

106TH CONGRESS  
2D SESSION

# H. R. 4765

To amend title 38, United States Code, to improve employment and training services provided to veterans and disabled veterans by requiring the use of measurable performance outcomes in an era of electronic-based self services and one-stop career service centers.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2000

Mr. QUINN (for himself, Mr. FILNER, Mr. STUMP, and Mr. EVANS) introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to improve employment and training services provided to veterans and disabled veterans by requiring the use of measurable performance outcomes in an era of electronic-based self services and one-stop career service centers.

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; REF-**  
4 **ERENCES TO TITLE 38, UNITED STATES CODE.**

5 (a) SHORT TITLE.—This Act may be cited as the  
6 “21st Century Veterans Employment and Training Act”.

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

- Sec. 1. Short title; table of contents; references to title 38, United States Code.  
 Sec. 2. Priority of service for veterans in Federal employment and training programs.  
 Sec. 3. Modernization of veterans employment and training services.  
 Sec. 4. Committee to raise employer awareness of skills of veterans and benefits of hiring veterans.  
 Sec. 5. Sense of Congress commending veterans service organizations.  
 Sec. 6. Study on economic benefits to the United States of long-term sustained employment of veterans.

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

9 **SEC. 2. PRIORITY OF SERVICE FOR VETERANS IN FEDERAL**  
 10 **EMPLOYMENT AND TRAINING PROGRAMS.**

11 (a) VETERANS' EMPLOYMENT AND TRAINING AS-  
 12 SISTANCE.—

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

15 **“§ 4215. Priority of service for veterans in Federal**  
 16 **employment and training programs**

17 **“(a) ENTITLEMENT TO PRIORITY OF SERVICE.—A**  
 18 covered person is entitled to priority of service under any  
 19 qualified employment training program if the person oth-  
 20 erwise meets the eligibility requirements for participation  
 21 in such program.

1           “(b) ADMINISTRATION OF PROGRAMS AT STATE AND  
2 LOCAL LEVELS.—(1) An entity of a State or a political  
3 subdivision of the State that administers or delivers serv-  
4 ices under a qualified employment training program  
5 shall—

6           “(A) provide information and effective referral  
7 assistance to covered persons regarding benefits and  
8 services that may be obtained through other entities  
9 or service providers; and

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

15           “(2) Each council, board, or advisory body of a State  
16 or a political subdivision of the State that is established  
17 in support of a qualified employment training program  
18 shall include representation from the veterans community,  
19 particularly from veterans service organizations.

20           “(c) ANNUAL REPORT.—By not later than December  
21 31, 2001, and each December 31 thereafter, the Secretary  
22 of Labor, following review and comment by the Advisory  
23 Committee on Veterans Employment and Training, shall  
24 submit to the Committees on Veterans’ Affairs of the  
25 House of Representatives and Senate a report. The report

1 shall evaluate whether covered persons are receiving pri-  
2 ority of service and are being fully served by qualified em-  
3 ployment training programs, and whether the levels of  
4 service of such programs are in proportion to the incidence  
5 of representation of veterans in the labor market, includ-  
6 ing within groups targeted by such programs, if any.

7 “(d) DEFINITIONS.—As used in this section:

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

10 “(A) A veteran who has a service-con-  
11 nected disability.

12 “(B) A veteran who served on active duty  
13 in the Armed Forces during a war or in a cam-  
14 paign or expedition for which a campaign badge  
15 has been authorized.

16 “(C) The spouse of any of the following  
17 persons:

18 “(i) Any person who died of a service-  
19 connected disability.

20 “(ii) Any member of the Armed  
21 Forces serving on active duty who, at the  
22 time of application for assistance under  
23 this section, is listed, pursuant to section  
24 556 of title 37 and regulations issued  
25 thereunder, by the Secretary concerned in

1                   one or more of the following categories and  
2                   has been so listed for a total of more than  
3                   90 days: (I) missing in action, (II) cap-  
4                   tured in line of duty by a hostile force, or  
5                   (III) forcibly detained or interned in line of  
6                   duty by a foreign government or power.

7                   “(iii) Any person who has a total dis-  
8                   ability permanent in nature resulting from  
9                   a service-connected disability.

10                  “(iv) A veteran who died while a dis-  
11                  ability so evaluated was in existence.

12                  “(2) The term ‘qualified employment training  
13                  program’ means any work force preparation, devel-  
14                  opment, or delivery program or service that receives  
15                  federal funding, and includes the following:

16                  “(A) Any such program or service that  
17                  uses technology to assist individuals to access  
18                  work force development programs (such as job  
19                  and training opportunities, labor market infor-  
20                  mation, career assessment tools, and related  
21                  support services).

22                  “(B) Any such program or service under  
23                  the public employment service system, one-stop  
24                  career centers, the Workforce Investment Act of  
25                  1998, a demonstration or other temporary pro-

1           gram, and those programs implemented by  
2           States or local service providers based on Fed-  
3           eral block grants.

4           “(C) Any such program or service that is  
5           a work force development program targeted to  
6           specific groups.

