

section 1113 of Title 31, Money and Finance, and page 188 of House Document No. 103-7.

WARRIOR TRAINING ADVANCEMENT COURSE

Pub. L. 118-210, title II, §223(a), (b), Jan. 2, 2025, 138 Stat. 2780, 2781, provided that:

“(a) REPORTS REQUIRED.—

“(1) INITIAL REPORT.—Not later than six months after the date of the enactment of this Act [Jan. 2, 2025], the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on WARTAC.

“(2) ANNUAL REPORT.—One year after the submission of the report required under paragraph (1) and annually thereafter, the Secretary shall submit to such Committees a report that contains the elements under paragraphs (1) and (3) of subsection (b) [probably should be “subparagraphs (A) and (C) of paragraph (3)"] with regards to the preceding year.

“(3) ELEMENTS.—Except as provided in subsection (a)(2), the reports under this subsection shall include the following elements:

“(A) BEST PRACTICES.—With regards to best practices of WARTAC—

“(i) how many covered members have applied to participate in WARTAC;

“(ii) how many covered members have participated in WARTAC;

“(iii) how the Secretary provides training to covered members during TAP;

“(iv) how many covered members have completed WARTAC; and

“(v) any other information the Secretary determines appropriate.

“(B) COST SAVINGS.—With regards to cost savings of WARTAC—

“(i) how much money the Secretary determines WARTAC saves the United States each fiscal year;

“(ii) how much money the Secretary determines WARTAC has saved the United States since its establishment; and

“(iii) the determination of the Secretary whether other Federal agencies may save money by establishing a program similar to WARTAC.

“(C) HIRING.—With regards to hiring covered members who complete WARTAC—

“(i) how the Secretary identifies positions in the Department of Veterans Affairs for which such covered members may qualify;

“(ii) the grades of such positions on the General Schedule under section 5332 of title 5, United States Code; and

“(iii) how many such covered members the Secretary has hired to such positions.

“(4) DISTRIBUTION.—Not later than 30 days after submitting the report under paragraph (1), the Secretary of Veterans Affairs shall transmit a copy of such report to the head of each Federal agency.

“(5) DEFINITIONS.—In this subsection:

“(A) The term ‘covered member’ means members of the Armed Forces participating in TAP.

“(B) The term ‘TAP’ means the Transition Assistance Program under sections 1142 and 1144 of title 10, United States Code.

“(C) The term ‘WARTAC’ means the Warrior Training Advancement Course of the Veterans Benefit Administration, in which the Secretary provides training to covered members so such covered members may qualify for certain employment in the Veterans Benefit Administration.

“(b) BEST PRACTICES FOR OTHER DEPARTMENTS.—The Assistant Secretary of Labor for Veterans' Employment and Training shall, in consultation with the Secretary of Veterans Affairs, establish guidelines containing best practices for departments and agencies of the Federal Government that carry out programs to employ veterans who are transitioning from service in the Armed Forces. Such guidelines shall include the findings of the initial report required under subsection (a)(1).”

EMPLOYMENT ASSISTANCE: OTHER FEDERAL AGENCIES

Pub. L. 112-56, title II, §235(b), Nov. 21, 2011, 125 Stat. 724, provided that:

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘agency’ has the meaning given the term ‘Executive agency’ in section 105 of title 5, United States Code; and

“(B) the term ‘veteran’ has the meaning given that term in section 101 of title 38, United States Code.

“(2) RESPONSIBILITIES OF OFFICE OF PERSONNEL MANAGEMENT.—The Director of the Office of Personnel Management shall—

“(A) designate agencies that shall establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty in accordance with paragraph (3); and

“(B) ensure that the programs established under this subsection are coordinated with the Transition Assistance Program (TAP) of the Department of Defense.

“(3) ELEMENTS OF PROGRAM.—The head of each agency designated under paragraph (2)(A), in consultation with the Director of the Office of Personnel Management, and acting through the Veterans Employment Program Office of the agency established under Executive Order 13518 (74 Fed. Reg. 58533; relating to employment of veterans in the Federal Government) [5 U.S.C. 3301 note], or any successor thereto, shall—

“(A) establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty, including assisting such members in seeking employment with the agency;

“(B) provide such members with information regarding the program of the agency established under subparagraph (A); and

“(C) promote the recruiting, hiring, training and development, and retention of such members and veterans by the agency.

