

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 505 of 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.

Amendment by section 801(i) 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 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.

§ 4103A. Disabled veterans' outreach program

(a) REQUIREMENT FOR EMPLOYMENT BY STATES OF A SUFFICIENT NUMBER OF SPECIALISTS.—(1) Subject to approval by the Secretary, a State shall employ such full- or part-time disabled veterans' outreach program specialists as the State determines appropriate and efficient to carry out intensive services and facilitate placements under this chapter to meet the employment needs of eligible veterans with the following priority in the provision of services:

(A) Special disabled veterans.

(B) Other disabled veterans.

(C) Other eligible veterans in accordance with priorities determined by the Secretary taking into account applicable rates of unemployment and the employment emphases set forth in chapter 42 of this title.

(2) In the provision of services in accordance with this subsection, maximum emphasis in meeting the employment needs of veterans shall be placed on assisting economically or educationally disadvantaged veterans.

(3) In facilitating placement of a veteran under this program, a disabled veterans' outreach program specialist shall help to identify job opportunities that are appropriate for the veteran's employment goals and assist that veteran in developing a cover letter and resume that are targeted for those particular jobs.

(b) REQUIREMENT FOR QUALIFIED VETERANS.—A State shall, to the maximum extent practicable, employ qualified veterans to carry out the services referred to in subsection (a). Preference shall be given in the appointment of such specialists to qualified disabled veterans.

(c) PART-TIME EMPLOYEES.—A part-time disabled veterans' outreach program specialist shall perform the functions of a disabled veterans' outreach program specialist under this section on a half-time basis.

(d) ADDITIONAL REQUIREMENT FOR FULL-TIME EMPLOYEES.—(1) A full-time disabled veterans' outreach program specialist shall perform only duties related to meeting the employment needs of eligible veterans, as described in subsection (a), and shall not perform other non-veteran-related duties that detract from the specialist's ability to perform the specialist's duties related

to meeting the employment needs of eligible veterans.

(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.

(Added Pub. L. 96-466, title V, §506(a), Oct. 17, 1980, 94 Stat. 2204, §2003A; amended Pub. L. 97-306, title III, §305, Oct. 14, 1982, 96 Stat. 1439; Pub. L. 100-323, §§2(e)(1), 7(b), 15(c)(1), May 20, 1988, 102 Stat. 559, 565, 574; Pub. L. 101-237, title IV, §423(b)(8), Dec. 18, 1989, 103 Stat. 2093; renumbered §4103A and amended Pub. L. 102-83, §§2(c)(4), 5(a), (c)(1), Aug. 6, 1991, 105 Stat. 402, 406; Pub. L. 102-568, title V, §§501, 503, Oct. 29, 1992, 106 Stat. 4340; Pub. L. 103-446, title VII, §701(b), Nov. 2, 1994, 108 Stat. 4674; Pub. L. 105-277, div. A, §101(f) [title VIII, §405(d)(29)(B), (f)(21)(B)], Oct. 21, 1998, 112 Stat. 2681-337, 2681-424, 2681-432; Pub. L. 105-368, title X, §1004(a), Nov. 11, 1998, 112 Stat. 3364; Pub. L. 107-95, §9(a), Dec. 21, 2001, 115 Stat. 920; Pub. L. 107-288, §4(b)(1), Nov. 7, 2002, 116 Stat. 2043; Pub. L. 109-461, title VI, §602(a), Dec. 22, 2006, 120 Stat. 3437; Pub. L. 112-56, title II, §§234(b), 241(a), Nov. 21, 2011, 125 Stat. 722, 728.)

Editorial Notes

AMENDMENTS

2011—Subsec. (a)(1). Pub. L. 112-56, §234(b)(1), inserted “and facilitate placements” after “intensive services” in introductory provisions.

Subsec. (a)(3). Pub. L. 112-56, §234(b)(2), added par. (3).
Subsec. (d). Pub. L. 112-56, §241(a), added subsec. (d).
2006—Subsec. (c). Pub. L. 109-461 added subsec. (c).

2002—Pub. L. 107-288 amended section generally, substituting subsecs. (a) and (b) for former subsecs. (a) to (c) relating to appointment, services and stationing, and functions of disabled veterans' outreach program specialists.

2001—Subsec. (c)(11). Pub. L. 107-95 added par. (11).

1998—Subsec. (a)(1). Pub. L. 105-368, in first sentence, substituted “for each 7,400 veterans who are between the ages of 20 and 64 residing in such State.” for “for each 6,900 veterans residing in such State who are either veterans of the Vietnam era, veterans who first entered on active duty as a member of the Armed Forces after May 7, 1975, or disabled veterans.”, in third sentence, struck out “of the Vietnam era” after “disabled veterans”, and struck out after third sentence “If the Secretary finds that a qualified disabled veteran of the Vietnam era is not available for any such appointment, preference for such appointment shall be given to other qualified disabled veterans.”