7           “(3) The term ‘priority of service’ means, with  
8           respect to any qualified employment training pro-  
9           gram, that a covered veteran shall be given priority  
10          over nonveterans of the employment and training  
11          services provided under that program notwith-  
12          standing any priority list, directive, rule, regulation,  
13          or other order from any Department or agency of  
14          the United States.”.

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

          “4215. Priority of service for veterans in Federal employment and training pro-  
          grams.”.

19          (b) EMPLOYMENT OF VETERANS WITH RESPECT TO  
20          FEDERAL CONTRACTS.—

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

23          “(a)(1) Any contract in the amount of \$25,000 or  
24          more entered into by any department or agency of the

1 United States for the procurement of personal property  
2 and nonpersonal services (including construction) for the  
3 United States, shall contain a provision requiring that the  
4 party contracting with the United States take affirmative  
5 action to employ and advance in employment qualified cov-  
6 ered veterans. This section applies to any subcontract en-  
7 tered into by a prime contractor in carrying out any such  
8 contract.

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

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

1 are to be filled from within the contractor’s organi-  
2 zation and positions lasting three days or less;

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

6 “(C) each such employment service delivery sys-  
7 tem shall provide a list of such employment openings  
8 to private entities or organizations under contract  
9 with the Secretary under section 4103(e) of this  
10 title, and to States, political subdivisions of States,  
11 or qualified organizations or entities competing  
12 under section 4103(d)(5) of this title to furnish em-  
13 ployment and training services under this chapter.

14 “(3) As used in this section:

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

17 “(i) Disabled veterans.

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

22 “(iii) Veterans who, while serving on active  
23 duty in the Armed Forces, participated in a  
24 United States military operation for which an  
25 Armed Forces service medal was awarded pur-

1           suant to Executive Order 12985 (61 Fed. Reg.  
2           1209).

3           “(B) The term ‘qualified’, with respect to an  
4           employment position, means having the ability to  
5           perform the essential functions of the position with  
6           reasonable accommodation.”.

7           (2) CONFORMING AND TECHNICAL AMEND-  
8           MENTS.—Section 4212 is amended—

9           (A) by striking subsection (b) and redesignating  
10          subsections (c) and (d) as subsections  
11          (b) and (c), respectively;

12          (B) in subsection (b), as so redesignated—

13           (i) by striking “filed pursuant to sub-  
14           section (b) of this section” and inserting  
15           “relating to this section filed pursuant to  
16           section 4216 of this title”;

17           (ii) by striking “suitable”; and

18           (iii) by striking “subsection (a)(2) of  
19           this section” and inserting “subsection  
20           (a)(2)(B)”; and

21          (C)(i) in paragraph (1) of subsection (c),  
22          as so redesignated—

23           (I) in the matter preceding subpara-  
24           graph (A), by striking “subsection (a) of

1           this section” and inserting “subsection  
2           (a)”;

3                       (II) by amending subparagraphs (A)  
4           and (B) to read as follows:

5           “(A) the number of employees in the work force  
6           of such contractor, by job category and hiring loca-  
7           tion, and the number of such employees, by job cat-  
8           egory and hiring location, who are qualified covered  
9           veterans;

10           “(B) the total number of new employees hired  
11           by the contractor during the period covered by the  
12           report and the number of such employees who are  
13           qualified covered veterans; and”;

14                       (ii) in paragraph (2) of such subsection, by  
15           striking “paragraph (1) of this subsection” and  
16           inserting “paragraph (1)”.

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

21           (c) EMPLOYMENT WITHIN THE FEDERAL GOVERN-  
22           MENT.—

23                       (1) IN GENERAL.—The second sentence of sec-  
24           tion 4214(a) is amended—

1 (A) by inserting “, competent” after “ef-  
2 fective”; and

3 (B) by striking “major” and inserting  
4 “uniquely qualified”.

5 (2) TECHNICAL AMENDMENTS.—(A) Section  
6 4214(b)(1) is amended by striking “readjustment”  
7 and inserting “recruitment”.

8 (B) Section 4214(g) is amended by striking  
9 “qualified” the first place it occurs and all that fol-  
10 lows through “era” and inserting “qualified covered  
11 veterans (as described in section 4212(a) of this  
12 title)”.

13 (d) ENFORCEMENT OF VETERANS’ EMPLOYMENT  
14 RIGHTS AND BENEFITS.—

15 (1) IN GENERAL.—Chapter 42 as amended by  
16 subsection (a)(1), is further amended by adding at  
17 the end the following new section:

18 **“§ 4216. Enforcement of veterans’ employment rights  
19 and benefits**

20 “(a) ASSISTANCE OF SECRETARY OF LABOR.—The  
21 Secretary of Labor (through the Assistant Secretary of  
22 Labor for Veterans’ Employment and Training) shall pro-  
23 vide assistance to any person or entity with respect to the  
24 requirements of sections 4212 (relating to United States

1 contracts) and 4215 (relating to federally funded work  
2 force programs and services) of this title.

