

1974—Pub. L. 93-508, title IV, § 403(b), Dec. 3, 1974, 88 Stat. 1594, added item 2014.

§ 4211. Definitions

As used in this chapter—

(1) The term “special disabled veteran” means—

(A) a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary for a disability (i) rated at 30 percent or more, or (ii) rated at 10 or 20 percent in the case of a veteran who has been determined under section 3106 of this title to have a serious employment handicap; or

(B) a person who was discharged or released from active duty because of service-connected disability.

(2) The term “veteran of the Vietnam era” means an eligible veteran any part of whose active military, naval, or air service was during the Vietnam era.

(3) The term “disabled veteran” means (A) a veteran who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary, or (B) a person who was discharged or released from active duty because of a service-connected disability.

(4) The term “eligible veteran” means a person who—

(A) served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge;

(B) was discharged or released from active duty because of a service-connected disability;

(C) as a member of a reserve component under an order to active duty pursuant to section 12301(a), (d), or (g), 12302, or 12304 of title 10, served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than a dishonorable discharge; or

(D) was discharged or released from active duty by reason of a sole survivorship discharge (as that term is defined in section 1174(i) of title 10).

(5) The term “department or agency” means any agency of the Federal Government or the District of Columbia, including any Executive agency as defined in section 105 of title 5 and the United States Postal Service and the Postal Regulatory Commission, and the term “department, agency, or instrumentality in the executive branch” includes the United States Postal Service and the Postal Regulatory Commission.

(6) The term “recently separated veteran” means any veteran during the three-year period beginning on the date of such veteran’s discharge or release from active duty.

(Added Pub. L. 92-540, title V, § 503(a), Oct. 24, 1972, 86 Stat. 1097, § 2011; amended Pub. L. 94-502, title VI, § 607(1), Oct. 15, 1976, 90 Stat. 2405; Pub. L. 96-466, title V, § 508, Oct. 17, 1980, 94 Stat. 2206; Pub. L. 97-306, title III, § 309, Oct. 14, 1982, 96 Stat. 1441; Pub. L. 98-223, title II, § 206, Mar. 2, 1984, 98 Stat. 43; Pub. L. 101-237, title IV,

§ 407(a)(2), Dec. 18, 1989, 103 Stat. 2082; Pub. L. 102-16, § 1, Mar. 22, 1991, 105 Stat. 48; Pub. L. 102-54, § 14(c)(9), June 13, 1991, 105 Stat. 285; renumbered § 4211 and amended Pub. L. 102-83, §§ 4(a)(1), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 403, 406; Pub. L. 102-127, § 5, Oct. 10, 1991, 105 Stat. 622; Pub. L. 102-568, title V, § 502, Oct. 29, 1992, 106 Stat. 4340; Pub. L. 104-106, div. A, title XV, § 1501(e)(2)(D), Feb. 10, 1996, 110 Stat. 501; Pub. L. 106-419, title III, § 322(c), Nov. 1, 2000, 114 Stat. 1855; Pub. L. 107-288, § 2(b)(2)(D), Nov. 7, 2002, 116 Stat. 2036; Pub. L. 109-435, title VI, § 604(f), Dec. 20, 2006, 120 Stat. 3242; Pub. L. 110-317, § 6(b), Aug. 29, 2008, 122 Stat. 3528.)

AMENDMENTS

2008—Par. (4)(D). Pub. L. 110-317 added subpar. (D).

2006—Par. (5). Pub. L. 109-435 substituted “Postal Regulatory Commission” for “Postal Rate Commission” in two places.

2002—Par. (6). Pub. L. 107-288 substituted “three-year period” for “one-year period”.

2000—Par. (6). Pub. L. 106-419 added par. (6).

1996—Par. (4)(C). Pub. L. 104-106 substituted “section 12301(a), (d), or (g), 12302, or 12304 of title 10” for “section 672(a), (d), or (g), 673, or 673b of title 10”.

1992—Par. (2). Pub. L. 102-568 substituted “The term” for “(A) Subject to subparagraph (B) of this paragraph, the term” and struck out subpar. (B) which read as follows: “No veteran may be considered to be a veteran of the Vietnam era under this paragraph after December 31, 1994, except for purposes of section 4214 of this title.”

1991—Pub. L. 102-83, § 5(a), renumbered section 2011 of this title as this section.

Par. (1)(A). Pub. L. 102-83, § 5(c)(1), substituted “3106” for “1506” in cl. (ii).

Pub. L. 102-83, § 4(a)(1), substituted “laws administered by the Secretary” for “laws administered by the Veterans’ Administration” in introductory provisions.

Par. (2)(B). Pub. L. 102-83, § 5(c)(1), substituted “4214” for “2014”.

Pub. L. 102-54 inserted comma before “except for purposes”.

Pub. L. 102-16 substituted “1994” for “1991”.

Par. (3). Pub. L. 102-83, § 4(a)(1), substituted “laws administered by the Secretary” for “laws administered by the Veterans’ Administration”.

Par. (4). Pub. L. 102-127 amended par. (4) generally. Prior to amendment, par. (4) read as follows: “The term ‘eligible veteran’ means a person who (A) served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge, or (B) was discharged or released from active duty because of a service-connected disability.”

