H. R. 2433

To amend title 38, United States Code, to make certain improvements in the laws relating to the employment and training of veterans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 7, 2011

Mr. MILLER of Florida introduced the following bill; which was referred to the Committee on Veterans’ Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 38, United States Code, to make certain improvements in the laws relating to the employment and training of veterans, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Veterans Opportunity to Work Act of 2011”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
TITLE I—RETRAINING VETERANS

Sec. 101. Veterans retraining assistance program.

TITLE II—IMPROVING THE TRANSITION ASSISTANCE PROGRAM

Sec. 201. Transition Assistance Program contracting.
Sec. 203. Report on Transition Assistance Program.
Sec. 204. Transition Assistance Program outcomes.
Sec. 205. Comptroller General review.

TITLE III—IMPROVING THE TRANSITION OF VETERANS TO CIVILIAN EMPLOYMENT

Sec. 301. Reauthorization and improvement of demonstration project on credentialing and licensure of veterans.
Sec. 302. Inclusion of performance measures in annual report on veteran job counseling, training, and placement programs of the Department of Labor.
Sec. 303. Clarification of priority of service for veterans in Department of Labor job training programs.
Sec. 304. Evaluation of individuals receiving training at the National Veterans’ Employment and Training Services Institute.
Sec. 305. Pilot program on the use of Veterans Employment and Training grant funds to provide direct training services to unemployed veterans.
Sec. 306. Requirements for full-time disabled veterans’ outreach program specialists and local veterans’ employment representatives.
Sec. 307. Report on findings of the Department of Defense and Department of Labor credentialing work group.

TITLE IV—IMPROVEMENTS TO UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS

Sec. 401. Clarification of benefits of employment covered under USERRA.

TITLE V—EXTENSION OF CERTAIN EXPIRING PROVISIONS OF LAW

Sec. 501. Extension of certain expiring provisions of law.
Sec. 502. Extension of homeless veterans reintegration programs.

TITLIE I—RETRAINING VETERANS

SEC. 101. VETERANS RETRAINING ASSISTANCE PROGRAM.

(a) Program Authorized.—

(1) In general.—In accordance with this section, during the period beginning on January 1, 2012, and ending on March 31, 2014, the Secretary
of Labor shall provide for monthly payments of retraining assistance to eligible veterans. Payments of retraining assistance under this section shall be made by the Secretary of Labor through the Secretary of Veterans Affairs.

(2) Number of eligible veterans.—The number of eligible veterans who participate in the program may not exceed—

(A) 45,000 during fiscal year 2012; and

(B) 55,000 during the period beginning October 1, 2012, and ending March 31, 2014.

(b) Retraining Assistance.—Except as provided by subsection (i), each veteran who participates in the program established under subsection (a)(1) shall be entitled to up to 12 months of retraining assistance, as determined by the Secretary of Labor. Such retraining assistance may only be used by the veteran to pursue a program of education (as such term is defined in section 3452(b) of title 38, United States Code) or training on a full-time basis that—

(1) is approved under chapter 36 of such title; and

(2) is offered by a community college or technical school;
(3) leads to an associates degree or a certificate
(or other similar evidence of the completion of the
program of education or training); and

(4) is designed to provide training for a high-
demand occupation, as determined by the Secretary
of Labor.

(c) Monthly Certification.—Each veteran who
participates in the program established under subsection
(a)(1) shall certify to the Secretary of Veterans Affairs
the enrollment of the veteran in a program of education
described in subsection (b) for each month in which the
veteran participates in the program.

(d) Amount of Assistance.—The monthly amount
of the retraining assistance payable under this section is
the amount in effect under section 3015(a)(1) of title 38,
United States Code.

(e) Eligibility.—For purposes of this section, an
eligible veteran is a veteran who—

(1) is at least 35 years of age but not more
than 60 years of age;

(2) was last discharged from active duty service
in the Armed Forces with an honorable discharge;

(3) as of the date of the submittal of the applica-
tion for assistance under this section, has been un-
employed for a period of time determined by the
Secretary, with special consideration given to veterans who have been unemployed for at least 26 continuous weeks;

(4) is not eligible to apply for educational assistance under chapter 30, 31, 33, or 35 of title 38, United States Code; and

(5) by not later than October 1, 2013, submits to the Secretary of Labor an application containing such information and assurances as the Secretary may require.

