

112TH CONGRESS
2D SESSION

S. 3555

To amend title 38, United States Code, to require Federal agencies to hire veterans, to require States to recognize the military experience of veterans when issuing licenses and credentials to veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 19, 2012

Mr. BURR introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to require Federal agencies to hire veterans, to require States to recognize the military experience of veterans when issuing licenses and credentials 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.**

4 This Act may be cited as the “Careers for Veterans
5 Act of 2012”.

1 **SEC. 2. EMPLOYMENT OF VETERANS WITH THE FEDERAL**
2 **GOVERNMENT.**

3 (a) IN GENERAL.—Section 4214 of title 38, United
4 States Code, is amended—

5 (1) in subsection (b), by adding at the end the
6 following:

7 “(4)(A) The requirement under this section is in ad-
8 dition to the appointment of qualified covered veterans
9 under the authority under paragraph (1) by the Depart-
10 ment of Veterans Affairs and the Department of Defense.

11 “(B) The head of each agency, in consultation with
12 the Director of the Office of Personnel Management, shall
13 develop a plan for exercising the authority under para-
14 graph (1) during the five-year period beginning on the
15 date of enactment of the Careers for Veterans Act of
16 2012.

17 “(C) The Director of the Office of Personnel Manage-
18 ment shall ensure that under the plans developed under
19 subparagraph (B) agencies shall appoint to existing vacan-
20 cies not fewer than 10,000 qualified covered veterans dur-
21 ing the five-year period beginning on the date of enact-
22 ment of the Careers for Veterans Act of 2012.”;

23 (2) in subsection (d), in the third sentence, by
24 inserting “(including, during the 5-year period be-
25 ginning on the date of enactment of the Careers for
26 Veterans Act of 2012, the development and imple-

1 mentation by each agency of the plan required under
 2 subsection (b)(4), which shall include information re-
 3 garding the grade or pay level of appointments by
 4 the agency under the plan and whether the appoint-
 5 ments are, or are converted to, career or career-con-
 6 ditional appointments)” after “subsection (b) of this
 7 section”; and

8 (3) in subsection (e)—

9 (A) in paragraph (1)—

10 (i) in the matter before subparagraph
 11 (A), by striking “to the Congress” and in-
 12 serting “to the appropriate committees of
 13 Congress”; and

14 (ii) in subparagraph (A), by inserting
 15 “(including, during the 5-year period be-
 16 ginning on the date of enactment of the
 17 Careers for Veterans Act of 2012, the de-
 18 velopment and implementation by the
 19 agency of the plan required under sub-
 20 section (b)(4), which shall include informa-
 21 tion regarding the grade or pay level of ap-
 22 pointments by the agency under the plan
 23 and whether the appointments are, or are
 24 converted to, permanent appointments)”
 25 before the period; and

1 (B) by adding at the end the following new
 2 paragraph:

3 “(3) In this subsection, the term ‘appropriate com-
 4 mittees of Congress’ means—

5 “(A) the Committee on Veterans’ Affairs and
 6 the Committee on Homeland Security and Govern-
 7 mental Affairs of the Senate; and

8 “(B) the Committee on Veterans’ Affairs and
 9 the Committee on Oversight and Government Re-
 10 form of the House of Representatives.”.

11 (b) REPORT.—Not later than 180 days after the date
 12 of enactment of this Act, the Director of the Office of Per-
 13 sonnel Management shall submit to the appropriate com-
 14 mittees of Congress (as defined under section 4214(e)(3)
 15 of title 38, United States Code, as amended by subsection
 16 (a)) regarding the development of a plan to carry out the
 17 amendments made by subsection (a).

