

Subsec. (c)(3). Pub. L. 109-461, §603(a)(2)(A), (B)(ii), (C), added par. (3).

#### **§ 4113. Transition Assistance Program personnel**

(a) **REQUIREMENT TO CONTRACT.**—In accordance with section 1144 of title 10, the Secretary shall enter into a contract with an appropriate private entity or entities to provide the functions described in subsection (b) at all locations where the program described in such section is carried out.

(b) **FUNCTIONS.**—Contractors under subsection (a) shall provide to members of the Armed Forces who are being separated from active duty (and the spouses of such members) the services described in section 1144(a)(1) of title 10, including the following:

(1) Counseling.

(2) Assistance in identifying employment and training opportunities and help in obtaining such employment and training.

(3) Assessment of academic preparation for enrollment in an institution of higher learning or occupational training.

(4) Other related information and services under such section.

(5) Such other services as the Secretary considers appropriate.

(Added Pub. L. 108-183, title III, §309(a)(1), Dec. 16, 2003, 117 Stat. 2663; amended Pub. L. 109-233, title IV, §402(e)(2), June 15, 2006, 120 Stat. 411; Pub. L. 112-56, title II, §223(a)(1), Nov. 21, 2011, 125 Stat. 717.)

#### **Editorial Notes**

##### **PRIOR PROVISIONS**

A prior section 4113, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1247; Pub. L. 89-785, title I, §110, Nov. 7, 1966, 80 Stat. 1371; Pub. L. 94-581, title I, §110(9), title II, §209(a)(5), (c)(5), Oct. 21, 1976, 90 Stat. 2849, 2860, 2862, related to travel expenses of employees prior to repeal by Pub. L. 102-40, title IV, §401(a)(3), May 7, 1991, 105 Stat. 210. See section 7424 of this title.

##### **AMENDMENTS**

2011—Pub. L. 112-56 amended section generally. Prior to amendment, section related to outstationing of Transition Assistance Program personnel.

2006—Subsec. (a)(2). Pub. L. 109-233 substituted “section 6304(a)” for “section 7723(a)”.

#### **Statutory Notes and Related Subsidiaries**

##### **DEADLINE FOR IMPLEMENTATION**

Pub. L. 112-56, title II, §223(b), Nov. 21, 2011, 125 Stat. 718, provided that: “The Secretary of Labor shall enter into the contract required by section 4113 of title 38, United States Code, as added by subsection (a), not later than two years after the date of the enactment of this Act [Nov. 21, 2011].”

Pub. L. 108-183, title III, §309(b), Dec. 16, 2003, 117 Stat. 2663, provided that: “Not later than 90 days after the date of the enactment of this Act [Dec. 16, 2003], the Secretary of Labor shall implement section 4113 of title 38, United States Code, as added by subsection (a), and shall have employees of the Veterans' Employment and Training Service, or contractors, to carry out that section at the military installations involved by such date.”

#### **§ 4114. Credentialing and licensure of veterans: demonstration project**

(a) **DEMONSTRATION PROJECT AUTHORIZED.**—The Assistant Secretary for Veterans' Employment

and Training shall carry out a demonstration project on credentialing in accordance with this section for the purpose of facilitating the seamless transition of members of the Armed Forces from service on active duty to civilian employment.

(b) **IDENTIFICATION OF MILITARY OCCUPATIONAL SPECIALTIES AND ASSOCIATED CREDENTIALS AND LICENSES.**—(1) The Assistant Secretary for Veterans' Employment and Training shall, in consultation with the Assistant Secretary for Employment and Training, select not more than five military occupational specialties for purposes of the demonstration project. Each specialty so selected by the Assistant Secretary for Veterans' Employment and Training shall require a skill or set of skills that is required for civilian employment in an industry with high growth or high worker demand.

(2) The Assistant Secretary shall enter into a contract with an appropriate entity representing a coalition of State governors to consult with appropriate Federal, State, and industry officials and identify requirements for credentials, certifications, and licenses that require a skill or set of skills required by a military occupational specialty selected under paragraph (1).

