

enacted chapter 75 (§7501 et seq.) of Title 31, Money and Finance, and provisions set out as notes under section 7501 of Title 31. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 7501 of Title 31 and Tables.

Section 334, referred to in subsec. (h)(1)(A), is section 334 of Pub. L. 105-220, which is set out as a note under section 2701 of this title. However, section 334 does not contain a subsec. (a)(2)(B) and does not define the term “poverty line”. “Poverty line” is defined for purposes of this chapter in section 2801 of this title.

PRIOR PROVISIONS

Provisions similar to this section were contained in sections 1672 and 1673 of this title prior to repeal by Pub. L. 105-220.

AMENDMENTS

1998—Subsec. (d). Pub. L. 105-277 inserted “and section 2852(b)(1)(A)(iii) of this title” after “this section”.

§ 2913. Veterans’ workforce investment programs

(a) Authorization

(1) In general

The Secretary shall conduct, directly or through grants or contracts, programs to meet the needs for workforce investment activities of veterans with service-connected disabilities, veterans who have significant barriers to employment, 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, and recently separated veterans.

(2) Conduct of programs

Programs supported under this section may be conducted through grants and contracts with public agencies and private nonprofit organizations, including recipients of Federal assistance under other provisions of this chapter, that the Secretary determines have an understanding of the unemployment problems of veterans described in paragraph (1), familiarity with the area to be served, and the capability to administer effectively a program of workforce investment activities for such veterans.

(3) Required activities

Programs supported under this section shall include—

(A) activities to enhance services provided to veterans by other providers of workforce investment activities funded by Federal, State, or local government;

(B) activities to provide workforce investment activities to such veterans that are not adequately provided by other public providers of workforce investment activities; and

(C) outreach and public information activities to develop and promote maximum job and job training opportunities for such veterans and to inform such veterans about employment, job training, on-the-job training and educational opportunities under this chapter, under title 38, and under other provisions of law, which activities shall be coordinated with activities provided through the one-stop centers described in section 2864(c) of this title.

(b) Administration of programs

(1) In general

The Secretary shall administer programs supported under this section through the Assistant Secretary for Veterans’ Employment and Training.

(2) Additional responsibilities

In carrying out responsibilities under this section, the Assistant Secretary for Veterans’ Employment and Training shall—

(A) be responsible for the awarding of grants and contracts and the distribution of funds under this section and for the establishment of appropriate fiscal controls, accountability, and program performance measures for recipients of grants and contracts under this section; and

(B) consult with the Secretary of Veterans Affairs and take steps to ensure that programs supported under this section are coordinated, to the maximum extent feasible, with related programs and activities conducted under title 38, including programs and activities conducted under chapter 63 of such title, chapters 30, 31, 32, and 34 of such title, and sections 1712A, 1720A, 3687, and 4103A of such title.

(Pub. L. 105-220, title I, §168, Aug. 7, 1998, 112 Stat. 1027; Pub. L. 109-233, title IV, §402(e)(4), June 15, 2006, 120 Stat. 411.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a)(2), (3)(C), was in the original “this title” meaning title I of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 939, which enacted this chapter, repealed sections 1501 to 1505, 1511 to 1583, 1592 to 1735, 1737 to 1791h, 1792 to 1792b, 2301 to 2314 of this title, section 211 of former Title 40, Appendix, Public Buildings, Property, and Works, sections 11421, 11441 to 11447, 11449, 11450, 11461 to 11466, 11471, and 11472 of Title 42, The Public Health and Welfare, and sections 42101 to 42106 of Title 49, Transportation, enacted provisions set out as notes under sections 1501, 2301, and 2940 of this title and section 11421 of Title 42, and repealed provisions set out as notes under sections 801 and 2301 of this title and section 1255a of Title 8, Aliens and Nationality. For complete classification of title I to the Code, see Tables.

PRIOR PROVISIONS

Provisions similar to this section were contained in section 1721 of this title prior to repeal by Pub. L. 105-220.

AMENDMENTS

2006—Subsec. (b)(2)(B). Pub. L. 109-233 substituted “chapter 63” for “subchapter II of chapter 77”.

VETERANS ENERGY-RELATED EMPLOYMENT PROGRAM

Pub. L. 111-275, title I, §106, Oct. 13, 2010, 124 Stat. 2870, provided that:

“(a) ESTABLISHMENT OF PILOT PROGRAM.—To encourage the employment of eligible veterans in the energy industry, the Secretary of Labor, as part of the Veterans Workforce Investment Program, shall carry out a pilot program to be known as the ‘Veterans Energy-Related Employment Program’. Under the pilot program, the Secretary shall award competitive grants to not more than three States for the establishment and administration of a State program to make grants to energy employers that provide covered training, on-job training, apprenticeships, and certification classes to eligible veterans. Such a program shall be known as a ‘State Energy-Related Employment Program’.

“(b) ELIGIBILITY FOR GRANTS.—To be eligible to receive a grant under the pilot program, a State shall submit to the Secretary an application that includes each of the following:

“(1) A proposal for the expenditure of grant funds to establish and administer a public-private partnership program designed to provide covered training, on-job training, apprenticeships, and certification classes to a significant number of eligible veterans and ensure lasting and sustainable employment in well-paying jobs in the energy industry.

“(2) Evidence that the State has—

“(A) a population of eligible veterans of an appropriate size to carry out the State program;

“(B) a robust and diverse energy industry; and

“(C) the ability to carry out the State program described in the proposal under paragraph (1).