1989—Par. (2)(B). Pub. L. 101-237 inserted before period at end “except for purposes of section 2014 of this title”.

1984—Par. (1). Pub. L. 98-223 expanded term “special disabled veteran” to include a veteran with a disability rated at 10 to 20 percent in the case of a veteran who has been determined under section 1506 of this title to have a serious employment handicap.

1982—Pars. (1), (3). Pub. L. 97-306, § 309(1), inserted “(or who but for the receipt of military retired pay would be entitled to compensation)” after “compensation”.

Par. (5). Pub. L. 97-306, § 309(2), inserted provision that the United States Postal Service and the Postal Rate Commission are within the definition of “department or agency” and that the term “department, agency, or instrumentality in the executive branch” includes the United States Postal Service and the Postal Rate Commission.

1980—Pub. L. 96-466 added definitions for terms “special disabled veteran” and “eligible veteran”, in provisions defining term “veteran of the Vietnam era” sub-

stituted reference to an eligible veteran any part of whose active service was during the Vietnam era with cut-off date of Dec. 31, 1991, for reference to a person who served on active duty for more than 180 days, any part of which occurred during the Vietnam era, and was discharged or released with other than a dishonorable discharge, or was discharged or released for a service-connected disability if any part of the active duty was performed during the Vietnam era, and who was discharged or released within the 48 months preceding the person's application for employment covered under this chapter, in the provisions defining term "disabled veteran" substituted reference to compensation under laws administered by the Veterans' Administration for reference to disability compensation under such laws for a disability rated at 30 per centum or more and reference to a service-connected disability for reference to a disability incurred or aggravated in the line of duty, and in provisions defining term "department or agency" substituted reference to any agency of the Federal Government or the District of Columbia, including any Executive agency defined in section 105 of title 5, for reference to any department or agency of the Federal Government or any federally owned corporation.

1976—Par. (2). Pub. L. 94-502 substituted "the person's" for "his".

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-317 applicable with respect to any sole survivorship discharge granted after Sept. 11, 2001, see section 10 of Pub. L. 110-317, set out as a note under section 2108 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-288, §2(b)(3), Nov. 7, 2002, 116 Stat. 2036, provided that: "The amendments made by this subsection [amending this section and section 4212 of this title] shall apply with respect to contracts entered into on or after the first day of the first month that begins 12 months after the date of the enactment of this Act [Nov. 7, 2002]."

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as enacted on Oct. 5, 1994, see section 1501(f)(3) of Pub. L. 104-106, set out as a note under section 113 of Title 10, Armed Forces.

EFFECTIVE DATE OF 1989 AMENDMENT

Section 407(c) of Pub. L. 101-237 provided that: "The amendments made by this section [amending this section and section 2014 [now 4214] of this title] shall take effect on January 1, 1990."

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

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.

§ 4212. Veterans' employment emphasis under Federal contracts

(a)(1) Any contract in the amount of \$100,000 or more entered into by any department or agency of the United States for the procurement of personal property and nonpersonal services (includ-

ing construction) for the United States, shall contain a provision requiring that the party contracting with the United States take affirmative action to employ and advance in employment qualified covered veterans. This section applies to any subcontract in the amount of \$100,000 or more entered into by a prime contractor in carrying out any such contract.

(2) In addition to requiring affirmative action to employ such qualified covered veterans under such contracts and subcontracts and in order to promote the implementation of such requirement, the Secretary of Labor shall prescribe regulations requiring that—

(A) each such contractor for each such contract shall immediately list all of its employment openings with the appropriate employment service delivery system (as defined in section 4101(7) of this title), and may also list such openings with one-stop career centers under the Workforce Investment Act of 1998, other appropriate service delivery points, or America's Job Bank (or any additional or subsequent national electronic job bank established by the Department of Labor), except that the contractor may exclude openings for executive and senior management positions and positions which are to be filled from within the contractor's organization and positions lasting three days or less;

(B) each such employment service delivery system shall give such qualified covered veterans priority in referral to such employment openings; and

(C) each such employment service delivery system shall provide a list of such employment openings to States, political subdivisions of States, or any private entities or organizations under contract to carry out employment, training, and placement services under chapter 41 of this title.

(3) In this section:

(A) The term "covered veteran" means any of the following veterans:

(i) Disabled veterans.

(ii) Veterans who served on active duty in the Armed Forces during a war or in a campaign or expedition for which a campaign badge has been authorized.

(iii) Veterans who, while serving on active duty in the Armed Forces, participated in a United States military operation for which an Armed Forces service medal was awarded pursuant to Executive Order No. 12985 (61 Fed. Reg. 1209).

(iv) Recently separated veterans.

(B) The term "qualified", with respect to an employment position, means having the ability to perform the essential functions of the position with or without reasonable accommodation for an individual with a disability.

(b) If any veteran covered by the first sentence of subsection (a) believes any contractor of the United States has failed to comply or refuses to comply with the provisions of the contractor's contract relating to the employment of veterans, the veteran may file a complaint with the Secretary of Labor, who shall promptly investigate such complaint and take appropriate action in accordance with the terms of the contract and applicable laws and regulations.