(f) REPORT.—Not later than July 1, 2014, the Secretary of Labor and the Secretary of Veterans Affairs shall jointly submit to the Committees on Veterans’ Affairs of the Senate and the House of Representatives a report on the retraining assistance provided under this section, including—

(1) the total number of—

(A) eligible veterans who participated;

(B) credit hours completed; and

(C) associates degrees or certificates awarded (or other similar evidence of the completion of the program of education or training earned); and

(2) data related to the employment status of eligible veterans who participated.
(g) Joint Agreement.—The Secretary of Labor and the Secretary of Veterans Affairs shall enter into an agreement on carrying out this section.

(h) Source of Funds.—Payments under this section shall be made from amounts appropriated to the readjustment benefits account of the Department of Veterans Affairs.

(i) Termination of Authority.—The authority to make payments under this section shall terminate on March 31, 2014.

TITLE II—IMPROVING THE TRANSITION ASSISTANCE PROGRAM

SEC. 201. TRANSITION ASSISTANCE PROGRAM CONTRACTING.

(a) Transition Assistance Program Contracting.—

(1) In general.—Section 4113 of title 38, United States Code, is amended to read as follows:

“§ 4113. Transition Assistance Program personnel

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

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

“(1) counseling;

“(2) assistance in identifying employment and training opportunities and help in obtaining such employment and training;

“(3) other related information and services under such section; and

“(4) any other services that the Secretary determines are appropriate.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of title 38, United States Code, is amended by striking the item relating to section 4113 and inserting the following new item:

“4113. Transition Assistance Program personnel.”.

(b) DEADLINE FOR IMPLEMENTATION.—The Secretary of Labor shall enter into the contract required by section 4113 of title 38, United States Code, as added by subsection (a), by not later than 24 months after the date of the enactment of this Act.
SEC. 202. MANDATORY PARTICIPATION IN TRANSITION ASSISTANCE PROGRAM.

Section 1144(c) of title 10, United States Code, is amended by striking “shall encourage” and all that follows and inserting “shall require the participation of all members of the armed forces eligible for assistance under the program unless a documented urgent operational requirement prevents attendance. Such documentation shall be included in the personnel record of the member.”.

SEC. 203. REPORT ON TRANSITION ASSISTANCE PROGRAM.

Section 1144 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) REPORTS AND AUDITS.—(1) Not later than January 30 of each year, the Secretary of Labor shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the program established under this section that includes the number of members of the armed forces eligible for assistance under the program who participated in the program within 30, 90, and 180 days of being separated from active duty, and the percentages of all such eligible participants who participated within each such time period.

“(2)(A) The Secretary of Labor shall enter into a contract with an appropriate entity to conduct an audit of the program established under this section not less fre-
quently than once every three years and to submit to the Secretary of Defense, the Secretary of Labor, the Secretary of Veterans Affairs, and the Committees on Veterans’ Affairs of the Senate and House of Representatives a report containing the results of each such audit.

“(B)(i) Except as provided in clause (ii), the Secretary of Labor shall enter into the contract under subparagraph (A) with an appropriate entity that is a small business concern owned and controlled by veterans or a small business concern owned and controlled by service-disabled veterans and that is included in the database of veteran-owned businesses maintained under subsection (f) of section 8127 of this title and verified by the Secretary pursuant to paragraph (4) of that subsection.

“(ii) If the Secretary of Labor is unable to enter into the contract under subparagraph (A) with a qualified business concern described in clause (i), the Secretary shall enter into such contract with another qualified appropriate entity.

“(C) The Secretary of Labor shall enter into the contract under this paragraph using funds made available for the State grant program authorized under section 4102A of title 38.”
SEC. 204. TRANSITION ASSISTANCE PROGRAM OUTCOMES.

