

In the Senate of the United States,

October 15, 2002.

Resolved, That the bill from the House of Representatives (H.R. 4015) entitled “An Act to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38,***
2 ***UNITED STATES CODE.***

3 *(a) SHORT TITLE.—This Act may be cited as the “Jobs*
4 *for Veterans Act”.*

5 *(b) REFERENCES TO TITLE 38, UNITED STATES*
6 *CODE.—Except as otherwise expressly provided, whenever*
7 *in this Act an amendment or repeal is expressed in terms*
8 *of an amendment to, or repeal of, a section or other provi-*
9 *sion, the reference shall be considered to be made to a section*
10 *or other provision of title 38, United States Code.*

1 **SEC. 2. PRIORITY OF SERVICE FOR VETERANS IN DEPART-**
2 **MENT OF LABOR JOB TRAINING PROGRAMS.**

3 (a) *VETERANS' JOB TRAINING ASSISTANCE.—(1)*
4 *Chapter 42 is amended by adding at the end the following*
5 *new section:*

6 **“§4215. Priority of service for veterans in Department**
7 **of Labor job training programs**

8 “(a) *DEFINITIONS.—In this section:*

9 “(1) *The term ‘covered person’ means any of the*
10 *following individuals:*

11 “(A) *A veteran.*

12 “(B) *The spouse of any of the following in-*
13 *dividuals:*

14 “(i) *Any veteran who died of a service-*
15 *connected disability.*

16 “(ii) *Any member of the Armed Forces*
17 *serving on active duty who, at the time of*
18 *application for assistance under this sec-*
19 *tion, is listed, pursuant to section 556 of*
20 *title 37 and regulations issued thereunder,*
21 *by the Secretary concerned in one or more*
22 *of the following categories and has been so*
23 *listed for a total of more than 90 days: (I)*
24 *missing in action, (II) captured in line of*
25 *duty by a hostile force, or (III) forcibly de-*

1 *tained or interned in line of duty by a for-*
2 *ign government or power.*

3 “(iii) *Any veteran who has a total dis-*
4 *ability resulting from a service-connected*
5 *disability.*

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

8 “(2) *The term ‘qualified job training program’*
9 *means any workforce preparation, development, or de-*
10 *livery program or service that is directly funded, in*
11 *whole or in part, by the Department of Labor and in-*
12 *cludes the following:*

13 “(A) *Any such program or service that uses*
14 *technology to assist individuals to access work-*
15 *force development programs (such as job and*
16 *training opportunities, labor market informa-*
17 *tion, career assessment tools, and related support*
18 *services).*

19 “(B) *Any such program or service under the*
20 *public employment service system, one-stop ca-*
21 *reer centers, the Workforce Investment Act of*
22 *1998, a demonstration or other temporary pro-*
23 *gram, and those programs implemented by*
24 *States or local service providers based on Federal*

1 *block grants administered by the Department of*
2 *Labor.*

3 “(C) *Any such program or service that is a*
4 *workforce development program targeted to spe-*
5 *cific groups.*

6 “(3) *The term ‘priority of service’ means, with*
7 *respect to any qualified job training program, that a*
8 *covered person shall be given priority over non-*
9 *veterans for the receipt of employment, training, and*
10 *placement services provided under that program, not-*
11 *withstanding any other provision of law.*

12 “(b) *ENTITLEMENT TO PRIORITY OF SERVICE.—(1) A*
13 *covered person is entitled to priority of service under any*
14 *qualified job training program if the person otherwise meets*
15 *the eligibility requirements for participation in such pro-*
16 *gram.*

17 “(2) *The Secretary of Labor may establish priorities*
18 *among covered persons for purposes of this section to take*
19 *into account the needs of disabled veterans and special dis-*
20 *abled veterans, and such other factors as the Secretary de-*
21 *termines appropriate.*

22 “(c) *ADMINISTRATION OF PROGRAMS AT STATE AND*
23 *LOCAL LEVELS.—An entity of a State or a political sub-*
24 *division of the State that administers or delivers services*
25 *under a qualified job training program shall—*

1 “(1) provide information and priority of service
2 to covered persons regarding benefits and services that
3 may be obtained through other entities or service pro-
4 viders; and

5 “(2) ensure that each covered person who applies
6 to or who is assisted by such a program is informed
7 of the employment-related rights and benefits to which
8 the person is entitled under this section.

9 “(d) *ADDITION TO ANNUAL REPORT.*—In the annual
10 report required under section 4107(c) of this title for the
11 program year beginning in 2003 and each subsequent pro-
12 gram year, the Secretary of Labor shall evaluate whether
13 covered persons are receiving priority of service and are
14 being fully served by qualified job training programs, and
15 whether the representation of veterans in such programs is
16 in proportion to the incidence of representation of veterans
17 in the labor market, including within groups that the Sec-
18 retary may designate for priority under such programs, if
19 any.”.

20 (2) The table of sections at the beginning of chapter
21 42 is amended by inserting after the item relating to section
22 4214 the following new item:

 “4215. Priority of service for veterans in Department of Labor job training pro-
 grams.”.

