

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

¹ See References in Text note below.

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.

(Added Pub. L. 92-540, title V, §502(a), Oct. 24, 1972, 86 Stat. 1096, §2007; amended Pub. L. 93-508, title IV, §401(f), Dec. 3, 1974, 88 Stat. 1592; Pub. L. 94-502, title VI, §604, Oct. 15, 1976, 90 Stat. 2404; Pub. L. 95-202, title III, §309(b), Nov. 23, 1977, 91 Stat. 1446; Pub. L. 96-466, title V, §507, Oct. 17, 1980, 94 Stat. 2205; Pub. L. 97-306, title III, §307, Oct. 14, 1982, 96 Stat. 1440; Pub. L. 100-323, §§2(d), 15(a)(2), May 20, 1988, 102 Stat. 558, 574; renumbered §4107 and amended Pub. L. 102-83, §5(a), (c)(1), Aug. 6, 1991, 105 Stat. 406; Pub. L. 107-288, §§4(a)(3)(B), (e)(1), 5(a)(1)(D), (E), (d)(1), Nov. 7, 2002, 116 Stat. 2042, 2044, 2045; Pub. L. 112-56, title II, §238, Nov. 21, 2011, 125 Stat. 726.)

Editorial Notes

REFERENCES IN TEXT

Section 136(b) of the Workforce Investment Act of 1998, referred to in subsec. (c)(2), was classified to section 2871(b) of Title 29, Labor, prior to repeal by Pub. L. 113-128, title V, §511(a), July 22, 2014, 128 Stat. 1705, effective July 1, 2015. Pursuant to section 3361(a) of Title 29, references to a provision of the Workforce Investment Act of 1998 are deemed to refer to the corresponding provision of the Workforce Innovation and Opportunity Act, Pub. L. 113-128, July 22, 2014, 128 Stat. 1425. For corresponding provision, see section 116 of Pub. L. 113-128, which is classified to section 3141 of Title 29.

PRIOR PROVISIONS

Prior section 4107, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1245; Pub. L. 86-568, title I, §114(f), July 1, 1960, 74

Stat. 301; Pub. L. 87-793, §802, Oct. 11, 1962, 76 Stat. 860; Pub. L. 88-426, title I, §118, Aug. 14, 1964, 78 Stat. 410; Pub. L. 89-301, §7, Oct. 29, 1965, 79 Stat. 1117; Pub. L. 89-504, title I, §105, July 18, 1966, 80 Stat. 291; Pub. L. 89-785, title I, §107(a), Nov. 7, 1966, 80 Stat. 1370; Pub. L. 90-206, title II, §208, Dec. 16, 1967, 81 Stat. 631; Pub. L. 91-496, §2, Oct. 22, 1970, 84 Stat. 1092; Pub. L. 93-82, title II, §203, Aug. 2, 1973, 87 Stat. 188; Pub. L. 94-123, §§2(b), 5(d), Oct. 22, 1975, 89 Stat. 669, 675; Pub. L. 94-581, title I, §110(6), title II, §§209(a)(1), (2), (b)(2), (c)(3), 210(c)(4), Oct. 21, 1976, 90 Stat. 2848, 2860, 2861, 2863; Pub. L. 95-201, §5(a)(1), (2), Nov. 23, 1977, 91 Stat. 1432; Pub. L. 96-22, title V, §504, June 13, 1979, 93 Stat. 65; Pub. L. 96-330, title I, §§105(c), 111, 112, Aug. 26, 1980, 94 Stat. 1036, 1037; Pub. L. 96-385, title V, §508(a), Oct. 7, 1980, 94 Stat. 1538; Pub. L. 97-251, §2(a)-(c), Sept. 8, 1982, 96 Stat. 711, 712; Pub. L. 97-295, §4(82), Oct. 12, 1982, 96 Stat. 1311; Pub. L. 98-160, title II, §204, Nov. 21, 1983, 97 Stat. 1001; Pub. L. 98-528, title I, §§101(b), 109, Oct. 19, 1984, 98 Stat. 2688, 2691; Pub. L. 99-576, title VII, §701(87), Oct. 28, 1986, 100 Stat. 3299; Pub. L. 100-322, title II, §§211(b), 212(b), 213, 214(a), (b), 217, May 20, 1988, 102 Stat. 514, 516, 530; Pub. L. 100-687, div. B, title XV, §1506(b)(2), Nov. 18, 1988, 102 Stat. 4136; Pub. L. 101-237, title II, §§204, 205(a), Dec. 18, 1989, 103 Stat. 2067; Pub. L. 101-366, title I, §101(c), 102(c), 103, Aug. 15, 1990, 104 Stat. 430, 436, 437, related to grades and pay scales of 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 sections 7404, 7426, and 7453 to 7457 of this title.