Subsec. (c)(4). Pub. L. 105-277, §101(f) [title VIII, §405(f)(21)(B)], struck out “part C of title IV of the Job Training Partnership Act and” after “training programs including”.

Pub. L. 105-277, §101(f) [title VIII, §405(d)(29)(B)], substituted “including part C of title IV of the Job Training Partnership Act and title I of the Workforce Investment Act of 1998” for “(including part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.))”.

1994—Subsec. (a)(1). Pub. L. 103-446 substituted “rates comparable to those paid other professionals performing essentially similar duties” for “a rate not less than the rate prescribed for an entry level professional”.

1992—Subsec. (a)(1). Pub. L. 102-568, §501, substituted “specialist for each 6,900 veterans residing in such

State who are either veterans of the Vietnam era, veterans who first entered on active duty as a member of the Armed Forces after May 7, 1975, or disabled veterans." for "specialist for each 5,300 veterans of the Vietnam era and disabled veterans residing in such State."

Subsec. (b)(1)(A). Pub. L. 102-568, §503, amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "Services to disabled veterans of the Vietnam era who are participating in or have completed a program of vocational rehabilitation under chapter 31 of this title."

1991—Pub. L. 102-83, §5(a), renumbered section 2003A of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted "4102A(b)(5)(A)(i)" for "2002A(b)(5)(A)(i)" in par. (1) and "4104" for "2004" in par. (2).

Subsec. (b)(2). Pub. L. 102-83, §5(c)(1), substituted "4103" for "2003" and "1712A" for "612A".

Pub. L. 102-83, §2(c)(4), substituted "7723" for "242".

Subsec. (c)(2). Pub. L. 102-83, §5(c)(1), substituted "3687" for "1787".

1989—Subsecs. (b)(2), (c)(2), (3), (8). Pub. L. 101-237 substituted "Secretary of Veterans Affairs" and "Department of Veterans Affairs" for "Administrator" and "Veterans Administration", respectively, wherever appearing.

1988—Subsec. (a)(1). Pub. L. 100-323, §2(e)(1)(A)(i), (ii), redesignated par. (2) as (1), substituted "The amount of funds made available for use in a State under section 2002A(b)(5)(A)(i) of this title shall be sufficient to support the appointment of one disabled veterans' outreach program specialist for each 5,300 veterans of the Vietnam era and disabled veterans residing in such State." for "Funds provided for use in a State under this subsection shall be sufficient to support the appointment of one disabled veterans' outreach program specialist for each 5,300 veterans of the Vietnam era and disabled veterans residing in such State.", inserted "qualified" before "veteran" in second sentence, inserted "qualified" before "disabled" wherever appearing in third, fourth, and fifth sentences, inserted "qualified" after "any" in fifth sentence, and struck out former par. (1) which read as follows: "The Secretary of Labor, acting through the Assistant Secretary for Veterans' Employment, shall make available for use in each State, directly or by grant or contract, such funds as may be necessary to support a disabled veterans' outreach program designed to meet the employment needs of veterans, especially disabled veterans of the Vietnam era."

Subsec. (a)(2). Pub. L. 100-323, §2(e)(1)(A)(i), (iii), redesignated par. (4) as (2) and struck out "paragraph (2) of" after "appointed pursuant to". Former par. (2) redesignated (1).

Subsec. (a)(3). Pub. L. 100-323, §2(e)(1)(A)(i), struck out par. (3) which read as follows: "The Secretary, acting through the Assistant Secretary of Labor for Veterans' Employment, shall also make available for use in the States such funds, in addition to those made available to carry out paragraphs (1) and (2) of this subsection, as may be necessary to support the reasonable expenses of such specialists for training, travel, supplies, and fringe benefits."

Subsec. (a)(4). Pub. L. 100-323, §2(e)(1)(A)(i), redesignated par. (4) as (2).

Subsec. (a)(5). Pub. L. 100-323, §2(e)(1)(A)(i), struck out par. (5) which read as follows: "The distribution and use of funds provided for use in States under this section shall be subject to the continuing supervision and monitoring of the Assistant Secretary for Veterans' Employment and shall not be governed by the provisions of any other law, or any regulations prescribed thereunder, that are inconsistent with this section."

Subsec. (b)(2). Pub. L. 100-323, §15(c)(1), substituted "Director for Veterans' Employment and Training" for "State Director for Veterans' Employment".