3 “(b) COMPLAINT.—(1) An individual described in  
4 section 4212(a) or in section 4215(a) of this title may file  
5 a complaint with the Secretary of Labor if the individual  
6 believes that—

7 “(A) the individual is entitled to rights or bene-  
8 fits under section 4212 or 4215; and

9 “(B) an entity with obligations under either of  
10 such sections has failed to comply or refuses to com-  
11 ply with the provisions of such sections.

12 “(2) Such complaint shall be in writing, be in such  
13 form as the Secretary of Labor may prescribe, include the  
14 name and address of the party against whom the com-  
15 plaint is filed, and contain a summary of the allegations  
16 that form the basis for the complaint.

17 “(3) A complaint may only be filed under paragraph  
18 (1) within 90 days after the date of a failure or refusal  
19 described in paragraph (1)(B).

20 “(c) INVESTIGATION OF COMPLAINT.—(1) The Sec-  
21 retary of Labor shall promptly investigate the complaint  
22 filed under subsection (b). If the Secretary of Labor deter-  
23 mines as a result of the investigation that the action al-  
24 leged in such complaint occurred, that Secretary shall at-  
25 tempt to resolve the complaint by making reasonable ef-

1 forts to ensure that the party named in the complaint  
2 complies with the provisions of section 4212 or 4215, as  
3 appropriate.

4 “(2) If, within 90 days after the date on which the  
5 complaint is filed, the efforts to resolve the complaint are  
6 unsuccessful, the Secretary of Labor shall notify the indi-  
7 vidual who submitted the complaint of—

8 “(A) the results of the investigation; and

9 “(B) the individual’s rights.

10 “(d) ACTION FOR RELIEF.—(1) An individual who  
11 receives from the Secretary of Labor a notification under  
12 subsection (c) relating to a complaint may request that  
13 Secretary to refer the complaint to the Attorney General  
14 of the United States. If the Attorney General is reasonably  
15 satisfied that the person on whose behalf the complaint  
16 is referred is entitled to the rights or benefits sought, the  
17 Attorney General may appear on behalf of, and act as at-  
18 torney for, the person on whose behalf the complaint is  
19 submitted and commence an action for relief for such per-  
20 son in any United States district court.

21 “(2) An individual may commence an action for relief  
22 with respect to a complaint if that individual—

23 “(A) has chosen not to file a complaint under  
24 subsection (b);

1           “(B) has chosen not to request that the Sec-  
2           retary of Labor refer the complaint to the Attorney  
3           General under paragraph (1); or

4           “(C) has been refused representation by the At-  
5           torney General with respect to the complaint under  
6           such paragraph.

7           “(e) REMEDIES.—(1) In any action under this sec-  
8           tion, the court may award relief as follows:

9           “(A) The court may require the entity to com-  
10          ply with the provisions of section 4212 or 4215 of  
11          this title, as appropriate.

12          “(B) The court may require the entity to com-  
13          pensate the individual for any loss of wages or bene-  
14          fits suffered by reason of such entity’s failure to  
15          comply with the such provisions.

16          “(C) The court may require the entity to pay  
17          the individual an amount equal to the amount re-  
18          ferred to in clause (ii) as liquidated damages, if the  
19          court determines that the entity’s failure to comply  
20          with the provisions of such section was willful.

21          “(2) Any compensation under subparagraph (B) or  
22          (C) of paragraph (1) shall be in addition to, and shall not  
23          diminish, any of the other rights and benefits provided for  
24          in such section.

1       “(3) The United States and a State shall be subject  
2 to the same remedies, including prejudgment interest, as  
3 may be imposed upon any private entity under this sec-  
4 tion.

5       “(f) FEES.—In any action or proceeding to enforce  
6 a provision of section 4212 or 4215 of this title by an  
7 individual under subsection (d)(2) who obtained private  
8 counsel for such action or proceeding, the court may  
9 award any such individual who prevails in such action or  
10 proceeding reasonable attorney fees, expert witness fees,  
11 and other litigation expenses.

12       “(g) EQUITY POWERS.—The court may use its full  
13 equity powers, including temporary or permanent injunc-  
14 tions, temporary restraining orders, and contempt orders,  
15 to vindicate fully the rights or benefits of individuals pur-  
16 suant to this section.

17       “(h) STANDING.—An action under this section may  
18 be initiated only by an individual claiming rights or bene-  
19 fits under section 4212 or 4215 of this title, not by any  
20 other entity with obligations under such section.

21       “(i) RESPONDENT.—In any such action, only an enti-  
22 ty with obligations under section 4212 or 4215, as the  
23 case may be, shall be a necessary party respondent.

1       “(j) INAPPLICABILITY OF STATE STATUTE OF LIM-  
2 TATIONS.—No State statute of limitations shall apply to  
3 any proceeding pursuant to this section.”.

4           (2) CLERICAL AMENDMENT.—The table of sec-  
5 tions at the beginning of chapter 42, as amended by  
6 subsection (a)(2), is further amended by inserting  
7 after the item relating to section 4215 the following  
8 new item:

“4216. Enforcement of veterans’ employment rights and benefits.”.

9           (3) EFFECTIVE DATE.—The amendments made  
10 by this subsection shall apply with respect to com-  
11 plaints filed on or after the date that is 60 days  
12 after the date of the enactment of this Act.