Section 1144 of title 10, United States Code, as amended by section 202 and 203, is further amended by adding at the end the following new subsection:

“(f) PROGRAM OUTCOMES.—The Secretary of Labor and the Secretary of Defense shall jointly develop a method to assess the outcomes for individuals who participate in the program established under this section. Such method shall be designed to determine the following outcomes:

“(1) The length of the period during which the individual was unemployed following the individual’s separation from active duty.

“(2) The beginning salary paid to the individual for the first job the individual obtained following such separation.

“(3) The number of months of school or other training the individual attended during the first 12-month period following such separation.”.

SEC. 205. COMPTROLLER GENERAL REVIEW.

Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of the Transition Assistance Program under section 1144 of title 10, United States Code, and submit to Congress a report on the results of the review and any recommendations of the Comptroller General for improving the program.
TITLE III—IMPROVING THE TRANSITION OF VETERANS TO CIVILIAN EMPLOYMENT

SEC. 301. REAUTHORIZATION AND IMPROVEMENT OF DEMONSTRATION PROJECT ON CREDENTIALING AND LICENSURE OF VETERANS.

Section 4114 of title 38, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “not less than 10” and inserting “not less than 5 but not more than 10”; and

(B) in paragraph (2), by striking “consult with appropriate Federal, State, and industry officials” and inserting “enter into a contract with an appropriate entity representing a coalition of State governors”;

(2) in subsection (g)—

(A) by striking “Veterans Benefits, Health Care, and Information Technology Act of 2006” and inserting “Linking Military Training and Civilian Job Skills Act”; and

(B) by striking “September 30, 2009” and inserting “September 30, 2014”;

(3) in subsection (h)—
(A) by striking “utilizing unobligated funds” and inserting “using not more than $180,000 of the funds in each fiscal year”; and

(B) by inserting before the period at the end the following: “, to be derived from amounts otherwise made available to carry out sections 4103A and 4104 of this title”; and

(4) by adding at the end the following new subsection:

“(i) REPORT TO CONGRESS.—Not later than 30 days after the last day of a fiscal year during which the demonstration project under this section is carried out, the Assistant Secretary, in coordination with the entity with which the Assistant Secretary enters into a contract under subsection (b)(2), shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a report on the implementation of the demonstration project during that fiscal year.”.

SEC. 302. INCLUSION OF PERFORMANCE MEASURES IN ANNUAL REPORT ON VETERAN JOB COUNSELING, TRAINING, AND PLACEMENT PROGRAMS OF THE DEPARTMENT OF LABOR.

Section 4107(c) of title 38, United States Code, is amended—
(1) in paragraph (2), by striking “clause (1)” and inserting “paragraph (1)”;

(2) in paragraph (5), by striking “and” at the end;

(3) in paragraph (6), by striking the period and inserting “; and”; and

(4) by adding at the end the following new paragraphs:

“(7) performance measures for the provision of assistance under this chapter, including—

“(A) the percentage of participants in programs under this chapter who are employed after the 180-day period following their completion of the program;

“(B) the percentage of such participants who are employed after the one-year period following their completion of the program;

“(C) the median earnings of such participants after the 180-day period following their completion of the program;

“(D) the median earnings of such participants after the one-year period following their completion of the program; and

“(E) the percentage of participants in such program who complete a certificate, degree, di-
ploma, licensure, or industry-recognized credential while they are participating in the program or within one year of completing the program.”.

SEC. 303. CLARIFICATION OF PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR JOB TRAINING PROGRAMS.

Section 4215 of title 38, United States Code, is amended—

(1) in subsection (a)(3), by adding at the end the following: “Such priority includes giving access to such services to a covered person before a non-covered person or, if resources are limited, giving access to such services to a covered person instead of a non-covered person.”; and

(2) by amending subsection (d) to read as follows:

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

“(A) an analysis of the implementation of providing such priority at the local level;
“(B) whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market, including within groups that the Secretary may designate for priority under such programs, if any; and

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

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

SEC. 304. EVALUATION OF INDIVIDUALS RECEIVING TRAINING AT THE NATIONAL VETERANS’ EMPLOYMENT AND TRAINING SERVICES INSTITUTE.

