

111TH CONGRESS  
1ST SESSION

# H. R. 4220

To amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to small business concerns and employment assistance, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2009

Mr. BUYER (for himself, Mr. MORAN of Kansas, Mr. BROWN of South Carolina, Mr. MILLER of Florida, Mr. BOOZMAN, Mr. BILIRAKIS, Mr. BUCHANAN, Mr. ROE of Tennessee, Mr. BILBRAY, and Mr. LAMBORN) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committees on Education and Labor and Small Business, 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

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# A BILL

To amend title 38, United States Code, to make certain improvements in the laws administered by the Secretary of Veterans Affairs relating to small business concerns and employment assistance, 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; TABLE OF CONTENTS.**
- 4        (a) SHORT TITLE.—This Act may be cited as the
- 5        “Promoting Jobs for Veterans Act of 2009”.

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

See. 1. Short title; table of contents.  
 See. 2. References to title 38, United States Code.

**TITLE I—PROMOTING JOBS FOR VETERANS THROUGH SMALL BUSINESS PROGRAMS**

Sec. 101. Promoting jobs for veterans through the reauthorization and improvement of Department of Veterans Affairs small business loan program.  
 Sec. 102. Promoting jobs for veterans through the use of sole source contracts by Department of Veterans Affairs for purposes of meeting the contracting goals and preferences of the Department of Veterans Affairs for small business concerns owned and controlled by veterans.  
 Sec. 103. Promoting jobs for veterans through the treatment of small business concerns owned and controlled by veterans as socially and economically disadvantaged.  
 Sec. 104. Promoting jobs for veterans through the extension of period of eligibility for certain assistance for small business concerns owned by an individual who is called or ordered to active duty.

**TITLE II—PROMOTING JOBS FOR VETERANS THROUGH EMPLOYMENT ASSISTANCE PROGRAMS**

Sec. 201. Promoting jobs for veterans through the increase in the amount of subsistence allowance payable to veterans participating in vocational rehabilitation programs.  
 Sec. 202. Promoting jobs for veterans through the establishment of a vocational rehabilitation internship program.  
 Sec. 203. Promoting jobs for veterans through the payment of an employment training assistance.  
 Sec. 204. Promoting jobs for veterans through the payment of an assistance allowance for rural veteran teachers.  
 Sec. 205. Promoting jobs for veterans through the authorization of appropriations for veterans' workforce investment programs.  
 Sec. 206. Promoting jobs for veterans through the promotion of the VetSuccess Internet website.

**3 SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

4 Except as otherwise expressly provided, whenever in  
 5 this Act an amendment or repeal is expressed in terms  
 6 of an amendment to, or a repeal of, a section or other  
 7 provision, the reference shall be considered to be made to

1 a section or other provision of title 38, United States  
2 Code.

3 **TITLE I—PROMOTING JOBS FOR**  
4 **VETERANS THROUGH SMALL**  
5 **BUSINESS PROGRAMS**

6 **SEC. 101. PROMOTING JOBS FOR VETERANS THROUGH THE**  
7 **REAUTHORIZATION AND IMPROVEMENT OF**  
8 **DEPARTMENT OF VETERANS AFFAIRS SMALL**  
9 **BUSINESS LOAN PROGRAM.**

10 (a) REAUTHORIZATION.—

11 (1) IN GENERAL.—Chapter 37 is amended by  
12 striking section 3751.

13 (2) CLERICAL AMENDMENT.—The table of sec-  
14 tions at the beginning of such chapter is amended  
15 by striking the item relating to section 3751.

16 (3) CONFORMING AMENDMENT.—Section 3749  
17 is amended by striking subsection (e).