13       (e) ADDITIONAL PERSONNEL.—The Secretary of  
14 Labor is authorized to allocate an additional 10 full-time  
15 equivalent positions from the Employment and Training  
16 Administration to the Veterans’ Employment and Train-  
17 ing Service to carry out chapter 42 of title 38, United  
18 States Code, as amended by this Act.

19 **SEC. 3. MODERNIZATION OF VETERANS EMPLOYMENT AND**  
20 **TRAINING SERVICES.**

21       (a) DEMONSTRATION PROGRAM TO MODERNIZE EM-  
22 PLOYMENT, TRAINING, AND PLACEMENT SERVICES.—

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

1 **“§ 4112. Demonstration program to modernize vet-**  
2 **erans employment, training, and place-**  
3 **ment services**

4 “(a) ESTABLISHMENT OF 5-YEAR DEMONSTRATION  
5 PROGRAM.—(1) During the five-fiscal-year period begin-  
6 ning fiscal year 2002, the Secretary shall carry out the  
7 provisions of this chapter under the demonstration pro-  
8 gram established under this section to improve and mod-  
9 ernize employment, training, and placement services under  
10 this chapter. The Secretary shall carry out the demonstra-  
11 tion project through the Assistant Secretary of Labor for  
12 Veterans’ Employment and Training.

13 “(2) Sums authorized to be appropriated to carry out  
14 this chapter under section 4106 of this title shall, for such  
15 five-fiscal-year period, be made available only to carry out  
16 the demonstration program under this section. In no case  
17 may the aggregate amount of funds made available to the  
18 Secretary under subsections (a) through (d) of section  
19 4106 of this title for fiscal year 2001 and each succeeding  
20 fiscal year be less than the sum of—

21 “(A) such aggregate amount made available to  
22 the Secretary for fiscal year 2000, and

23 “(B) amounts that, by reason of law or regula-  
24 tion, are attributable to the increases in salaries of  
25 individuals providing employment and training serv-

1       ices under such chapters from fiscal year 2000 up  
2       to the fiscal year involved.

3       “(3)(A) The Secretary shall establish a panel within  
4 the Advisory Committee on Veterans Employment and  
5 Training under section 4110 of this title comprised of  
6 State public employment service officials, including dis-  
7 abled veterans’ outreach program specialists and local vet-  
8 erans’ employment representatives. Such officials shall ad-  
9 vise the Secretary on the development and implementation  
10 of the demonstration program under this section with re-  
11 spect to matters arising under the program at local deliv-  
12 ery points in the employment service delivery system.

13       “(B) Representation on the panel of State public em-  
14 ployment service officials shall consist of 7 members ap-  
15 pointed from among disabled veterans’ outreach program  
16 specialists, local veterans’ employment representatives,  
17 State employment service agencies, and other officials that  
18 the Secretary determines to be appropriate.

19       “(b) ESTABLISHMENT OF PERFORMANCE STAND-  
20 ARDS AND OUTCOMES MEASURES.—(1) By not later than  
21 September 30, 2001, the Assistant Secretary of Labor for  
22 Veterans’ Employment and Training shall establish and  
23 implement a comprehensive performance accountability  
24 system to measure the performance of veterans employ-  
25 ment and training staff (as defined in paragraph (3)) to

1 provide accountability of such staff to the Secretary for  
2 purposes of subsection (c), and to determine compliance  
3 by State public employment service agencies with the pro-  
4 visions of this chapter and chapter 42 of this title.

5 “(2) Such standards and measures shall—

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

9 “(B) include the core indicators of performance  
10 described in subclauses (I) through (III) of section  
11 136(b)(2)(A)(i) of that Act; and

12 “(C) be appropriately weighted to provide spe-  
13 cial consideration for placement of (i) veterans with  
14 barriers to employment, 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) In this section, the term ‘veterans employment  
19 and training staff’ means an individual providing services  
20 required under this chapter who is an employee of a State,  
21 a political subdivision of a State, in a region, of the Vet-  
22 erans’ Employment and Training Service, or an individual  
23 under a contract to provide those services.

1       “(c) GRANT PROGRAMS.—Under the demonstration  
2 program, the Secretary shall make grants to States as fol-  
3 lows:

4           “(1)(A) From the applicable percentage (de-  
5 scribed in subparagraph (C)) of the aggregate  
6 amount of sums appropriated under subsection  
7 (a)(2) for a fiscal year, the Secretary shall make  
8 grants to States to provide veterans employment,  
9 training, and placement programs and services  
10 through employment service delivery systems in the  
11 State. Such grants shall include sums for the rea-  
12 sonable expenses of individuals providing such serv-  
13 ices for training, travel, supplies, and costs of at-  
14 tendance at the National Veterans’ Employment and  
15 Training Services Institute established under section  
16 4109 of this title. A grant under this paragraph is  
17 hereinafter in this section referred to as a ‘base  
18 grant’.

19           “(B) The Secretary shall determine the amount  
20 of the base grant to a State based on (i) the funding  
21 requirements for veterans employment, training, and  
22 placement services demonstrated by the State on the  
23 application submitted under subsection (d), and (ii)  
24 the amount of funds made available to the State

1 under section 4102A(b) to the State in years pre-  
2 ceding the demonstration program.

