

107TH CONGRESS
2D SESSION

H. R. 4015

To amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 20, 2002

Mr. SIMPSON (for himself, Mr. REYES, Mr. SMITH of New Jersey, Mr. EVANS, Mr. QUINN, and Mr. SHOWS) introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38,**
4 **UNITED STATES CODE; TABLE OF CONTENTS.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Jobs for Veterans Act”.

7 (b) REFERENCES TO TITLE 38, UNITED STATES
8 CODE.—Except as otherwise expressly provided, whenever
9 in this Act an amendment or repeal is expressed in terms

1 of an amendment to, or repeal of, a section or other provi-
 2 sion, the reference shall be considered to be made to a
 3 section or other provision of title 38, United States Code.

4 (c) TABLE OF CONTENTS.—The table of contents of
 5 this Act is as follows:

Sec. 1. Short title; references to title 38, United States code.

Sec. 2. Priority of service for veterans in Department of Labor job training pro-
 grams.

Sec. 3. Performance incentive awards for quality veterans employment, train-
 ing, and placement services.

Sec. 4. Refinement of job training and placement functions of the Department.

Sec. 5. Additional improvements in veterans employment and training services.

Sec. 6. Committee to raise employer awareness of skills of veterans and benefits
 of hiring veterans.

Sec. 7. Sense of Congress commending veterans and military service organiza-
 tions.

Sec. 8. Study on economic benefits to the United States of long-term sustained
 employment of veterans.

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

8 (a) VETERANS' JOB TRAINING ASSISTANCE.—

9 (1) IN GENERAL.—Chapter 42 is amended by
 10 adding at the end the following new section:

11 **“§ 4215. Priority of service for veterans in Depart-**
 12 **ment of Labor job training programs**

13 “(a) ENTITLEMENT TO PRIORITY OF SERVICE.—(1)

14 A covered person is entitled to priority of service under
 15 any qualified job training program if the person otherwise
 16 meets the eligibility requirements for participation in such
 17 program.

18 “(2) The Secretary of Labor may establish priorities
 19 among covered persons for purposes of this section to take

1 into account the needs of disabled veterans and special dis-
2 abled veterans, and such other factors as the Secretary
3 determines appropriate.

4 “(b) ADMINISTRATION OF PROGRAMS AT STATE AND
5 LOCAL LEVELS.—An entity of a State or a political sub-
6 division of the State that administers or delivers services
7 under a qualified job training program shall—

8 “(1) provide information and priority of service
9 to covered persons regarding benefits and services
10 that may be obtained through other entities or serv-
11 ice providers; and

12 “(2) ensure that each covered person who ap-
13 plies to or who is assisted by such a program is in-
14 formed of the employment-related rights and bene-
15 fits to which the person is entitled under this sec-
16 tion.

17 “(c) ANNUAL REPORT.—By not later than December
18 31, 2003, and each December 31 thereafter, the Secretary
19 of Labor, following review and comment by the Advisory
20 Committee on Veterans Employment and Training, shall
21 submit to the Committees on Veterans’ Affairs of the
22 House of Representatives and Senate a report. The report
23 shall evaluate whether covered persons are receiving pri-
24 ority of service and are being fully served by qualified job
25 training programs, and whether the levels of service of

1 such programs are in proportion to the incidence of rep-
2 resentation of veterans in the labor market, including
3 within groups that the Secretary may designate for pri-
4 ority under such programs, if any.

5 “(d) DEFINITIONS.—In this section:

6 “(1) The term ‘covered person’ means any of
7 the following individuals:

8 “(A) A veteran.

9 “(B) The spouse of any of the following in-
10 dividuals:

11 “(i) Any veteran who died of a serv-
12 ice-connected disability.

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

1 “(iii) Any veteran who has a total dis-
2 ability permanent in nature resulting from
3 a service-connected disability.

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

6 “(2) The term ‘qualified job training program’
7 means any workforce preparation, development, or
8 delivery program or service that is funded, in whole
9 or in part, by the Department of Labor and includes
10 the following:

11 “(A) Any such program or service that
12 uses technology to assist individuals to access
13 workforce development programs (such as job
14 and training opportunities, labor market infor-
15 mation, career assessment tools, and related
16 support services).

17 “(B) Any such program or service under
18 the public employment service system, one-stop
19 career centers, the Workforce Investment Act of
20 1998, a demonstration or other temporary pro-
21 gram, and those programs implemented by
22 States or local service providers based on Fed-
23 eral block grants.

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

4 “(3) The term ‘priority of service’ means, with
5 respect to any qualified job training program, that
6 a covered person shall be given priority over non-
7 veterans of the employment, training, and placement
8 services provided under that program, notwith-
9 standing any priority list, directive, rule, regulation,
10 or other order from any department or agency of the
11 United States.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions at the beginning of chapter 42 is amended by
14 inserting after the item relating to section 4214 the
15 following new item:

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

16 (b) EMPLOYMENT OF VETERANS WITH RESPECT TO
17 FEDERAL CONTRACTS.—

18 (1) IN GENERAL.—Section 4212(a) is amended
19 to read as follows:

20 “(a)(1) Any contract in the amount of \$100,000 or
21 more entered into by any department or agency of the
22 United States for the procurement of personal property
23 and nonpersonal services (including construction) for the
24 United States, shall contain a provision requiring that the

1 party contracting with the United States take affirmative
2 action to employ and advance in employment qualified cov-
3 ered veterans. This section applies to any subcontract en-
4 tered into by a prime contractor in carrying out any such
5 contract.