18 **SEC. 3. REQUIREMENT THAT STATES RECOGNIZE MILITARY**
 19 **EXPERIENCE OF VETERANS WHEN ISSUING**
 20 **LICENSES AND CREDENTIALS TO VETERANS.**

21 (a) IN GENERAL.—Section 4102A(c) of title 38,
 22 United States Code, is amended by adding at the end the
 23 following new paragraph:

24 “(9)(A) As a condition of a grant or contract under
 25 which funds are made available to a State under sub-

1 section (b)(5) in order to carry out section 4103A or 4104
2 of this title, the State shall—

3 “(i) establish a program under which the State
4 administers an examination to each veteran seeking
5 a license or credential issued by the State and issues
6 such license or credential to such veteran without re-
7 quiring such veteran to undergo any training or ap-
8 prenticeship if the veteran—

9 “(I) receives a satisfactory score on com-
10 pletion of such examination, as determined by
11 the State; and

12 “(II) has not less than 10 years of experi-
13 ence in a military occupational specialty that,
14 as determined by the State, is similar to a civil-
15 ian occupation for which such license or creden-
16 tial is required by the State; and

17 “(ii) submit each year to the Secretary a report
18 on the exams administered under clause (i) during
19 the most recently completed 12-month period that
20 includes, for the period covered by the report the
21 number of veterans who completed an exam adminis-
22 tered by the State under clause (i) and a description
23 of the results of such exams, disaggregated by occu-
24 pational field.

1 “(B) Not less frequently than once each year, the
 2 Secretary shall submit to Congress and the Secretary of
 3 Defense a report summarizing the information received by
 4 the Secretary under subparagraph (A)(ii).”.

5 (b) EFFECTIVE DATE.—

6 (1) EXAMS.—Subparagraph (A) of section
 7 4102A(c)(9) of such title, as added by subsection
 8 (a), shall take effect on the date that is one year
 9 after the date of the enactment of this Act and shall
 10 apply with respect to grants and contracts described
 11 in such subparagraph awarded after such date.

12 (2) REPORTS.—Subparagraph (B) of section
 13 4102A(c)(9), as added by subsection (a), shall take
 14 effect on the date that is one year after the date of
 15 the enactment of this Act and the Secretary of
 16 Labor shall submit the first report under such sub-
 17 paragraph not later than two years after the date of
 18 the enactment of this Act.

19 **SEC. 4. SUPPORT FOR JOB SEARCHES OF VETERANS**
 20 **THROUGH ONE-STOP CENTERS.**

21 (a) FURNISHING OF LIST OF INTERNET RE-
 22 SOURCES.—Not later than 30 days after the date of the
 23 enactment of this Act, the Secretary of Labor shall furnish
 24 each one-stop center with a list of all Internet websites
 25 and applications that the Secretary has identified as bene-

1 ficial for veterans in pursuit of employment to their pur-
2 suit.

3 (b) IDENTIFICATION OF ADDITIONAL RESOURCES.—

4 The Secretary shall coordinate with public and private sec-
5 tor entities to identify Internet websites and applications
6 not already included in a list furnished under subsection
7 (a) that—

8 (1) match veterans seeking employment with
9 available jobs based on the skills the veterans ac-
10 quired as members of the Armed Forces; and

11 (2) allow employers to post information about
12 available jobs.

13 (c) SUPPLEMENTS.—The Secretary of Labor shall
14 furnish each one-stop center with a list of Internet
15 websites and applications identified under subsection (b).

16 (d) REPORT.—Not later than 455 days after the date
17 of the enactment of this Act, the Secretary of Labor shall
18 submit to the appropriate committees of Congress a report
19 on the use of the Internet websites and applications identi-
20 fied under subsection (b) for the benefit of veterans in
21 pursuit of employment.

22 (e) DEFINITIONS.—In this section:

23 (1) APPROPRIATE COMMITTEES OF CON-
24 GRESS.—The term “appropriate committees of Con-
25 gress” means—

1 (A) the Committee on Veterans' Affairs
 2 and the Committee on Health, Education,
 3 Labor, and Pensions of the Senate; and

4 (B) the Committee on Veterans' Affairs
 5 and the Committee on Education and the
 6 Workforce of the House of Representatives.

7 (2) ONE-STOP CENTER.—The term “one-stop
 8 center” means a center described in section 134(c)
 9 of the Workforce Investment Act of 1998 (29 U.S.C.
 10 2864(c)).