(3) The Assistant Secretary shall analyze the requirements identified under paragraph (2) to determine which requirements may be satisfied by the skills, training, or experience acquired by members of the Armed Forces with the military occupational specialties selected under paragraph (1).

(c) **ELIMINATION OF BARRIERS TO CREDENTIALING AND LICENSURE.**—The Assistant Secretary shall cooperate with appropriate Federal, State, and industry officials to reduce or eliminate any barriers to providing a credential, certification, or license to a veteran who acquired any skill, training, or experience while serving as a member of the Armed Forces with a military occupational specialty selected under subsection (b)(1) that satisfies the Federal and State requirements for the credential, certification, or license.

(d) **PERIOD OF PROJECT.**—The period during which the Assistant Secretary shall carry out the demonstration project under this section shall be the two-year period beginning on the date of the enactment of the VOW to Hire Heroes Act of 2011.

(Added Pub. L. 109-461, title VI, §604(a)(1), Dec. 22, 2006, 120 Stat. 3437; amended Pub. L. 112-56, title II, §237(a), Nov. 21, 2011, 125 Stat. 725.)

#### **Editorial Notes**

##### **REFERENCES IN TEXT**

The date of the enactment of the VOW to Hire Heroes Act of 2011, referred to in subsec. (d), is the date of enactment of Pub. L. 112-56, which was approved Nov. 21, 2011.

##### **PRIOR PROVISIONS**

Prior sections 4114 to 4119 were repealed by Pub. L. 102-40, title IV, §401(a)(3), May 7, 1991, 105 Stat. 210.

Section 4114, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1247; Pub. L. 87-574, §4(2), Aug. 6, 1962, 76 Stat. 309; Pub. L. 89-785, title I, §111(a)-(c), Nov. 7, 1966, 80 Stat. 1371; Pub. L. 91-496, §§1, 3, Oct. 22, 1970, 84 Stat. 1092; Pub. L. 93-82,

title II, § 206, Aug. 2, 1973, 87 Stat. 192; Pub. L. 94-581, title I, §§ 109, 110(10), title II, §§ 205(g), 209(a)(6), (c)(6), 210(c)(7), Oct. 21, 1976, 90 Stat. 2848, 2849, 2859, 2860, 2862, 2864; Pub. L. 95-201, § 4(a)(2), Nov. 23, 1977, 91 Stat. 1430; Pub. L. 96-330, title I, § 116(b), Aug. 26, 1980, 94 Stat. 1039; Pub. L. 97-295, § 4(85), Oct. 12, 1982, 96 Stat. 1312; Pub. L. 99-166, title II, § 203, Dec. 3, 1985, 99 Stat. 950; Pub. L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub. L. 99-576, title II, § 214, Oct. 28, 1986, 100 Stat. 3258; Pub. L. 100-322, title II, § 223, May 20, 1988, 102 Stat. 531; Pub. L. 100-687, div. B, title XV, § 1503(a)(2), Nov. 18, 1988, 102 Stat. 4133; Pub. L. 101-366, title II, § 203, Aug. 15, 1990, 104 Stat. 439, related to temporary full-time, part-time, and without compensation appointments and residencies or internships. See sections 7405 to 7407 of this title.

Section 4115, Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1248, related to regulations. See section 7304 of this title.

Section 4116, added Pub. L. 89-311, § 6(a), Oct. 31, 1965, 79 Stat. 1156; amended Pub. L. 89-506, § 5(b), July 18, 1966, 80 Stat. 307; Pub. L. 93-82, title II, § 207, Aug. 2, 1973, 87 Stat. 193; Pub. L. 94-581, title I, § 110(11), title II, §§ 209(a)(7), 210(c)(8), Oct. 21, 1976, 90 Stat. 2849, 2861, 2864; Pub. L. 100-322, title II, § 203(a)(1), May 20, 1988, 102 Stat. 509, related to defense of certain malpractice and negligence suits. See section 7316 of this title.