6 “(2) In addition to requiring affirmative action to
7 employ such qualified covered veterans under such con-
8 tracts and subcontracts and in order to promote the imple-
9 mentation of such requirement, the Secretary of Labor
10 shall prescribe regulations requiring that—

11 “(A) each such contractor undertake in each
12 such contract to list all of its employment openings
13 immediately with the appropriate employment serv-
14 ice delivery system (as defined in section 4101(7) of
15 this title), including local employment service offices,
16 one-stop career centers under the Workforce Invest-
17 ment Act of 1998, other appropriate service delivery
18 points, or America’s Job Bank (or any additional or
19 subsequent national computerized job bank estab-
20 lished by the Department of Labor), except that the
21 contractor may exclude openings for positions which
22 are to be filled from within the contractor’s organi-
23 zation and positions lasting three days or less;

1 “(B) each such employment service delivery sys-
2 tem shall give such qualified covered veterans pri-
3 ority in referral to such employment openings; and

4 “(C) each such employment service delivery sys-
5 tem shall provide a list of such employment openings
6 to States, political subdivisions of States, or any pri-
7 vate entities or organizations under contract to carry
8 out employment, training, and placement services
9 under chapter 41 of this title.

10 “(3) In this section:

11 “(A) The term ‘covered veteran’ means any of
12 the following veterans:

13 “(i) Disabled veterans.

14 “(ii) Veterans who served on active duty in
15 the Armed Forces during a war or in a cam-
16 paign or expedition for which a campaign badge
17 has been authorized.

18 “(iii) Veterans who, while serving on active
19 duty in the Armed Forces, participated in a
20 United States military operation for which an
21 Armed Forces service medal was awarded pur-
22 suant to Executive Order 12985 (61 Fed. Reg.
23 1209).

24 “(B) The term ‘qualified’, with respect to an
25 employment position, means having the ability to

1 perform the essential functions of the position with
2 reasonable accommodation.”.

3 (2) CONFORMING AND TECHNICAL AMEND-
4 MENTS.—Section 4212 is amended—

5 (A) in subsection (c)—

6 (i) by striking “suitable”; and

7 (ii) by striking “subsection (a)(2) of
8 this section” and inserting “subsection
9 (a)(2)(B)”; and

10 (B)(i) in paragraph (1) of subsection (d)—

11 (I) in the matter preceding subpara-
12 graph (A), by striking “of this section”
13 after “subsection (a)”; and

14 (II) by amending subparagraphs (A)
15 and (B) to read as follows:

16 “(A) the number of employees in the workforce
17 of such contractor, by job category and hiring loca-
18 tion, and the number of such employees, by job cat-
19 egory and hiring location, who are qualified covered
20 veterans;

21 “(B) the total number of new employees hired
22 by the contractor during the period covered by the
23 report and the number of such employees who are
24 qualified covered veterans; and”;

1 (ii) in paragraph (2) of such subsection, by
2 striking “of this subsection” after “paragraph
3 (1)”.

4 (3) EFFECTIVE DATE.—The amendments made
5 by this subsection shall apply with respect to con-
6 tracts entered into on or after the date that is 60
7 days after the date of the enactment of this Act.

8 (c) EMPLOYMENT WITHIN THE FEDERAL GOVERN-
9 MENT.—

10 (1) PURPOSE.—The second sentence of section
11 4214(a)(1) is amended—

12 (A) by inserting “, competent” after “ef-
13 fective”; and

14 (B) by striking “major” and inserting
15 “uniquely qualified”.

16 (2) APPOINTMENTS.—Section 4214(b) is
17 amended—

18 (A) in paragraph (1), by striking “read-
19 justment” and inserting “recruitment”;

20 (B) in paragraph (2), by striking “to—”
21 and all that follows through the period at the
22 end and inserting “to qualified covered vet-
23 erans.”;

24 (C) in paragraph (3)—

1 (i) by striking subparagraphs (A) and
2 (B);

3 (ii) by redesignating subparagraphs
4 (C) and (D) as subparagraphs (B) and
5 (C), respectively,

6 (iii) in subparagraph (B), as so reded-
7 igned, by striking “The limitations of
8 subparagraphs (A) and (B) of this para-
9 graph” and inserting “The limitation of
10 subparagraph (A)”;

11 (iv) in subparagraph (C), as so reded-
12 igned, by striking “clause (i) of subpara-
13 graphs (A) and (B) of this paragraph” and
14 inserting “subparagraph (A)”; and

15 (v) by inserting before subparagraph
16 (B), as so redesignated, the following new
17 subparagraph:

18 “(A) Except as provided in subparagraph (B), a
19 qualified covered veteran may receive such an appointment
20 only within the 10-year period that begins on the date of
21 the veteran’s last discharge or release from active duty.”.

22 (3) TECHNICAL AMENDMENTS.—(A) Section
23 4214(a) is amended—

24 (i) in the third sentence of paragraph (1),
25 by striking “disabled veterans and certain vet-

1 erans of the Vietnam era and of the post-Viet-
2 nam era” and inserting “qualified covered vet-
3 erans (as defined in paragraph (2)(B))”; and

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

5 “(2) In this section:

6 “(A) The term ‘agency’ means a department,
7 agency, or instrumentality in the executive branch.

8 “(B) The term ‘qualified covered veteran’
9 means a veteran described in section 4212(a) of this
10 title.”.

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

13 (C) Section 4214(g) is amended by striking
14 “qualified” the first place it occurs and all that fol-
15 lows through “era” the first place it occurs and in-
16 serting “qualified covered veterans”.

