(b), Aug. 26, 1980, 94 Stat. 1039; Pub. L. 97-295, Sec. 4(85), Oct. 12, 1982, 96 Stat. 1312; Pub. L. 99-166, title II, Sec. 203, Dec. 3, 1985, 99 Stat. 950; Pub. L. 99-514, Sec. 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 99-576, title II, Sec. 214, Oct. 28, 1986, 100 Stat. 3258; Pub. L. 100-322, title II, Sec. 223, May 20, 1988, 102 Stat. 531; Pub. L. 100-687, div. B, title XV, Sec. 1503(a)(2), Nov. 18, 1988, 102 Stat. 4133; Pub. L. 101-366, title II, Sec. 203, Aug. 15, 1990, 104 Stat. 439, related to temporary full-time, part-time, and without compensation appointments and residencies or internships. See sections 7405 to 7407 of this title.

Section 4115, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1248, related to regulations. See section 7304 of this title.

Section 4116, added Pub. L. 89-311, Sec. 6(a), Oct. 31, 1965, 79 Stat. 1156; amended Pub. L. 89-506, Sec. 5(b), July 18, 1966, 80 Stat. 307; Pub. L. 93-82, title II, Sec. 207, Aug. 2, 1973, 87 Stat. 193; Pub. L. 94-581, title I, Sec. 110(11), title II, Secs. 209(a)(7), 210(c)(8), Oct. 21, 1976, 90 Stat. 2849, 2861, 2864; Pub. L. 100-322, title II, Sec. 203(a)(1), May 20, 1988, 102 Stat. 509, related to defense of certain malpractice and negligence suits. See section 7316 of this title.

Section 4117, added Pub. L. 89-785, title I, Sec. 112(a), Nov. 7, 1966, 80 Stat. 1371; amended Pub. L. 93-82, title II, Sec. 208, Aug. 2, 1973, 87 Stat. 194; Pub. L. 94-581, title I, Sec. 110(12), title II, Sec. 209(a)(1), (8), Oct. 21, 1976, 90 Stat. 2849, 2860, 2861, related to contracts for scarce medical specialist services. See section 7409 of this title.

Section 4118, added Pub. L. 94-123, Sec. 2(d)(1), Oct. 22, 1975, 89 Stat. 670; amended Pub. L. 95-201, Sec. 3(a), Nov. 23, 1977, 91 Stat. 1429; Pub. L. 96-330, title I, Secs. 102(a)(1), (b)-(d), 103(a), 104(a), title II, Sec. 202, Aug. 26, 1980, 94 Stat. 1030, 1031, 1034, 1035, 1047; Pub. L. 97-258, Sec. 3(k)(6), Sept. 13, 1982, 96 Stat. 1065; Pub. L. 97-295, Sec. 4(86), Oct. 12, 1982, 96 Stat. 1312; Pub. L. 99-576, title II, Sec. 231(a), Oct. 28, 1986, 100 Stat. 3263; Pub. L. 100-238, title I, Sec. 126, Jan. 8, 1988, 101 Stat. 1757, related to special pay for physicians and dentists. See sections 7431 to 7440 of this title.

Section 4119, added Pub. L. 96-330, title I, Sec. 116(a)(1), Aug. 26, 1980, 94 Stat. 1039, related to relationship between former subchapter I of chapter 73 of this title and other provisions of law. See section 7425 of this title.

Prior section 4120 was renumbered section 7458 of this title.

Prior sections 4121 to 4124 were repealed by Pub. L. 102-40, title IV, Sec. 401(a)(3), May 7, 1991, 105 Stat. 210.

Section 4121, added Pub. L. 92-541, Sec. 3(a), Oct. 24, 1972, 86 Stat. 1107; amended Pub. L. 94-581, title II, Sec. 210(c)(9), Oct. 21, 1976, 90 Stat. 2864; Pub. L. 99-576, title II, Sec. 212(a), (b), Oct. 28, 1986, 100 Stat. 3257, related to designation of

Regional Medical Education Centers. See section 7471 of this title.

Section 4122, added Pub. L. 92-541, Sec. 3(a), Oct. 24, 1972, 86 Stat. 1107; amended Pub. L. 94-581, title II, Secs. 209(c)(7), 210(c)(10), Oct. 21, 1976, 90 Stat. 2862, 2864, related to supervision and staffing of Centers. See section 7472 of this title.

Section 4123, added Pub. L. 92-541, Sec. 3(a), Oct. 24, 1972, 86 Stat. 1107; amended Pub. L. 94-581, title I, Sec. 113, Oct. 21, 1976, 90 Stat. 2852; Pub. L. 99-576, title II, Sec. 212(c), Oct. 28, 1986, 100 Stat. 3257, related to personnel eligible for training. See section 7473 of this title.