18 (b) EXPANSION OF ELIGIBILITY FOR SMALL BUSI-  
19 NESS LOANS.—Chapter 37, as amended by subsection (a),  
20 is further amended—

21 (1) in section 3741—

22 (A) by striking paragraph (2);

23 (B) by striking “this subchapter—” and  
24 all that follows through “‘disabled veteran’”

1 and inserting “this subchapter, the term ‘dis-  
2 abled veteran’”; and

3 (C) by striking “30 percent” and inserting  
4 “10 percent”; and

5 (2) in section 3742(a)(3)(A), by striking “of the  
6 Vietnam era or disabled veterans”.

7 (c) REPEAL OF AUTHORITY TO MAKE DIRECT  
8 LOANS.—Chapter 37, as amended by subsections (a) and  
9 (b), is further amended—

10 (1) in section 3742—

11 (A) in subsection (a)—

12 (i) in paragraph (2), by striking “(A)  
13 loan guaranties, or (B) direct loans” and  
14 inserting “loan guarantees”; and

15 (ii) in paragraph (3)(A), by striking  
16 “and that at least 51 percent of a business  
17 concern must be owned by disabled vet-  
18 erns in order for such concern to qualify  
19 for a direct loan”;

20 (B) in subsection (b)—

21 (i) by striking paragraph (1) and re-  
22 designating paragraphs (2) through (4) as  
23 paragraphs (1) through (3), respectively;  
24 and

1 (ii) in paragraph (2), as so redesignated, by striking “make or”;

2 (C) in subsection (c), by striking “made or”;

3 (D) in subsection (d)—

4 (i) by striking paragraph (2);

5 (ii) by striking “(1) Except as provided in paragraph (2) of this subsection, the” and inserting “The”; and

6 (iii) by striking “make or”; and

7 (E) in subsection (e)—

8 (i) in paragraph (1)—

9 (I) in the first sentence, by striking “or, if the loan was a direct loan made by the Secretary, may suspend such obligation”; and

10 (II) in the second sentence, by striking “or while such obligation is suspended”;

11 (ii) by striking “or suspend” each place it appears;

12 (iii) by striking “or suspension” each place it appears

13 (iv) by striking “or suspends” each place it appears; and

1 (v) in paragraph (4)(B), by striking  
2 “or suspended”;

3 (2) in section 3743—

4 (A) by striking “that is provided a direct  
5 loan under this subchapter, or”;

(B) by striking the comma between “sub-  
chapter” and “shall”;

8 (C) by striking “direct or”; and

(D) by striking “for the amount of such direct loan or, in the case of a guaranteed loan.”;

12 (3) in section 3746, by striking “made or” both  
13 places it appears;

14 (4) in section 3749(b), by striking “and direct  
15 loan”; and

16 (5) in section 3750, by striking “made or”.

17 (d) INCREASE OF MAXIMUM GUARANTY AMOUNT.—  
18 Section 3742(b)(2), as redesignated by subsection  
19 (c)(1)(B)(i), is amended by striking “\$200,000” and in-  
20 serting “\$500,000”.

21 (e) AUTHORITY TO ENTER INTO A CONTRACT.—Section 3742, as amended by subsection (c), is further  
22 amended by adding at the end the following new sub-  
23 section:  
24

1       “(f) The Secretary shall enter into a contract with  
2 an appropriate entity for the purpose of carrying out the  
3 program under this subchapter.”.

4       (f) AUTHORITY OF SECRETARY TO SUBSIDIZE IN-  
5 TEREST RATES OF GUARANTEED LOAN.—Section 3745 is  
6 amended by striking subsection (b) and inserting the fol-  
7 lowing new subsection (b):

8       “(b) For any loan guaranteed under this subchapter,  
9 the Secretary may pay to the lender such amounts as may  
10 be required to reduce the rate of interest payable by the  
11 veterans’ small business concern by up to one-half of one  
12 percent, except that the rate of interest payable by such  
13 concern shall not be less than one-half of one percent.”.