“(3) Such other information and assurances as the Secretary may require.

“(c) USE OF FUNDS.—A State that is the recipient of a grant under this section shall use the grant for the following purposes:

“(1) Making grants to energy employers to reimburse such employers for the cost of providing covered training, on-job training, apprenticeships, and certification classes to eligible veterans who are first hired by the employer on or after November 1, 2010.

“(2) Conducting outreach to inform energy employers and veterans, including veterans in rural areas, of their eligibility or potential eligibility for participation in the State program.

“(d) CONDITIONS.—Under the pilot program, each grant to a State shall be subject to the following conditions:

“(1) The State shall repay to the Secretary, on such date as shall be determined by the Secretary, any amount received under the pilot program that is not used for the purposes described in subsection (c).

“(2) The State shall submit to the Secretary, at such times and containing such information as the Secretary shall require, reports on the use of grant funds.

“(e) EMPLOYER REQUIREMENTS.—In order to receive a grant made by a State under the pilot program, an energy employer shall—

“(1) submit to the administrator of the State Energy-Related Employment Program an application that includes—

“(A) the rate of pay, during and after training, for each eligible veteran proposed to be trained using grant funds;

“(B) the average rate of pay for an individual employed by the energy employer in a similar position who is not an eligible veteran; and

“(C) such other information and assurances as the administrator may require; and

“(2) agree to submit to the administrator, for each quarter, a report containing such information as the Secretary may specify.

“(f) LIMITATION.—None of the funds made available to an energy employer through a grant under the pilot program may be used to provide training of any kind to—

“(1) a person who is not an eligible veteran; or

“(2) an eligible veteran for whom the employer has received a grant, credit, or subsidy under any other provision of law.

“(g) REPORT TO CONGRESS.—Together with the report required to be submitted annually under section 4107(c) of title 38, United States Code, the Secretary shall submit to Congress a report on the pilot program for the year covered by such report. The report on the pilot program shall include a detailed description of activities carried out under this section and an evaluation of the program.

“(h) ADMINISTRATIVE AND REPORTING COSTS.—Of the amounts appropriated pursuant to the authorization of appropriations under subsection (j), two percent shall be made available to the Secretary for administrative costs associated with implementing and evaluating the

pilot program under this section and for preparing and submitting the report required under subsection (f). The Secretary shall determine the appropriate maximum amount of each grant awarded under this section that may be used by the recipient for administrative and reporting costs.

“(i) DEFINITIONS.—For purposes of this section:

“(1) The term ‘covered training, on-job training, apprenticeships, and certification classes’ means training, on-job training, apprenticeships, and certification classes that are—

“(A) designed to provide the veteran with skills that are particular to an energy industry and not directly transferable to employment in another industry; and

“(B) approved as provided in paragraph (1) or (2), as appropriate, of subsection (a) of section 3687 of title 38, United States Code.

“(2) The term ‘eligible veteran’ means a veteran, as that term is defined in section 101(2) of title 38, United States Code, who is employed by an energy employer and enrolled or participating in a covered training, on-job training, apprenticeship, or certification class.

“(3) The term ‘energy employer’ means an entity that employs individuals in a trade or business in an energy industry.

“(4) The term ‘energy industry’ means any of the following industries:

“(A) The energy-efficient building, construction, or retrofits industry.

“(B) The renewable electric power industry, including the wind and solar energy industries.

“(C) The biofuels industry.

“(D) The energy efficiency assessment industry that serves the residential, commercial, or industrial sectors.

“(E) The oil and natural gas industry.

“(F) The nuclear industry.

“(j) APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$1,500,000 for each of fiscal years 2012 through 2014, for the purpose of carrying out the pilot program under this section.”

COORDINATION OF INFORMATION AND ASSISTANCE

Pub. L. 100-689, title IV, §402, Nov. 18, 1988, 100 Stat. 4178, as amended by Pub. L. 105-277, div. A, §101(f) [title VIII, §405(d)(24), (f)(16)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-423, 2681-432, provided that:

“(a) PURPOSE.—It is the purpose of this section to ensure that veterans who are dislocated workers eligible for assistance under title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.] or are otherwise unemployed receive, to the extent feasible, assistance (including information on vocational guidance or vocational counseling, or information on both vocational guidance or vocational counseling), including information on counseling, needed by such veterans—

“(1) to apply for services and benefits for which they are eligible as veterans, dislocated workers, or unemployed persons;

“(2) to obtain resolution of questions and problems relating to such services and benefit[s]; and

“(3) to initiate any authorized administrative appeals of determinations or other actions relating to such services and benefits.

“(b) MEMORANDUM OF UNDERSTANDING.—(1) Not later than one year after the date of the enactment of this Act [Nov. 18, 1988], the Secretary of Labor and the Administrator of Veterans’ Affairs shall enter into a memorandum of understanding to carry out the purpose of this section. The memorandum shall include provisions that define the relationships and responsibilities of the Veterans’ Administration, the Department of Labor, and State and local agencies with respect to the provision of the following information, forms, and assistance:

“(A) Information on services and benefits referred to in subsection (d).

“(B) All application forms and related forms necessary for individuals to apply for such services and to claim such benefits.

“(C) Assistance in resolving questions and problems relating to receipt of such services and benefits.

“(D) Assistance in contacting other Federal Government offices and State offices where such services or benefits are provided or administered.

