

(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.

(Added Pub. L. 100–323, §9(a), May 20, 1988, 102 Stat. 566, §2010A; renumbered §4110A, Pub. L. 102–83, §5(a), Aug. 6, 1991, 105 Stat. 406; amended Pub. L. 103–446, title VII, §701(c), Nov. 2, 1994, 108 Stat. 4674; Pub. L. 105–368, title X, §1005(b)(14), Nov. 11, 1998, 112 Stat. 3365; Pub. L. 110–389, title III, §317, Oct. 10, 2008, 122 Stat. 4167.)

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110–389, §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, §317(b), added subsec. (c). 1998—Subsec. (a)(3). Pub. L. 105–368, §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.

§ 4110B. Coordination and nonduplication

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)).

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

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.

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.

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 Repealed.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

Section, added Pub. L. 106–117, title IX, §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, §804, Oct. 11, 1962, 76 Stat. 861; Pub. L. 89–785, title I, §108, Nov. 7, 1966, 80 Stat. 1370; Pub. L. 98–160, title II, §206, Nov. 21, 1983, 97 Stat. 1001, related to appointment of additional employees, prior to repeal by Pub. L. 102–40, title IV, §401(a)(3), May 7, 1991, 105 Stat. 210. See section 7408 of this title.

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

(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).

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

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.

PRIOR PROVISIONS

A prior section 4112, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1247; Pub. L. 89-785, title I, §109(a), Nov. 7, 1966, 80 Stat. 1370; Pub. L. 93-82, title II, §205(b), Aug. 2, 1973, 87 Stat. 192; Pub. L. 94-581, title I, §110(8), title II, §§209(b)(3), 210(c)(6), Oct. 21, 1976, 90 Stat. 2849, 2861, 2864; Pub. L. 96-151, title III, §305, Dec. 20, 1979, 93 Stat. 1096; Pub. L. 96-330, title I, §115, Aug. 26, 1980, 94 Stat. 1039; Pub. L. 98-223, title II, §209, Mar. 2, 1984, 98 Stat. 44; Pub. L. 100-322, title II, §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, §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, §603(a)(1), inserted “and employment service offices” after “recognize eligible employees”.

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

§ 4113. Transition Assistance Program personnel

(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.

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

PRIOR PROVISIONS

A prior section 4113, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1247; Pub. L. 89-785, title I, §110, Nov. 7, 1966, 80 Stat. 1371; Pub. L. 94-581, title I, §110(9), title II, §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, §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, §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, §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.”

§ 4114. Credentialing and licensure of veterans: demonstration project

(a) **DEMONSTRATION PROJECT AUTHORIZED.**—The Assistant Secretary for Veterans' Employment and Training shall carry out a demonstration project on credentialing in accordance with this