14       (g) PREFERENCE FOR MEMBERS OF NATIONAL  
15 GUARD AND RESERVES ACTIVATED IN SUPPORT OF  
16 GLOBAL WAR ON TERRORISM.—Section 3748 is amend-  
17 ed—

18           (1) by striking “and, second” and inserting  
19           “second”; and

20           (2) by inserting before the period at the end “,  
21 and, third, to veterans’ small business concern in  
22 which veterans who, as members of a reserve compo-  
23 nent, are activated in support of the Global War on  
24 Terrorism have a significant ownership interest”.

1       (h) AUTHORIZATION OF APPROPRIATIONS.—Section  
2 3749(c)(1) is amended by striking “a total of  
3 \$25,000,000” and inserting “\$1,000,000,000 for each fis-  
4 cal year”.

5 SEC. 102. PROMOTING JOBS FOR VETERANS THROUGH THE  
6 USE OF SOLE SOURCE CONTRACTS BY DE-  
7 PARTMENT OF VETERANS AFFAIRS FOR PUR-  
8 POSES OF MEETING THE CONTRACTING  
9 GOALS AND PREFERENCES OF THE DEPART-  
10 MENT OF VETERANS AFFAIRS FOR SMALL  
11 BUSINESS CONCERNS OWNED AND CON-  
12 TROLLED BY VETERANS.

13 (a) IN GENERAL.—Section 8127(c) is amended by  
14 striking “may” and inserting “shall”.

15 (b) DEADLINE FOR INTERIM POLICY GUIDANCE.—  
16 By not later than 30 days after the date of the enactment  
17 of this Act, the Secretary of Veterans Affairs shall issue  
18 interim policy guidance to carry out the amendment made  
19 by subsection (a).

20 SEC. 103. PROMOTING JOBS FOR VETERANS THROUGH THE  
21 TREATMENT OF SMALL BUSINESS CONCERNS  
22 OWNED AND CONTROLLED BY VETERANS AS  
23 SOCIALLY AND ECONOMICALLY DISADVAN-  
24 TAGED.

25 Section 8128 is amended—

1 (1) by redesignating subsection (b) as sub-  
2 section (c); and

3 (2) by inserting after subsection (a) the fol-  
4 lowing new subsection:

5       “(b) TREATMENT AS SOCIALLY AND ECONOMICALLY  
6 DISADVANTAGED.—The Secretary may evaluate a bid sub-  
7 mitted by a small business concern owned and controlled  
8 by veterans and award a contract to such a concern on  
9 the same basis as the Administrator of the Small Business  
10 Administration may evaluate a bid submitted by a socially  
11 and economically disadvantaged small business concern  
12 and award a contract to such a concern under section 8(a)  
13 of the Small Business Act (15 U.S.C. 637(a)).”.

14 SEC. 104. PROMOTING JOBS FOR VETERANS THROUGH THE  
15 EXTENSION OF PERIOD OF ELIGIBILITY FOR  
16 CERTAIN ASSISTANCE FOR SMALL BUSINESS  
17 CONCERNs OWNED BY AN INDIVIDUAL WHO  
18 IS CALLED OR ORDERED TO ACTIVE DUTY.

19 Section 7(j)(15) of the Small Business Act (15  
20 U.S.C. 636(j)(15)) is amended to read as follows:

21       “(15)(A) Subject to the provisions of paragraph  
22 (10)(C), a small business concern may receive develop-  
23 mental assistance under the Program and contracts under  
24 section 8(a) for a total period of not longer than nine

1 years, measured from the date of its certification under  
2 the authority of such section, of which—

3           “(i) no more than four years may be spent in  
4           the developmental stage of Program Participation;  
5           and

6           “(ii) no more than five years may be spent in  
7           the transitional stage of Program Participation.

8           “(B) Notwithstanding subparagraph (A), a small  
9 business concern that is owned by an individual who is  
10 called or ordered to active duty for a period of more than  
11 30 days (as defined in section 101(d)(2) of title 10, United  
12 States Code) may receive developmental assistance under  
13 the Program and contracts under section 8(a) for a total  
14 period of not longer than the sum of—

15           “(i) 9 years, as measured from the date of the  
16           certification of such concern under the authority of  
17           such section; and

18           “(ii) the length of time such individual is called  
19           or ordered to active duty for a period of more than  
20           30 days during the 9-year period described in clause  
21           (i).”.