1 (b) *EMPLOYMENT OF VETERANS WITH RESPECT TO*
2 *FEDERAL CONTRACTS.*—(1) *Section 4212(a) is amended to*
3 *read as follows:*

4 “(a)(1) *Any contract in the amount of \$100,000 or*
5 *more entered into by any department or agency of the*
6 *United States for the procurement of personal property and*
7 *nonpersonal services (including construction) for the United*
8 *States, shall contain a provision requiring that the party*
9 *contracting with the United States take affirmative action*
10 *to employ and advance in employment qualified covered*
11 *veterans. This section applies to any subcontract in the*
12 *amount of \$100,000 or more entered into by a prime con-*
13 *tractor in carrying out any such contract.*

14 “(2) *In addition to requiring affirmative action to em-*
15 *ploy such qualified covered veterans under such contracts*
16 *and subcontracts and in order to promote the implementa-*
17 *tion of such requirement, the Secretary of Labor shall pre-*
18 *scribe regulations requiring that—*

19 “(A) *each such contractor for each such contract*
20 *shall immediately list all of its employment openings*
21 *with the appropriate employment service delivery sys-*
22 *tem (as defined in section 4101(7) of this title), and*
23 *may also list such openings with one-stop career cen-*
24 *ters under the Workforce Investment Act of 1998,*
25 *other appropriate service delivery points, or Amer-*

1 *ica’s Job Bank (or any additional or subsequent na-*
2 *tional electronic job bank established by the Depart-*
3 *ment of Labor), except that the contractor may ex-*
4 *clude openings for executive and senior management*
5 *positions and positions which are to be filled from*
6 *within the contractor’s organization and positions*
7 *lasting three days or less;*

8 *“(B) each such employment service delivery sys-*
9 *tem shall give such qualified covered veterans priority*
10 *in referral to such employment openings; and*

11 *“(C) each such employment service delivery sys-*
12 *tem shall provide a list of such employment openings*
13 *to States, political subdivisions of States, or any pri-*
14 *vate entities or organizations under contract to carry*
15 *out employment, training, and placement services*
16 *under chapter 41 of this title.*

17 *“(3) In this section:*

18 *“(A) The term ‘covered veteran’ means any of the*
19 *following veterans:*

20 *“(i) Disabled veterans.*

21 *“(ii) Veterans who served on active duty in*
22 *the Armed Forces during a war or in a cam-*
23 *paign or expedition for which a campaign badge*
24 *has been authorized.*

1 “(iii) Veterans who, while serving on active
2 duty in the Armed Forces, participated in a
3 United States military operation for which an
4 Armed Forces service medal was awarded pursu-
5 ant to Executive Order 12985 (61 Fed. Reg.
6 1209).

7 “(iv) Recently separated veterans.

8 “(B) The term ‘qualified’, with respect to an em-
9 ployment position, means having the ability to per-
10 form the essential functions of the position with or
11 without reasonable accommodation for an individual
12 with a disability.”.

13 (2)(A) Section 4212(c) is amended—

14 (i) by striking “suitable”; and

15 (ii) by striking “subsection (a)(2) of this section”
16 and inserting “subsection (a)(2)(B)”.

17 (B) Section 4212(d)(1) is amended—

18 (i) in the matter preceding subparagraph (A), by
19 striking “of this section” after “subsection (a)”; and

20 (ii) by amending subparagraphs (A) and (B) to
21 read as follows:

22 “(A) the number of employees in the workforce of
23 such contractor, by job category and hiring location,
24 and the number of such employees, by job category

1 *and hiring location, who are qualified covered vet-*
2 *erans;*

3 *“(B) the total number of new employees hired by*
4 *the contractor during the period covered by the report*
5 *and the number of such employees who are qualified*
6 *covered veterans; and”.*

7 *(C) Section 4212(d)(2) is amended by striking “of this*
8 *subsection” after “paragraph (1)”.*

9 *(D) Section 4211(6) is amended by striking “one-year*
10 *period” and inserting “three-year period”.*

11 *(3) The amendments made by this subsection shall*
12 *apply with respect to contracts entered into on or after the*
13 *first day of the first month that begins 12 months after the*
14 *date of the enactment of this Act.*

15 *(c) EMPLOYMENT WITHIN THE FEDERAL GOVERN-*
16 *MENT.—(1) Section 4214(a)(1) is amended—*

17 *(A) in the first sentence, by striking “life” and*
18 *all that follows and inserting “life.”; and*

19 *(B) in the second sentence, by striking “major”*
20 *and inserting “uniquely qualified”.*

21 *(2) Section 4214(b) is amended—*

22 *(A) in paragraph (1), by striking “readjust-*
23 *ment” and inserting “recruitment”;*

1 (B) in paragraph (2), by striking “to—” and all
2 that follows through the period at the end and insert-
3 ing “to qualified covered veterans.”;

4 (C) in paragraph (3), to read as follows:

5 “(3) A qualified covered veteran may receive such an
6 appointment at any time.”.

7 (3)(A) Section 4214(a) is amended—

8 (i) in the third sentence of paragraph (1), by
9 striking “disabled veterans and certain veterans of the
10 Vietnam era and of the post-Vietnam era” and insert-
11 ing “qualified covered veterans (as defined in para-
12 graph (2)(B))”; and

13 (ii) in paragraph (2), to read as follows:

14 “(2) In this section:

15 “(A) The term ‘agency’ has the meaning given
16 the term ‘department or agency’ in section 4211(5) of
17 this title.

18 “(B) The term ‘qualified covered veteran’ means
19 a veteran described in section 4212(a)(3) of this
20 title.”.

21 (B) Clause (i) of section 4214(e)(2)(B) is amended by
22 striking “of the Vietnam era”.

23 (C) Section 4214(g) is amended—

24 (i) by striking “qualified” the first place it oc-
25 curs and all that follows through “era” the first place

1 *it occurs and inserting “qualified covered veterans”;*
 2 *and*

3 *(ii) by striking “under section 1712A of this*
 4 *title” and all that follows and inserting “under sec-*
 5 *tion 1712A of this title.”.*

6 *(4) The amendments made by this subsection shall*
 7 *apply to qualified covered veterans without regard to any*
 8 *limitation relating to the date of the veteran’s last discharge*
 9 *or release from active duty that may have otherwise applied*
 10 *under section 4214(b)(3) as in effect on the date before the*
 11 *date of the enactment of this Act.*

12 **SEC. 3. FINANCIAL AND NON-FINANCIAL PERFORMANCE IN-**
 13 **CENTIVE AWARDS FOR QUALITY VETERANS**
 14 **EMPLOYMENT, TRAINING, AND PLACEMENT**
 15 **SERVICES.**