Section 4117, added Pub. L. 89-785, title I, § 112(a), Nov. 7, 1966, 80 Stat. 1371; amended Pub. L. 93-82, title II, § 208, Aug. 2, 1973, 87 Stat. 194; Pub. L. 94-581, title I, § 110(12), title II, § 209(a)(1), (8), Oct. 21, 1976, 90 Stat. 2849, 2860, 2861, related to contracts for scarce medical specialist services. See section 7409 of this title.

Section 4118, added Pub. L. 94-123, § 2(d)(1), Oct. 22, 1975, 89 Stat. 670; amended Pub. L. 95-201, § 3(a), Nov. 23, 1977, 91 Stat. 1429; Pub. L. 96-330, title I, §§ 102(a)(1), (b)-(d), 103(a), 104(a), title II, § 202, Aug. 26, 1980, 94 Stat. 1030, 1031, 1034, 1035, 1047; Pub. L. 97-258, § 3(k)(6), Sept. 13, 1982, 96 Stat. 1065; Pub. L. 97-295, § 4(86), Oct. 12, 1982, 96 Stat. 1312; Pub. L. 99-576, title II, § 231(a), Oct. 28, 1986, 100 Stat. 3263; Pub. L. 100-238, title I, § 126, Jan. 8, 1988, 101 Stat. 1757, related to special pay for physicians and dentists. See sections 7431 to 7440 of this title.

Section 4119, added Pub. L. 96-330, title I, § 116(a)(1), Aug. 26, 1980, 94 Stat. 1039, related to relationship between former subchapter I of chapter 73 of this title and other provisions of law. See section 7425 of this title.

Prior section 4120 was renumbered section 7458 of this title.

Prior sections 4121 to 4124 were repealed by Pub. L. 102-40, title IV, § 401(a)(3), May 7, 1991, 105 Stat. 210.

Section 4121, added Pub. L. 92-541, § 3(a), Oct. 24, 1972, 86 Stat. 1107; amended Pub. L. 94-581, title II, § 210(c)(9), Oct. 21, 1976, 90 Stat. 2864; Pub. L. 99-576, title II, § 212(a), (b), Oct. 28, 1986, 100 Stat. 3257, related to designation of Regional Medical Education Centers. See section 7471 of this title.

Section 4122, added Pub. L. 92-541, § 3(a), Oct. 24, 1972, 86 Stat. 1107; amended Pub. L. 94-581, title II, § 209(c)(7), 210(c)(10), Oct. 21, 1976, 90 Stat. 2862, 2864, related to supervision and staffing of Centers. See section 7472 of this title.

Section 4123, added Pub. L. 92-541, § 3(a), Oct. 24, 1972, 86 Stat. 1107; amended Pub. L. 94-581, title I, § 113, Oct. 21, 1976, 90 Stat. 2852; Pub. L. 99-576, title II, § 212(c), Oct. 28, 1986, 100 Stat. 3257, related to personnel eligible for training. See section 7473 of this title.

Section 4124, added Pub. L. 92-541, § 3(a), Oct. 24, 1972, 86 Stat. 1108, related to consultation with special medical advisory group. See section 7474 of this title.

Prior sections 4131 to 4134 were renumbered sections 7331 to 7334 of this title, respectively.

Prior section 4141 was renumbered section 7451 of this title.

Another prior section 4141, added Pub. L. 96-330, title II, § 201(a)(1), Aug. 26, 1980, 94 Stat. 1041, related to the establishment, purpose and duration of Veterans' Administration Health Professional Scholarship Program, prior to repeal by Pub. L. 100-322, title II, § 216(a), May 20, 1988, 102 Stat. 517, with the provisions to remain effective with respect to scholarships awarded. For similar provisions, see chapter 76 (§ 7601 et seq.) of this title.

Prior section 4142 was renumbered section 7452 of this title.

Another prior section 4142 and prior sections 4143 to 4146 were repealed by Pub. L. 100-322, title II, § 216(a), May 20, 1988, 102 Stat. 517, with the provisions to remain effective with respect to scholarships awarded.