1   **TITLE II—PROMOTING JOBS FOR**  
2   **VETERANS THROUGH EMP-**  
3   **ELOYMENT ASSISTANCE PRO-**  
4   **GRAMS**

5   **SEC. 201. PROMOTING JOBS FOR VETERANS THROUGH THE**  
6   **INCREASE IN THE AMOUNT OF SUBSISTENCE**  
7   **ALLOWANCE PAYABLE TO VETERANS PAR-**  
8   **TICIPATING IN VOCATIONAL REHABILITA-**  
9   **TION PROGRAMS.**

10      (a) INCREASE IN SUBSISTENCE ALLOWANCE.—Section  
11 3108(b) is amended by striking paragraph (1) and  
12 inserting the following new paragraph (1):

13      “(1) Except as otherwise provided in this section, the  
14 Secretary shall determine the subsistence allowance to be  
15 paid to a veteran under this chapter. Such amount shall  
16 be the greater of the following amounts:

17      “(A) The amount equal to the amount equal to  
18 the monthly amount of the basic allowance for hous-  
19 ing payable under section 403 of title 37 for a mem-  
20 ber of the Armed Forces with dependents in pay  
21 grade E–5 residing in the military housing area that  
22 encompasses all or the majority portion of the ZIP  
23 code area in which the veteran is pursuing the pro-  
24 gram under this chapter.

1                   “(B) The amount determined by the Secretary  
2                   in accordance with the following table, which shall  
3                   be the monthly amount shown in column II, III, IV,  
4                   or V (whichever is applicable as determined by the  
5                   veteran’s dependency status) opposite the appro-  
6                   priate type of program being pursued as specified in  
7                   column I:

“Column I	Column II	Column III	Column IV	Column V
Type of program	No dependents	One dependent	Two dependents	More than two dependents
.....	.....	.....	.....	.....
Full-time .....	\$1,200	\$1,500	\$1,800	The amount in column IV, plus the following for each dependent in excess of two:
Three-quarter time .....	\$900	\$1,125	\$1,350	\$90
Half-time .....	\$600	\$750	\$900	\$60”.

8 (b) EFFECTIVE DATE.—The amendment made by  
9 subsection (a) shall apply with respect to a payment made  
10 for the third month beginning after the date of the enact-  
11 ment of this Act and each subsequent month.

12 SEC. 202. PROMOTING JOBS FOR VETERANS THROUGH THE  
13 ESTABLISHMENT OF A VOCATIONAL REHA-  
14 BILITATION INTERNSHIP PROGRAM.

15 (a) IN GENERAL.—Chapter 31 is amended by insert-  
16 ing after section 3116 the following new section:

1   **“§ 3116A. Internship program**

2       “(a) INTERNSHIP PROGRAM.—The Secretary shall  
3   carry out an internship program through which the Sec-  
4   retary shall award internships to up to 2,000 veterans  
5   each year in accordance with this section. The recipient  
6   of an internship under this section shall be employed in  
7   the Veterans Benefits Administration for the duration of  
8   the internship.

9       “(b) ELIGIBILITY.—To be eligible to receive an in-  
10  ternship under this section a veteran shall have completed  
11  a rehabilitation program under this chapter. In awarding  
12  internships under this section, the Secretary shall give a  
13  preference to a veteran who has completed a program of  
14  long-term education or training, as determined by the Sec-  
15  retary.

16       “(c) SALARY; BENEFITS.—(1) Each recipient of an  
17  internship under this section shall be paid at a rate deter-  
18  mined by the Secretary, except that such rate shall be at  
19  least the maximum annual rate of basic pay payable for  
20  grade GS-3 of the General Schedule under section 5332  
21  of title 5, United States Code, and shall not exceed the  
22  maximum annual rate of basic pay payable for grade GS-  
23  5 of such schedule.