17 (4) EFFECTIVE DATE.—The amendments made
18 by this section shall take effect the date of the en-
19 actment of this Act, and apply to discharges or re-
20 leases from active duty beginning on or after Janu-
21 ary 1, 2000.

1 **SEC. 3. PERFORMANCE INCENTIVE AWARDS FOR QUALITY**
2 **VETERANS EMPLOYMENT, TRAINING, AND**
3 **PLACEMENT SERVICES.**

4 (a) PERFORMANCE INCENTIVE AWARDS FOR QUALITY
5 EMPLOYMENT, TRAINING, AND PLACEMENT SERVICES.—
6 ICES.—

7 (1) IN GENERAL.—Chapter 41 is amended by
8 adding at the end the following new section:

9 **“§4112. Performance incentive awards for quality**
10 **employment, training, and placement**
11 **services**

12 “(a) PROGRAM OF PERFORMANCE INCENTIVE
13 AWARDS.—(1) The Secretary shall carry out a program,
14 consistent with the provisions of this section, of performance
15 incentive awards to States to encourage the improvement
16 and modernization of employment, training, and
17 placement services provided under this chapter. The Secretary
18 shall carry out the program through the Assistant
19 Secretary of Labor for Veterans’ Employment and Training.
20 ing.

21 “(2) The Secretary shall make performance incentive
22 awards for each program year, beginning with the program
23 year that begins in fiscal year 2004, with respect
24 to services provided under this chapter during the preceding
25 program year.

1 “(b) CRITERIA FOR ELIGIBILITY FOR AWARDS.—The
2 Secretary shall establish criteria for eligibility for perform-
3 ance incentive awards for purposes of this section in con-
4 sultation with representatives of States, political subdivi-
5 sions of States, and other providers of employment, train-
6 ing, and placement services under the Workforce Invest-
7 ment Act of 1998 consistent with the performance meas-
8 ures established under section 4102A(b)(8) of this title.

9 “(c) DETERMINATION OF AMOUNT OF AWARD.—(1)
10 The Secretary shall determine the amount of performance
11 incentive awards in a State under this section by meas-
12 uring the performance of the State in providing employ-
13 ment, training, and placement services furnished in each
14 State during the previous program year based on the
15 measures of performance established under section
16 4102A(b)(8) of this title.

17 “(2) In determining the amount of awards under
18 paragraph (1), the Secretary shall—

19 “(A) provide greater amounts to those States
20 which the Secretary determines furnished, during
21 the preceding fiscal year, the highest quality employ-
22 ment, training, and placement services based on
23 measures of performance;

24 “(B) provide awards to those States that have
25 made significant improvements in the delivery of

1 such services, as determined by the Secretary, but
2 do not meet the criteria under subparagraph (A);
3 and

4 “(C) consider factors such as prevailing eco-
5 nomic and unemployment conditions that affect per-
6 formance of individuals providing employment, train-
7 ing, and placement services in the State.

8 “(d) USE OF AWARD.—(1) Amounts received by a
9 State under this section may be used—

10 “(A) to hire additional veterans employment
11 and training staff; or

12 “(B) for such other purposes related to provi-
13 sion of employment and training services as the
14 State and the Secretary may jointly approve.

15 “(2) For purposes of paragraph (1), an eligible em-
16 ployee is any of the following:

17 “(A) A disabled veterans’ outreach program
18 specialist.

19 “(B) A local veterans’ employment representa-
20 tive.

21 “(e) RELATIONSHIP OF AWARD TO GRANT AMOUNTS
22 OR OTHER COMPENSATION.—A performance incentive
23 award under this section is in addition to amounts made
24 available to a State under section 4102A(b)(5) of this
25 title.

1 “(f) AVAILABILITY FOR OBLIGATION.—Amounts re-
2 ceived in a performance incentive award under this section
3 may be obligated by the State during the program year
4 in which the award was received and the subsequent pro-
5 gram year.

6 “(g) APPROPRIATIONS.—The Secretary shall carry
7 out the program under this section from amounts appro-
8 priated pursuant to the authorization under section
9 4106(b)(2) of this title. Such amounts shall only be avail-
10 able to carry out the program under this section.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions at the beginning of chapter 41 is amended by
13 inserting after the item relating to section 4111 the
14 following new item:

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

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
16 4106(b) is amended—

17 (1) by inserting “(1)” after “(b)”; and

18 (2) by adding at the end the following new
19 paragraph:

20 “(2) In addition to amounts authorized to be appro-
21 priated under paragraph (1), there are authorized to be
22 appropriated to the Secretary to carry out the program
23 of performance incentive awards under section 4112 of
24 this title the following:

1 department of Labor an Assistant Secretary of Labor for
2 Veterans' Employment and Training, appointed by the
3 President by and with the advice and consent of the Sen-
4 ate, who shall formulate and implement all departmental
5 policies and procedures to carry out (A) the purposes of
6 this chapter, chapter 42, and chapter 43 of this title, and
7 (B) all other Department of Labor employment, unem-
8 ployment, and training programs to the extent they affect
9 veterans.

10 “(2) The employees of the Department of Labor ad-
11 ministering chapter 43 of this title shall be administra-
12 tively and functionally responsible to the Assistant Sec-
13 retary of Labor for Veterans' Employment and Training.
14 The Assistant Secretary of Labor for Veterans' Employ-
15 ment and Training shall be a veteran.

16 “(3)(A) There shall be within the Department of
17 Labor a Deputy Assistant Secretary of Labor for Vet-
18 erans' Employment and Training. The Deputy Assistant
19 Secretary shall perform such functions as the Assistant
20 Secretary of Labor for Veterans' Employment and Train-
21 ing prescribes. The Deputy Assistant Secretary shall be
22 a veteran.