“(4) OTHER OFFICE.—If an agency designated under paragraph (2)(A) does not have a Veterans Employment Program Office, the head of the agency, in consultation with the Director of the Office of Personnel Management, shall select an appropriate office of the agency to carry out the responsibilities of the agency under paragraph (3).”

CONTENTS OF REPORTS ON VETERANS' READJUSTMENT APPOINTMENTS

Pub. L. 95-454, title III, §307(b)(2), Oct. 13, 1978, 92 Stat. 1147, as amended by Pub. L. 102-83, §5(c)(2), Aug. 6, 1991, 105 Stat. 406, provided that: “The Director of the Office of Personnel Management shall include in the reports required by section 4214(d) [formerly 2014(d)] of title 38, United States Code, the same type of information regarding the use of the authority provided in section 3112 of title 5, United States Code (as added by paragraph (1) of this subsection), as is required by such section 4214 with respect to the use of the authority to make veterans readjustment appointments.”

§ 4215. Priority of service for veterans in Department of Labor job training programs

(a) DEFINITIONS.—In this section:

(1) The term “covered person” means any of the following individuals:

(A) A veteran.

(B) The spouse of any of the following individuals:

(i) Any veteran who died of a service-connected disability.

(ii) Any member of the Armed Forces serving on active duty who, at the time of application for assistance under this section, is listed, pursuant to section 556 of title 37 and regulations issued thereunder, by the Secretary concerned in one or more

of the following categories and has been so listed for a total of more than 90 days: (I) missing in action, (II) captured in line of duty by a hostile force, or (III) forcibly detained or interned in line of duty by a foreign government or power.

(iii) Any veteran who has a total disability resulting from a service-connected disability.

(iv) Any veteran who died while a disability so evaluated was in existence.

(2) The term “qualified job training program” means any workforce preparation, development, or delivery program or service that is directly funded, in whole or in part, by the Department of Labor and includes the following:

(A) Any such program or service that uses technology to assist individuals to access workforce development programs (such as job and training opportunities, labor market information, career assessment tools, and related support services).

(B) Any such program or service under the public employment service system, one-stop career centers, the Workforce Investment Act of 1998,¹ a demonstration or other temporary program, and those programs implemented by States or local service providers based on Federal block grants administered by the Department of Labor.

(C) Any such program or service that is a workforce development program targeted to specific groups.

(3) The term “priority of service” means, with respect to any qualified job training program, that a covered person shall be given priority over nonveterans for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provision of law. Such priority includes giving access to such services to a covered person before a non-covered person or, if resources are limited, giving access to such services to a covered person instead of a non-covered person.

(b) ENTITLEMENT TO PRIORITY OF SERVICE.—(1) A covered person is entitled to priority of service under any qualified job training program if the person otherwise meets the eligibility requirements for participation in such program.

(2) The Secretary of Labor may establish priorities among covered persons for purposes of this section to take into account the needs of disabled veterans and special disabled veterans, and such other factors as the Secretary determines appropriate.

(c) ADMINISTRATION OF PROGRAMS AT STATE AND LOCAL LEVELS.—An entity of a State or a political subdivision of the State that administers or delivers services under a qualified job training program shall—

(1) provide information and priority of service to covered persons regarding benefits and services that may be obtained through other entities or service providers; and

(2) ensure that each covered person who applies to or who is assisted by such a program

is informed of the employment-related rights and benefits to which the person is entitled under this section.

(d) ADDITION TO ANNUAL REPORT.—(1) In the annual report required under section 4107(c) of this title for the program year beginning in 2003 and each subsequent program year, the Secretary of Labor shall evaluate whether covered persons are receiving priority of service and are being fully served by qualified job training programs. Such evaluation shall include—

(A) an analysis of the implementation of providing such priority at the local level;

(B) whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market, including within groups that the Secretary may designate for priority under such programs, if any; and

(C) performance measures, as determined by the Secretary, to determine whether veterans are receiving priority of service and are being fully served by qualified job training programs.