16 *(a) PERFORMANCE INCENTIVE AWARDS FOR QUALITY*
 17 *EMPLOYMENT, TRAINING, AND PLACEMENT SERVICES.—*
 18 *Chapter 41 is amended by adding at the end the following*
 19 *new section:*

20 **“§ 4112. Performance incentive awards for quality em-**
 21 **ployment, training, and placement serv-**
 22 **ices**

23 **“(a) CRITERIA FOR PERFORMANCE INCENTIVE**
 24 **AWARDS.—(1) For purposes of carrying out a program of**
 25 **performance incentive awards under section**

1 4102A(c)(2)(A)(i)(III) of this title, the Secretary, acting
2 through the Assistant Secretary of Labor for Veterans' Em-
3 ployment and Training, shall establish criteria for perform-
4 ance incentive awards programs to be administered by
5 States to—

6 “(A) encourage the improvement and moderniza-
7 tion of employment, training, and placement services
8 provided under this chapter; and

9 “(B) recognize eligible employees for excellence in
10 the provision of such services or for having made de-
11 monstrable improvements in the provision of such
12 services.

13 “(2) The Secretary shall establish such criteria in con-
14 sultation with representatives of States, political subdivi-
15 sions of States, and other providers of employment, train-
16 ing, and placement services under the Workforce Investment
17 Act of 1998 consistent with the performance measures estab-
18 lished under section 4102A(b)(7) of this title.

19 “(b) *FORM OF AWARDS.*—Under the criteria estab-
20 lished by the Secretary for performance incentive awards
21 to be administered by States, an award under such criteria
22 may be a cash award or such other nonfinancial awards
23 as the Secretary may specify.

1 “(c) *RELATIONSHIP OF AWARD TO GRANT PROGRAM*
2 *AND EMPLOYEE COMPENSATION.—Performance incentive*
3 *cash awards under this section—*

4 “(1) *shall be made from amounts allocated from*
5 *the grant or contract amount for a State for a pro-*
6 *gram year under section 4102A(c)(7) of this title; and*

7 “(2) *is in addition to the regular pay of the re-*
8 *cipient.*

9 “(d) *ELIGIBLE EMPLOYEE DEFINED.—In this section,*
10 *the term ‘eligible employee’ means any of the following:*

11 “(1) *A disabled veterans’ outreach program spe-*
12 *cialist.*

13 “(2) *A local veterans’ employment representative.*

14 “(3) *An individual providing employment,*
15 *training, and placement services to veterans under the*
16 *Workforce Investment Act of 1998 or through an em-*
17 *ployment service delivery system (as defined in sec-*
18 *tion 4101(7) of this title).”.*

19 “(b) *CLERICAL AMENDMENT.—The table of sections at*
20 *the beginning of chapter 41 is amended by adding at the*
21 *end the following new item:*

 “4112. *Performance incentive awards for quality employment, training, and*
 placement services.”.

1 **SEC. 4. REFINEMENT OF JOB TRAINING AND PLACEMENT**

2 **FUNCTIONS OF THE DEPARTMENT.**

3 (a) *REVISION OF DEPARTMENT LEVEL SENIOR OFFI-*
4 *CIALS AND FUNCTIONS.*—(1) *Sections 4102A and 4103 are*
5 *amended to read as follows:*

6 **“§4102A. Assistant Secretary of Labor for Veterans’**
7 ***Employment and Training; program func-***
8 ***tions; Regional Administrators***

9 “(a) *ESTABLISHMENT OF POSITION OF ASSISTANT*
10 *SECRETARY OF LABOR FOR VETERANS’ EMPLOYMENT AND*
11 *TRAINING.*—(1) *There is established within the Department*
12 *of Labor an Assistant Secretary of Labor for Veterans’ Em-*
13 *ployment and Training, appointed by the President by and*
14 *with the advice and consent of the Senate, who shall formu-*
15 *late and implement all departmental policies and proce-*
16 *dures to carry out (A) the purposes of this chapter, chapter*
17 *42, and chapter 43 of this title, and (B) all other Depart-*
18 *ment of Labor employment, unemployment, and training*
19 *programs to the extent they affect veterans.*

20 “(2) *The employees of the Department of Labor admin-*
21 *istering chapter 43 of this title shall be administratively*
22 *and functionally responsible to the Assistant Secretary of*
23 *Labor for Veterans’ Employment and Training.*

24 “(3)(A) *There shall be within the Department of Labor*
25 *a Deputy Assistant Secretary of Labor for Veterans’ Em-*
26 *ployment and Training. The Deputy Assistant Secretary*

1 *shall perform such functions as the Assistant Secretary of*
2 *Labor for Veterans' Employment and Training prescribes.*

3 “(B) *No individual may be appointed as a Deputy As-*
4 *stant Secretary of Labor for Veterans' Employment and*
5 *Training unless the individual has at least five years of*
6 *service in a management position as an employee of the*
7 *Federal civil service or comparable service in a manage-*
8 *ment position in the Armed Forces. For purposes of deter-*
9 *mining such service of an individual, there shall be excluded*
10 *any service described in subparagraphs (A), (B), and (C)*
11 *of section 308(d)(2) of this title.*

12 “(b) *PROGRAM FUNCTIONS.—The Secretary shall*
13 *carry out the following functions:*

14 “(1) *Except as expressly provided otherwise,*
15 *carry out all provisions of this chapter and chapter*
16 *43 of this title through the Assistant Secretary of*
17 *Labor for Veterans' Employment and Training and*
18 *administer through such Assistant Secretary all pro-*
19 *grams under the jurisdiction of the Secretary for the*
20 *provision of employment and training services de-*
21 *signed to meet the needs of all veterans and persons*
22 *eligible for services furnished under this chapter.*

