

Editorial Notes

REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in subsec. (c), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§ 1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

PRIOR PROVISIONS

Prior section 3115 was renumbered section 5315 of this title.

Provisions similar to those comprising this section were contained in former section 1511 of this title prior to the general revision of this chapter by Pub. L. 96-466.

AMENDMENTS

1994—Subsec. (a)(1). Pub. L. 103-446, § 602(a)(1)(A), struck out “or” after “(including the Department of Veterans Affairs),” and inserted “or of any federally recognized Indian tribe,” after “financial assistance.”

Subsec. (a)(4). Pub. L. 103-446, § 602(a)(1)(B), inserted “any federally recognized Indian tribe,” after “contributions.”

Subsec. (c). Pub. L. 103-446, § 602(a)(2), added subsec. (c).

1991—Pub. L. 102-83 renumbered section 1515 of this title as this section.

1989—Subsecs. (a), (b)(2), (4). Pub. L. 101-237 substituted “Secretary” and “Department of Veterans Affairs” for “Administrator” and “Veterans’ Administration”, respectively, wherever appearing.

1988—Subsec. (a)(1). Pub. L. 100-689, § 201(1), inserted “, or of any State or local government agency receiving Federal financial assistance,” after “Administration”.

Subsec. (b)(1). Pub. L. 100-689, § 201(2)(A), inserted “at a Federal agency” after “section”.

Subsec. (b)(3), (4). Pub. L. 100-689, § 201(2)(B), added pars. (3) and (4) and struck out former par. (3) which read as follows: “Use of facilities and services under clause (4) of subsection (a) of this section, shall be procured through contract, agreement, or other cooperative arrangement.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Apr. 1, 1981, see section 802(a)(1) of Pub. L. 96-466, set out as a note under section 3100 of this title.

§ 3116. Promotion of employment and training opportunities

(a) The Secretary shall actively promote the development and establishment of employment, training, and other related opportunities for (1) veterans who are participating or who have participated in a rehabilitation program under this chapter, (2) veterans with service-connected disabilities, and (3) other veterans to whom the employment emphases set forth in chapter 42 of this title apply. The Secretary shall promote the development and establishment of such opportunities through Department of Veterans Affairs staff outreach efforts to employers and through Department of Veterans Affairs coordination with Federal, State, and local governmental agencies and appropriate nongovernmental organizations. In carrying out the provisions of this subsection with respect to veterans referred to in clause (3) of the first sentence of this subsection, the Secretary shall place par-

ticular emphasis on the needs of categories of such veterans on the basis of applicable rates of unemployment.

(b)(1) The Secretary, pursuant to regulations prescribed in accordance with paragraph (3) of this subsection, may make payments to employers for providing on-job training to veterans in individual cases in which the Secretary determines that such payment is necessary to obtain needed on-job training or to begin employment. Such payments may not exceed the direct expenses incurred by such employers in providing such on-job training or employment opportunity.

(2) In any case in which a veteran described in paragraph (1) of this subsection participates in on-job training described in such paragraph that satisfies the criteria for payment of a training assistance allowance under section 3687 of this title, such veteran shall, to the extent that such veteran has remaining eligibility for and entitlement to such allowance, be paid such allowance.

(3) The Secretary shall prescribe regulations under this subsection in consultation with the Secretary of Labor and, in prescribing such regulations, shall take into consideration the provisions of title V of the Rehabilitation Act of 1973 (29 U.S.C. ch. 16, subch. V) and section 4212 of this title, and regulations prescribed under such provisions.

(Added Pub. L. 96-466, title I, § 101(a), Oct. 17, 1980, 94 Stat. 2182, § 1516; amended Pub. L. 101-237, title IV, § 423(b)(1), Dec. 18, 1989, 103 Stat. 2092; renumbered § 3116 and amended Pub. L. 102-83, § 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 112-56, title II, § 232, Nov. 21, 2011, 125 Stat. 719.)

Editorial Notes

REFERENCES IN TEXT

The Rehabilitation Act of 1973, referred to in subsec. (b)(3), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended. Title V of the Rehabilitation Act of 1973 is classified generally to subchapter V (§ 790 et seq.) of chapter 16 of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

PRIOR PROVISIONS

Prior section 3116 was renumbered section 5316 of this title.

AMENDMENTS

2011—Subsec. (b)(1). Pub. L. 112-56 struck out “who have been rehabilitated to the point of employability” after “veterans”.

1991—Pub. L. 102-83, § 5(a), renumbered section 1516 of this title as this section.

Subsec. (b)(2), (3). Pub. L. 102-83, § 5(c)(1), substituted “3687” for “1787” in par. (2) and “4212” for “2012” in par. (3).

1989—Subsecs. (a), (b)(1), (3). Pub. L. 101-237 substituted “Secretary” and “Department of Veterans Affairs” for “Administrator” and “Veterans’ Administration”, respectively, wherever appearing.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 1980, see section 802(a)(2) of Pub. L. 96-466, set out as a note under section 3100 of this title.

COORDINATION WITH PROGRAMS UNDER VETERANS' JOB TRAINING ACT

Pub. L. 99-238, title II, §202, Jan. 13, 1986, 99 Stat. 1768, as amended by Pub. L. 102-83, §§5(c)(2), 6(g), Aug. 6, 1991, 105 Stat. 406, 408, provided that:

“(a) IN GENERAL.—In carrying out section 3116(b) [formerly 1516(b)] of title 38, United States Code, the Secretary of Veterans Affairs shall take all feasible steps to establish and encourage, for veterans who are eligible to have payments made on their behalf under such section, the development of training opportunities through programs of job training consistent with the provisions of the Veterans' Job Training Act (as redesignated by section 201(a)(1) of this Act) [29 U.S.C. 1721 note] so as to utilize programs of job training established by employers pursuant to such Act.