Section 4142, added Pub. L. 96-330, title II, § 201(a)(1), Aug. 26, 1980, 94 Stat. 1041; amended Pub. L. 97-251, § 3(a), Sept. 8, 1982, 96 Stat. 713; Pub. L. 97-258, § 3(k)(7), Sept. 13, 1982, 96 Stat. 1065; Pub. L. 97-375, title II, § 216, Dec. 21, 1982, 96 Stat. 1827; Pub. L. 98-160, title VII, § 702(18), Nov. 21, 1983, 97 Stat. 1010; Pub. L. 99-576, title II, § 213, Oct. 28, 1986, 100 Stat. 3257, related to eligibility, application, and written contracts for program.

Section 4143, added Pub. L. 96-330, title II, § 201(a)(1), Aug. 26, 1980, 94 Stat. 1044; amended Pub. L. 97-251, § 3(b), Sept. 8, 1982, 96 Stat. 714, related to obligated service.

Section 4144, added Pub. L. 96-330, title II, § 201(a)(1), Aug. 26, 1980, 94 Stat. 1045; amended Pub. L. 97-251, § 3(c), Sept. 8, 1982, 96 Stat. 715, related to liability for breach of contracts and waiver, suspension, discharge, etc., thereof.

Section 4145, added Pub. L. 96-330, title II, § 201(a)(1), Aug. 26, 1980, 94 Stat. 1047, related to exemption of scholarship payments from taxation.

Section 4146, added Pub. L. 96-330, title II, § 201(a)(1), Aug. 26, 1980, 94 Stat. 1047, provided that authority of Administrator to make payments under former subchapter IV of chapter 73 of this title was subject to availability of appropriations for such purposes.

For provisions similar to former sections 4142 to 4146 of this title, see chapter 76 (§ 7601 et seq.) of this title.

Prior sections 4151 and 4152 were repealed by Pub. L. 102-40, title IV, § 401(a)(2)(A), May 7, 1991, 105 Stat. 210.

Section 4151, added Pub. L. 99-166, title II, § 204(a)(1), Dec. 3, 1985, 99 Stat. 950, related to quality-assurance program. See section 7311 of this title.

Section 4152, added Pub. L. 99-166, title II, § 204(a)(1), Dec. 3, 1985, 99 Stat. 951, related to quality-assurance reports. See section 7311 of this title.

Prior sections 4161 to 4168 were renumbered sections 7361 to 7368 of this title, respectively.

#### AMENDMENTS

2011—Subsec. (a). Pub. L. 112-56, § 237(a)(1), substituted “shall” for “may”.

Subsec. (b)(1). Pub. L. 112-56, § 237(a)(2)(A), substituted “Assistant Secretary for Veterans' Employment and Training shall, in consultation with the Assistant Secretary for Employment and Training,” for “Assistant Secretary shall” and “not more than five military” for “not less than 10 military” and inserted “for Veterans' Employment and Training” after “selected by the Assistant Secretary”.

Subsec. (b)(2). Pub. L. 112-56, § 237(a)(2)(B), substituted “enter into a contract with an appropriate entity representing a coalition of State governors to consult with appropriate Federal, State, and industry officials and” for “consult with appropriate Federal, State, and industry officials to”.

Subsecs. (d) to (h). Pub. L. 112-56, § 237(a)(3), added subsec. (d) and struck out former subsecs. (d) to (h) which related to task force, consultation, contract authority, period of project, and funding, respectively.

#### Statutory Notes and Related Subsidiaries

##### VETERAN SKILLS TO JOBS

Pub. L. 112-147, July 23, 2012, 126 Stat. 1138, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Veteran Skills to Jobs Act’.

“SEC. 2. CONSIDERATION OF RELEVANT MILITARY TRAINING FOR ISSUANCE OF A FEDERAL LICENSE.

“(a) IN GENERAL.—The head of each Federal licensing authority shall consider and may accept, in the case of

any individual applying for a license, any relevant training received by such individual while serving as a member of the armed forces, for the purpose of satisfying the requirements for such license.