23 “(2) *In order to make maximum use of available*
24 *resources in meeting such needs, encourage all such*
25 *programs, and all grantees and contractors under*

1 *such programs to enter into cooperative arrangements*
2 *with private industry and business concerns (includ-*
3 *ing small business concerns owned by veterans or dis-*
4 *abled veterans), educational institutions, trade asso-*
5 *ciations, and labor unions.*

6 *“(3) Ensure that maximum effectiveness and ef-*
7 *ficiency are achieved in providing services and assist-*
8 *ance to eligible veterans under all such programs by*
9 *coordinating and consulting with the Secretary of*
10 *Veterans Affairs with respect to (A) programs con-*
11 *ducted under other provisions of this title, with par-*
12 *ticular emphasis on coordination of such programs*
13 *with readjustment counseling activities carried out*
14 *under section 1712A of this title, apprenticeship or*
15 *other on-the-job training programs carried out under*
16 *section 3687 of this title, and rehabilitation and*
17 *training activities carried out under chapter 31 of*
18 *this title and (B) determinations covering veteran*
19 *population in a State.*

20 *“(4) Ensure that employment, training, and*
21 *placement activities are carried out in coordination*
22 *and cooperation with appropriate State public em-*
23 *ployment service officials.*

1 “(5) Subject to subsection (c), make available for
2 use in each State by grant or contract such funds as
3 may be necessary to support—

4 “(A) disabled veterans’ outreach program
5 specialists appointed under section 4103A(a)(1)
6 of this title,

7 “(B) local veterans’ employment representa-
8 tives assigned under section 4104(b) of this title,
9 and

10 “(C) the reasonable expenses of such special-
11 ists and representatives described in subpara-
12 graphs (A) and (B), respectively, for training,
13 travel, supplies, and other business expenses, in-
14 cluding travel expenses and per diem for attend-
15 ance at the National Veterans’ Employment and
16 Training Services Institute established under sec-
17 tion 4109 of this title.

18 “(6) Monitor and supervise on a continuing
19 basis the distribution and use of funds provided for
20 use in the States under paragraph (5).

21 “(7) Establish, and update as appropriate, a
22 comprehensive performance accountability system (as
23 described in subsection (f)) and carry out annual per-
24 formance reviews of veterans employment, training,
25 and placement services provided through employment

1 *service delivery systems, including through disabled*
2 *veterans’ outreach program specialists and through*
3 *local veterans’ employment representatives in States*
4 *receiving grants, contracts, or awards under this*
5 *chapter.*

6 “(c) *CONDITIONS FOR RECEIPT OF FUNDS.—(1) The*
7 *distribution and use of funds under subsection (b)(5) in*
8 *order to carry out sections 4103A(a) and 4104(a) of this*
9 *title shall be subject to the continuing supervision and mon-*
10 *itoring of the Secretary and shall not be governed by the*
11 *provisions of any other law, or any regulations prescribed*
12 *thereunder, that are inconsistent with this section or section*
13 *4103A or 4104 of this title.*

14 “(2)(A) *A State shall submit to the Secretary an appli-*
15 *cation for a grant or contract under subsection (b)(5). The*
16 *application shall contain the following information:*

17 “(i) *A plan that describes the manner in which*
18 *the State shall furnish employment, training, and*
19 *placement services required under this chapter for the*
20 *program year, including a description of—*

21 “(I) *duties assigned by the State to disabled*
22 *veterans’ outreach program specialists and local*
23 *veterans’ employment representatives consistent*
24 *with the requirements of sections 4103A and*
25 *4104 of this title;*

1 “(II) the manner in which such specialists
2 and representatives are integrated in the employ-
3 ment service delivery systems in the State; and

4 “(III) the program of performance incentive
5 awards described in section 4112 of this title in
6 the State for the program year.

7 “(ii) The veteran population to be served.

8 “(iii) Such additional information as the Sec-
9 retary may require to make a determination with re-
10 spect to awarding a grant or contract to the State.

11 “(B)(i) Subject to the succeeding provisions of this sub-
12 paragraph, of the amount available under subsection (b)(5)
13 for a fiscal year, the Secretary shall make available to each
14 State with an application approved by the Secretary an
15 amount of funding in proportion to the number of veterans
16 seeking employment using such criteria as the Secretary
17 may establish in regulation, including civilian labor force
18 and unemployment data, for the State on an annual basis.
19 The proportion of funding shall reflect the ratio of—

20 “(I) the total number of veterans residing in the
21 State that are seeking employment; to

22 “(II) the total number of veterans seeking em-
23 ployment in all States.

24 “(ii) The Secretary shall phase in over the three fiscal-
25 year period that begins on October 1, 2002, the manner in

1 *which amounts are made available to States under sub-*
2 *section (b)(5) and this subsection, as amended by the Jobs*
3 *for Veterans Act.*

4 “(iii) *In carrying out this paragraph, the Secretary*
5 *may establish minimum funding levels and hold-harmless*
6 *criteria for States.*

7 “(3)(A)(i) *As a condition of a grant or contract under*
8 *this section for a program year, in the case of a State that*
9 *the Secretary determines has an entered-employment rate*
10 *for veterans that is deficient for the preceding program*
11 *year, the State shall develop a corrective action plan to im-*
12 *prove that rate for veterans in the State.*

13 “(ii) *The State shall submit the corrective action plan*
14 *to the Secretary for approval, and if approved, shall expedi-*
15 *tiously implement the plan.*

16 “(iii) *If the Secretary does not approve a corrective*
17 *action plan submitted by the State under clause (i), the Sec-*
18 *retary shall take such steps as may be necessary to imple-*
19 *ment corrective actions in the State to improve the entered-*
20 *employment rate for veterans in that State.*

21 “(B) *To carry out subparagraph (A), the Secretary*
22 *shall establish in regulations a uniform national threshold*
23 *entered-employment rate for veterans for a program year*
24 *by which determinations of deficiency may be made under*
25 *subparagraph (A).*

