

Statutory Notes and Related Subsidiaries

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.

§ 4105. Cooperation of Federal agencies

(a) All Federal agencies shall furnish the Secretary such records, statistics, or information as the Secretary may deem necessary or appropriate in administering the provisions of this chapter, and shall otherwise cooperate with the Secretary in providing continuous employment and training opportunities for eligible veterans and eligible persons.

(b) For the purpose of assisting the Secretary and the Secretary of Veterans Affairs in identifying employers with potential job training opportunities under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note)¹ and otherwise in order to carry out this chapter, the Secretary of Defense shall, on the 15th day of each month, provide the Secretary and the Secretary of Veterans Affairs with updated information regarding any list maintained by the Secretary of Defense of employers participating in the National Committee for Employer Support of the Guard and Reserve.

(Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1219, §2014; renumbered §2005 and amended Pub. L. 87-675, §1(a), (c), Sept. 19, 1962, 76 Stat. 558, 559; Pub. L. 92-540, title V, §502(a), Oct. 24, 1972, 86 Stat. 1095; Pub. L. 93-508, title IV, §401(d), Dec. 3, 1974, 88 Stat. 1592; Pub. L. 94-502, title VI, §606(3), Oct. 15, 1976, 90 Stat. 2405; Pub. L. 100-323, §§6(a), 15(a)(2), May 20, 1988, 102 Stat. 564, 574; Pub. L. 101-237, title IV, §423(b)(8)(A), Dec. 18, 1989, 103 Stat. 2093; renumbered §4105, Pub. L. 102-83, §5(a), Aug. 6, 1991, 105 Stat. 406; Pub. L. 109-233, title V, §503(12), June 15, 2006, 120 Stat. 417.)

Editorial Notes

REFERENCES IN TEXT

The Veterans' Job Training Act, referred to in subsec. (b), is Pub. L. 98-77, Aug. 15, 1983, 97 Stat. 443, which is set out as a note under section 3171 of Title 29, Labor. For complete classification of this Act to the Code, see Tables.

PRIOR PROVISIONS

Prior section 4105, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1244; Pub. L. 87-574, §4(1), Aug. 6, 1962, 76 Stat. 308; Pub. L. 89-785, title I, §105, Nov. 7, 1966, 80 Stat. 1369; Pub. L. 94-123, §5(b), Oct. 22, 1975, 89 Stat. 675; Pub. L. 94-581, title I, §110(4), title II, §§205(e), 209(a)(1), (2), (4), (c)(2), Oct. 21, 1976, 90 Stat. 2848, 2859, 2860, 2861; Pub. L. 95-201, §4(a)(1), Nov. 23, 1977, 91 Stat. 1430; Pub. L. 96-151, title III, §302(b), Dec. 20, 1979, 93 Stat. 1096; Pub. L. 97-295, §4(81), Oct. 12, 1982, 96 Stat. 1311; Pub. L. 98-160, title II, §202, Nov. 21, 1983, 97 Stat. 1000, related to qualifications of appointees to positions in 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 7402 of this title.

Provisions similar to those comprising this section were contained in former section 2004 of this title prior to the amendment of this chapter by Pub. L. 92-540.

¹ See References in Text note below.

AMENDMENTS

2006—Subsec. (b). Pub. L. 109-233 substituted “shall, on the 15th day of each month, provide the Secretary and the Secretary of Veterans Affairs with updated information regarding” for “shall provide, not more than 30 days after the date of the enactment of this subsection, the Secretary and the Secretary of Veterans Affairs with” and struck out before period at end “and shall provide, on the 15th day of each month thereafter, updated information regarding the list”.

1991—Pub. L. 102-83 renumbered section 2005 of this title as this section.

1989—Subsec. (b). Pub. L. 101-237 substituted “Secretary of Veterans Affairs” for “Administrator” wherever appearing.

1988—Subsec. (a). Pub. L. 100-323, §15(a)(2), struck out “of Labor” after “furnish the Secretary”.