“(2) The memorandum of understanding entered into pursuant to paragraph (1) shall include a provision for the periodic evaluation, by the Secretary of Labor and the Administrator of Veterans’ Affairs, of the implementation of their respective responsibilities under such memorandum.

“(c) COORDINATION OF DEPARTMENT OF LABOR ACTIVITIES.—The Assistant Secretary of Labor for Veterans’ Employment and Training, in consultation with the unit or office designated or created under section 322(b) of the Job Training Partnership Act [former 29 U.S.C. 1662a(b)] or any successor to such unit or office under title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.], shall, except as the Secretary of Labor may otherwise direct, coordinate the activities of the components of the Department of Labor performing the responsibilities of the Secretary of Labor under this section.

“(d) COVERED SERVICES AND BENEFITS.—This section applies with respect to the following services and benefits:

“(1) Employment assistance under—

“(A) title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.]; and

“(B) the Veterans’ Job Training Act (97 Stat. 443; 29 U.S.C. 1721 note [now set out below]).

“(2) Employment and training activities for displaced workers under title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.].

“(3) Employment assistance and unemployment compensation under the trade adjustment assistance program provided in chapter 2 of title II of the Trade Act of 1974 (29 [19] U.S.C. 2271 et seq.) and under any other program administered by the Employment and Training Administration of the Department of Labor.

“(4) Educational assistance under—

“(A) the Adult Education Act ([former] 20 U.S.C. 1201 et seq.); and

“(B) chapters 30, 31, 32, 34, and 35 of title 38, United States Code, and chapter 106 of title 10, United States Code.

“(5) Certification of a veteran as a member of a targeted group eligible for the targeted jobs credit determined under section 51 of the Internal Revenue Code of 1986 [26 U.S.C. 51].

“(e) DEFINITION.—In this section, the term ‘veteran’ has the meaning given such term in section 101(2) of title 38, United States Code.”

VETERANS’ JOB TRAINING ACT

Pub. L. 98–77, Aug. 15, 1983, 97 Stat. 443, as amended by Pub. L. 98–160, title VII, §704, Nov. 21, 1983, 97 Stat. 1011; Pub. L. 98–543, title II, §212, Oct. 24, 1984, 98 Stat. 2744; Pub. L. 99–108, §4, Sept. 30, 1985, 99 Stat. 481; Pub. L. 99–238, title II, §201(a)(1), (b)–(e), Jan. 13, 1986, 99 Stat. 1767, 1768; Pub. L. 100–77, title IX, §901, July 22, 1987, 101 Stat. 538; Pub. L. 100–227, title II, §201, Dec. 31, 1987, 101 Stat. 1555; Pub. L. 100–323, §§11(a)(1), (2), (3)(B), (4), (b)–(f), 15(b)(2), (c)(2), May 20, 1988, 102 Stat. 567–570, 574; Pub. L. 102–40, title IV, §402(d)(2), May 7, 1991, 105 Stat. 239; Pub. L. 102–83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406; Pub. L. 105–277, div. A, §101(f) [title VIII, §405(d)(25), (f)(17)], Oct. 21, 1998, 112 Stat. 2681–337, 2681–423, 2681–432, provided that:

“SHORT TITLE

“SECTION 1. This Act may be cited as the ‘Veterans’ Job Training Act’.

“PURPOSE

“SEC. 2. The purpose of this Act is to address the problem of severe and continuing unemployment among veterans by providing, in the form of payments to defray the costs of training, incentives to employers

to hire and train certain wartime veterans who have been unemployed for long periods of time for stable and permanent positions that involve significant training.

“DEFINITIONS

“SEC. 3. For the purposes of this Act:

“(1) The term ‘Administrator’ means the Administrator of Veterans’ Affairs.

“(2) The term ‘Secretary’ means the Secretary of Labor.

“(3) The terms ‘veteran’, ‘Korean conflict’, ‘compensation’, ‘service-connected’, ‘State’, ‘active military, naval, or air service’, and ‘Vietnam era’, have the meanings given such terms in paragraphs (2), (9), (13), (16), (20), (24), and (29), respectively, of section 101 of title 38, United States Code.

“ESTABLISHMENT OF PROGRAM

“SEC. 4. (a) The Administrator and, to the extent specifically provided by this Act, the Secretary shall carry out a program in accordance with this Act to assist eligible veterans in obtaining employment through training for employment in stable and permanent positions that involve significant training. The program shall be carried out through payments to employers who employ and train eligible veterans in such jobs in order to assist such employers in defraying the costs of necessary training.

“(b) The Secretary shall carry out the Secretary’s responsibilities under this Act through the Assistant Secretary of Labor for Veterans’ Employment and Training established under section 4102A of title 38, United States Code.

“ELIGIBILITY FOR PROGRAM; DURATION OF ASSISTANCE

“SEC. 5. (a)(1) To be eligible for participation in a job training program under this Act, a veteran must be a Korean conflict or Vietnam-era veteran who—

“(A) is unemployed at the time of applying for participation in a program under this Act; and

“(B) has been unemployed for at least 10 of the 15 weeks immediately preceding the date of such veteran’s application for participation in a program under this Act.

“(2) For purposes of paragraph (1), the term ‘Korean conflict or Vietnam-era veteran’ means a veteran—

“(A) who served in the active military, naval, or air service for a period of more than one hundred and eighty days, any part of which was during the Korean conflict or the Vietnam era; or

“(B) who served in the active military, naval, or air service during the Korean conflict or the Vietnam era and—

“(i) was discharged or released therefrom for a service-connected disability; or

“(ii) is entitled to compensation (or but for the receipt of retirement pay would be entitled to compensation).

