

Code, for any benefit week beginning before January 31, 1960, which claims are pending on the date these sections are repealed [Sept. 19, 1962], shall be adjudicated in the same manner and with the same effect as if the sections had not been repealed.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and regulations established by the Secretary of Labor pursuant to these sections, and in effect when the sections are repealed, shall remain in full force and effect until modified or suspended."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".

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

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

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

#### EFFECTIVE DATE OF 2002 AMENDMENT

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

## EFFECTIVE DATE OF 1980 AMENDMENT

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

## EFFECTIVE DATE OF 1976 AMENDMENT

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

## EFFECTIVE DATE OF 1974 AMENDMENT

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

## EFFECTIVE DATE OF 1972 AMENDMENT

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

## VETERAN'S EMPLOYMENT PROVISIONS

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

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

(a) ESTABLISHMENT OF POSITION OF ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—(1) There is established within the Department of Labor an Assistant Secretary of Labor for Veterans' Employment and Training, appointed by the President by and with the advice and consent of the Senate, who shall formulate and implement all departmental policies and procedures to carry out (A) the purposes of this chapter, chapter 42, and chapter 43 of this title, and (B) all other Department of Labor employment, unemployment, and training programs to the extent they affect veterans.

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

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

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

(b) PROGRAM FUNCTIONS.—The Secretary shall carry out the following functions:

(1) Except as expressly provided otherwise, carry out all provisions of this chapter and

chapter 43 of this title through the Assistant Secretary of Labor for Veterans' Employment and Training and administer through such Assistant Secretary all programs under the jurisdiction of the Secretary for the provision of employment and training services designed to meet the needs of all veterans and persons eligible for services furnished under this chapter.

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

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

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

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

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

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

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

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

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

(8) With advice and assistance from the Advisory Committee on Veterans Employment,