3 “(C) The applicable percentage referred to in  
4 subparagraph (A) is—

5 “(i) for fiscal year 2002, 95 percent,

6 “(ii) for fiscal year 2003, 92.5 percent,

7 and

8 “(iii) for each of fiscal years 2004 through  
9 2006, 90 percent.

10 “(2)(A) For each fiscal year under the dem-  
11 onstration program, from amounts remaining in the  
12 aggregate amount of sums appropriated under sub-  
13 section (a)(2) after the application of paragraph (1),  
14 the Secretary shall make grants to a State, political  
15 subdivisions of the State, or qualified organizations  
16 or entities to enter into contracts with the Secretary  
17 to carry out employment, training, and placement  
18 services. A grant under this paragraph is hereinafter  
19 in this section referred to as an ‘incentive grant’.

20 “(B)(i) The amount of a incentive grant made  
21 under subparagraph (A) shall be determined by the  
22 Secretary based on the measures of performance  
23 under subsection (b) of employment, training, and  
24 placement services furnished in each State. An in-  
25 centive grant may only be made to a State that the

1 Secretary determines has met a minimum standard  
2 of performance (established by the Secretary) under  
3 such measures.

4 “(ii) Subject to clause (iii), in determining the  
5 amount of an incentive grant to a State, the Sec-  
6 retary shall (I) provide greater sums to those States  
7 which the Secretary determines furnished, during  
8 the preceding fiscal year, the highest quality employ-  
9 ment, training, and placement services based on  
10 measures of performance, and (II) consider factors  
11 such as prevailing economic and unemployment con-  
12 ditions that affect performance of individuals pro-  
13 viding employment, training, and placement services  
14 in the State.

15 “(iii) In no case may the amount of an incen-  
16 tive grant under this paragraph be less than the dif-  
17 ference between the amount of a State’s base grant  
18 as calculated in accordance with paragraph (1)(C)  
19 and the amount of the State’s base grant as would  
20 be calculated without regard to that paragraph.

21 “(C) In addition to amounts authorized to be  
22 appropriated to carry out this chapter, there are au-  
23 thorized to be appropriated annually to the Sec-  
24 retary \$10,000,000 to make incentive grants under  
25 this paragraph.

1       “(d) APPLICATION.—(1) A State shall prepare and  
2 submit to the Secretary an application at such time, in  
3 such manner, and containing such assurances and infor-  
4 mation as the Secretary may require, including in the ap-  
5 plication for fiscal year 2002 a proposal for a 5-year plan  
6 that describes the manner in which the State shall furnish  
7 employment, training, and placement services under the  
8 demonstration program.

9       “(2)(A) Subject to subparagraphs (B) and (C), a  
10 State may include in its application under paragraph (1)  
11 for a base grant for a fiscal year a proposal to establish  
12 within the State a pilot program under which the State  
13 may enter into a contract with organizations or entities  
14 to carry out employment, training, and placement services  
15 within a designated labor market area of the State in that  
16 fiscal year.

17       “(B) A proposal under subparagraph (A) shall in-  
18 clude a description of the organization or entity, the num-  
19 ber (if any) of qualified disabled veterans and qualified  
20 veterans employed by the organization or entity, and pro-  
21 posals (if any) to employ such veterans to provide employ-  
22 ment, training, and placement services under the contract.

23       “(C)(i) A State may not submit more than three pro-  
24 posals described in subparagraph (A).

1       “(ii) The Secretary may not approve proposals sub-  
2 mitted by more than 10 States.

3       “(3) The Secretary shall approve an application sub-  
4 mitted under this subsection that contains the assurances  
5 and information that the Secretary requires.

6       “(e) TERMS AND CONDITIONS OF GRANTS.—(1) The  
7 distribution and use of funds under a grant under sub-  
8 section (c)—

9           “(A) shall be subject to such terms and condi-  
10 tions as the Secretary may establish,

11           “(B) shall be subject to the continuing super-  
12 vision and monitoring of the Secretary, and

13           “(C) shall not be governed by the provisions of  
14 the Workforce Investment Act of 1998, the Wagner-  
15 Peyser Act, or any other law, or any regulations pre-  
16 scribed thereunder, that are inconsistent with this  
17 section.

18       “(2) Not more than 20 percent of the funds received  
19 by a State under a base grant in a fiscal year may be  
20 used for administrative purposes in providing the employ-  
21 ment, training, and placement services required under this  
22 section.

23       “(3) Each base grant shall contain a provision requir-  
24 ing the recipient of the funds to comply with the provisions  
25 of this section.”.

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

“4112. Demonstration program to modernize veterans employment, training,  
and placement services.”.

5           (b) FLEXIBILITY IN STAFFING.—

6           (1) REPEAL.—Effective October 1, 2001, sec-  
7           tions 4102A, 4103, 4103A, 4104, and 4104A are re-  
8           pealed.