“(3) For purposes of paragraph (1), a veteran shall be considered to be unemployed during any period the veteran is without a job and wants and is available for work.

“(b)(1) A veteran who desires to participate in a program of job training under this Act shall submit to the Administrator an application for participation in such a program. Such an application—

“(A) shall include a certification by the veteran that the veteran is unemployed and meets the other criteria for eligibility prescribed by subsection (a); and

“(B) shall be in such form and contain such additional information as the Administrator may prescribe.

“(2)(A) Subject to subparagraph (B), the Administrator shall approve an application by a veteran for participation in a program of job training under this Act unless the Administrator finds that the veteran is not eligible to participate in a program of job training under this Act.

“(B) The Administrator may withhold approval of an application of a veteran under this Act if the Administrator determines that, because of limited funds available for the purpose of making payments to employers under this Act, it is necessary to limit the number of participants in programs under this Act.

“(3)(A) Subject to section 14(c), the Administrator shall certify as eligible for participation under this Act a veteran whose application is approved under this subsection and shall furnish the veteran with a certificate of that veteran’s eligibility for presentation to an employer offering a program of job training under this Act. Any such certificate shall expire 90 days after it is furnished to the veteran. The date on which a certificate is furnished to a veteran under this paragraph shall be stated on the certificate.

“(B) A certificate furnished under this paragraph may, upon the veteran’s application, be renewed in accordance with the terms and conditions of subparagraph (A).

“(c) The maximum period of training for which assistance may be provided on behalf of a veteran under this Act is—

“(1) fifteen months in the case of—

“(A) a veteran with a service-connected disability rated at 30 percent or more; or

“(B) a veteran with a service-connected disability rated at 10 percent or 20 percent who has been determined under section 3106 of title 38, United States Code, to have a serious employment handicap; and

“(2) nine months in the case of any other veteran.

“EMPLOYER JOB TRAINING PROGRAMS

“SEC. 6. (a)(1) Except as provided in paragraph (2), in order to be approved as a program of job training under this Act, a program of job training of an employer approved under section 7 must provide training for a period of not less than six months in an occupation in a growth industry, in an occupation requiring the use of new technological skills, or in an occupation for which demand for labor exceeds supply.

“(2) A program of job training providing training for a period of at least three but less than six months may be approved if the Administrator determines (in accordance with standards which the Administrator shall prescribe) that the purpose of this Act would be met through that program.

“(b) Subject to section 10 and the other provisions of this Act, a veteran who has been approved for participation in a program of job training under this Act and has a current certificate of eligibility for such participation may enter a program of job training that has been approved under section 7 and that is offered to the veteran by the employer.

“APPROVAL OF EMPLOYER PROGRAMS

“SEC. 7. (a)(1) An employer may be paid assistance under section 8(a) on behalf of an eligible veteran employed by such employer and participating in a program of job training offered by that employer only if the program is approved under this section and in accordance with such procedures as the Administrator may by regulation prescribe.

“(2) Except as provided in subsection (b), the Administrator shall approve a proposed program of job training of an employer unless the Administrator determines that the application does not contain a certification and other information meeting the requirements established under this Act or that withholding of approval is warranted under subsection (g).

“(b) The Administrator may not approve a program of job training—

“(1) for employment which consists of seasonal, intermittent, or temporary jobs;

“(2) for employment under which commissions are the primary source of income;

“(3) for employment which involves political or religious activities;

“(4) for employment with any department, agency, instrumentality, or branch of the Federal Government (including the United States Postal Service and the Postal Rate Commission [Postal Regulatory Commission]); or

“(5) if the training will not be carried out in a State.

“(c) An employer offering a program of job training that the employer desires to have approved for the purposes of this Act shall submit to the Administrator a written application for such approval. Such application shall be in such form as the Administrator shall prescribe.

“(d) An application under subsection (c) shall include a certification by the employer of the following:

“(1) That the employer is planning that, upon a veteran’s completion of the program of job training, the employer will employ the veteran in a position for which the veteran has been trained and that the employer expects that such a position will be available on a stable and permanent basis to the veteran at the end of the training period.

“(2) That the wages and benefits to be paid to a veteran participating in the employer’s program of job training will be not less than the wages and benefits normally paid to other employees participating in a comparable program of job training.

“(3) That the employment of a veteran under the program—

“(A) will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits); and

“(B) will not be in a job (i) while any other individual is on layoff from the same or any substantially equivalent job, or (ii) the opening for which was created as a result of the employer having terminated the employment of any regular employee or otherwise having reduced its work force with the intention of hiring a veteran in such job under this Act.

“(4) That the employer will not employ in the program of job training a veteran who is already qualified by training and experience for the job for which training is to be provided.

“(5) That the job which is the objective of the training program is one that involves significant training.

“(6) That the training content of the program is adequate, in light of the nature of the occupation for which training is to be provided and of comparable training opportunities in such occupation, to accomplish the training objective certified under clause (2) of subsection (e).

“(7) That each participating veteran will be employed full time in the program of job training.

“(8) That the training period under the proposed program is not longer than the training periods that employers in the community customarily require new employees to complete in order to become competent in the occupation or job for which training is to be provided.

“(9) That there are in the training establishment or place of employment such space, equipment, instructional material, and instructor personnel as needed to accomplish the training objective certified under clause (2) of subsection (e).