24       “(2) Each such recipient shall be entitled to leave on  
25  the same basis as employees of the Department who are  
26  paid at the same annual rate, except that such recipient

1 may not be reimbursed for any unused leave at the end  
2 of the internship.

3       “(3) The Secretary shall furnish hospital care, med-  
4 ical services, and nursing home care to each recipient of  
5 an internship under this section on the same basis as a  
6 veteran described in subsection (B) of paragraph (2) of  
7 subsection (a) of section 1710 of this title unless the re-  
8 cipient is eligible for such care and services under sub-  
9 paragraph (A) of such paragraph or under paragraph (1)  
10 of such subsection.

11       “(4) The recipient of an internship under this section  
12 may receive an allowance under section 3108 of this title  
13 if such recipient is entitled to such an allowance.

14       “(d) DURATION.—No internship under this section  
15 shall exceed 12 months in duration.

16       “(e) OUTREACH.—The Secretary shall notify each  
17 participant in a rehabilitation program under this chapter  
18 of the internship program under this section.”.

19       (b) CLERICAL AMENDMENT.—The table of sections  
20 at the beginning of such chapter is amended by inserting  
21 after the item relating to 3116 the following new item:

“3116A. Internship program.”.

1   **SEC. 203. PROMOTING JOBS FOR VETERANS THROUGH THE**  
2                   **PAYMENT OF AN EMPLOYMENT TRAINING AS-**  
3                   **SISTANCE.**

4       (a) IN GENERAL.—Chapter 36 is amended by insert-  
5       ing after section 3687 the following new section:

6       **“§ 3687A. Additional training assistance for unem-**  
7                   **ployed veterans pursuing apprenticeships or other on-job training.**

9       “(a) MONTHLY TRAINING ASSISTANCE ALLOW-  
10      ANCE.—A covered veteran shall be paid a monthly training  
11      assistance allowance under this section for each month  
12      that the veteran is enrolled in a program of apprenticeship  
13      described in paragraph (1) of subsection (a) of section  
14      3687 of this title or a program of other on-job training  
15      described in paragraph (2) of such subsection.

16       “(b) AMOUNT.—The amount of the monthly training  
17      assistance allowance under this section is the amount  
18      equal to the monthly amount of the basic allowance for  
19      housing payable under section 403 of title 37 for a mem-  
20      ber of the Armed Forces with dependents in pay grade  
21      E-5 residing in the military housing area that encom-  
22      passes all or the majority portion of the ZIP code area  
23      in which the veteran resides.

24       “(c) DURATION.—A covered veteran may receive  
25      training assistance under this section for a single period  
26      of not more than 12 months.

1       “(d) COVERED VETERAN DEFINED.—In this section,  
2 the term ‘covered veteran’ means a veteran who is—

6                   “(2) 59 years of age or younger; and

7               “(3) except as provided under this section, ineli-  
8               gible for education or training assistance under this  
9               title.

10        "(e) AUTHORIZATION OF APPROPRIATIONS.—There  
11 is authorized to be appropriated to carry out this section  
12 \$100,000,000 for each fiscal year.".

13 (b) CLERICAL AMENDMENT.—The table of sections  
14 at the beginning of such chapter is amended by adding  
15 at the end the following new item:

“3687A. Additional monthly training assistance allowance for unemployed veterans.”.

16 (c) EFFECTIVE DATE.—Section 3687A of title 38,  
17 United States Code, as added by subsection (a), shall  
18 apply with respect to months beginning on or after the  
19 first day of fiscal year 2011.

20 SEC. 204. PROMOTING JOBS FOR VETERANS THROUGH THE  
21 PAYMENT OF AN ASSISTANCE ALLOWANCE  
22 FOR RURAL VETERAN TEACHERS.