11 **SEC. 5. EXPANSION OF CONTRACTING GOALS AND PREF-**
 12 **ERENCES OF DEPARTMENT OF VETERANS AF-**
 13 **FAIRS TO INCLUDE SMALL BUSINESS CON-**
 14 **CERNS 100 PERCENT BUT CONDITIONALLY**
 15 **OWNED BY VETERANS.**

16 Section 8127(l) of title 38, United States Code, is
 17 amended—

18 (1) in paragraph (2), by inserting “uncondition-
 19 ally” before “owned by” each place it appears; and

20 (2) by adding at the end the following new
 21 paragraph:

22 “(3) The term ‘unconditionally owned’ includes,
 23 with respect to ownership of a small business con-
 24 cern, conditional ownership of such small business

1 concern if such business concern is 100 percent
2 owned by one or more veterans.”.

3 **SEC. 6. MODIFICATION OF TREATMENT UNDER CON-**
4 **TRACTING GOALS AND PREFERENCES OF DE-**
5 **PARTMENT OF VETERANS AFFAIRS FOR**
6 **SMALL BUSINESSES OWNED BY VETERANS OF**
7 **SMALL BUSINESSES AFTER DEATH OF DIS-**
8 **ABLED VETERAN OWNERS.**

9 (a) IN GENERAL.—Section 8127(h) of title 38,
10 United States Code, is amended—

11 (1) in paragraph (3), by striking “rated as”
12 and all that follows through “disability.” and insert-
13 ing a period; and

14 (2) in paragraph (2), by amending subpara-
15 graph (C) to read as follows:

16 “(C) The date that—

17 “(i) in the case of a surviving spouse of a
18 veteran with a service-connected disability rated
19 as 100 percent disabling or who dies as a result
20 of a service-connected disability, is 10 years
21 after the date of the veteran’s death; or

22 “(ii) in the case of a surviving spouse of a
23 veteran with a service-connected disability rated
24 as less than 100 percent disabling who does not
25 die as a result of a service-connected disability,

1 is three years after the date of the veteran's
2 death.”.

3 (b) **EFFECTIVE DATE.**—The amendments made by
4 subsection (a) shall take effect on the date that is 180
5 days after the date of the enactment of this Act and shall
6 apply with respect to contracts awarded on or after such
7 date.

8 **SEC. 7. TREATMENT OF BUSINESSES AFTER DEATHS OF**
9 **SERVICEMEMBER-OWNERS FOR PURPOSES**
10 **OF DEPARTMENT OF VETERANS AFFAIRS**
11 **CONTRACTING GOALS AND PREFERENCES.**

12 (a) **IN GENERAL.**—Section 8127 of title 38, United
13 States Code, is amended—

14 (1) by redesignating subsections (i) through (l)
15 as subsections (j) through (m), respectively; and

16 (2) by inserting after subsection (h) the fol-
17 lowing new subsection (i):

18 “(i) **TREATMENT OF BUSINESSES AFTER DEATH OF**
19 **SERVICEMEMBER-OWNER.**—(1) If a member of the Armed
20 Forces owns at least 51 percent of a small business con-
21 cern and such member is killed in line of duty in the active
22 military, naval, or air service, the surviving spouse or de-
23 pendent of such member who acquires such ownership
24 rights in such small business concern shall, for the period
25 described in paragraph (2), be treated as if the surviving

1 spouse or dependent were a veteran with a service-con-
2 nected disability for purposes of determining the status
3 of the small business concern as a small business concern
4 owned and controlled by veterans for purposes of con-
5 tracting goals and preferences under this section.

6 “(2) The period referred to in paragraph (1) is the
7 period beginning on the date on which the member of the
8 Armed Forces dies and ending on the date as follows:

9 “(A) In the case of a surviving spouse, the ear-
10 liest of the following dates:

11 “(i) The date on which the surviving
12 spouse remarries.

13 “(ii) The date on which the surviving
14 spouse relinquishes an ownership interest in the
15 small business concern and no longer owns at
16 least 51 percent of such small business concern.

17 “(iii) The date that is ten years after the
18 date of the member’s death.