AMENDMENTS

2011—Subsec. (c)(2), Pub. L. 112-56, §238(1), substituted “paragraph (1)” for “clause (1)”.

Subsec. (c)(7), Pub. L. 112-56, §238(2)-(4), added par. (7).

2002—Subsec. (a)(1), Pub. L. 107-288, §5(a)(1)(D), substituted “intensive services” for “employment counseling services”.

Subsec. (b), Pub. L. 107-288, §5(d)(1)(E), inserted second and third sentences and struck out former second sentence which read as follows: “A full report as to the extent and reasons for any noncompliance by any such State agency during any fiscal year, together with the agency’s plan for corrective action during the succeeding year, shall be included in the annual report of the Secretary required by subsection (c) of this section.”

Pub. L. 107-288, §4(a)(3)(B), substituted “The Secretary shall apply performance standards established under section 4102A(f) of this title” for “The Secretary shall establish definitive performance standards”.

Subsec. (c)(1), Pub. L. 107-288, §5(d)(1)(A), struck out “veterans of the Vietnam era,” before “disabled veterans, special” and substituted “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,” for “and eligible persons who registered for assistance with”.

Pub. L. 107-288, §5(a)(1)(E), substituted “the number who received intensive services” for “the number counseled”.

Subsec. (c)(2), Pub. L. 107-288, §5(d)(1)(B), substituted “the rate of entered employment (as determined in a manner consistent with State performance measures applicable under section 136(b) of the Workforce Investment Act of 1998) for each of the categories” for “the job placement rate for each of the categories” and “such rate of entered employment (as so determined) for nonveterans” for “the job placement rate for nonveterans”.

Subsec. (c)(4), Pub. L. 107-288, §5(d)(1)(C), substituted “section 4212(d)” for “sections 4103A and 4104”.

Subsec. (c)(5), Pub. L. 107-288, §4(e)(1), struck out “(including the need for any changes in the formulas governing the appointment of disabled veterans’ outreach program specialists under section 4103A(a)(2) of this title and the assignment of local veterans’ employment representatives under section 4104(b) of this title

and the allocation of funds for the support of such specialists and representatives)" after "further legislative action".

Subsec. (c)(6). Pub. L. 107-288, §5(d)(1)(D), added par. (6).

1991—Pub. L. 102-83, §5(a), renumbered section 2007 of this title as this section.

Subsec. (c)(3) to (5). Pub. L. 102-83, §5(c)(1), substituted "4106" for "2006" in par. (3), "4103A and 4104" for "2003A and 2004" in par. (4), and "4102A(b)" for "2002A(b)", "4103A(a)(2)" for "2003A(a)(2)", and "4104(b)" for "2004(b)" in par. (5).

1988—Subsecs. (a), (b). Pub. L. 100-323, §15(a)(2), struck out "of Labor" after "Secretary" in four places.

Subsec. (c). Pub. L. 100-323, §2(d), amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: "The Secretary of Labor shall report annually to the Congress on the success of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter. The report shall include, by State, specification of the numbers of eligible veterans, veterans of the Vietnam era, disabled veterans, special disabled veterans, and eligible persons who registered for assistance with the public employment service system and, of each of such categories, the number referred to jobs, the number placed in permanent jobs as defined by the Secretary, the number referred to and the number placed in employment and job training programs supported by the Federal Government, the number counseled, and the number who received some reportable service. The report shall also include any determination by the Secretary under section 2004, 2006, or 2007(a) of this title and a statement of the reasons for such determination. The report shall also include a report on activities carried out under section 2003A of this title."

1982—Subsec. (c). Pub. L. 97-306 inserted provision that the report shall also include a report on activities carried out under section 2003A of this title.