23 (a) IN GENERAL.—Chapter 36 is amended by adding  
24 at the end the following new section:

## 1 “§ 3698. Assistance allowance for rural veteran teach-

2 ers

3       “(a) REDUCING ADMINISTRATIVE BURDEN.—The  
4 Secretary may pay to a rural veteran teacher a monthly  
5 assistance allowance of \$500.

6        “(b) DURATION.—The aggregate period for which the  
7    Secretary may pay a rural veteran teacher a monthly as-  
8    sistance allowance under subsection (a) may not exceed  
9    24 months.

10       “(c) RURAL VETERAN TEACHER DEFINED.—In this  
11 section, the term ‘rural veteran teacher’ means a veteran  
12 who—

13           “(1) is discharged from service in the Armed  
14           Forces under honorable conditions;

15               “(2) is employed to teach full-time at an ac-  
16               credited elementary or secondary school that is lo-  
17               cated in a rural area (as determined by the Bureau  
18               of the Census);

19           “(3) on the date on which the veteran applies  
20           for a monthly assistance allowance under subsection  
21           (a), is enrolled in an accredited course leading to  
22           certification as a teacher; and

23           “(4) has not been previously employed to teach  
24        full-time at an accredited elementary or secondary  
25        school.

1       “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
2 is authorized to be appropriated to carry out this section  
3 \$25,000,000 for fiscal year 2011 and each fiscal year  
4 thereafter.”.

5       (b) CLERICAL AMENDMENT.—The table of sections  
6 at the beginning of such chapter is amended by inserting  
7 after the item relating to section 3697A the following new  
8 item:

“3698. Assistance allowance for rural veteran teachers.”.

9 **SEC. 205. PROMOTING JOBS FOR VETERANS THROUGH THE**  
10                   **AUTHORIZATION OF APPROPRIATIONS FOR**  
11                   **VETERANS' WORKFORCE INVESTMENT PRO-**  
12                   **GRAMS.**

13       Section 168 of the Workforce Investment Act of 1998  
14 (29 U.S.C. 2913) is amended by adding at the end the  
15 following new subsection:

16       “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
17 is authorized to be appropriated for each fiscal year  
18 \$20,000,000 for programs authorized under this section.”.

19 **SEC. 206. PROMOTING JOBS FOR VETERANS THROUGH THE**  
20                   **PROMOTION OF THE VETSUCCESS INTERNET**  
21                   **WEBSITE.**

22       (a) INCLUSION OF HYPERLINK.—Not later than 60  
23 days after the date of the enactment of this Act, the Sec-  
24 retary of Veterans Affairs shall include on the main page  
25 of the Internet website of the Department of Veterans Af-

1 fairs a new hyperlink with a drop-down menu entitled  
2 “Veterans Employment”. The drop-down menu shall in-  
3 clude a direct hyperlink to the VetSuccess Internet  
4 website, the USA Jobs Internet website, the Job Central  
5 website, and any other appropriate employment Internet  
6 websites, as determined by the Secretary, especially such  
7 websites that focus on jobs for veterans.

8 (b) ADVERTISEMENT OF INTERNET WEBSITE.—Sub-  
9 jeet to the availability of appropriations for such purpose,  
10 the Secretary of Veterans Affairs shall, in accordance with  
11 section 532 of title 38, United States Code, purchase ad-  
12 vertising in national media outlets for the purpose of pro-  
13 moting awareness of the VetSuccess Internet website to  
14 veterans.

15 (c) OUTREACH TO VETERANS OF OPERATION IRAQI  
16 FREEDOM AND OPERATION ENDURING FREEDOM.—The  
17 Secretary of Veterans Affairs shall conduct outreach to  
18 veterans of Operation Iraqi Freedom and Operation En-  
19 during Freedom to inform such veterans of the VetSuccess  
20 Internet website.

21 (d) VETSUCCESS INTERNET WEBSITE DEFINED.—In  
22 this section, the term “VetSuccess Internet website”  
23 means [www.vetsuccess.gov](http://www.vetsuccess.gov) or any successor Internet

1 website maintained by the Department of Veterans Af-  
2 fairs.