1 “(C) *In making a determination with respect to a defi-*
2 *ciency under subparagraph (A), the Secretary shall take*
3 *into account the applicable annual unemployment data for*
4 *the State and consider other factors, such as prevailing eco-*
5 *nomie conditions, that affect performance of individuals*
6 *providing employment, training, and placement services in*
7 *the State.*

8 “(4) *In determining the terms and conditions of a*
9 *grant or contract under which funds are made available*
10 *to a State in order to carry out section 4103A or 4104 of*
11 *this title, the Secretary shall take into account—*

12 “(A) *the results of reviews, carried out pursuant*
13 *to subsection (b)(7), of the performance of the employ-*
14 *ment, training, and placement service delivery system*
15 *in the State, and*

16 “(B) *the monitoring carried out under this sec-*
17 *tion.*

18 “(5) *Each grant or contract by which funds are made*
19 *available to a State shall contain a provision requiring the*
20 *recipient of the funds—*

21 “(A) *to comply with the provisions of this chap-*
22 *ter; and*

23 “(B) *on an annual basis, to notify the Secretary*
24 *of, and provide supporting rationale for, each non-*
25 *veteran who is employed as a disabled veterans’ out-*

1 reach program specialist and local veterans' employ-
2 ment representative for a period in excess of 6
3 months.

4 “(6) Each State shall coordinate employment, train-
5 ing, and placement services furnished to veterans and eligi-
6 ble persons under this chapter with such services furnished
7 with respect to such veterans and persons under the Work-
8 force Investment Act of 1998 and the Wagner-Peyser Act.

9 “(7) With respect to program years beginning during
10 or after fiscal year 2004, one percent of the amount of a
11 grant or contract under which funds are made available
12 to a State in order to carry out section 4103A or 4104 of
13 this title for the program year shall be for the purposes of
14 making cash awards under the program of performance in-
15 centive awards described in section 4112 of this title in the
16 State.

17 “(d) *PARTICIPATION IN OTHER FEDERALLY FUNDED*
18 *JOB TRAINING PROGRAMS.*—The Assistant Secretary of
19 Labor for Veterans' Employment and Training shall pro-
20 mote and monitor participation of qualified veterans and
21 eligible persons in employment and training opportunities
22 under title I of the Workforce Investment Act of 1998 and
23 other federally funded employment and training programs.

24 “(e) *REGIONAL ADMINISTRATORS.*—(1) The Secretary
25 shall assign to each region for which the Secretary operates

1 *a regional office a representative of the Veterans' Employ-*
2 *ment and Training Service to serve as the Regional Admin-*
3 *istrator for Veterans' Employment and Training in such*
4 *region.*

5 “(2) *Each such Regional Administrator shall carry out*
6 *such duties as the Secretary may require to promote vet-*
7 *erans employment and reemployment within the region that*
8 *the Administrator serves.*

9 “(f) *ESTABLISHMENT OF PERFORMANCE STANDARDS*
10 *AND OUTCOMES MEASURES.—(1) By not later than 6*
11 *months after the date of the enactment of this section, the*
12 *Assistant Secretary of Labor for Veterans' Employment and*
13 *Training shall establish and implement a comprehensive*
14 *performance accountability system to measure the perform-*
15 *ance of employment service delivery systems, including dis-*
16 *abled veterans' outreach program specialists and local vet-*
17 *erans' employment representatives providing employment,*
18 *training, and placement services under this chapter in a*
19 *State to provide accountability of that State to the Sec-*
20 *retary for purposes of subsection (c).*

21 “(2) *Such standards and measures shall—*

22 “(A) *be consistent with State performance meas-*
23 *ures applicable under section 136(b) of the Workforce*
24 *Investment Act of 1998; and*

1 “(2) *Each Director for Veterans’ Employment and*
 2 *Training for a State shall, at the time of appointment, have*
 3 *been a bona fide resident of the State for at least two years.*

4 “(3) *Full-time Federal clerical or other support per-*
 5 *sonnel assigned to Directors for Veterans’ Employment and*
 6 *Training shall be appointed in accordance with the provi-*
 7 *sions of title 5 governing appointments in the competitive*
 8 *service and shall be paid in accordance with the provisions*
 9 *of chapter 51 and subchapter III of chapter 53 of title 5.*

10 “(b) *ADDITIONAL FEDERAL PERSONNEL.—The Sec-*
 11 *retary may also assign as supervisory personnel such rep-*
 12 *resentatives of the Veterans’ Employment and Training*
 13 *Service as the Secretary determines appropriate to carry*
 14 *out the employment, training, and placement services re-*
 15 *quired under this chapter, including Assistant Directors for*
 16 *Veterans’ Employment and Training.”.*

17 (2) *The items relating to sections 4102A and 4103, re-*
 18 *spectively, in the table of sections at the beginning of chap-*
 19 *ter 41 are amended to read as follows:*

 “4102A. *Assistant Secretary of Labor for Veterans’ Employment and Training;*
 program functions; Regional Administrators.

 “4103. *Directors and Assistant Directors for Veterans’ Employment and Training;*
 additional Federal personnel.”.

20 (3)(A)(i) *Section 4104A is repealed.*

21 (ii) *The table of sections at the beginning of chapter*
 22 *41 is amended by striking the item relating to section*
 23 *4104A.*

1 (B) Section 4107(b) is amended by striking “The Sec-
2 retary shall establish definitive performance standards”
3 and inserting “The Secretary shall apply performance
4 standards established under section 4102A(f) of this title”.

5 (4) The amendments made by this subsection shall take
6 effect on the date of the enactment of this Act, and apply
7 for program and fiscal years under chapter 41 of title 38,
8 United States Code, beginning on or after such date.