23 “(B) No individual may be appointed as a Deputy
24 Assistant Secretary of Labor for Veterans' Employment
25 and Training unless the individual has at least five years

1 of continuous service in the Federal civil service in the
2 executive branch immediately preceding appointment as
3 the Deputy Assistant Secretary. For purposes of deter-
4 mining such continuous service of an individual, there
5 shall be excluded any service by the individual in a
6 position—

7 “(i) of a confidential, policy-determining, policy-
8 making, or policy-advocating character;

9 “(ii) in which the individual served as a non-
10 career appointee in the Senior Executive Service, as
11 such term is defined in section 3132(a)(7) of title 5;
12 or

13 “(iii) to which the individual was appointed by
14 the President.

15 “(b) PROGRAM FUNCTIONS.—The Secretary shall
16 carry out the following functions:

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

1 “(2) In order to make maximum use of avail-
2 able resources in meeting such needs, encourage all
3 such programs, and all grantees and contractors
4 under such programs to enter into cooperative ar-
5 rangements with private industry and business con-
6 cerns (including small business concerns), edu-
7 cational institutions, trade associations, and labor
8 unions.

9 “(3) Ensure that maximum effectiveness and
10 efficiency are achieved in providing services and as-
11 sistance to eligible veterans under all such programs
12 by coordinating and consulting with the Secretary of
13 Veterans Affairs with respect to (A) programs con-
14 ducted under other provisions of this title, with par-
15 ticular emphasis on coordination of such programs
16 with readjustment counseling activities carried out
17 under section 1712A of this title, apprenticeship or
18 other on-the-job training programs carried out under
19 section 3687 of this title, and rehabilitation and
20 training activities carried out under chapter 31 of
21 this title, (B) the Veterans’ Job Training Act (29
22 U.S.C. 1721 note), and (C) determinations covering
23 veteran population in a State.

1 “(4) Ensure that job placement activities are
2 carried out in coordination and cooperation with ap-
3 propriate State public employment service officials.

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

7 “(A) disabled veterans’ outreach program
8 specialists appointed under section 4103A(a)(1)
9 of this title,

10 “(B) local veterans’ employment represent-
11 atives assigned under section 4104(b) of this
12 title, and

13 “(C) the reasonable expenses of such spe-
14 cialists and representatives described in sub-
15 paragraphs (A) and (B), respectively, for train-
16 ing, travel, supplies, and fringe benefits, includ-
17 ing travel expenses and per diem from attend-
18 ance at the National Veterans’ Employment
19 and Training Services Institute established
20 under section 4109 of this title.

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

24 “(7) Monitor the appointment of disabled vet-
25 erans’ outreach specialists and the assignment of

1 local veterans' employment representatives in order
2 to ensure compliance with the provisions of sections
3 4103A(a)(1) and 4104(a)(4), respectively, of this
4 title.

5 “(8) Establish, and update as appropriate, a
6 comprehensive performance accountability system
7 (as described in subsection (f)) and carry out annual
8 performance reviews of veterans employment and
9 training staff as defined in subsection (f)(4)).

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

18 “(2)(A) A State shall submit to the Secretary an ap-
19 plication for a grant or contract under subsection (b)(5).
20 The application shall contain such information as the Sec-
21 retary determines necessary, including the veteran popu-
22 lation to be served, to make a determination with respect
23 to awarding a grant or contract to the State.

24 “(B)(i) Subject to the succeeding provisions of this
25 subparagraph, of the amount available under subsection

1 (b)(5) for a fiscal year, the Secretary shall make available
2 to each State with an application approved by the Sec-
3 retary the same proportion as the ratio of—

4 “(I) the total number of veterans residing in
5 the State that are seeking employment using such
6 criteria as the Secretary may establish in regula-
7 tions, including the unemployment rate, for the
8 State for the fiscal year; to

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

11 “(ii) For purposes of clause (i), in determining the
12 number of veterans residing in a State that are seeking
13 employment, the Secretary based on data available to the
14 Secretary shall consider only those veterans residing in the
15 State who are under 65 years of age.

16 “(iii) The Secretary shall phase in over the three fis-
17 cal-year period that begins on October 1, 2002, the man-
18 ner in which amounts are made available to States under
19 subsection (b)(5) and this subsection, as amended by the
20 Jobs for Veterans Act.

21 “(3)(A) As a condition of a grant or contract under
22 this section for a program year, in the case of a State
23 that the Secretary determines has an entered-employment
24 rate for veterans that is deficient for the preceding pro-
25 gram year, the State shall develop and implement a correc-

1 tive action plan to improve that rate for veterans in the
2 State. The State shall submit the corrective action plan
3 to the Secretary.

4 “(B) To carry out subparagraph (A), the Secretary
5 shall establish in regulations a uniform national threshold
6 entered-employment rate for veterans for a program year
7 by which determinations of deficiency may be made under
8 subparagraph (A).

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

13 “(A) the results of reviews, carried out pursu-
14 ant to subsection (b)(8), of the performance of em-
15 ployment service delivery systems 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 to comply with the provisions of this
21 chapter.

22 “(6) Each State shall coordinate employment, train-
23 ing, and placement services furnished to veterans and eli-
24 gible persons under this chapter with such services fur-
25 nished with respect to such veterans and persons under

1 the Workforce Investment Act of 1998 and the Wagner-
2 Peyser Act.