(2) The Secretary may not use the proportion of representation of veterans described in subparagraph (B) of paragraph (1) as the basis for determining under such paragraph whether veterans are receiving priority of service and are being fully served by qualified job training programs.

(Added Pub. L. 107-288, §2(a)(1), Nov. 7, 2002, 116 Stat. 2033; amended Pub. L. 112-56, title II, §239, Nov. 21, 2011, 125 Stat. 727.)

Editorial Notes

REFERENCES IN TEXT

The Workforce Investment Act of 1998, referred to in subsec. (a)(2)(B), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, and was repealed by Pub. L. 113-128, title V, §§506, 511(a), July 22, 2014, 128 Stat. 1703, 1705, effective July 1, 2015. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2011—Subsec. (a)(3). Pub. L. 112-56, §239(1), inserted at end “Such priority includes giving access to such services to a covered person before a non-covered person or, if resources are limited, giving access to such services to a covered person instead of a non-covered person.”

Subsec. (d). Pub. L. 112-56, §239(2), amended subsec. (d) generally. Prior to amendment, text read as follows: “In the annual report required under section 4107(c) of this title for the program year beginning in 2003 and each subsequent program year, the Secretary of Labor shall evaluate whether covered persons are receiving priority of service and are being fully served by qualified job training programs, and whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market, including within groups that the Secretary may designate for priority under such programs, if any.”

Statutory Notes and Related Subsidiaries

DEPARTMENT OF LABOR IMPLEMENTATION OF REGULATIONS FOR PRIORITY OF SERVICE

Pub. L. 109-461, title VI, §605, Dec. 22, 2006, 120 Stat. 3439, provided that: “Not later than two years after the date of the enactment of this Act [Dec. 22, 2006], the Secretary of Labor shall prescribe regulations to implement section 4215 of title 38, United States Code.”

¹ See References in Text note below.

REQUIREMENT TO PROMPTLY ESTABLISH ONE-STOP
EMPLOYMENT SERVICES

Pub. L. 107-288, §4(c), Nov. 7, 2002, 116 Stat. 2044, provided that: "By not later than 18 months after the date of the enactment of this Act [Nov. 7, 2002], the Secretary of Labor shall provide one-stop services and assistance to covered persons electronically by means of the Internet, as defined in section 231(e)(3) of the Communications Act of 1934 [47 U.S.C. 231(e)(3)], and such other electronic means to enhance the delivery of such services and assistance."

CHAPTER 43—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

SUBCHAPTER I—GENERAL

- Sec.
4301. Purposes; sense of Congress.
4302. Relation to other law and plans or agreements.
4303. Definitions.
4304. Character of service.

SUBCHAPTER II—EMPLOYMENT AND REEMPLOYMENT RIGHTS AND LIMITATIONS; PROHIBITIONS

4311. Discrimination against persons who serve in the uniformed services and acts of reprisal prohibited.
4312. Reemployment rights of persons who serve in the uniformed services.
4313. Reemployment positions.
4314. Reemployment by the Federal Government.
4315. Reemployment by certain Federal agencies.
4316. Rights, benefits, and obligations of persons absent from employment for service in a uniformed service.
4317. Health plans.
4318. Employee pension benefit plans.
4319. Employment and reemployment rights in foreign countries.

SUBCHAPTER III—PROCEDURES FOR ASSISTANCE, ENFORCEMENT, AND INVESTIGATION

4321. Assistance in obtaining reemployment or other employment rights or benefits.
4322. Enforcement of employment or reemployment rights.
4323. Enforcement of rights with respect to a State or private employer.
4324. Enforcement of rights with respect to Federal executive agencies.
4325. Enforcement of rights with respect to certain Federal agencies.
4326. Conduct of investigation; subpoenas.
4327. Noncompliance of Federal officials with deadlines; inapplicability of statutes of limitations.

SUBCHAPTER IV—MISCELLANEOUS PROVISIONS

4331. Regulations.
4332. Reports.
4333. Outreach.
4334. Notice of rights and duties.
4335. Training for Federal executive agency human resources personnel on employment and reemployment rights and limitations.