19 “(B) In the case of a dependent who is not a
20 spouse, the earliest of the following dates:

21 “(i) The date on which the surviving de-
22 pendant relinquishes an ownership interest in
23 the small business concern and no longer owns
24 at least 51 percent of such small business con-
25 cern.

1 “(ii) The date that is ten years after the
2 date of the member’s death.”.

3 (b) **EFFECTIVE DATE.**—Subsection (i) of section
4 8127 of such title, as added by subsection (a), take effect
5 on the date of the enactment of this Act and shall apply
6 with respect to the deaths of members of the Armed
7 Forces occurring on or after such date.

8 **SEC. 8. SPECIAL RULE FOR TREATMENT UNDER CON-**
9 **TRACTING GOALS AND PREFERENCES OF DE-**
10 **PARTMENT OF VETERANS AFFAIRS OF SMALL**
11 **BUSINESS CONCERNS LICENSED IN COMMU-**
12 **NITY PROPERTY STATES.**

13 Section 8127 of title 38, United States Code, as
14 amended by section 7, is further amended by adding at
15 the end the following new subsection:

16 “(n) **SPECIAL RULE FOR COMMUNITY PROPERTY**
17 **STATES.**—Whenever the Secretary assesses, for purposes
18 of this section, the degree of ownership by an individual
19 of a small business concern licensed in a community prop-
20 erty State, the Secretary shall also assess what that degree
21 of ownership would be if such small business concern had
22 been licensed in a State other than a community property
23 State. If the Secretary determines that such individual
24 would have had a greater degree of ownership of the small
25 business concern had such small business concern been li-

1 censed in a State other than a community property State,
2 the Secretary shall treat, for purposes of this section, such
3 small business concern as if it had been licensed in a State
4 other than a community property State.”.

5 **SEC. 9. OFF-BASE TRANSITION TRAINING.**

6 (a) PROVISION OF OFF-BASE TRANSITION TRAIN-
7 ING.—During the three-year period beginning on the date
8 of the enactment of this Act, the Secretary of Labor shall
9 provide the Transition Assistance Program under section
10 1144 of title 10, United States Code, to eligible individuals
11 at locations other than military installations in not less
12 than three and not more than five States selected by the
13 Secretary.

14 (b) SELECTION OF LOCATIONS.—In selecting States
15 in which to carry out the training under subsection (a),
16 the Secretary shall select the States with the highest rates
17 of veteran unemployment. The Secretary shall provide
18 such training to veterans at a sufficient number of loca-
19 tions within the selected States to meet the need. The Sec-
20 retary shall select such locations to facilitate access by
21 participants and may not select any location on a military
22 installation other than a National Guard or reserve facility
23 that is not located on an active duty military installation.

1 (c) ELIGIBLE INDIVIDUALS.—For purposes of this
2 section, an eligible individual is a veteran or the spouse
3 of a veteran.

4 (d) INCLUSION OF INFORMATION ABOUT VETERANS
5 BENEFITS.—The Secretary shall ensure that the training
6 provided under subsection (a) generally follows the content
7 of the Transition Assistance Program under section 1144
8 of title 10, United States Code.

9 (e) INTEGRATING SUBJECT MATTER EXPERTS.—The
10 Secretary of Labor shall include in any contract entered
11 into pursuant to section 1144 of title 10, United States
12 Code, or section 4113 of title 38, United States Code, a
13 requirement to include experts in subject matters relating
14 to human resources practices, including resume writing,
15 interviewing and job searching skills, and the provision of
16 information about post-secondary education.

17 (f) ANNUAL REPORT.—Not later than March 1 of
18 any year during which the Secretary provides training
19 under subsection (a), the Secretary shall submit to Con-
20 gress a report on the provision of such training.

21 (g) COMPTROLLER GENERAL REPORT.—Not later
22 than 180 days after the termination of the three-year pe-
23 riod described in subsection (a), the Comptroller General
24 of the United States shall submit to Congress a report
25 on the training provided under such subsection. The re-

- 1 port shall include the evaluation of the Comptroller Gen-
- 2 eral regarding the feasibility of carrying out off-base tran-
- 3 sition training at locations nationwide.