9           (2) PROVISION OF FLEXIBILITY.—Chapter 41  
10          is amended by inserting after section 4102 the fol-  
11          lowing new section:

12        **“§ 4103. Employment, training, and placement service**  
13                **personnel**

14        “(a) ESTABLISHMENT OF POSITION OF ASSISTANT  
15        SECRETARY OF LABOR FOR VETERANS’ EMPLOYMENT  
16        AND TRAINING.—(1) There is established within the De-  
17        partment of Labor an Assistant Secretary of Labor for  
18        Veterans’ Employment and Training, appointed by the  
19        President by and with the advice and consent of the Sen-  
20        ate, who shall formulate and implement all departmental  
21        policies and procedures to carry out (A) the purposes of  
22        this chapter, chapter 42, and chapter 43 of this title, and  
23        (B) all other Department of Labor employment, unem-  
24        ployment, and training programs to the extent they affect

1 veterans. The employees of the Department of Labor ad-  
2 ministering chapter 43 of this title shall be administra-  
3 tively and functionally responsible to the Assistant Sec-  
4 retary of Labor for Veterans' Employment and Training.

5       “(2)(A) There shall be within the Department of  
6 Labor a Deputy Assistant Secretary of Labor for Vet-  
7 erans' Employment and Training. The Deputy Assistant  
8 Secretary shall perform such functions as the Assistant  
9 Secretary of Labor for Veterans' Employment and Train-  
10 ing prescribes. The Deputy Assistant Secretary shall be  
11 a veteran.

12       “(B) No individual may be appointed as a Deputy  
13 Assistant Secretary of Labor for Veterans' Employment  
14 and Training unless the individual has at least five years  
15 of continuous service in the Federal civil service in the  
16 executive branch immediately preceding appointment as  
17 the Deputy Assistant Secretary. For purposes of deter-  
18 mining such continuous service of an individual, there  
19 shall be excluded any service by the individual in a  
20 position—

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

23               “(ii) in which the individual served as a non-  
24 career appointee in the Senior Executive Service, as

1 such term is defined in section 3132(a)(7) of title 5;  
2 or

3 “(iii) to which the individual was appointed by  
4 the President.

5 “(b) ADDITIONAL FEDERAL PERSONNEL.—(1) The  
6 Secretary shall assign to each State a representative of  
7 the Veterans’ Employment and Training Service to serve  
8 as the Director for Veterans’ Employment and Training,  
9 and shall assign full-time Federal clerical or other support  
10 personnel to each such Director. Full-time Federal clerical  
11 or other support personnel assigned to Directors for Vet-  
12 erans’ Employment and Training shall be appointed in ac-  
13 cordance with the provisions of title 5 governing appoint-  
14 ments in the competitive service and shall be paid in ac-  
15 cordance with the provisions of chapter 51 and subchapter  
16 III of chapter 53 of title 5.

17 “(2) The Secretary may also assign as supervisory  
18 personnel such representatives of the Veterans’ Employ-  
19 ment and Training Service as the Secretary determines  
20 appropriate to carry out the employment, training, and  
21 placement services required under this chapter, including  
22 Assistant Directors for Veterans’ Employment and Train-  
23 ing.

24 “(3) The Secretary shall assign to each region for  
25 which the Secretary operates a regional office a represent-

1 ative of the Veterans' Employment and Training Service  
2 to serve as the Regional Administrator for Veterans' Em-  
3 ployment and Training in such region. A person may not  
4 be assigned after October 9, 1996, as such a Regional Ad-  
5 ministrator unless the person is a veteran.

6       “(c) PREFERENCE FOR QUALIFIED VETERANS IN  
7 SUPERVISORY POSITIONS.—The Secretary shall, to the ex-  
8 tent practicable, appoint qualified veterans as supervisory  
9 personnel.

10       “(d) AUTHORITY TO EMPLOY CERTAIN STATE EM-  
11 PLOYMENT SERVICE OFFICIALS.—A State may employ  
12 such disabled veterans' outreach program specialists and  
13 local veterans' employment representatives as the State  
14 determines appropriate and efficient to carry out employ-  
15 ment, training, and placement services under this chapter.

16       “(e) REQUIREMENT ON THE SECRETARY TO  
17 PROMPTLY ESTABLISH ONE-STOP EMPLOYMENT SERV-  
18 ICES.—By not later than 18 months after the date of the  
19 enactment of 21st Century Veterans Employment and  
20 Training Act, the Secretary shall provide one-stop services  
21 and assistance to eligible veterans and eligible persons  
22 under this chapter electronically by means of the Internet,  
23 as defined in section 231(e)(3) of the Communications Act  
24 of 1934, and such other electronic means as facilitates the  
25 delivery of such services and assistance.”.

1           (2) CONFORMING AMENDMENTS.—(A) The last  
2 sentence of section 4106(a) is amended to read as  
3 follows: “Each budget submission with respect to  
4 such funds shall include a separate listing of the  
5 amount for the National Veterans’ Employment and  
6 Training Services Institute together with informa-  
7 tion demonstrating the compliance of such budget  
8 submission with the funding requirements specified  
9 in the preceding sentence.”.