Pub. L. 100-323, §6(a)(1), designated existing provisions as subsec. (a).

Subsec. (b). Pub. L. 100-323, §6(a)(2), added subsec. (b). 1976—Pub. L. 94-502 substituted “the Secretary may deem” for “he may deem”.

1974—Pub. L. 93-508 substituted “eligible veterans and eligible persons” for “eligible veterans”.

1972—Pub. L. 92-540 substituted provisions relating to the cooperation of other Federal agencies for provisions relating to the estimation of funds for administration. See section 2006 of this title.

1962—Pub. L. 87-675 substituted “chapter” for “subchapter” after “administration of this”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by section 6(a) of Pub. L. 100-323 effective on 60th day after May 20, 1988, and amendment by section 15(a)(2) of Pub. L. 100-323 effective May 20, 1988, see section 16(a), (b)(2) of Pub. L. 100-323, set out as a note under section 3104 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.

§ 4106. Estimate of funds for administration; authorization of appropriations

(a) The Secretary shall estimate the funds necessary for the proper and efficient administration of this chapter and chapters 42 and 43 of this title. Such estimated sums shall include the annual amounts necessary for salaries, rents, printing and binding, travel, and communications. Sums thus estimated shall be included as a special item in the annual budget for the Department of Labor. Estimated funds necessary for proper intensive services, placement, and training services to eligible veterans and eligible persons provided by the various State public employment service agencies shall each be separately identified in the budgets of those agencies as approved by the Department of Labor. Funds estimated pursuant to the first sentence of this subsection shall include amounts necessary in all of the States for the purposes specified in

paragraph (5) of section 4102A(b) of this title and to fund the National Veterans' Employment and Training Services Institute under section 4109 of this title and shall be approved by the Secretary only if the level of funding proposed is in compliance with such sections. Each budget submission with respect to such funds shall include a separate listing of the amount for the National Veterans' Employment and Training Services Institute together with information demonstrating the compliance of such budget submission with the funding requirements specified in the preceding sentence.

(b) There are authorized to be appropriated such sums as may be necessary for the proper and efficient administration of this chapter.

(c) In the event that the regular appropriations Act making appropriations for administrative expenses for the Department of Labor with respect to any fiscal year does not specify an amount for the purposes specified in subsection (b) of this section for that fiscal year, then of the amounts appropriated in such Act there shall be available only for the purposes specified in subsection (b) of this section such amount as was set forth in the budget estimate submitted pursuant to subsection (a) of this section.

(d) Any funds made available pursuant to subsections (b) and (c) of this section shall not be available for any purpose other than those specified in such subsections.

(Added Pub. L. 92-540, title V, §502(a), Oct. 24, 1972, 86 Stat. 1096, §2006; amended Pub. L. 93-508, title IV, §401(e), Dec. 3, 1974, 88 Stat. 1592; Pub. L. 94-502, title VI, §603, Oct. 15, 1976, 90 Stat. 2404; Pub. L. 97-306, title III, §306, Oct. 14, 1982, 96 Stat. 1440; Pub. L. 100-323, §§2(b), (c), (e)(2), 15(a)(2), May 20, 1988, 102 Stat. 558, 559, 574; renumbered §4106 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 107-288, §§4(d)(1), 5(a)(1)(C), Nov. 7, 2002, 116 Stat. 2044.)

Editorial Notes

PRIOR PROVISIONS

Prior section 4106, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1245; Pub. L. 89-785, title I, §106, Nov. 7, 1966, 80 Stat. 1369; Pub. L. 94-123, §5(c), Oct. 22, 1975, 89 Stat. 675; Pub. L. 94-581, title I, §110(5), title II, §209(a)(1), (b)(1), Oct. 21, 1976, 90 Stat. 2848, 2860, 2861; Pub. L. 96-151, title III, §303, Dec. 20, 1979, 93 Stat. 1096; Pub. L. 98-160, title II, §203(a), Nov. 21, 1983, 97 Stat. 1000; Pub. L. 99-576, title VII, §701(86), Oct. 28, 1986, 100 Stat. 3298; Pub. L. 100-322, title II, §221, May 20, 1988, 102 Stat. 531; Pub. L. 101-237, title II, §203, Dec. 18, 1989, 103 Stat. 2067, related to period of appointment and promotions of persons appointed to 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 7403 of this title.

