

Union Calendar No. 504

110TH CONGRESS
2^D SESSION

H. R. 6221

[Report No. 110-785]

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to include in each contract the Secretary enters for the acquisition of goods and services a provision that requires the contractee to comply with the contracting goals and preferences for small business concerns owned or controlled by veterans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 2008

Mr. BOOZMAN (for himself and Ms. HERSETH SANDLIN) introduced the following bill; which was referred to the Committee on Veterans' Affairs

JULY 29, 2008

Additional sponsors: Mr. BUYER and Ms. BORDALLO

JULY 29, 2008

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend title 38, United States Code, to require the Secretary of Veterans Affairs to include in each contract the Secretary enters for the acquisition of goods and services a provision that requires the contractee to comply with the contracting goals and preferences for small

business concerns owned or controlled by 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 “Veteran-Owned Small
5 Business Protection and Clarification Act of 2008”.

6 **SEC. 2. CONTRACTING GOALS AND PREFERENCES FOR VET-**
7 **ERAN-OWNED SMALL BUSINESS CONCERNS.**

8 Section 8127 of title 38, United States Code, is
9 amended—

10 (1) by redesignating subsections (j) and (k) as
11 subsections (k) and (l), respectively; and

12 (2) by inserting after subsection (i) the fol-
13 lowing:

14 “(j) **APPLICABILITY OF REQUIREMENTS TO CON-**
15 **TRACTS.**—(1) If the Secretary enters, on or after June
16 1, 2007, into a contract, memorandum of understanding,
17 agreement, or other arrangement with any governmental
18 entity or person to acquire goods or services, or both, the
19 Secretary shall include in such contract, memorandum,
20 agreement, or other arrangement a requirement that the
21 entity or person will comply with the provisions of this
22 section in acquiring such goods or services, or both.

23 “(2) **COORDINATION.**—The Secretary shall take such
24 action as may be necessary to ensure that the efforts to

1 comply with this section of the Department and govern-
2 mental entities and persons to which paragraph (1) apply
3 are coordinated.

4 “(3) The Secretary shall modify contracts, memoran-
5 dums of understanding, agreements, and other arrange-
6 ments of the Department in effect on the date of enact-
7 ment of the Veteran-Owned Small Business Protection
8 and Clarification Act of 2008 to comply with this sub-
9 section.”.

10 **SECTION 1. SHORT TITLE.**

11 *This Act may be cited as the “Improving Veterans’ Op-
12 portunity in Education and Business Act of 2008”.*

13 **SEC. 2. CONTRACTING GOALS AND PREFERENCES FOR VET-
14 ERAN-OWNED SMALL BUSINESS CONCERNS.**

15 *Section 8127 of title 38, United States Code, is amend-
16 ed—*

17 *(1) by redesignating subsections (j) and (k) as
18 subsections (k) and (l), respectively; and*

19 *(2) by inserting after subsection (i) the following:*

20 *“(j) APPLICABILITY OF REQUIREMENTS TO CON-
21 TRACTS.—(1) If the Secretary enters, on or after June 1,
22 2007, into a contract, memorandum of understanding,
23 agreement, or other arrangement with any governmental
24 entity or person to acquire goods or services, or both, the
25 Secretary shall include in such contract, memorandum,*

1 *agreement, or other arrangement a requirement that the en-*
2 *tity or person will comply with the provisions of this section*
3 *in acquiring such goods or services, or both.*

4 “(2) *COORDINATION.*—*The Secretary shall take such*
5 *action as may be necessary to ensure that the efforts to com-*
6 *ply with this section of the Department and governmental*
7 *entities and persons to which paragraph (1) applies are co-*
8 *ordinated.*

9 “(3) *The Secretary shall modify contracts, memoran-*
10 *dums of understanding, agreements, and other arrange-*
11 *ments of the Department in effect on the date of enactment*
12 *of the Improving Veterans’ Opportunity in Education and*
13 *Business Act of 2008 to comply with this subsection.”.*

14 **SEC. 3. FIVE-YEAR PILOT PROGRAM FOR ON-CAMPUS**
15 **WORKSTUDY POSITIONS.**

16 (a) *ESTABLISHMENT OF PILOT PROGRAM.*—*The Sec-*
17 *retary of Veterans Affairs shall conduct a five-year pilot*
18 *project to test the feasibility and advisability of expanding*
19 *the scope of qualifying workstudy activities for purposes of*
20 *section 3485(a)(4) of title 38, United States Code, including*
21 *workstudy positions available on site at educational institu-*
22 *tions.*

23 (b) *TYPE OF WORKSTUDY POSITIONS.*—*The workstudy*
24 *positions referred to in subsection (a) may include positions*
25 *in academic departments (including positions as tutors or*

1 *research, teaching, and lab assistants) and in student serv-*
2 *ices (including positions in career centers and financial*
3 *aid, campus orientation, cashiers, admissions, records, and*
4 *registration offices).*