Subsec. (c)(4). Pub. L. 100-323, §7(b)(1), inserted "(including part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.))" after "programs".

Subsec. (c)(6). Pub. L. 100-323, §7(b)(2), inserted "(including the program conducted under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note))" after "programs".

Subsec. (c)(9), (10). Pub. L. 100-323, §7(b)(3), added pars. (9) and (10).

Subsec. (d). Pub. L. 100-323, §2(e)(1)(B), struck out subsec. (d) which read as follows: "The Secretary of Labor shall administer the program provided for by this section through the Assistant Secretary of Labor for Veterans' Employment. The Secretary shall monitor the appointment of disabled veterans' outreach program specialists to ensure compliance with the provisions of subsection (a)(2) of this section with respect to the employment of such specialists."

1982—Subsec. (a)(1). Pub. L. 97-306, §305(a)(1), (3), inserted ", acting through the Assistant Secretary for Veterans' Employment," after "Secretary of Labor", and substituted "available for use in" for "available to".

Subsec. (a)(2). Pub. L. 97-306, §305(a)(4), substituted "provided for use in" for "provided to".

Subsec. (a)(3). Pub. L. 97-306, §305(a)(2), (3), inserted ", acting through the Assistant Secretary of Labor for Veterans' Employment," after "Secretary", and substituted "available for use in" for "available to".

Subsec. (a)(5). Pub. L. 97-306, §305(a)(5), added par. (5).

Subsec. (b)(2). Pub. L. 97-306, §305(b), inserted provision relating to waiver of the limitation on stationing at local employment service offices of disabled veterans' outreach program specialists and substituted "section 612A" for "section 621A".

Subsec. (c)(4). Pub. L. 97-306, §305(c)(1), substituted "appropriate grantees under other Federal and federally funded employment and training programs" for "prime sponsors under the Comprehensive Employment and Training Act".

Subsec. (c)(8). Pub. L. 97-306, §305(c)(2), added par. (8).

Subsecs. (d), (e). Pub. L. 97-306, §305(d), redesignated subsec. (e) as (d) and inserted provision that the Secretary shall monitor the appointment of disabled veterans' outreach program specialists to ensure compliance with the provisions of subsec. (a)(2) of this section with respect to the employment of such specialists. Former subsec. (d), which provided that persons serving as staff in the disabled veterans outreach program conducted under title III of the Comprehensive Employment and Training Act on the date of enactment of this section would be appointed as disabled veterans' outreach program specialists in the State in which such individual was so serving, unless the Secretary for good cause shown determined that such individual was not qualified for such appointment, was struck out.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-461, title VI, §602(c), Dec. 22, 2006, 120 Stat. 3437, provided that: "Section 4103A(c) of title 38, United States Code, as added by subsection (a), and section 4104(d) of such title, as amended by subsection (b), shall apply with respect to pay periods beginning after the date that is 180 days after the date of the enactment of this Act [Dec. 22, 2006]."

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-288, §4(b)(3), Nov. 7, 2002, 116 Stat. 2044, provided that: "The amendments made by this subsection [amending this section and section 4104 of this title] shall take effect on the date of the enactment of this Act [Nov. 7, 2002], and apply for program years under chapter 41 of title 38, United States Code, beginning on or after such date."

EFFECTIVE DATE OF 1998 AMENDMENTS

Pub. L. 105-368, title X, §1004(b), Nov. 11, 1998, 112 Stat. 3364, provided that: "The amendments made by this section [amending this section] shall apply with respect to appointments of disabled veterans' outreach

program specialists under section 4103A of title 38, United States Code, on or after the date of the enactment of this Act [Nov. 11, 1998]."

Amendment by section 101(f) [title VIII, §405(d)(29)(B)] of Pub. L. 105-277 effective Oct. 21, 1998, and amendment by section 101(f) [title VIII, §405(f)(21)(B)] of Pub. L. 105-277 effective July 1, 2000, see section 101(f) [title VIII, §405(g)(1), (2)(B)] of Pub. L. 105-277, set out as a note under section 3502 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by sections 2(e)(1)(B) and 15(c)(1) of Pub. L. 100-323 effective May 20, 1988, amendment by section 2(e)(1)(A) of Pub. L. 100-323 effective for all of fiscal year 1988 and subsequent fiscal years, and amendment by section 7(b) of Pub. L. 100-323 effective on 60th day after May 20, 1988, see section 16(a), (b)(1)(B), (2) of Pub. L. 100-323, set out as a note under section 3104 of this title.