“(10) That the employer will keep records adequate to show the progress made by each veteran participating in the program and otherwise to demonstrate compliance with the requirements established under this Act.

“(11) That the employer will furnish each participating veteran, before the veteran’s entry into training, with a copy of the employer’s certification under this subsection and will obtain and retain the veteran’s signed acknowledgment of having received such certification.

“(12) That, as applicable, the employer will provide each participating veteran with the full opportunity

to participate in a personal interview pursuant to section 14(b)(1)(A) during the veteran's normal work-day.

“(13) That the program meets such other criteria as the Administrator may determine are essential for the effective implementation of the program established by this Act.

“(e) A certification under subsection (d) shall include—

“(1) a statement indicating (A) the total number of hours of participation in the program of job training to be offered a veteran, (B) the length of the program of job training, and (C) the starting rate of wages to be paid to a participant in the program; and

“(2) a description of the training content of the program (including any agreement the employer has entered into with an educational institution under section 10) and of the objective of the training.

“(f)(1) Except as specified in paragraph (2), each matter required to be certified to in paragraphs (1) through (11) of subsection (d) shall be considered to be a requirement established under this Act.

“(2)(A) For the purposes of section 8(c), only matters required to be certified in paragraphs (1) through (10) of subsection (d) shall be so considered.

“(B) For the purposes of section 11, a matter required to be certified under paragraph (12) of subsection (d) shall also be so considered.

“(g) In accordance with regulations which the Administrator shall prescribe, the Administrator may withhold approval of an employer's proposed program of job training pending the outcome of an investigation under section 12 and, based on the outcome of such an investigation, may disapprove such program.

“(h) For the purposes of this section, approval of a program of apprenticeship or other on-job training for the purposes of section 3687 of title 38, United States Code, shall be considered to meet all requirements established under the provisions of this Act (other than subsections (b) and (d)(3)) for approval of a program of job training.

“PAYMENTS TO EMPLOYERS; OVERPAYMENT

“SEC. 8. (a)(1) Except as provided in paragraph (3) and subsection (b) and subject to the provisions of section 9, the Administrator shall make quarterly payments to an employer of a veteran participating in an approved program of job training under this Act. Subject to section 5(c) and paragraph (2), the amount paid to an employer on behalf of a veteran for any period of time shall be 50 percent of the product of (A) the starting hourly rate of wages paid to the veteran by the employer (without regard to overtime or premium pay), and (B) the number of hours worked by the veteran during that period.

“(2) The total amount that may be paid to an employer on behalf of a veteran participating in a program of job training under this Act is \$10,000.

“(3) In order to relieve financial burdens on business enterprises with relatively few numbers of employees, the Administrator may make payments under this Act on a monthly, rather than quarterly, basis to an employer with a number of employees less than a number which shall be specified in regulations which the Administrator shall prescribe for the purposes of this paragraph.

“(b) Payment may not be made to an employer for a period of training under this Act on behalf of a veteran until the Administrator has received—

“(1) from the veteran, a certification that the veteran was employed full time by the employer in a program of job training during such period; and

“(2) from the employer, a certification—

“(A) that the veteran was employed by the employer during that period and that the veteran's performance and progress during such period were satisfactory; and

“(B) of the number of hours worked by the veteran during that period.

With respect to the first such certification by an employer with respect to a veteran, the certification shall

indicate the date on which the employment of the veteran began and the starting hourly rate of wages paid to the veteran (without regard to overtime or premium pay).

“(c)(1)(A) Whenever the Administrator finds that an overpayment under this Act has been made to an employer on behalf of a veteran as a result of a certification, or information contained in an application, submitted by an employer which was false in any material respect, the amount of such overpayment shall constitute a liability of the employer to the United States.

“(B) Whenever the Administrator finds that an employer has failed in any substantial respect to comply for a period of time with a requirement established under this Act (unless the employer's failure is the result of false or incomplete information provided by the veteran), each amount paid to the employer on behalf of a veteran for that period shall be considered to be an overpayment under this Act, and the amount of such overpayment shall constitute a liability of the employer to the United States.

“(2) Whenever the Administrator finds that an overpayment under this Act has been made to an employer on behalf of a veteran as a result of a certification by the veteran, or as a result of information provided to an employer or contained in an application submitted by the veteran, which was willfully or negligently false in any material respect, the amount of such overpayment shall constitute a liability of the veteran to the United States.

“(3) Any overpayment referred to in paragraph (1) or (2) may be recovered in the same manner as any other debt due the United States. Any overpayment recovered shall be credited to funds available to make payments under this Act. If there are no such funds, any overpayment recovered shall be deposited into the Treasury.

“(4) Any overpayment referred to in paragraph (1) or (2) may be waived, in whole or in part, in accordance with the terms and conditions set forth in section 5302 of title 38, United States Code.

“ENTRY INTO PROGRAM OF JOB TRAINING

“SEC. 9. Notwithstanding any other provision of this Act, the Administrator may withhold or deny approval of a veteran's entry into an approved program of job training if the Administrator determines that funds are not available to make payments under this Act on behalf of the veteran to the employer offering that program. Before the entry of a veteran into an approved program of job training of an employer for purposes of assistance under this Act, the employer shall notify the Administrator of the employer's intention to employ that veteran. The veteran may begin such program of job training with the employer two weeks after the notice is transmitted to the Administrator unless within that time the employer has received notice from the Administrator that approval of the veteran's entry into that program of job training must be withheld or denied in accordance with this section.