(a) In General.—Section 4109 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d) The Secretary shall require that each individual who receives training provided by the Institute, or its successor, is given a final examination to evaluate the individual’s performance in receiving such training. Each such
evaluation shall be designed to provide the individual with a grade, which shall be designated as either a passing grade or a failing grade. The results of such final examination shall be provided to the entity that sponsored the individual who received the training.”.

(b) Effective Date.—Subsection (d) of section 4109 of title 38, United States Code, shall apply with respect to training provided by the National Veterans’ Employment and Training Services Institute that begins on or after the date of the enactment of this Act.

SEC. 305. PILOT PROGRAM ON THE USE OF VETERANS EMPLOYMENT AND TRAINING GRANT FUNDS TO PROVIDE DIRECT TRAINING SERVICES TO UNEMPLOYED VETERANS.

(a) In General.—Section 4102A of title 38, United States Code, is amended by adding at the end the following new subsection:

“(h) Pilot Program on Direct Training Services.—(1) The Secretary shall carry out a three-year program under this subsection to make grants to and enter into contracts with any of the ten States with the highest rates of unemployment in the Nation.

“(2) The Secretary shall carry out the program as follows:
“(A) Of the amount of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title, the State may use, subject to the approval of the Secretary, up to 25 percent of the total grant or contract to fund direct training services to unemployed veterans to acquire job skills usable in the employment market.

“(B) In order to participate in the program under this subsection, a State shall submit to the Secretary a proposal containing such information as the Secretary determines is appropriate, and the Secretary review all the proposals submitted to determine whether to approve, modify, or disapprove a State’s proposal based on such factors as the Secretary determines appropriate, including unemployment rates and job market projections.

“(C) A veteran is eligible to receive direct training services provided under this subsection if the veteran has exceeded the period of eligibility for education and training benefits under any of chapters 30, 32, 33, 34, and 35 of this title and is not entitled to benefits under chapter 31 of this title.

“(D) The Secretary shall—
“(i) require a State using funds under this subparagraph to report annually the outcomes of training provided with such funds in a manner determined by the Secretary; and

“(ii) report the outcomes of training provided under this subsection by State to the Committee on Veterans Affairs of the Senate and the Committee on Veterans Affairs of the House of Representatives as part of each annual report required by section 4107(c) of this title.

“(E) The Secretary shall ensure that, of the total amount of a grant or contract under which funds are made available to a State to carry out sections 4103A and 4104 of this title, the State does not use more than 10 percent of the total grant or contract for overhead, administration, and related expenses as defined by the Secretary.

“(3) In this subsection, the term ‘direct training services’ means participation in a course or program of instruction leading to qualification for employment for which a veteran has been approved by the Secretary.

“(4) The authority to make grants or enter into contracts under this subsection shall terminate on the date
that is three years after the date of the enactment of this subsection.”.

(b) Deadline for Interim Policy Guidance.—

Not later than 30 days after the date of the enactment of this Act, the Secretary of Labor shall issue interim policy guidance and regulations to carry out subsection (h) of section 4102A of title 38, United States Code, as added by subsection (a).

SEC. 306. REQUIREMENTS FOR FULL-TIME DISABLED VETERANS’ OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS’ EMPLOYMENT REPRESENTATIVES.

(a) Disabled Veterans’ Outreach Program Specialists.—Section 4103A of title 38, United States Code, is amended by adding at the end the following new subsection:

“(d) Additional Requirement for Full-Time Employees.—(1) A full-time disabled veterans’ outreach program specialist shall perform only duties related to meeting the employment needs of eligible veterans, as described in subsection (a), and shall not perform other non-veteran-related duties.