10           (B) Section 4107(c)(2) is amended by striking  
11 “under sections 4103A and 4104 of this title;” and  
12 inserting “under section 4103 of this title;”.

13           (C) Section 4107(c)(5) is amended by striking  
14 “(including the need” and all that follows through  
15 “representatives)”.

16           (3) CLERICAL AMENDMENTS.—The table of sec-  
17 tions at the beginning of chapter 41 is amended—

18           (A) by striking the items relating to sec-  
19 tions 4102A, 4103, 4103A, 4104, and 4104A,  
20 respectively, and

21           (B) by inserting after the item relating to  
22 section 4102 the following new item:

“4103. Employment, training, and placement services personnel.”.

23           (4) EFFECTIVE DATE.—The amendments made  
24 by this subsection take effect on December 1, 2000,

1 and shall apply to appointments made on or after  
2 that date.

3 (c) RULE OF CONSTRUCTION.—The repeals made by  
4 subsection (b) shall not be construed to—

5 (1) require the Secretary of Labor or a State  
6 to terminate personnel employed under those sec-  
7 tions in effect on the date of the enactment of this  
8 Act,

9 (2) terminate job training intensive services and  
10 placement services furnished to veterans under chap-  
11 ter 41 of title 38, United States Code, and

12 (3) affect the aggregate amount of Federal  
13 funds made available to carry out that chapter.

14 (d) REPORT.—

15 (1) IN GENERAL.—Not later than 180 days  
16 after the date of the enactment of this Act, the Sec-  
17 retary of Labor shall submit to Congress a report  
18 containing the Secretary's recommendations with re-  
19 spect to the matters described in paragraph (2) in  
20 order to provide the best possible employment and  
21 training services to meet the needs of veterans in the  
22 21st century, taking into consideration methods and  
23 delivery systems for job training intensive services  
24 and placement services in effect by reason of the  
25 Workforce Investment Act of 1998 and availability

1 of employment and training services through the  
2 Internet and other electronic means that facilitate  
3 the delivery of such services and assistance. The  
4 Secretary shall consult with State agencies as the  
5 Secretary determines appropriate in the preparation  
6 of the report.

7 (2) MATTERS DESCRIBED.—Recommendations  
8 of the Secretary with respect to the matters referred  
9 to in paragraph (1) include the following:

10 (A) Recommendations for revised duties of  
11 Directors and Assistant Directors for Veterans'  
12 Employment and Training established under  
13 section 4103 of title 38, United States Code.

14 (B) Recommendations for revised titles  
15 and duties of—

16 (i) disabled veterans' outreach pro-  
17 gram specialists established under section  
18 4103A of such title, as in effect on the  
19 date of the enactment of this Act, and

20 (ii) local veterans' employment rep-  
21 resentatives established under section 4104  
22 of such title, as in effect on such date.

23 (e) INCLUSION OF INTENSIVE SERVICES.—

24 (1) DEFINITION.—Section 4101 is amended by  
25 adding at the end the following new paragraph:

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

5           (2) CONFORMING AMENDMENTS.—(A) Section  
6           4102 is amended by striking “job and job training  
7           counseling service program,” and inserting “job and  
8           job training intensive services program,”.

9           (B) Section 4106(a) is amended by striking  
10          “proper counseling” and inserting “proper intensive  
11          services”.

12          (C) Section 4107(a) is amended by striking  
13          “employment counseling services” and inserting “in-  
14          tensive services”.

15          (D) Section 4107(c)(1) is amended by striking  
16          “the number counseled” and inserting “the number  
17          who received intensive services”.

18          (E) Section 4109(a) is amended by striking  
19          “counseling,” each place it appears and inserting  
20          “intensive services”.

21          (g) ADDITIONAL VETS DUTY TO IMPLEMENT TRAN-  
22          SITIONS TO CIVILIAN CAREERS.—Section 4102 is amend-  
23          ed by striking the period in the last sentence and inserting  
24          “including programs carried out by the Veterans’ Employ-  
25          ment and Training Service to implement all efforts to ease

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

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

7 “(7) The term ‘employment service delivery sys-  
8 tem’ means a service delivery system at which or  
9 through which labor exchange services, including em-  
10 ployment services, are offered in a manner con-  
11 sistent with the provision of such labor exchange  
12 services under the Workforce Investment Act of  
13 1998.”.

14 (i) INCREASE IN ACCURACY OF REPORTING SERV-  
15 ICES FURNISHED TO VETERANS.—(1) Section 4107(c)(1)  
16 is amended by striking “and eligible persons who reg-  
17 istered for assistance with” and inserting “, eligible per-  
18 sons, and servicemembers transitioning to civilian careers  
19 who registered for assistance with, or who are identified  
20 as veterans by,”.

21 (2) Section 4107(c)(2) is amended—

22 (A) by striking “the job placement rate” the  
23 first place it appears and inserting “core indicators  
24 of performance (described in subsection (b)(1))”; and

1 (B) by striking “the job placement rate” the  
2 second place it appears and inserting “such core in-  
3 dicators of performance”.