“PROVISION OF TRAINING THROUGH EDUCATIONAL INSTITUTIONS

“SEC. 10. An employer may enter into an agreement with an educational institution that has been approved for the enrollment of veterans under chapter 34 of title 38, United States Code, in order that such institution may provide a program of job training (or a portion of such a program) under this Act. When such an agreement has been entered into, the application of the employer under section 7 shall so state and shall include a description of the training to be provided under the agreement.

“DISCONTINUANCE OF APPROVAL OF PARTICIPATION IN CERTAIN EMPLOYER PROGRAMS

“SEC. 11. (a) If the Administrator finds at any time that a program of job training previously approved by the Administrator for the purposes of this Act there-

after fails to meet any of the requirements established under this Act, the Administrator may immediately disapprove further participation by veterans in that program. The Administrator shall provide to the employer concerned, and to each veteran participating in the employer's program, a statement of the reasons for, and an opportunity for a hearing with respect to, such disapproval. The employer and each such veteran shall be notified of such disapproval, the reasons for such disapproval, and the opportunity for a hearing. Notification shall be by a certified or registered letter, and a return receipt shall be secured.

“(b)(1) If the Administrator determines that the rate of veterans' successful completion of an employer's programs of job training previously approved by the Administrator for the purposes of this Act is disproportionately low because of deficiencies in the quality of such programs, the Administrator shall disapprove participation in such programs on the part of veterans who had not begun such participation on the date that the employer is notified of the disapproval. In determining whether any such rate is disproportionately low because of such deficiencies, the Administrator shall take into account appropriate data, including—

“(A) the quarterly data provided by the Secretary with respect to the number of veterans who receive counseling in connection with training under this Act, are referred to employers under this Act, participate in job training under this Act, complete such training or do not complete such training, and the reasons for noncompletion; and

“(B) data compiled through the particular employer's compliance surveys.

“(2) With respect to a disapproval under paragraph (1), the Administrator shall provide to the employer concerned the kind of statement, opportunity for hearing, and notice described in subsection (a).

“(3) A disapproval under paragraph (1) shall remain in effect until such time as the Administrator determines that adequate remedial action has been taken.

“INSPECTION OF RECORDS; INVESTIGATIONS

“SEC. 12. (a) The records and accounts of employers pertaining to veterans on behalf of whom assistance has been paid under this Act, as well as other records that the Administrator determines to be necessary to ascertain compliance with the requirements established under this Act, shall be available at reasonable times for examination by authorized representatives of the Federal Government.

“(b) The Administrator may monitor employers and veterans participating in programs of job training under this Act to determine compliance with the requirements established under this Act.

“(c) The Administrator may investigate any matter the Administrator considers necessary to determine compliance with the requirements established under this Act. The investigations authorized by this subsection may include examining records (including making certified copies of records), questioning employees, and entering into any premises or onto any site where any part of a program of job training is conducted under this Act, or where any of the records of the employer offering or providing such program are kept.

“(d) The Administrator may administer functions under subsections (b) and (c) in accordance with an agreement between the Administrator and the Secretary providing for the administration of such subsections (or any portion of such subsections) by the Department of Labor. Under such an agreement, any entity of the Department of Labor specified in the agreement may administer such subsections, notwithstanding section 4(b).

“COORDINATION WITH OTHER PROGRAMS

“SEC. 13. (a)(1) Assistance may not be paid under this Act to an employer on behalf of a veteran for any period of time described in paragraph (2) and to such veteran under chapter 31, 32, 34, 35, or 36 of title 38, United States Code, for the same period of time.

“(2) A period of time referred to in paragraph (1) is the period of time beginning on the date on which the veteran enters into an approved program of job training of an employer for purposes of assistance under this Act and ending on the last date for which such assistance is payable.

“(b) Assistance may not be paid under this Act to an employer on behalf of an eligible veteran for any period if the employer receives for that period any other form of assistance on account of the training or employment of the veteran, including assistance under title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.] or a credit under section 44B of the Internal Revenue Code of 1954 (26 U.S.C. 44B) (relating to credit for employment of certain new employees).

“(c) Assistance may not be paid under this Act on behalf of a veteran who has completed a program of job training under this Act.

“COUNSELING

“SEC. 14. (a)(1) The Administrator and the Secretary may, upon request, provide employment counseling services to any veteran eligible to participate under this Act in order to assist such veteran in selecting a suitable program of job training under this Act.

“(2) The Administrator shall, after consultation with the Secretary, provide a program of job-readiness skills development and counseling services designed to assist veterans in need of such assistance in finding, applying for, and successfully participating in a suitable program of job training under this Act. As part of providing such services, the Administrator shall coordinate activities, to the extent practicable, with the readjustment counseling program described in section 1712A of title 38, United States Code. The Administrator shall advise veterans participating under this Act of the availability of such services and encourage them to request such services whenever appropriate.

“(b)(1) The Secretary shall provide for a program under which—

“(A) except as provided in paragraph (2), a disabled veteran's outreach program specialist appointed under section 4103A(a) of title 38, United States Code, is assigned as a case manager for each veteran participating in a program of job training under this Act;

“(B) the veteran has an in-person interview with the case manager not later than 60 days after entering into a program of training under this Act; and

“(C) periodic (not less frequent than monthly) contact is maintained with each such veteran for the purpose of (i) avoiding unnecessary termination of employment, (ii) referring the veteran to appropriate counseling, if necessary, (iii) facilitating the veteran's successful completion of such program, and (iv) following up with the employer and the veteran in order to determine the veteran's progress in the program and the outcome regarding the veteran's participation in and successful completion of the program.