9 (b) REVISION OF STATUTORILY DEFINED DUTIES OF
10 DISABLED VETERANS’ OUTREACH PROGRAM SPECIALISTS
11 AND LOCAL VETERANS’ EMPLOYMENT REPRESENTA-
12 TIVES.—(1) Section 4103A is amended by striking all after
13 the heading and inserting the following:

14 “(a) REQUIREMENT FOR EMPLOYMENT BY STATES OF
15 A SUFFICIENT NUMBER OF SPECIALISTS.—(1) Subject to
16 approval by the Secretary, a State shall employ such full-
17 or part-time disabled veterans’ outreach program specialists
18 as the State determines appropriate and efficient to carry
19 out intensive services under this chapter to meet the employ-
20 ment needs of eligible veterans with the following priority
21 in the provision of services:

22 “(A) Special disabled veterans.

23 “(B) Other disabled veterans.

24 “(C) Other eligible veterans in accordance with
25 priorities determined by the Secretary taking into ac-

1 *count applicable rates of unemployment and the em-*
2 *ployment emphases set forth in chapter 42 of this*
3 *title.*

4 *“(2) In the provision of services in accordance with*
5 *this subsection, maximum emphasis in meeting the employ-*
6 *ment needs of veterans shall be placed on assisting economi-*
7 *cally or educationally disadvantaged veterans.*

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

13 *(2) Section 4104 is amended by striking all after the*
14 *heading and inserting the following:*

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

22 *“(b) PRINCIPAL DUTIES.—As principal duties, local*
23 *veterans’ employment representatives shall—*

24 *“(1) conduct outreach to employers in the area*
25 *to assist veterans in gaining employment, including*

1 *conducting seminars for employers and, in conjunc-*
2 *tion with employers, conducting job search workshops*
3 *and establishing job search groups; and*

4 “(2) *facilitate employment, training, and place-*
5 *ment services furnished to veterans in a State under*
6 *the applicable State employment service delivery sys-*
7 *tems.*

8 “(c) *REQUIREMENT FOR QUALIFIED VETERANS AND*
9 *ELIGIBLE PERSONS.—A State shall, to the maximum ex-*
10 *tent practicable, employ qualified veterans or eligible per-*
11 *sons to carry out the services referred to in subsection (a).*
12 *Preference shall be accorded in the following order:*

13 “(1) *To qualified service-connected disabled vet-*
14 *erans.*

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

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

19 “(d) *REPORTING.—Each local veterans’ employment*
20 *representative shall be administratively responsible to the*
21 *manager of the employment service delivery system and*
22 *shall provide reports, not less frequently than quarterly, to*
23 *the manager of such office and to the Director for Veterans’*
24 *Employment and Training for the State regarding compli-*
25 *ance with Federal law and regulations with respect to spe-*

1 cial services and priorities for eligible veterans and eligible
2 persons.”.

3 (3) *The amendments made by this subsection shall take*
4 *effect on the date of the enactment of this Act, and apply*
5 *for program years under chapter 41 of title 38, United*
6 *States Code, beginning on or after such date.*

7 (c) *REQUIREMENT TO PROMPTLY ESTABLISH ONE-*
8 *STOP EMPLOYMENT SERVICES.*—*By not later than 18*
9 *months after the date of the enactment of this Act, the Sec-*
10 *retary of Labor shall provide one-stop services and assist-*
11 *ance to covered persons electronically by means of the Inter-*
12 *net, as defined in section 231(e)(3) of the Communications*
13 *Act of 1934, and such other electronic means to enhance*
14 *the delivery of such services and assistance.*

15 (d) *REQUIREMENT FOR BUDGET LINE ITEM FOR*
16 *TRAINING SERVICES INSTITUTE.*—*(1) The last sentence of*
17 *section 4106(a) is amended to read as follows: “Each budget*
18 *submission with respect to such funds shall include a sepa-*
19 *rate listing of the amount for the National Veterans’ Em-*
20 *ployment and Training Services Institute together with in-*
21 *formation demonstrating the compliance of such budget sub-*
22 *mission with the funding requirements specified in the pre-*
23 *ceding sentence.”.*

24 (2) *The amendment made by paragraph (1) shall take*
25 *effect on the date of the enactment of this Act, and apply*

1 to budget submissions for fiscal year 2004 and each subse-
2 quent fiscal year.

3 (e) *CONFORMING AMENDMENTS.*—(1) Section
4 4107(c)(5) is amended by striking “(including the need”
5 and all that follows through “representatives”).

6 (2) Section 3117(a)(2)(B) is amended to read as fol-
7 lows:

8 “(B) utilization of employment, training, and
9 placement services under chapter 41 of this title;
10 and”.

11 **SEC. 5. ADDITIONAL IMPROVEMENTS IN VETERANS EM-**
12 **PLOYMENT AND TRAINING SERVICES.**

13 (a) *INCLUSION OF INTENSIVE SERVICES.*—(1)(A) Sec-
14 tion 4101 is amended by adding at the end the following
15 new paragraph:

16 “(9) The term ‘intensive services’ means local
17 employment and training services of the type de-
18 scribed in section 134(d)(3) of the Workforce Invest-
19 ment Act of 1998.”.

20 (B) Section 4102 is amended by striking “job and job
21 training counseling service program,” and inserting “job
22 and job training intensive services program,”.

23 (C) Section 4106(a) is amended by striking “proper
24 counseling” and inserting “proper intensive services”.

1 (D) Section 4107(a) is amended by striking “employ-
2 ment counseling services” and inserting “intensive serv-
3 ices”.

4 (E) Section 4107(c)(1) is amended by striking “the
5 number counseled” and inserting “the number who received
6 intensive services”.

7 (F) Section 4109(a) is amended by striking “coun-
8 seling,” each place it appears and inserting “intensive serv-
9 ices,”.

10 (2) The amendments made by paragraph (1) shall take
11 effect on the date of the enactment of this Act.