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

6 (4) Section 4107(c) is amended—

7 (A) by striking “and” at the end of paragraph  
8 (4);

9 (B) by striking the period at the end of para-  
10 graph (5) and inserting “; and”; and

11 (C) by adding at the end the following new  
12 paragraph:

13 “(6) a report on the operation during the pre-  
14 ceding program year of the financial incentives pro-  
15 gram for outstanding employment services under  
16 section 4112(c)(3) of this title, including an analysis  
17 of aggregate amount of incentives distributed to  
18 each State and the rationale for such distribution.”.

19 (5) Section 4107(b) is amended to read as follows:

20 “(b) Not later than December 1 of each year, the Sec-  
21 retary shall report to the Committees on Veterans’ Affairs  
22 of the Senate and the House of Representatives on the  
23 performance of States and organizations and entities car-  
24 rying out employment, training, and placement services  
25 under this chapter, as measured under subsection (b) of

1 section 4112 of this title. In the case of a State that the  
2 Secretary determines has not met the minimum standard  
3 of performance (established by the Secretary) to qualify  
4 for an incentive grant under subsection (e)(2) of such sec-  
5 tion, the Secretary shall include a complete analysis of the  
6 extent and reasons for the State's failure to meet that  
7 minimum standard, together with the State's plan for cor-  
8 rective action during the succeeding year.”.

9 **SEC. 4. COMMITTEE TO RAISE EMPLOYER AWARENESS OF**  
10 **SKILLS OF VETERANS AND BENEFITS OF HIR-**  
11 **ING VETERANS.**

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

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

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

24 (2) To facilitate employment of veterans and  
25 disabled veterans through participation in America's

1 Career Kit national labor exchange, and other  
2 means.

3 (c) MEMBERSHIP.—(1) The Secretary of Labor shall  
4 appoint 12 individuals to serve as members of the Com-  
5 mittee, of whom 9 shall be appointed from among rep-  
6 resentatives nominated by organizations described in sub-  
7 paragraph (A) and of whom 3 shall be appointed from  
8 among representatives nominated by organizations de-  
9 scribed in subparagraph (B).

10 (A) Organizations described in this subpara-  
11 graph are the following:

12 (i) The Ad Council.

13 (ii) The National Committee for Employer  
14 Support of the Guard and Reserve.

15 (iii) Veterans' service organizations that  
16 have a national employment program.

17 (iv) State employment security agencies.

18 (v) State departments of veterans affairs.

19 (vi) Military service organizations.

20 (B) Organizations described in this subpara-  
21 graph are such business, small business, civic  
22 groups, and labor unions as the Secretary of Labor  
23 determines 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 (3) A vacancy in the Committee shall be filled in the  
8 manner in which the original appointment was made.

9 (d) ADMINISTRATIVE MATTERS.—(1) The Committee  
10 shall meet at least quarterly.

11 (2) The Secretary of Labor shall appoint the chair-  
12 man of the Committee.

13 (3)(A) Members of the Committee shall serve without  
14 compensation.

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

23 (4) The Secretary of Labor shall provide staff and  
24 administrative support to the Committee to assist it in  
25 carrying out its duties under this section. The Secretary

1 shall assure positions on the staff of the Committee are  
2 filled by the following individuals:

3 (A) Staff of the Assistant Secretary of Labor  
4 for Veterans' Employment and Training under sec-  
5 tion 4102A of title 38, United States Code.

6 (B) Directors for Veterans' Employment and  
7 Training under section 4103 of such title as in effect  
8 on the date of the enactment of this Act.

9 (C) Assistant Director for Veterans' Employ-  
10 ment and Training under such section as in effect  
11 on such date.

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

15 (E) Local veterans' employment representatives  
16 under section 4104 of such title as in effect on such  
17 date.

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

23 (6) The Committee may contract with and com-  
24 pensate government and private agencies or persons to  
25 carry out the information campaign under subsection

1 (b)(1) without regard to section 3709 of the Revised Stat-  
2 utes (41 U.S.C. 5).

3 (e) REPORT.—Not later than December 31, 2001  
4 through 2003, the Secretary of Labor shall submit to Con-  
5 gress a report on the activities of the Committee under  
6 this section during the previous fiscal year, and shall in-  
7 clude in such report data with respect to placement and  
8 retention of veterans in jobs attributable to the activities  
9 of the Committee.

10 (f) TERMINATION.—The Committee shall terminate  
11 60 days after submitting the report that is due on Decem-  
12 ber 31, 2003.

13 (g) AUTHORIZATION OF APPROPRIATIONS.—There  
14 are authorized to be appropriated to the Secretary of  
15 Labor from the Employment Security Administration ac-  
16 count in the Unemployment Trust Fund \$3,000,000 for  
17 each of fiscal years 2001 through 2003 to carry out this  
18 section.

19 **SEC. 5. SENSE OF CONGRESS COMMENDING VETERANS**  
20 **SERVICE ORGANIZATIONS.**

21 It is the sense of Congress that—

22 (1) veterans service organizations are to be  
23 commended for the continued assistance the organi-  
24 zations provide veterans; and



1 the organization not later than 18 months after the date  
2 on which that Secretary enters into such contract.

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

○