Provisions similar to those comprising this section were contained in former section 2005 of this title prior to the amendment of this chapter by Pub. L. 92-540.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-288, §5(a)(1)(C), substituted "proper intensive services" for "proper counseling".

Pub. L. 107-288, §4(d)(1), amended last sentence generally. Prior to amendment, last sentence read as follows: "Each budget submission with respect to such funds shall include separate listings of the amount for

the National Veterans' Employment and Training Services Institute and of the proposed numbers, by State, of disabled veterans' outreach program specialists appointed under section 4103A of this title and local veterans' employment representatives assigned under section 4104 of this title, together with information demonstrating the compliance of such budget submission with the funding requirements specified in the preceding sentence."

1991—Pub. L. 102-83, §5(a), renumbered section 2006 of this title as this section.

Subsec. (a). Pub. L. 102-83, §5(c)(1), substituted "4102A(b)" for "2002A(b)", "4109" for "2009", "4103A" for "2003A", and "4104" for "2004".

1988—Subsec. (a). Pub. L. 100-323, §15(a)(2), struck out "of Labor" after "Secretary" in first and fifth sentences.

Pub. L. 100-323, §2(b), (e)(2), substituted "in all of the States for the purposes specified in paragraph (5) of section 2002A(b) of this title and to fund the National Veterans' Employment and Training Services Institute under section 2009" for "to fund the disabled veterans' outreach program under section 2003A" and "with such sections" for "with such section" in fifth sentence, inserted after fifth sentence "Each budget submission with respect to such funds shall include separate listings of the amount for the National Veterans' Employment and Training Services Institute and of the proposed numbers, by State, of disabled veterans' outreach program specialists appointed under section 2003A of this title and local veterans' employment representatives assigned under section 2004 of this title, together with information demonstrating the compliance of such budget submission with the funding requirements specified in the preceding sentence.", and struck out at end "Each budget submission with respect to such funds shall include a separate listing of the proposed number, by State, for disabled veterans outreach program specialists appointed under such section. The Secretary shall carry out this subsection through the Assistant Secretary for Veterans' Employment."

Subsec. (d). Pub. L. 100-323, §2(c), struck out ", except with the approval of the Secretary of Labor, upon the recommendation of the Assistant Secretary of Labor for Veterans' Employment, based on a demonstrated lack of need for such funds for such purposes" after "in such subsections".

1982—Subsec. (a). Pub. L. 97-306, §306(a), inserted "and chapters 42 and 43 of this title" after "administration of this chapter", and inserted provisions at end relating to the inclusion in estimated necessary funds of amounts necessary to fund the disabled veterans' outreach program, inclusion in budgets of the proposed number for program specialists, and the carrying out of this subsection through the Assistant Secretary for Veterans' Employment.

Subsec. (d). Pub. L. 97-306, §306(b), inserted ", upon the recommendation of the Assistant Secretary of Labor for Veterans' Employment," after "Secretary of Labor".

1976—Subsec. (a). Pub. L. 94-502 substituted "agencies shall each be" for "agencies shall be".

1974—Subsec. (a). Pub. L. 93-508 substituted "training services to eligible veterans and eligible persons" for "training services to veterans".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-288, §4(d)(2), Nov. 7, 2002, 116 Stat. 2044, provided that: "The amendment made by paragraph (1) [amending this section] shall take effect on the date of the enactment of this Act [Nov. 7, 2002], and apply to budget submissions for fiscal year 2004 and each subsequent fiscal year."