3 “(d) PARTICIPATION IN OTHER FEDERALLY FUND-
4 ED JOB TRAINING PROGRAMS.—The Assistant Secretary
5 of Labor for Veterans’ Employment and Training shall
6 promote and monitor participation of qualified veterans
7 and eligible persons in employment and training opportu-
8 nities under title I of the Workforce Investment Act of
9 1998 and other federally funded employment and training
10 programs.

11 “(e) REGIONAL ADMINISTRATORS.—(1) The Sec-
12 retary shall assign to each region for which the Secretary
13 operates a regional office a representative of the Veterans’
14 Employment and Training Service to serve as the Re-
15 gional Administrator for Veterans’ Employment and
16 Training in such region. A person may not be assigned
17 after October 9, 1996, as such a Regional Administrator
18 unless the person is a veteran.

19 “(2) Each such Regional Administrator shall carry
20 out such duties as the Secretary may require to promote
21 veterans employment and reemployment within the region
22 that the Administrator serves.

23 “(f) ESTABLISHMENT OF PERFORMANCE STAND-
24 ARDS AND OUTCOMES MEASURES.—(1) By not later than
25 December 1, 2002, the Assistant Secretary of Labor for

1 Veterans' Employment and Training shall establish and
2 implement a comprehensive performance accountability
3 system to measure the performance of veterans employ-
4 ment and training staff (as defined in paragraph (4)) in
5 a State to provide accountability of that State to the Sec-
6 retary for purposes of subsection (c).

7 “(2) Such standards and measures shall—

8 “(A) be consistent with State performance
9 measures applicable under section 136(b) of the
10 Workforce Investment Act of 1998;

11 “(B) be appropriately weighted to provide spe-
12 cial consideration for placement of (i) veterans re-
13 quiring intensive services (as defined in section
14 4101(9) of this title), such as special disabled vet-
15 erans and disabled veterans, and (ii) veterans who
16 enroll in readjustment counseling under section
17 1712A of this title.

18 “(3) A Director for Veterans' Employment and
19 Training for a State may submit to the head of the em-
20 ployment service in the State recommendations and com-
21 ments in connection with each annual performance rating
22 of disabled veterans' outreach specialists, under section
23 4103A of this title, and of local veterans' employment rep-
24 resentatives, under section 4104 of this title, in the State.

1 “(4) In this section, the term ‘veterans employment
2 and training staff’ means an individual providing services
3 required under this chapter who is an employee of a State,
4 a political subdivision of a State, or of the Veterans’ Em-
5 ployment and Training Service.

6 **“§ 4103. Directors and Assistant Directors for Vet-**
7 **erans’ Employment and Training; addi-**
8 **tional Federal personnel**

9 “(a) DIRECTORS AND ASSISTANT DIRECTORS.—(1)
10 The Secretary shall assign to each State a representative
11 of the Veterans’ Employment and Training Service to
12 serve as the Director for Veterans’ Employment and
13 Training, and shall assign full-time Federal clerical or
14 other support personnel to each such Director.

15 “(2) Full-time Federal clerical or other support per-
16 sonnel assigned to Directors for Veterans’ Employment
17 and Training shall be appointed in accordance with the
18 provisions of title 5 governing appointments in the com-
19 petitive service and shall be paid in accordance with the
20 provisions of chapter 51 and subchapter III of chapter 53
21 of title 5.

22 “(b) ADDITIONAL FEDERAL PERSONNEL.—The Sec-
23 retary may also assign as supervisory personnel such rep-
24 resentatives of the Veterans’ Employment and Training
25 Service as the Secretary determines appropriate to carry

1 out the employment, training, and placement services re-
2 quired under this chapter, including Assistant Directors
3 for Veterans' Employment and Training.”.

4 (2) CLERICAL AMENDMENTS.—The items relat-
5 ing to sections 4102A and 4103, respectively, in the
6 table of sections at the beginning of chapter 41 are
7 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 Train-
ing; additional Federal personnel.”.

8 (3) CONFORMING AMENDMENT RELATING TO
9 PERFORMANCE STANDARDS.—(A)(i) Section 4104A
10 is repealed.

11 (ii) The table of sections at the beginning of
12 chapter 41 is amended by striking the item relating
13 to section 4104A.

14 (B) Section 4107(b) is amended by striking
15 “The Secretary shall establish definitive performance
16 standards” and inserting “The Secretary shall apply
17 performance standards established under section
18 4102A(f) of this title”.

19 (4) EFFECTIVE DATE.—The amendments made
20 by this subsection shall take effect on December 1,
21 2002, and shall apply to appointments made on or
22 after that date.

1 (b) REVISION OF STATUTORILY DEFINED DUTIES OF
2 DISABLED VETERANS' OUTREACH SPECIALISTS AND
3 LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.—

4 (1) DISABLED VETERANS' OUTREACH SPECIAL-
5 ISTS.—Section 4103A is amended by striking all
6 after the heading and inserting the following:

7 “(a) REQUIREMENT FOR EMPLOYMENT BY STATES
8 OF A SUFFICIENT NUMBER OF SPECIALISTS.—(1) Subject
9 to approval by the Secretary, a State shall employ such
10 full- or part-time disabled veterans' outreach program spe-
11 cialists as the State determines appropriate and efficient
12 to carry out intensive services under this chapter to meet
13 the employment needs of eligible veterans with the fol-
14 lowing priority in the provision of services:

15 “(A) Special disabled veterans.

16 “(B) Other disabled veterans.

17 “(C) Other eligible veterans in accordance with
18 priorities determined by the Secretary taking into
19 account applicable rates of unemployment and the
20 employment emphases set forth in chapter 42 of this
21 title.