12 (b) *ADDITIONAL VETS DUTY TO IMPLEMENT TRANSI-*
13 *TIONS TO CIVILIAN CAREERS.—(1)(A) Section 4102 is*
14 *amended by striking the period and inserting “, including*
15 *programs carried out by the Veterans’ Employment and*
16 *Training Service to implement all efforts to ease the transi-*
17 *tion of servicemembers to civilian careers that are consistent*
18 *with, or an outgrowth of, the military experience of the*
19 *servicemembers.”.*

20 (B) Such section is further amended by striking “and
21 veterans of the Vietnam era” and inserting “and veterans
22 who served on active duty during a war or in a campaign
23 or expedition for which a campaign badge has been author-
24 ized”.

1 (2) *The amendments made by paragraph (1) shall take*
 2 *effect on the date of the enactment of this Act.*

3 (c) *MODERNIZATION OF EMPLOYMENT SERVICE DE-*
 4 *LIVERY POINTS TO INCLUDE TECHNOLOGICAL INNOVA-*
 5 *TIONS.—(1) Section 4101(7) is amended to read as follows:*

6 “(7) *The term ‘employment service delivery sys-*
 7 *tem’ means a service delivery system at which or*
 8 *through which labor exchange services, including em-*
 9 *ployment, training, and placement services, are of-*
 10 *fered in accordance with the Wagner-Peyser Act.’”.*

11 (2) *The amendments made by paragraph (1) shall take*
 12 *effect on the date of the enactment of this Act.*

13 (d) *INCREASE IN ACCURACY OF REPORTING SERVICES*
 14 *FURNISHED TO VETERANS.—(1)(A) Section 4107(c)(1) is*
 15 *amended—*

16 (i) *by striking “veterans of the Vietnam era,”;*
 17 *and*

18 (ii) *by striking “and eligible persons who reg-*
 19 *istered for assistance with” and inserting “eligible*
 20 *persons, recently separated veterans (as defined in*
 21 *section 4211(6) of this title), and servicemembers*
 22 *transitioning to civilian careers who registered for as-*
 23 *sistance with, or who are identified as veterans by,”.*

24 (B) *Section 4107(c)(2) is amended—*

1 (i) by striking “the job placement rate” the first
2 place it appears and inserting “the rate of entered
3 employment (as determined in a manner consistent
4 with State performance measures applicable under
5 section 136(b) of the Workforce Investment Act of
6 1998)”; and

7 (ii) by striking “the job placement rate” the sec-
8 ond place it appears and inserting “such rate of en-
9 tered employment (as so determined)”.

10 (C) Section 4107(c)(4) is amended by striking “sec-
11 tions 4103A and 4104” and inserting “section 4212(d)”.

12 (D) Section 4107(c) is amended—

13 (i) by striking “and” at the end of paragraph
14 (4);

15 (ii) by striking the period at the end of para-
16 graph (5) and inserting “; and”; and

17 (iii) by adding at the end the following new
18 paragraph:

19 “(6) a report on the operation during the pre-
20 ceding program year of the program of performance
21 incentive awards for quality employment services
22 under section 4112 of this title.”.

23 (E) Section 4107(b), as amended by section 4(a)(3)(B),
24 is further amended by striking the second sentence and in-
25 serting the following: “Not later than February 1 of each

1 year, the Secretary shall report to the Committees on Vet-
2 erans' Affairs of the Senate and the House of Representa-
3 tives on the performance of States and organizations and
4 entities carrying out employment, training, and placement
5 services under this chapter, as measured under subsection
6 (b)(7) of section 4102A of this title. In the case of a State
7 that the Secretary determines has not met the minimum
8 standard of performance (established by the Secretary under
9 subsection (f) of such section), the Secretary shall include
10 an analysis of the extent and reasons for the State's failure
11 to meet that minimum standard, together with the State's
12 plan for corrective action during the succeeding year.”.

13 (2) The amendments made by paragraph (1) shall
14 apply to reports for program years beginning on or after
15 July 1, 2003.

16 (e) CLARIFICATION OF AUTHORITY OF NVETSI TO
17 PROVIDE TRAINING FOR PERSONNEL OF OTHER DEPART-
18 MENTS AND AGENCIES.—Section 4109 is amended by add-
19 ing at the end the following new subsection:

20 “(c)(1) Nothing in this section shall be construed as
21 preventing the Institute to enter into contracts or agree-
22 ments with departments or agencies of the United States
23 or of a State, or with other organizations, to carry out
24 training of personnel of such departments, agencies, or or-

1 ganizations in the provision of services referred to in sub-
2 section (a).

3 “(2) All proceeds collected by the Institute under a con-
4 tract or agreement referred to in paragraph (1) shall be
5 applied to the applicable appropriation.”

6 **SEC. 6. COMMITTEE TO RAISE EMPLOYER AWARENESS OF**
7 **SKILLS OF VETERANS AND BENEFITS OF HIR-**
8 **ING VETERANS.**

9 (a) *ESTABLISHMENT OF COMMITTEE.*—There is estab-
10 lished within the Department of Labor a committee to be
11 known as the President’s National Hire Veterans Com-
12 mittee (hereinafter in this section referred to as the “Com-
13 mittee”).