Section 4124, added Pub. L. 92-541, Sec. 3(a), Oct. 24, 1972, 86 Stat. 1108, related to consultation with special medical advisory group. See section 7474 of this title.

Prior sections 4131 to 4134 were renumbered sections 7331 to 7334 of this title, respectively.

Prior section 4141 was renumbered section 7451 of this title.

Another prior section 4141, added Pub. L. 96-330, title II, Sec. 201(a)(1), Aug. 26, 1980, 94 Stat. 1041, related to the establishment, purpose and duration of Veterans' Administration Health Professional Scholarship Program, prior to repeal by Pub. L. 100-322, title II, Sec. 216(a), May 20, 1988, 102 Stat. 517, with the provisions to remain effective with respect to scholarships awarded. For similar provisions, see chapter 76 (Sec. 7601 et seq.) of this title.

Prior section 4142 was renumbered section 7452 of this title.

Another prior section 4142 and prior sections 4143 to 4146 were repealed by Pub. L. 100-322, title II, Sec. 216(a), May 20, 1988, 102 Stat. 517, with the provisions to remain effective with respect to scholarships awarded.

Section 4142, added Pub. L. 96-330, title II, Sec. 201(a)(1), Aug. 26, 1980, 94 Stat. 1041; amended Pub. L. 97-251, Sec. 3(a), Sept. 8, 1982, 96 Stat. 713; Pub. L. 97-258, Sec. 3(k)(7), Sept. 13, 1982, 96 Stat. 1065; Pub. L. 97-375, title II, Sec. 216, Dec. 21, 1982, 96 Stat. 1827; Pub. L. 98-160, title VII, Sec. 702(18), Nov. 21, 1983, 97 Stat. 1010; Pub. L. 99-576, title II, Sec. 213, Oct. 28, 1986, 100 Stat. 3257, related to eligibility, application, and written contracts for program.

Section 4143, added Pub. L. 96-330, title II, Sec. 201(a)(1), Aug. 26, 1980, 94 Stat. 1044; amended Pub. L. 97-251, Sec. 3(b), Sept. 8, 1982, 96 Stat. 714, related to obligated service.

Section 4144, added Pub. L. 96-330, title II, Sec. 201(a)(1), Aug. 26, 1980, 94 Stat. 1045; amended Pub. L. 97-251, Sec. 3(c), Sept. 8, 1982, 96 Stat. 715, related to liability for breach of contracts and waiver, suspension, discharge, etc., thereof.

Section 4145, added Pub. L. 96-330, title II, Sec. 201(a)(1), Aug. 26, 1980, 94 Stat. 1047, related to exemption of scholarship payments from taxation.

Section 4146, added Pub. L. 96-330, title II, Sec. 201(a)(1), Aug. 26, 1980, 94 Stat. 1047, provided that authority of Administrator to make payments under former subchapter IV of chapter 73 of this title was subject to availability of appropriations for such purposes.

For provisions similar to former sections 4142 to 4146 of this title, see chapter 76 (Sec. 7601 et seq.) of this title.

Prior sections 4151 and 4152 were repealed by Pub. L. 102-40, title IV, Sec. 401(a)(2)(A), May 7, 1991, 105 Stat. 210.

Section 4151, added Pub. L. 99-166, title II, Sec. 204(a)(1), Dec. 3, 1985, 99 Stat. 950, related to quality-assurance program. See section 7311 of this title.

Section 4152, added Pub. L. 99-166, title II, Sec. 204(a)(1),

Dec. 3, 1985, 99 Stat. 951, related to quality-assurance reports.
See section 7311 of this title.

Prior sections 4161 to 4168 were renumbered sections 7361 to 7368
of this title, respectively.

AMENDMENTS

2011 - Subsec. (a). Pub. L. 112-56, Sec. 237(a)(1), substituted
"shall" for "may".

Subsec. (b)(1). Pub. L. 112-56, Sec. 237(a)(2)(A), substituted
"Assistant Secretary for Veterans' Employment and Training shall,
in consultation with the Assistant Secretary for Employment and
Training," for "Assistant Secretary shall" and "not more than five
military" for "not less than 10 military" and inserted "for
Veterans' Employment and Training" after "selected by the Assistant
Secretary".

Subsec. (b)(2). Pub. L. 112-56, Sec. 237(a)(2)(B), substituted
"enter into a contract with an appropriate entity representing a
coalition of State governors to consult with appropriate Federal,
State, and industry officials and" for "consult with appropriate
Federal, State, and industry officials to".

Subsecs. (d) to (h). Pub. L. 112-56, Sec. 237(a)(3), added
subsec. (d) and struck out former subsecs. (d) to (h) which related
to task force, consultation, contract authority, period of project,
and funding, respectively.

-End-