“(b) DEFINITIONS.—For purposes of this Act—

“(1) the term ‘license’ means a license, certification, or other grant of permission to engage in a particular activity;

“(2) the term ‘Federal licensing authority’ means a department, agency, or other entity of the Government having authority to issue a license;

“(3) the term ‘armed forces’ has the meaning given such term by section 2101(2) of title 5, United States Code; and

“(4) the term ‘Government’ means the Government of the United States.

“SEC. 3. REGULATIONS.

“The head of each Federal licensing authority shall—

“(1) with respect to any license a licensing authority grants or is empowered to grant as of the date of enactment of this Act [July 23, 2012], prescribe any regulations necessary to carry out this Act not later than 180 days after such date; and

“(2) with respect to any license of a licensing authority not constituted or not empowered to grant the license as of the date of enactment of this Act, prescribe any regulations necessary to carry out this Act not later than 180 days after the date on which the agency is so constituted or empowered, as the case may be.”

**§ 4115. Longitudinal study of job counseling, training, and placement service for veterans**

(a) STUDY REQUIRED.—(1) The Secretary shall enter into a contract with a non-government entity to conduct a longitudinal study of a statistically valid sample of each of the groups of individuals described in paragraph (2). The contract shall provide for the study of each such group over a period of at least 5 years.

(2) The groups of individuals described in this paragraph are the following:

(A) Veterans who have received intensive services.

(B) Veterans who did not receive intensive services but who otherwise received services under this chapter.

(C) Veterans who did not seek or receive services under this chapter.

(3) The study required by this subsection shall include the collection of the following information for each individual who participates in the study:

(A) The average number of months such individual served on active duty.

(B) The disability ratings of such individual.

(C) Any unemployment benefits received by such individual.

(D) The average number of months such individual was employed during the year covered by the report.

(E) The average annual starting and ending salaries of any such individual who was employed during the year covered by the report.

(F) The average annual income of such individual.

(G) The average total household income of such individual for the year covered by the report.

(H) The percentage of such individuals who own their principal residences.

(I) The employment status of such individual.

(J) In the case of such an individual who received services under this chapter, whether the individual believes that any service provided by a disabled veterans' outreach program specialist or local veterans' employment representative helped the individual to become employed.

(K) In the case of such an individual who believes such a service helped the individual to become employed, whether—

(i) the individual retained the position of employment for a period of 1 year or longer; and

(ii) the individual believes such a service helped the individual to secure a higher wage or salary.

(L) The conditions under which such individual was discharged or released from the Armed Forces.

(M) Whether such individual has used any educational assistance to which the individual is entitled under this title.

(N) Whether such individual has participated in a rehabilitation program under chapter 31 of this title.

(O) Whether such individual had contact with a One-Stop Career Center employee while attending a workshop or job fair under the Transition GPS Program of the Department of Defense.

(P) Demographic information about such individual.

(Q) Such other information as the Secretary determines appropriate.

(b) ANNUAL REPORT.—(1) By not later than July 1 of each year covered by the study required under subsection (a), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the outcomes of the study during the preceding year.

(2) The Secretary shall include in each report submitted under paragraph (1) the following:

(A) Information with respect to job fairs attended by One-Stop Career Center employees at which the employees had contact with a veteran, including, for the year preceding the year in which the report is submitted, the following:

(i) The number of job fairs attended by One-Stop Career Center employees at which the employees had contact with a veteran.

(ii) The number of veterans contacted at each such job fair.

(B) Such information as the Secretary determines is necessary to determine the long-term outcomes of the individuals in the groups described in subsection (a)(2).

(Added Pub. L. 114-315, title V, §502(a), Dec. 16, 2016, 130 Stat. 1566.)

**CHAPTER 42—EMPLOYMENT AND TRAINING OF VETERANS**

Sec.

4211. Definitions.

4212. Veterans' employment emphasis under Federal contracts.

4213. Eligibility requirements for veterans under Federal employment and training programs.