Editorial Notes

CODIFICATION

This chapter was originally added by Pub. L. 93-508, title IV, §404(a), Dec. 3, 1974, 88 Stat. 1594, and amended by Pub. L. 94-286, May 14, 1976, 90 Stat. 517; Pub. L. 94-502, Oct. 15, 1976, 90 Stat. 2383; Pub. L. 96-466, Oct. 17, 1980, 94 Stat. 2171; Pub. L. 97-295, Oct. 12, 1982, 96 Stat. 1287; Pub. L. 98-620, Nov. 8, 1984, 98 Stat. 3335; Pub. L.

99-576, Oct. 28, 1986, 100 Stat. 3248; Pub. L. 102-12, Mar. 18, 1991, 105 Stat. 34; Pub. L. 102-25, Apr. 6, 1991, 105 Stat. 75; Pub. L. 102-568, Oct. 29, 1992, 106 Stat. 4320. This chapter is shown here, however, as having been added by Pub. L. 103-353, §2(a), Oct. 13, 1994, 108 Stat. 3150, without reference to those intervening amendments because of the general amendment of this chapter by Pub. L. 103-353.

A prior chapter 43 "Mustering-Out Payments", Pub. L. 85-857, Sept. 2, 1958, 72 Stat. 1222, 1223, consisted of sections 2101 to 2105, prior to repeal by Pub. L. 89-50, §1(a), June 24, 1965, 79 Stat. 173.

AMENDMENTS

2008—Pub. L. 110-389, title III, §§311(f)(2), 313(b), Oct. 10, 2008, 122 Stat. 4164, 4167, added items 4327 and 4335.

2004—Pub. L. 108-454, title II, §203(b), Dec. 10, 2004, 118 Stat. 3606, added item 4334.

1998—Pub. L. 105-368, title II, §212(b)(2), Nov. 11, 1998, 112 Stat. 3331, added item 4319.

SUBCHAPTER I—GENERAL

§ 4301. Purposes; sense of Congress

(a) The purposes of this chapter are—

(1) to encourage service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment which can result from such service;

(2) to minimize the disruption to the lives of persons performing service in the uniformed services as well as to their employers, their fellow employees, and their communities, by providing for the prompt reemployment of such persons upon their completion of such service; and

(3) to prohibit discrimination against persons because of their service in the uniformed services.

(b) It is the sense of Congress that the Federal Government should be a model employer in carrying out the provisions of this chapter.

(Added Pub. L. 103-353, §2(a), Oct. 13, 1994, 108 Stat. 3150; amended Pub. L. 104-275, title III, §311(1), Oct. 9, 1996, 110 Stat. 3333; Pub. L. 118-210, title II, §221(a), Jan. 2, 2025, 138 Stat. 2778.)

Editorial Notes

PRIOR PROVISIONS

A prior section 4301, added Pub. L. 93-508, title IV, §404(a), Dec. 3, 1974, 88 Stat. 1594, §2021; amended Pub. L. 94-502, title VI, §608(1), (2), Oct. 15, 1976, 90 Stat. 2405; Pub. L. 99-576, title III, §331, Oct. 28, 1986, 100 Stat. 3279; Pub. L. 102-12, §5(a), Mar. 18, 1991, 105 Stat. 36; Pub. L. 102-25, title III, §340(a), Apr. 6, 1991, 105 Stat. 92; renumbered §4301, Pub. L. 102-568, title V, §506(a), Oct. 29, 1992, 106 Stat. 4340, related to reemployment rights of persons inducted into the Armed Forces of the United States and benefits protected, prior to the general amendment of this chapter by Pub. L. 103-353. This section, as in effect on the day before Oct. 13, 1994, continues to apply to reemployments initiated before the end of the 60-day period beginning Oct. 13, 1994, see section 8 of Pub. L. 103-353, as amended, set out as an Effective Date note below.

Another prior section 4301 was renumbered section 7601 of this title.

AMENDMENTS

2025—Subsec. (a)(1). Pub. L. 118-210 substituted "encourage service in the uniformed services" for "encourage noncareer service in the uniformed services".