1980—Subsec. (a)(1). Pub. L. 96-466, §507(1), substituted "veterans of the Vietnam era and disabled veterans" for "those veterans who have been recently discharged or released from active duty".

Subsec. (c). Pub. L. 96-466, §507(2), substituted provisions that the report include, by State, specification of the numbers of eligible veterans, veterans of the Vietnam era, disabled veterans, special disabled veterans, and eligible persons who registered for assistance with the public employment service system and, of each of such categories, the number referred to jobs, the number placed in permanent jobs, the number referred to and the number placed in employment and job training programs supported by the Federal Government, the number counseled, and the number who received some reportable service for provisions that the report include, by State, the number of recently discharged or released eligible veterans, veterans with service-connected disabilities, other eligible veterans, and eligible persons who requested assistance through the public employment service and, of these, the number placed in suitable employment or job training opportunities or who were otherwise assisted, with separate reference to occupational training and public service employment under appropriate Federal law.

1977—Subsec. (c). Pub. L. 95-202 directed that "2004" be substituted for "2001". Since subsec. (c) already contained a reference to "2004" not "2001", the amendment has been carried as a reenactment of subsec. (c) without change.

1976—Subsec. (a)(1). Pub. L. 94-502, §604(1), substituted "such veteran's and eligible person's" for "his".

Subsec. (c). Pub. L. 94-502, §604(2), (3), substituted "occupational training and public service employment" for "occupational training" and "section 2004, 2006, or 2007(a)" for "section 2004 or 2006".

1974—Subsec. (a)(1). Pub. L. 93-508, §401(f)(1), substituted "active duty and each eligible person" for "active duty".

Subsec. (b). Pub. L. 93-508, §401(f)(2), added subsec. (b) and redesignated former subsec. (b) as (c).

Subsec. (c). Pub. L. 93-508, §401(f)(2), (3), redesignated former subsec. (b) as (c) and substituted "other eligible veterans, and eligible persons" for "and other eligible veterans".

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by section 4(a)(3)(B) of Pub. L. 107-288 effective Nov. 7, 2002, and applicable for program and fiscal years under this chapter beginning on or after such date, see section 4(a)(4) of Pub. L. 107-288, set out as a note under section 4102A of this title.

Pub. L. 107-288, §5(d)(2), Nov. 7, 2002, 116 Stat. 2046, provided that: "The amendments made by paragraph (1) [amending this section] shall apply to reports for program years beginning on or after July 1, 2003."

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 1977 AMENDMENT

Amendment by Pub. L. 95-202 effective Nov. 23, 1977, see section 501 of Pub. L. 95-202, set out as a note under section 101 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

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.

PUBLICATION OF LABOR-MARKET STATISTICS RELATING TO VETERANS WHO SERVED IN VIETNAM THEATRE OF OPERATIONS

Pub. L. 96-466, title V, §513, Oct. 17, 1980, 94 Stat. 2207, provided that:

"(a) When the Commissioner of the Bureau of Labor Statistics publishes annual labor-market statistics relating specifically to veterans who served in the Armed Forces during the Vietnam era, the Commissioner shall also publish separate labor-market statistics on the same subject matter which apply only to veterans who served in the Vietnam theatre of operations. When the Commissioner of the Bureau of Labor Statistics publishes labor-market statistics which relate specifically to veterans who served in the Armed Forces during the Vietnam era in addition to those statistics published on an annual basis to which the preceding sentence applies, the Commissioner shall also, if feasible, publish separate labor-market statistics on the same subject matter which apply only to veterans who served in the Vietnam theatre of operations.

"(b) For the purposes of this section, veterans who during the Vietnam era served in Vietnam, in air missions over Vietnam, or in naval missions in the waters adjacent to Vietnam shall be considered to be veterans who served in the Vietnam theatre of operations."

[Pub. L. 96-466, title VIII, §802(e), Oct. 17, 1980, 94 Stat. 2218, provided in part that the provisions of section 513 of Pub. L. 96-466, set out above, shall become effective on Oct. 1, 1980.]

§ 4108. Cooperation and coordination

(a) In carrying out the Secretary's responsibilities under this chapter, the Secretary shall