

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, §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, §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, §408, Dec. 18, 1989, 103 Stat. 2083, as amended by Pub. L. 104-66, title I, §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.”

§ 4101. Definitions

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 “career services” means local employment and training services of the type described in section 134(c)(2) of the Workforce Innovation and Opportunity Act.

(Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1221, §2010; renumbered §2001, Pub. L. 87–675, §1(a), Sept. 19, 1962, 76 Stat. 558; amended Pub. L. 89–358, §6(c)(1), Mar. 3, 1966, 80 Stat. 27; Pub. L. 92–540, title V, §502(a), Oct. 24, 1972, 86 Stat. 1094; Pub. L. 93–508, title IV, §401(a), Dec. 3, 1974, 88 Stat. 1592; Pub. L. 96–466, title V, §503, title VIII, §801(h), Oct. 17, 1980, 94 Stat. 2203, 2216; Pub. L. 100–323, §§3(b), 15(a)(1), May 20, 1988, 102 Stat. 562, 574; renumbered §4101 and amended Pub. L. 102–83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 107–288, §5(a)(1)(A), (c)(1), Nov. 7, 2002, 116 Stat. 2044, 2045; Pub. L. 113–128, title V, §512(gg)(1), July 22, 2014, 128 Stat. 1719.)

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 (§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(c)(2) of the Workforce Innovation and Opportunity Act, referred to in par. (9), is classified to section 3174(c)(2) of Title 29, Labor.

PRIOR PROVISIONS

Prior section 4101, Pub. L. 85–857, Sept. 2, 1958, 72 Stat. 1243; Pub. L. 89–785, title I, §101, Nov. 7, 1966, 80 Stat. 1368; Pub. L. 93–82, title II, §201, Aug. 2, 1973, 87 Stat. 187; Pub. L. 94–581, title II, §§205(a), 209(a)(1), (3), 210(c)(1), Oct. 21, 1976, 90 Stat. 2857, 2860, 2863; Pub. L. 96–330, title I, §105(a), title III, §302, title IV, §408, Aug. 26, 1980, 94 Stat. 1036, 1048, 1053; Pub. L. 97–295, §4(80), Oct. 12, 1982, 96 Stat. 1311; Pub. L. 98–528, title I, §104, Oct. 19, 1984, 98 Stat. 2689; Pub. L. 99–166, title II, §202, Dec. 3, 1985, 99 Stat. 950; Pub. L. 100–322, title I, §135,

May 20, 1988, 102 Stat. 507; Pub. L. 100–687, div. B, title XV, §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, §401(a)(3), May 7, 1991, 105 Stat. 210. See sections 7301 to 7303, 7314, 7315, 7317, and 7425 of this title.

AMENDMENTS

2014—Par. (9). Pub. L. 113–128 substituted “The term ‘career services’ means local employment and training services of the type described in section 134(c)(2) of the Workforce Innovation and Opportunity Act” for “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”.

2002—Par. (7). Pub. L. 107–288, §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, §5(a)(1)(A), added par. (9).

1991—Pub. L. 102–83, §5(a), renumbered section 2001 of this title as this section.

Pars. (1) to (4). Pub. L. 102–83, §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, §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, §503(2), added pars. (2) to (4). Former pars. (2) and (3) redesignated (5) and (6), respectively.

Par. (5). Pub. L. 96–466, §§503(2), 801(h)(1), redesignated former par. (2) as (5) and substituted “The term” for “the term”.

Par. (6). Pub. L. 96–466, §§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 2014 AMENDMENT

Amendment by Pub. L. 113–128 effective on the first day of the first full program year after July 22, 2014 (July 1, 2015), see section 506 of Pub. L. 113–128, set out as an Effective Date note under section 3101 of Title 29, Labor.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107–288, §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, §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

Pub. L. 96–466, title VIII, §802(e), Oct. 17, 1980, 94 Stat. 2218, 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

Pub. L. 92-540, title VI, §601(b), Oct. 24, 1972, 86 Stat. 1099, 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

Pub. L. 87-675, §1(e), Sept. 19, 1962, 76 Stat. 559, 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."

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.

EMPLOYMENT ASSISTANCE AND SERVICES FOR VETERANS INELIGIBLE FOR ASSISTANCE

Pub. L. 96-466, title V, §512, Oct. 17, 1980, 94 Stat. 2207, as amended by Pub. L. 105-277, div. A, §101(f) [title VIII, §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 [former 29 U.S.C. 2801 et seq.], and other applicable provisions of law."

§ 4102. Purpose

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.

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

PRIOR PROVISIONS

Prior section 4102, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1243; Pub. L. 89-785, title I, §102, Nov. 7, 1966, 80 Stat. 1368; Pub. L. 94-581, title I, §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, §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, §5(a)(1)(B), substituted "job and job training intensive services program," for "job and job training counseling service program,".

Pub. L. 107-288, §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".