22 “(2) In the provision of services in accordance with this
23 subsection, maximum emphasis in meeting the employ-
24 ment needs of veterans shall be placed on assisting eco-
25 nomically or educationally disadvantaged veterans.

1 “(b) DUTIES.—A State shall assign such duties to
2 disabled veterans’ outreach program specialists as the Sec-
3 retary determines appropriate to carry out subsection (a).

4 “(c) REQUIREMENT FOR QUALIFIED VETERANS.—A
5 State shall, to the extent practicable, employ qualified vet-
6 erans to carry out the services referred to in subsection
7 (a). Preference shall be given in the appointment of such
8 specialists to qualified disabled veterans.”.

9 (2) LOCAL VETERANS’ EMPLOYMENT REP-
10 REPRESENTATIVES.—Section 4104 is amended by strik-
11 ing all after the heading and inserting the following:

12 “(a) REQUIREMENT FOR EMPLOYMENT BY STATES
13 OF A SUFFICIENT NUMBER OF REPRESENTATIVES.—Sub-
14 ject to approval by the Secretary, a State shall employ
15 such full- and part-time local veterans’ employment rep-
16 resentatives as the State determines appropriate and effi-
17 cient to carry out employment, training, and placement
18 services under this chapter.

19 “(b) DUTIES.—A State shall assign such duties to
20 local veterans’ employment representatives as the Sec-
21 retary determines appropriate to carry out subsection (a).
22 As a principal duty, local veterans’ employment represent-
23 atives shall conduct outreach to employers in the area to
24 assist veterans in gaining employment, including con-
25 ducting seminars for employers and, in conjunction with

1 employers, conducting job search workshops and estab-
2 lishing job search groups.

3 “(c) PREFERENCE FOR QUALIFIED VETERANS.—A
4 State shall, to the extent practicable, employ qualified vet-
5 erans to carry out the services referred to in subsection
6 (a).

7 “(d) CONSULTATION.—The local veterans’ employ-
8 ment representatives employed pursuant to this section
9 shall be assigned by the administrative head of the em-
10 ployment service in the State, after consultation with the
11 Director for Veterans’ Employment and Training for the
12 State.

13 “(e) REPORTING.—Each local veterans’ employment
14 representative shall be administratively responsible to the
15 manager of the employment service delivery system and
16 shall provide reports, not less frequently than quarterly,
17 to the manager of such office and to the Director for Vet-
18 erans’ Employment and Training for the State regarding
19 compliance with Federal law and regulations with respect
20 to special services and priorities for eligible veterans and
21 eligible persons.”.

22 (3) EFFECTIVE DATE.—The amendments made
23 by this subsection shall take effect on December 1,
24 2002, and shall apply to appointments made on or
25 after that date.

1 (c) REQUIREMENT TO PROMPTLY ESTABLISH ONE-
2 STOP EMPLOYMENT SERVICES.—By not later than 18
3 months after the date of the enactment of this Act, the
4 Secretary of Labor shall provide one-stop services and as-
5 sistance to covered persons electronically by means of the
6 Internet, as defined in section 231(e)(3) of the Commu-
7 nications Act of 1934, and such other electronic means
8 to enhance the delivery of such services and assistance.

9 (d) REQUIREMENT FOR BUDGET LINE ITEM FOR
10 TRAINING SERVICES INSTITUTE.—

11 (1) IN GENERAL.—The last sentence of section
12 4106(a) is amended to read as follows: “Each budg-
13 et submission with respect to such funds shall in-
14 clude a separate listing of the amount for the Na-
15 tional Veterans’ Employment and Training Services
16 Institute together with information demonstrating
17 the compliance of such budget submission with the
18 funding requirements specified in the preceding sen-
19 tence.”.

20 (2) EFFECTIVE DATE.—The amendment made
21 by paragraph (1) shall take effect on the date of the
22 enactment of this Act, and apply to budget submis-
23 sions for fiscal year 2004 and each subsequent fiscal
24 year.

1 (e) CONFORMING AMENDMENTS.—(1) Section
2 4107(c)(5) is amended by striking “(including the need”
3 and all that follows through “representatives)”.

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

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

9 (f) REPORT.—

10 (1) IN GENERAL.—Not later than 90 days after
11 the date of the enactment of this Act, the Secretary
12 of Labor shall submit to Congress a report on the
13 matters described in paragraph (2) in order to pro-
14 vide the best possible employment and training serv-
15 ices to meet the needs of veterans in the 21st cen-
16 tury, taking into consideration methods and delivery
17 systems for job training intensive services and place-
18 ment services in effect by reason of the Workforce
19 Investment Act of 1998 and availability of employ-
20 ment and training services through the Internet and
21 other electronic means that facilitate the delivery of
22 such services and assistance. The Secretary shall
23 consult with agencies of States and political subdivi-
24 sions of States as the Secretary determines appro-
25 priate in the preparation of the report.

1 (2) MATTERS DESCRIBED.—The matters re-
2 ferred to in paragraph (1) include the following:

3 (A) Revised duties of Directors and Assist-
4 ant Directors for Veterans’ Employment and
5 Training established under section 4103 of title
6 38, United States Code.

7 (B) Revised titles and duties proposed by
8 the Secretary for—

9 (i) disabled veterans’ outreach pro-
10 gram specialists established under section
11 4103A of such title, as in effect on the
12 date of the enactment of this Act; and

13 (ii) local veterans’ employment rep-
14 resentatives established under section 4104
15 of such title, as in effect on such date.