EFFECTIVE DATE

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

§ 4104. Local veterans' employment representatives

(a) REQUIREMENT FOR EMPLOYMENT BY STATES OF A SUFFICIENT NUMBER OF REPRESENTATIVES.—Subject to approval by the Secretary, a State shall employ such full- and part-time local veterans' employment representatives as the State determines appropriate and efficient to carry out employment, training, and placement services under this chapter.

(b) PRINCIPAL DUTIES.—As principal duties, local veterans' employment representatives shall—

(1) conduct outreach to employers in the area to assist veterans in gaining employment, including conducting seminars for employers and, in conjunction with employers, conducting job search workshops and establishing job search groups; and

(2) facilitate employment, training, and placement services furnished to veterans in a State under the applicable State employment service delivery systems.

(c) REQUIREMENT FOR QUALIFIED VETERANS AND ELIGIBLE PERSONS.—A State shall, to the maximum extent practicable, employ qualified veterans or eligible persons to carry out the services referred to in subsection (a). Preference shall be accorded in the following order:

(1) To qualified service-connected disabled veterans.

(2) If no veteran described in paragraph (1) is available, to qualified eligible veterans.

(3) If no veteran described in paragraph (1) or (2) is available, then to qualified eligible persons.

(d) PART-TIME EMPLOYEES.—A part-time local veterans' employment representative shall perform the functions of a local veterans' employment representative under this section on a half-time basis.

(e) ADDITIONAL REQUIREMENTS FOR FULL-TIME EMPLOYEES.—(1) A full-time local veterans' employment representative shall perform only duties related to the employment, training, and placement services under this chapter, and shall

not perform other non-veteran-related duties that detract from the representative's ability to perform the representative's duties related to employment, training, and placement services under this chapter.

(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.

(f) REPORTING.—Each local veterans' employment representative shall be administratively responsible to the manager of the employment service delivery system and shall provide reports, not less frequently than quarterly, to the manager of such office and to the Director for Veterans' Employment and Training for the State regarding compliance with Federal law and regulations with respect to special services and priorities for eligible veterans and eligible persons.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1219, §2013; renumbered §2004, 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. 1095; Pub. L. 94-502, title VI, §606(2), Oct. 15, 1976, 90 Stat. 2405; Pub. L. 100-323, §3(a), May 20, 1988, 102 Stat. 560; Pub. L. 101-237, title IV, §423(b)(8)(B), Dec. 18, 1989, 103 Stat. 2093; Pub. L. 102-16, §10(a)(8), Mar. 22, 1991, 105 Stat. 56; renumbered §4104 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 107-14, §8(a)(10), June 5, 2001, 115 Stat. 35; Pub. L. 107-95, §9(b), Dec. 21, 2001, 115 Stat. 920; Pub. L. 107-288, §4(b)(2), Nov. 7, 2002, 116 Stat. 2043; Pub. L. 109-461, title VI, §602(b), Dec. 22, 2006, 120 Stat. 3437; Pub. L. 112-56, title II, §241(b), Nov. 21, 2011, 125 Stat. 728.)

Editorial Notes

PRIOR PROVISIONS

Prior section 4104, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1244; Pub. L. 89-785, title I, §104, Nov. 7, 1966, 80 Stat. 1369; Pub. L. 94-123, §5(a), Oct. 22, 1975, 89 Stat. 675; Pub. L. 94-581, title I, §110(3), title II, §§209(a)(1), (2), 210(c)(3), Oct. 21, 1976, 90 Stat. 2848, 2860, 2863; Pub. L. 96-151, title III, §302(a), Dec. 20, 1979, 93 Stat. 1096; Pub. L. 98-160, title II, §201, Nov. 21, 1983, 97 Stat. 1000; Pub. L. 98-528, title I, §108, Oct. 19, 1984, 98 Stat. 2690; Pub. L. 100-322, title II, §211(a), May 20, 1988, 102 Stat. 513; Pub. L. 101-366, title I, §102(a), Aug. 15, 1990, 104 Stat. 430, related to appointment of additional personnel for medical care of veterans, prior to repeal by Pub. L. 102-40, title IV, §401(a)(3), May 7, 1991, 105 Stat. 210. See section 7401 of this title.

Provisions similar to those comprising this section were contained in former section 2003 of this title prior to the amendment of this chapter by Pub. L. 92-540.

AMENDMENTS

2011—Subsecs. (e), (f). Pub. L. 112-56 added subsec. (e) and redesignated former subsec. (e) as (f).

2006—Subsecs. (d), (e). Pub. L. 109-461 added subsec. (d) and redesignated former subsec. (d) as (e).

2002—Pub. L. 107-288 amended text generally, substituting subsecs. (a) to (d) for former subsecs. (a) to (c) relating to appointment, functions, and reporting requirements of local veterans' employment representatives.