“(b) DIRECTIVE.—In carrying out such Act, the Secretary of Veterans Affairs shall take all feasible steps to ensure that, in the cases of veterans who are eligible to have payments made on their behalf under both such Act and section 3116(b) [formerly 1516(b)] of title 38, United States Code, the authority under such section is utilized, to the maximum extent feasible and consistent with the veteran's best interests, to make payments to employers on behalf of such veterans.”

§ 3117. Employment assistance

(a)(1) A veteran with a service-connected disability rated at 10 percent or more who has participated in a vocational rehabilitation program under this chapter or a similar program under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.) and who the Secretary has determined to be employable shall be furnished assistance in obtaining employment consistent with such veteran's abilities, aptitudes, interests, and employment handicap, including assistance necessary to insure that such veteran receives the benefit of any applicable provisions of law or regulation providing for special consideration or emphasis or preference for such veteran in employment or training.

(2) Assistance provided under this subsection may include—

(A) direct placement of such veteran in employment;

(B) utilization of employment, training, and placement services under chapter 41 of this title; and

(C) utilization of the job development and placement services of (i) programs under the Rehabilitation Act of 1973, (ii) the State employment service and the Veterans' Employment Service of the Department of Labor, (iii) the Office of Personnel Management, (iv) any other public or nonprofit organization having placement services available, and (v) any for-profit entity in a case in which the Secretary has determined that services necessary to provide such assistance are available from such entity and that comparably effective services are not available, or cannot be obtained cost-effectively, from the entities described in subclauses (i) through (iv) of this clause.

(b)(1) In any case in which a veteran has completed a vocational rehabilitation program for self-employment in a small business enterprise under this chapter, the Secretary shall assist such veteran in securing, as appropriate, a loan under subchapter IV of chapter 37 of this title and shall cooperate with the Small Business Administration to assist such veteran to secure a loan for the purchase of equipment needed to es-

tablish such veteran's own business and to insure that such veteran receives the special consideration provided for in section 4(b)(1) of the Small Business Act (15 U.S.C. 633(b)(1)).

(2) In the case of a veteran described in clause (12) of section 3104(a) of this title who has trained under a State rehabilitation program with the objective of self-employment in a small business enterprise, the Secretary may, subject to the limitations and criteria provided for in such clause, provide such veteran with such supplementary equipment and initial stocks and supplies as are determined to be needed by such veteran if such supplementary equipment and initial stocks and supplies, or assistance in acquiring them, are not available through the State program or other sources.

(Added Pub. L. 96-466, title I, §101(a), Oct. 17, 1980, 94 Stat. 2183, §1517; amended Pub. L. 97-72, title III, §303(k), Nov. 3, 1981, 95 Stat. 1060; Pub. L. 100-689, title II, §202(a), Nov. 18, 1988, 102 Stat. 4175; Pub. L. 101-237, title IV, §423(b)(1)(A), Dec. 18, 1989, 103 Stat. 2092; Pub. L. 102-54, §14(c)(4), June 13, 1991, 105 Stat. 285; renumbered §3117 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 104-275, title I, §101(h), Oct. 9, 1996, 110 Stat. 3325; Pub. L. 107-288, §4(e)(2), Nov. 7, 2002, 116 Stat. 2044; Pub. L. 109-233, title V, §503(6), June 15, 2006, 120 Stat. 416.)

Editorial Notes

REFERENCES IN TEXT

The Rehabilitation Act of 1973, referred to in subsec. (a)(1), (2)(C)(i), is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified principally to chapter 16 (§701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

PRIOR PROVISIONS

Prior section 3117 was renumbered section 5317 of this title.

AMENDMENTS

2006—Subsec. (b)(1). Pub. L. 109-233 substituted “section 4(b)(1)” for “section 8” and “633(b)(1)” for “633(b)”.

2002—Subsec. (a)(2)(B). Pub. L. 107-288 amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: “utilization of the services of disabled veterans outreach program specialists under section 4103A of this title; and”.

1996—Subsec. (a)(1). Pub. L. 104-275 inserted “rated at 10 percent or more” after “disability”.

1991—Pub. L. 102-83, §5(a), renumbered section 1517 of this title as this section.

Subsec. (a)(1). Pub. L. 102-54, §14(c)(4)(A), inserted “(29 U.S.C. 701 et seq.)” after “1973”.

Subsec. (a)(2)(B). Pub. L. 102-83, §5(c)(1), substituted “4103A” for “2003A”.

Subsec. (a)(2)(C)(v). Pub. L. 102-54, §14(c)(4)(B), struck out second period at end.

Subsec. (b)(2). Pub. L. 102-83, §5(c)(1), substituted “3104(a)” for “1504(a)”.

1989—Subsecs. (a)(1), (2)(C), (b). Pub. L. 101-237 substituted “Secretary” for “Administrator” wherever appearing.

1988—Subsec. (a)(2)(C). Pub. L. 100-689 struck out “and” at end of subcl. (iii), substituted “available, and” for “available” in subcl. (iv), and added subcl. (v).

1981—Subsec. (b)(1). Pub. L. 97-72 inserted provision requiring the Administrator to assist veterans in securing, as appropriate, a loan under subchapter IV of chapter 37 of this title.