16 **SEC. 5. ADDITIONAL IMPROVEMENTS IN VETERANS EM-**
17 **PLOYMENT AND TRAINING SERVICES.**

18 (a) INCLUSION OF INTENSIVE SERVICES.—

19 (1) IN GENERAL.—(A) Section 4101 is amend-
20 ed by adding at the end the following new para-
21 graph:

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

1 (B) Section 4102 is amended by striking “job
2 and job training counseling service program,” and
3 inserting “job and job training intensive services
4 program,”.

5 (C) Section 4106(a) is amended by striking
6 “proper counseling” and inserting “proper intensive
7 services”.

8 (D) Section 4107(a) is amended by striking
9 “employment counseling services” and inserting “in-
10 tensive services”.

11 (E) Section 4107(c)(1) is amended by striking
12 “the number counseled” and inserting “the number
13 who received intensive services”.

14 (F) Section 4109(a) is amended by striking
15 “counseling,” each place it appears and inserting
16 “intensive services,”.

17 (2) EFFECTIVE DATE.—The amendments made
18 by paragraph (1) shall take effect on the date of the
19 enactment of this Act.

20 (b) ADDITIONAL VETS DUTY TO IMPLEMENT TRAN-
21 SITIONS TO CIVILIAN CAREERS.—

22 (1) IN GENERAL.—(A) Section 4102 is amend-
23 ed by striking the period and inserting “, including
24 programs carried out by the Veterans’ Employment
25 and Training Service to implement all efforts to ease

1 the transition of servicemembers to civilian careers
2 that are consistent with, or an outgrowth of, the
3 military experience of the servicemembers.”.

4 (B) Such section is further amended by striking
5 “and veterans of the Vietnam era” and inserting
6 “and veterans who served on active duty during a
7 war or in a campaign or expedition for which a cam-
8 paign badge has been authorized”.

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

12 (c) MODERNIZATION OF EMPLOYMENT SERVICE DE-
13 LIVERY POINTS TO INCLUDE TECHNOLOGICAL INNOVA-
14 TIONS.—

15 (1) IN GENERAL.—Section 4101(7) is amended
16 to read as follows:

17 “(7) The term ‘employment service delivery sys-
18 tem’ means a service delivery system at which or
19 through which labor exchange services, including em-
20 ployment services, are offered in a manner con-
21 sistent with the provision of such labor exchange
22 services in accordance with the Wagner-Peyser
23 Act.”.

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

4 (d) INCREASE IN ACCURACY OF REPORTING SERV-
5 ICES FURNISHED TO VETERANS.—

6 (1) IN GENERAL.—(A) Section 4107(c)(1) is
7 amended by striking “and eligible persons who reg-
8 istered for assistance with” and inserting “eligible
9 persons, and servicemembers transitioning to civilian
10 careers who registered for assistance with, or who
11 are identified as veterans by,”.

12 (B) Section 4107(c)(2) is amended—

13 (i) by striking “the job placement rate”
14 the first place it appears and inserting “core in-
15 dicators of performance (described in subsection
16 (b)(1))”; and

17 (ii) by striking “the job placement rate”
18 the second place it appears and inserting “such
19 core indicators of performance”.

20 (C) Section 4107(c)(4) is amended by striking
21 “sections 4103A and 4104” and inserting “section
22 4212(d)”.

23 (D) Section 4107(c) is amended—

24 (i) by striking “and” at the end of para-
25 graph (4);

1 (ii) by striking the period at the end of
2 paragraph (5) and inserting “; and”; and

3 (iii) by adding at the end the following new
4 paragraph:

5 “(6) a report on the operation during the pre-
6 ceding program year of the program of performance
7 incentive awards for quality employment services
8 under section 4112 of this title, including an anal-
9 ysis of amount of incentives distributed to each
10 State and the rationale for such distribution.”.

11 (E) Section 4107(b), as amended by section
12 4(a)(3)(B), is further amended by striking the sec-
13 ond sentence and inserting the following: “Not later
14 than February 1 of each year, the Secretary shall re-
15 port to the Committees on Veterans’ Affairs of the
16 Senate and the House of Representatives on the per-
17 formance of States and organizations and entities
18 carrying out employment, training, and placement
19 services under this chapter, as measured under sub-
20 section (b)(8) of section 4102A of this title. In the
21 case of a State that the Secretary determines has
22 not met the minimum standard of performance (es-
23 tablished by the Secretary under subsection (f) of
24 such section), the Secretary shall include an analysis
25 of the extent and reasons for the State’s failure to

1 meet that minimum standard, together with the
2 State's plan for corrective action during the suc-
3 ceeding year.".

4 (2) EFFECTIVE DATE.—The amendments made
5 by paragraph (1) shall take effect on January 1,
6 2003.

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

10 (a) ESTABLISHMENT OF COMMITTEE.—There is es-
11 tablished within the Department of Labor a committee to
12 be known as the President's National Hire Veterans Com-
13 mittee (hereinafter in this section referred to as the "Com-
14 mittee").

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

17 (1) To furnish information to employers with
18 respect to the training and skills of veterans and dis-
19 abled veterans, and the advantages afforded employ-
20 ers by hiring veterans with such training and skills.

21 (2) To facilitate employment of veterans and
22 disabled veterans through participation in America's
23 Career Kit national labor exchange, and other
24 means.

1 (c) MEMBERSHIP.—(1) The Secretary of Labor shall
2 appoint 14 individuals to serve as members of the Com-
3 mittee, of whom one shall be appointed from among rep-
4 resentatives nominated by each organization described in
5 subparagraph (A) and of whom seven shall be appointed
6 from among representatives nominated by organizations
7 described in subparagraph (B).