“(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is
not in compliance with paragraph (1), the Secretary may
reduce the amount of a grant made to the State under
section 4102A(b)(5) of this title.”.
(b) LOCAL VETERANS’ EMPLOYMENT REPRESENTA-
TIVES.—Section 4104 of such title is amended—
(1) by redesignating subsection (e) as sub-
section (f); and
(2) by inserting after subsection (d) the fol-
lowing new subsection (e):
“(e) ADDITIONAL REQUIREMENTS FOR FULL-TIME
EMPLOYEES.—(1) A full-time local veterans’ employment
representative shall perform only duties related to the em-
ployment, training, and placement services under this
chapter, and shall not perform other non-veteran-related
duties.
“(2) The Secretary shall conduct regular audits to
ensure compliance with paragraph (1). If, on the basis of
such an audit, the Secretary determines that a State is
not in compliance with paragraph (1), the Secretary may
reduce the amount of a grant made to the State under
section 4102A(b)(5) of this title.”.
SEC. 307. REPORT ON FINDINGS OF THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF LABOR CREDENTIALING WORK GROUP.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Labor shall jointly enter into a contract with a qualified organization or entity jointly selected by the Secretaries to complete the study of 10 military occupational specialties already begun by the joint Department of Defense and Department of Labor Credentialing Work Group to reduce barriers to certification and licensure for transitioning members of the Armed Forces and veterans. This study shall also include an examination of current initiatives, programs, and authority already established within the Department of Defense and the military services to promote credentialing of members of the Armed Forces and identify best practices that can be leveraged by all services to increase the transferability of military education, training, experience, and skills.

(b) REPORT.—The contract described in subsection (a) shall provide that upon completion of the study described in such subsection, the organization or entity with which the Secretary of Defense and the Secretary of Labor entered into the contract shall submit to the Secretary of Defense and the Secretary of Labor a report setting forth the results of the study. The report shall include—
(1) a plan for leveraging existing successful initiatives, programs, and authority to promote the credentialing of all members of the Armed Forces; and

(2) such information as the Secretaries shall specify in the contract.

(c) Submital to Congress.—Not later than March 31, 2012, the Secretary of Defense and the Secretary of Labor shall jointly submit to Congress a report on the results of the study described in subsection (a), together with such comments on the report as the Secretaries jointly consider appropriate.

TITLE IV—IMPROVEMENTS TO UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS

SEC. 401. CLARIFICATION OF BENEFITS OF EMPLOYMENT COVERED UNDER USERRA.

Section 4303(2) of title 38, United States Code, is amended by inserting “the terms, conditions, or privileges of employment, including” after “means”.

TITLE V—EXTENSION OF CERTAIN EXPIRING PROVISIONS OF LAW

SEC. 501. EXTENSION OF CERTAIN EXPIRING PROVISIONS OF LAW.

(a) Guaranty of Loans for Purchase or Construction of Cooperative Housing.—Section 3710(a)(12) of title 38, United States Code, is amended by striking “five years after that date” and inserting “ten years after that date”.

(b) Loan Fees.—Section 3729(b)(2) of such title is amended—

(1) in subparagraph (A)—

(A) in clause (iii), by striking “October 1, 2011” and inserting “October 1, 2021”; and

(B) in clause (iv), by striking “October 1, 2011” and inserting “October 1, 2021”;

(2) in subparagraph (C)—

(A) in clause (i), by striking “October 1, 2011” and inserting “October 1, 2021”; and

(B) in clause (ii), by striking “October 1, 2011” and inserting “October 1, 2021”; and

(3) in subparagraph (D)—

(A) in clause (i), by striking “October 1, 2011” and inserting “October 1, 2021”; and
(B) in clause (ii), by striking “October 1, 2011” and inserting “October 1, 2021”.


SEC. 502. EXTENSION OF HOMELESS VETERANS RE-INTEGRATION PROGRAMS.

(a) Extension.—Section 2021(e)(F) of title 38, United States Code, is amended by striking “2011” and inserting “2016”.

(b) Report.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the operation and results of the homeless veterans re-integration programs under section 2021 of title 38, United States Code.