“(2) No case manager shall be assigned pursuant to paragraph (1)(A)—

“(A) for a veteran if, on the basis of a recommendation made by a disabled veterans' outreach program specialist, the Secretary determines that there is no need for a case manager for such veteran; or

“(B) in the case of the employees of an employer, if the Secretary determines that—

“(i) the employer has an appropriate and effective employee assistance program that is available to all veterans participating in the employer's programs of job training under this Act; or

“(ii) the rate of veterans' successful completion of the employer's programs of job training under this Act, either cumulatively or during the previous program year, is 60 percent or higher.

“(3) The Secretary and the Administrator shall jointly provide, to the extent feasible—

“(A) a program of counseling or other services (to be provided pursuant to subchapter IV of chapter 3

[see chapter 63] of title 38, United States Code, and sections 1712A, 4103A, and 4104 of such title) designed to resolve difficulties that may be encountered by veterans during their training under this Act; and

“(B) a program of information services under which—

“(i) each veteran who enters into a program of job training under this Act and each employer participating under this Act is informed of the supportive services and resources available to the veteran (I) under clauses (A) and (B), (II) through Veterans’ Administration counseling and career-development activities (especially, in the case of a Vietnam-era veteran, readjustment counseling services under section 1712A of such title) and under title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.], and (III) through other appropriate agencies in the community; and

“(ii) veterans and employers are encouraged to request such services whenever appropriate.

“(c) Before a veteran who voluntarily terminates from a program of job training under this Act or is involuntarily terminated from such program by the employer may be eligible to be provided with a further certificate, or renewal of certification, of eligibility for participation under this Act, such veteran must be provided by the Secretary, after consultation with the Administrator, with a case manager.

“(d) Payments made under this Act pursuant to contracts entered into for the provision of job-readiness skills development and counseling services under subsection (a)(2) may only be paid out of the same account used to make payments under section 3104(a)(7) of title 38, United States Code, and the amount paid out of such account in any fiscal year for such services shall not exceed an amount equal to 5 percent of the amount obligated to carry out this Act for such fiscal year, except that for fiscal year 1988 the amount shall not exceed 5 percent of the amount available to carry out this Act on October 1, 1987.

“INFORMATION AND OUTREACH; USE OF AGENCY RESOURCES

“SEC. 15. (a)(1) The Administrator and the Secretary shall jointly provide for an outreach and public information program—

“(A) to inform veterans about the employment and job training opportunities available under this Act, under chapters 31, 34, 36, 41, and 42 of title 38, United States Code, and under other provisions of law; and

“(B) to inform private industry and business concerns (including small business concerns), public agencies and organizations, educational institutions, trade associations, and labor unions about the job training opportunities available under, and the advantages of participating in, the program established by this Act.

“(2) The Secretary, in consultation with the Administrator, shall promote the development of employment and job training opportunities for veterans by encouraging potential employers to make programs of job training under this Act available for eligible veterans, by advising other appropriate Federal departments and agencies of the program established by this Act, and by advising employers of applicable responsibilities under chapters 41 and 42 of title 38, United States Code, with respect to veterans.

“(b) The Administrator and the Secretary shall coordinate the outreach and public information program under subsection (a)(1), and job development activities under subsection (a)(2), with job counseling, placement, job development, and other services provided for under chapters 41 and 42 of title 38, United States Code, and with other similar services offered by other public agencies and organizations.

“(c)(1) The Administrator and the Secretary shall make available in regional and local offices of the Veterans’ Administration and the Department of Labor such personnel as are necessary to facilitate the effective implementation of this Act.

“(2) In carrying out the responsibilities of the Secretary under this Act, the Secretary shall make maximum use of the services of Directors and Assistant Directors for Veterans’ Employment and Training, disabled veterans’ outreach program specialists, and employees of local offices appointed pursuant to sections 4103, 4103A, and 4104 of title 38, United States Code. The Secretary shall also use such resources as are available under title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.]. To the extent that the Administrator withholds approval of veterans’ applications under this Act pursuant to section 5(b)(2)(B), the Secretary shall take steps to assist such veterans in taking advantage of opportunities that may be available to them under title I of the Workforce Investment Act of 1998 [29 U.S.C. 2801 et seq.] or under any other program carried out with funds provided by the Secretary.

“(d) The Secretary shall request and obtain from the Administrator of the Small Business Administration a list of small business concerns and shall, on a regular basis, update such list. Such list shall be used to identify and promote possible training and employment opportunities for veterans.

“(e) The Administrator and the Secretary shall assist veterans and employers desiring to participate under this Act in making application and completing necessary certifications.

“(f) The Secretary shall, on a not less frequent than quarterly basis, collect and compile from the heads of State employment services and Directors for Veterans’ Employment and Training for each State information available to such heads and Directors, and derived from programs carried out in their respective States, with respect to the numbers of veterans who receive counseling services pursuant to section 14, who are referred to employers participating under this Act, who participate in programs of job training under this Act, and who complete such programs, and the reasons for veterans’ noncompletion.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 16. (a) There is authorized to be appropriated to the Veterans’ Administration (1) \$150,000,000 for each of fiscal years 1984 and 1985, (2) a total of \$65,000,000 for fiscal years 1986, and 1987, and (3) \$60,000,000 for each of the fiscal years 1988 and 1989 for the purpose of making payments to employers under this Act and for the purpose of section 18 of this Act. Amounts appropriated pursuant to this section shall remain available until September 30, 1991.