8 (A) Organizations described in this subpara-
9 graph are the following:

10 (i) The Ad Council.

11 (ii) The National Committee for Employer
12 Support of the Guard and Reserve.

13 (iii) Veterans' service organizations that
14 have a national employment program.

15 (iv) State employment security agencies.

16 (v) One-stop career centers.

17 (vi) State departments of veterans affairs.

18 (vii) Military service organizations.

19 (B) Organizations described in this subpara-
20 graph are such businesses, small businesses, indus-
21 tries, civic groups, workforce investment boards, and
22 labor unions as the Secretary of Labor determines
23 appropriate.

24 (2) The following shall be ex officio, nonvoting mem-
25 bers of the Committee:

1 (A) The Secretary of Veterans Affairs.

2 (B) The Secretary of Defense.

3 (C) The Assistant Secretary of Labor for Vet-
4 erans Employment and Training.

5 (D) The Administrator of the Small Business
6 Administration.

7 (E) The Postmaster General.

8 (F) The Director of the Office of Personnel
9 Management.

10 (3) A vacancy in the Committee shall be filled in the
11 manner in which the original appointment was made.

12 (d) ADMINISTRATIVE MATTERS.—(1) The Committee
13 shall meet not less frequently than once each calendar
14 quarter.

15 (2) The Secretary of Labor shall appoint the chair-
16 man of the Committee.

17 (3)(A) Members of the Committee shall serve without
18 compensation.

19 (B) Members of the Committee shall be allowed rea-
20 sonable and necessary travel expenses, including per diem
21 in lieu of subsistence, at rates authorized for persons serv-
22 ing intermittently in the Government service in accordance
23 with the provisions of subchapter I of chapter 57 of title
24 5 while away from their homes or regular places of busi-

1 ness in the performance of the responsibilities of the Com-
2 mittee.

3 (4) The Secretary of Labor shall provide staff and
4 administrative support to the Committee to assist it in
5 carrying out its duties under this section. The Secretary
6 shall assure positions on the staff of the Committee are
7 filled by individuals that have had previous employment
8 as one of the following:

9 (A) Staff of the Assistant Secretary of Labor
10 for Veterans' Employment and Training under sec-
11 tion 4102A of title 38, United States Code as in ef-
12 fect on the date of the enactment of this Act.

13 (B) Directors for Veterans' Employment and
14 Training under section 4103 of such title as in effect
15 on such date.

16 (C) Assistant Director for Veterans' Employ-
17 ment and Training under such section as in effect
18 on such date.

19 (D) Disabled veterans' outreach program spe-
20 cialists under section 4103A of such title as in effect
21 on such date.

22 (E) Local veterans' employment representatives
23 under section 4104 of such title as in effect on such
24 date.

1 (5) Upon request of the Committee, the head of any
2 Federal department or agency may detail, on a non-
3 reimbursable basis, any of the personnel of that depart-
4 ment or agency to the Committee to assist it in carrying
5 out its duties.

6 (6) The Committee may contract with and com-
7 pensate government and private agencies or persons to
8 furnish information to employers under subsection (b)(1)
9 without regard to section 3709 of the Revised Statutes
10 (41 U.S.C. 5).

11 (e) REPORT.—Not later than December 31, 2003
12 through 2005, the Secretary of Labor shall submit to Con-
13 gress a report on the activities of the Committee under
14 this section during the previous fiscal year, and shall in-
15 clude in such report data with respect to placement and
16 retention of veterans in jobs attributable to the activities
17 of the Committee.

18 (f) TERMINATION.—The Committee shall terminate
19 60 days after submitting the report that is due on Decem-
20 ber 31, 2005.

21 (g) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to the Secretary of
23 Labor from the employment security administration ac-
24 count (established in section 901 of the Social Security
25 Act (42 U.S.C. 1101)) in the Unemployment Trust Fund

1 \$3,000,000 for each of fiscal years 2003 through 2005
2 to carry out this section.

3 **SEC. 7. SENSE OF CONGRESS COMMENDING VETERANS**
4 **AND MILITARY SERVICE ORGANIZATIONS.**

5 It is the sense of Congress that—

6 (1) veterans and military service organizations
7 are to be commended for the continued assistance
8 the organizations provide veterans; and

9 (2) veterans and military service organizations
10 are encouraged to provide job placement assistance
11 to veterans who are job-ready by making personal
12 computers with access to electronic job placement
13 services and programs available to veterans at local
14 posts and through other means.

15 **SEC. 8. STUDY ON ECONOMIC BENEFITS TO THE UNITED**
16 **STATES OF LONG-TERM SUSTAINED EMPLOY-**
17 **MENT OF VETERANS.**

18 (a) STUDY.—The Secretary of Labor shall enter into
19 a contract with an appropriate organization or entity to
20 conduct a study to quantify the economic benefit to the
21 United States attributable to the provision of employment
22 and training services under chapter 41 of title 38, United
23 States Code, in assisting veterans to attain long-term, sus-
24 tained employment. Such study shall include analyses on
25 the impact of such employment on Federal, State, and

1 local tax generated by reason of such employment, the
2 contributions of such employment on the domestic gross
3 national product, and such other indicators of the effect
4 of such employment on the economy of the United States.

5 (b) REPORT.—A condition of the contract under sub-
6 section (a) shall be that the organization submit to the
7 Secretary of Labor a report on the study conducted by
8 the organization not later than 18 months after the date
9 on which that Secretary enters into such contract.

10 (c) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated to the Secretary of
12 Labor \$1,000,000 to carry out the provisions of this sec-
13 tion, such sums to remain available until expended.

○