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

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

§ 4107. Administrative controls; annual report

(a) The Secretary shall establish administrative controls for the following purposes:

(1) To insure that each eligible veteran, especially veterans of the Vietnam era and disabled veterans, and each eligible person who requests assistance under this chapter shall promptly be placed in a satisfactory job or job training opportunity or receive some other specific form of assistance designed to enhance such veteran's and eligible person's employment prospects substantially, such as individual job development or intensive services.

(2) To determine whether or not the employment service agencies in each State have committed the necessary staff to insure that the provisions of this chapter are carried out; and to arrange for necessary corrective action where staff resources have been determined by the Secretary to be inadequate.

(b) The Secretary shall apply performance standards established under section 4102A(f) of this title for determining compliance by the State public employment service agencies with the provisions of this chapter and chapter 42 of this title. Not later than February 1 of each year, the Secretary shall report to the Committees on Veterans' Affairs of the Senate and the House of Representatives on the performance of States and organizations and entities carrying out employment, training, and placement services under this chapter, as measured under subsection (b)(7) of section 4102A of this title. In the case of a State that the Secretary determines has not met the minimum standard of performance (established by the Secretary under subsection (f) of such section), the Secretary shall include an analysis of the extent and reasons for the State's failure to meet that minimum standard, together with the State's plan for corrective action during the succeeding year.

(c) Not later than February 1 of each year, the Secretary shall report to the Committees on Veterans' Affairs of the Senate and the House of Representatives on the success during the preceding program year of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter and programs for the provision of employment and training services to meet the needs of eligible veterans and eligible persons. The report shall include—

(1) specification, by State and by age group, of the numbers of eligible veterans, disabled veterans, special disabled veterans, eligible persons, recently separated veterans (as defined in section 4211(6) of this title), and servicemembers transitioning to civilian careers who registered for assistance with, or who are identified as veterans by, the public employment service system and, for each of

such categories, the numbers referred to and placed in permanent and other jobs, the numbers referred to and placed in jobs and job training programs supported by the Federal Government, the number who received intensive services, and the number who received some, and the number who received no, reportable service;

(2) a comparison of the rate of entered employment (as determined in a manner consistent with State performance measures applicable under section 136(b)¹ of the Workforce Investment Act of 1998) for each of the categories of veterans and persons described in paragraph (1) of this subsection with such rate of entered employment (as so determined) for nonveterans of the same age groups registered for assistance with the public employment system in each State;

(3) any determination made by the Secretary during the preceding fiscal year under section 4106 of this title or subsection (a)(2) of this section and a statement of the reasons for such determination;

(4) a report on activities carried out during the preceding program year under section 4212(d) of this title;

(5) a report on the operation during the preceding program year of programs for the provision of employment and training services designed to meet the needs of eligible veterans and eligible persons, including an evaluation of the effectiveness of such programs during such program year in meeting the requirements of section 4102A(b) of this title, the efficiency with which services were provided through such programs during such year, and such recommendations for further legislative action relating to veterans' employment and training as the Secretary considers appropriate;

(6) a report on the operation during the preceding program year of the program of performance incentive awards for quality employment services under section 4112 of this title; and

(7) performance measures for the provision of assistance under this chapter, including—

(A) the percentage of participants in programs under this chapter who find employment before the end of the first 90-day period following their completion of the program;

(B) the percentage of participants described in subparagraph (A) who are employed during the first 180-day period following the period described in such subparagraph;

(C) the median earnings of participants described in subparagraph (A) during the period described in such subparagraph;

(D) the median earnings of participants described in subparagraph (B) during the period described in such subparagraph; and

(E) the percentage of participants in programs under this chapter who obtain a certificate, degree, diploma, licensure, or industry-recognized credential relating to the program in which they participated under this chapter during the third 90-day period following their completion of the program.

¹ See References in Text note below.