14 (b) *DUTIES.*—The Committee shall establish and carry
15 out a national program to do the following:

16 (1) *To furnish information to employers with re-*
17 *spect to the training and skills of veterans and dis-*
18 *abled veterans, and the advantages afforded employers*
19 *by hiring veterans with such training and skills.*

20 (2) *To facilitate employment of veterans and dis-*
21 *abled veterans through participation in America’s*
22 *Career Kit national labor exchange, and other means.*

23 (c) *MEMBERSHIP.*—(1) *The Secretary of Labor shall*
24 *appoint 15 individuals to serve as members of the Com-*
25 *mittee, of whom one shall be appointed from among rep-*

1 *representatives nominated by each organization described in*
2 *subparagraph (A) and of whom eight shall be appointed*
3 *from among representatives nominated by organizations de-*
4 *scribed in subparagraph (B).*

5 *(A) Organizations described in this subpara-*
6 *graph are the following:*

7 *(i) The Ad Council.*

8 *(ii) The National Committee for Employer*
9 *Support of the Guard and Reserve.*

10 *(iii) Veterans' service organizations that*
11 *have a national employment program.*

12 *(iv) State employment security agencies.*

13 *(v) One-stop career centers.*

14 *(vi) State departments of veterans affairs.*

15 *(vii) Military service organizations.*

16 *(B) Organizations described in this subpara-*
17 *graph are such businesses, small businesses, indus-*
18 *tries, companies in the private sector that furnish*
19 *placement services, civic groups, workforce investment*
20 *boards, and labor unions as the Secretary of Labor*
21 *determines appropriate.*

22 *(2) The following shall be ex officio, nonvoting mem-*
23 *bers of the Committee:*

24 *(A) The Secretary of Veterans Affairs.*

25 *(B) The Secretary of Defense.*

1 (C) *The Assistant Secretary of Labor for Vet-*
2 *erans' Employment and Training.*

3 (D) *The Administrator of the Small Business*
4 *Administration.*

5 (E) *The Postmaster General.*

6 (F) *The Director of the Office of Personnel Man-*
7 *agement.*

8 (3) *A vacancy in the Committee shall be filled in the*
9 *manner in which the original appointment was made.*

10 (d) *ADMINISTRATIVE MATTERS.—(1) The Committee*
11 *shall meet not less frequently than once each calendar quar-*
12 *ter.*

13 (2) *The Secretary of Labor shall appoint the chairman*
14 *of the Committee.*

15 (3)(A) *Members of the Committee shall serve without*
16 *compensation.*

17 (B) *Members of the Committee shall be allowed reason-*
18 *able and necessary travel expenses, including per diem in*
19 *lieu of subsistence, at rates authorized for persons serving*
20 *intermittently in the Government service in accordance*
21 *with the provisions of subchapter I of chapter 57 of title*
22 *5 while away from their homes or regular places of business*
23 *in the performance of the responsibilities of the Committee.*

24 (4) *The Secretary of Labor shall provide staff and ad-*
25 *ministrative support to the Committee to assist it in car-*

1 *rying out its duties under this section. The Secretary shall*
2 *assure positions on the staff of the Committee include posi-*
3 *tions that are filled by individuals that are now, or have*
4 *ever been, employed as one of the following:*

5 *(A) Staff of the Assistant Secretary of Labor for*
6 *Veterans' Employment and Training under section*
7 *4102A of title 38, United States Code as in effect on*
8 *the date of the enactment of this Act.*

9 *(B) Directors for Veterans' Employment and*
10 *Training under section 4103 of such title as in effect*
11 *on such date.*

12 *(C) Assistant Director for Veterans' Employment*
13 *and Training under such section as in effect on such*
14 *date.*

15 *(D) Disabled veterans' outreach program special-*
16 *ists under section 4103A of such title as in effect on*
17 *such date.*

18 *(E) Local veterans' employment representatives*
19 *under section 4104 of such title as in effect on such*
20 *date.*

21 *(5) Upon request of the Committee, the head of any*
22 *Federal department or agency may detail, on a non-*
23 *reimbursable basis, any of the personnel of that department*
24 *or agency to the Committee to assist it in carrying out its*
25 *duties.*

1 *(6) The Committee may contract with and compensate*
2 *government and private agencies or persons to furnish in-*
3 *formation to employers under subsection (b)(1) without re-*
4 *gard to section 3709 of the Revised Statutes (41 U.S.C. 5).*

5 *(e) REPORT.—Not later than December 31, 2003, 2004,*
6 *and 2005, the Secretary of Labor shall submit to Congress*
7 *a report on the activities of the Committee under this sec-*
8 *tion during the previous fiscal year, and shall include in*
9 *such report data with respect to placement and retention*
10 *of veterans in jobs attributable to the activities of the Com-*
11 *mittee.*

12 *(f) TERMINATION.—The Committee shall terminate 60*
13 *days after submitting the report that is due on December*
14 *31, 2005.*

15 *(g) AUTHORIZATION OF APPROPRIATIONS.—There are*
16 *authorized to be appropriated to the Secretary of Labor*
17 *from the employment security administration account (es-*
18 *tablished in section 901 of the Social Security Act (42*
19 *U.S.C. 1101)) in the Unemployment Trust Fund*
20 *\$3,000,000 for each of fiscal years 2003 through 2005 to*
21 *carry out this section.*

22 **SEC. 7. REPORT ON IMPLEMENTATION OF EMPLOYMENT**
23 **REFORMS.**

24 *(a) STUDY.—The Comptroller General of the United*
25 *States shall conduct a study on the implementation by the*

1 *Secretary of Labor of the provisions of this Act during the*
2 *program years that begin during fiscal years 2003 and*
3 *2004. The study shall include an assessment of the modi-*
4 *fications under sections 2 through 5 of this Act of the provi-*
5 *sions of title 38, United States Code, and an evaluation*
6 *of the impact of those modifications, and of the actions of*
7 *the President's National Hire Veterans Committee under*
8 *section 6 of this Act, to the provision of employment, train-*
9 *ing, and placement services provided to veterans under that*
10 *title.*

11 *(b) REPORT.—Not later than 6 months after the con-*
12 *clusion of the program year that begins during fiscal year*
13 *2004, the Comptroller General shall submit to Congress a*
14 *report on the study conducted under subsection (a). The re-*
15 *port shall include such recommendations as the Comptroller*
16 *General determines appropriate, including recommenda-*
17 *tions for legislation or administrative action.*

Attest:

Secretary.

107TH CONGRESS
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AMENDMENT