“(b) Notwithstanding any other provision of law, any funds appropriated under subsection (a) for any fiscal year which are obligated for the purpose of making payments under section 8 on behalf of a veteran (including funds so obligated which previously had been obligated for such purpose on behalf of another veteran and were thereafter deobligated) and are later deobligated shall immediately upon deobligation become available to the Administrator for obligation for such purpose. The further obligation of such funds by the Administrator for such purpose shall not be delayed, directly or indirectly, in any manner by any officer or employee in the executive branch.

“TIME PERIODS FOR APPLICATION AND INITIATION OF TRAINING

“SEC. 17. Assistance may not be paid to an employer under this Act—

“(1) on behalf of a veteran who initially applies for a program of job training under this Act after September 30, 1989; or

“(2) for any such program which begins after March 31, 1990.

“EXPANSION OF TARGETED DELIMITING DATE EXTENSION

“SEC. 18. (a) Subject to the limitation on the availability of funds set forth in subsection (b), an associate degree program which is predominantly vocational in content may be considered by the Administrator, for

the purposes of section 3462(a)(3) of title 38, United States Code, to be a course with an approved vocational objective if such degree program meets the requirements established in such title for approval of such program.

“(b) Funds for the purpose of carrying out subsection (a) shall be derived only from amounts appropriated pursuant to the authorizations of appropriations in section 16. Not more than a total of \$25,000,000 of amounts so appropriated for fiscal years 1984 and 1985 shall be available for that purpose.

“EFFECTIVE DATE

“SEC. 19. This Act shall take effect on October 1, 1983.”

[Amendment of Pub. L. 98-77, set out above, 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 Title 38, Veterans' Benefits.]

[Pub. L. 99-238, title II, §201(f), Jan. 13, 1986, 99 Stat. 1768, provided that:

[“(1) Except as provided in paragraph (2), the amendments made by this section [amending Pub. L. 98-77 above] shall take effect on the date of the enactment of this Act [Jan. 13, 1986].

[“(2) The amendment made by subsection (e)(2) [amending section 17(a)(1) of Pub. L. 98-77 above] shall take effect on February 1, 1986.”]

COORDINATION WITH PROGRAMS UNDER OTHER LAWS

For provisions requiring coordination of programs under section 3116(b) of Title 38, Veterans' Benefits, with programs under the Veterans' Job Training Act, Pub. L. 98-77, set out above, see section 202 of Pub. L. 99-238, set out as a note under section 3116 of Title 38.

§ 2914. Youth opportunity grants

(a) Grants

(1) In general

Using funds made available under section 2852(b)(1)(A) of this title, the Secretary shall make grants to eligible local boards and eligible entities described in subsection (d) of this section to provide activities described in subsection (b) of this section for youth to increase the long-term employment of youth who live in empowerment zones, enterprise communities, and high poverty areas and who seek assistance.

(2) Definition

In this section, the term “youth” means an individual who is not less than age 14 and not more than age 21.

(3) Grant period

The Secretary may make a grant under this section for a 1-year period, and may renew the grant for each of the 4 succeeding years.

(4) Grant awards

In making grants under this section, the Secretary shall ensure that grants are distributed equitably among local boards and entities serving urban areas and local boards and entities serving rural areas, taking into consideration the poverty rate in such urban and rural areas, as described in subsection (c)(3)(B) of this section.

(b) Use of funds

(1) In general

A local board or entity that receives a grant under this section shall use the funds made

available through the grant to provide activities that meet the requirements of section 2854 of this title, except as provided in paragraph (2), as well as youth development activities such as activities relating to leadership development, citizenship, and community service, and recreation activities.

(2) Intensive placement and followup services

In providing activities under this section, a local board or entity shall provide—

(A) intensive placement services; and

(B) followup services for not less than 24 months after the completion of participation in the other activities described in this subsection, as appropriate.

(c) Eligible local boards

To be eligible to receive a grant under this section, a local board shall serve a community that—

(1) has been designated as an empowerment zone or enterprise community under section 1391 of title 26;

(2)(A) is a State without a zone or community described in paragraph (1); and

(B) has been designated as a high poverty area by the Governor of the State; or

(3) is 1 of 2 areas in a State that—

(A) have been designated by the Governor as areas for which a local board may apply for a grant under this section; and

(B) meet the poverty rate criteria set forth in subsections (a)(4), (b), and (d) of section 1392 of title 26.

(d) Eligible entities

To be eligible to receive a grant under this section, an entity (other than a local board) shall—

(1) be a recipient of financial assistance under section 2911 of this title; and

(2) serve a community that—

(A) meets the poverty rate criteria set forth in subsections (a)(4), (b), and (d) of section 1392 of title 26; and

(B) is located on an Indian reservation or serves Oklahoma Indians or Alaska Natives.

(e) Application

To be eligible to receive a grant under this section, a local board or entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

(1) a description of the activities that the local board or entity will provide under this section to youth in the community described in subsection (c) of this section;

(2) a description of the performance measures negotiated under subsection (f) of this section, and the manner in which the local boards or entities will carry out the activities to meet the performance measures;

(3) a description of the manner in which the activities will be linked to activities described in section 2854 of this title; and

(4) a description of the community support, including financial support through leveraging additional public and private resources, for the activities.