5 *(c) REGULATIONS.—The Secretary shall issue regula-*
6 *tions to carry out the pilot project under this section, in-*
7 *cluding regulations providing for the supervision of*
8 *workstudy positions referred to in subsection (a) by appro-*
9 *priate personnel of the Department.*

10 *(d) AUTHORIZATION OF APPROPRIATIONS.—There is*
11 *authorized to be appropriated to the Secretary \$10,000,000*
12 *for each of fiscal years 2009 through 2013 to carry out the*
13 *pilot project under this section.*

14 *(e) FUNDING.—Notwithstanding any other provision*
15 *of law, this section shall not be carried out with any funds*
16 *provided for or under any authority of the Readjustment*
17 *benefits program described by the list of Appropriated Enti-*
18 *tlements and Mandatories for Fiscal Year 1997 contained*
19 *in the Conference Report to accompany H.R. 2015 of the*
20 *105th Congress, the Balanced Budget Act of 1997 (H. Re-*
21 *port 105–217). Instead, no funds shall be obligated for the*
22 *purpose of carrying out this section except discretionary*
23 *funds appropriated specifically for the purpose of carrying*
24 *out this section in appropriation Acts enacted after the date*
25 *of the enactment of this Act.*

1 **SEC. 4. MILITARY OCCUPATIONAL SPECIALTY TRANSITION**

2 **(MOST) PROGRAM.**

3 (a) *IN GENERAL.*—Subchapter II of chapter 36 of title
4 38, United States Code, is amended by inserting after sec-
5 tion 3687 the following new section:

6 **“§3687A. Military occupational specialty transition**

7 **(MOST) program**

8 “(a) *ESTABLISHMENT; ELIGIBILITY.*—

9 “(1) *IN GENERAL.*—Subject to the availability of
10 appropriations, the Secretary shall carry out a pro-
11 gram of training to provide eligible veterans with
12 skills relevant to the job market.

13 “(2) *ELIGIBLE VETERAN.*—For purposes of this
14 section, the term ‘eligible veteran’ means any veteran
15 if—

16 “(A) such veteran’s military occupational
17 specialty at the time of discharge is determined
18 by the Secretary to have limited transferability
19 to the civilian job market;

20 “(B) such veteran is not otherwise eligible
21 for education or training services under this
22 title;

23 “(C) such veteran has not acquired a mar-
24 ketable skill since leaving military service;

1 “(D) such veteran was discharged under
2 conditions not less than general under honorable
3 conditions; and

4 “(E)(i) such veteran has been unemployed
5 for at least 90 of the 180 days preceding the date
6 of application for the program established under
7 this section; or

8 “(i) the maximum hourly rate of pay of
9 such veteran during such 180-day period is not
10 more than 150 percent of the Federal minimum
11 wage.

12 “(b) *MOST PROGRAM*.—The program established
13 under this section shall provide for payments to employers
14 who provide for eligible veterans a program of apprentice-
15 ship or on-the-job training if—

16 “(1) such program is approved as provided in
17 paragraph (1) or (2) of section 3687(a) of this title;

18 “(2) the rate of pay for veterans participating in
19 the program is not less than the rate of pay for non-
20 veterans in similar jobs; and

21 “(3) the Secretary reasonably expects that—

22 “(A) the veteran will be qualified for em-
23 ployment in that field upon completion of train-
24 ing; and

1 “(B) the employer providing the program
2 will hire the veteran at the completion of train-
3 ing.

4 “(c) PAYMENTS TO EMPLOYERS.—

5 “(1) IN GENERAL.—Subject to the availability of
6 appropriations, the Secretary shall enter into con-
7 tracts with employers to provide programs of appren-
8 ticeship or on-the-job training which meet the require-
9 ments of this section. Such contract shall provide for
10 the payment of the amounts described in subsection
11 (b) to employers whose programs meet such require-
12 ments.

13 “(2) AMOUNT OF PAYMENTS.—The amount paid
14 under this section with respect to any eligible veteran
15 for any period shall be 50 percent of the wages paid
16 by the employer to such veteran for such period.
17 Wages shall be calculated on an hourly basis.

18 “(3) AMOUNT AND DURATION OF PAYMENTS.—

19 “(A) IN GENERAL.—Except as provided in
20 subparagraph (B)—

21 “(i) the amount paid under this sec-
22 tion with respect to a veteran participating
23 in the program established under this sec-
24 tion may not exceed \$20,000 in the aggre-
25 gate and \$1,666.67 per month; and

1 “(ii) such payments may only be made
2 during the first 12 months of such veteran’s
3 participation in the program.

4 “(B) VETERANS PARTICIPATING ON LESS
5 THAN FULL-TIME BASIS.—In the case of a vet-
6 eran participating in the program on a less than
7 full-time basis, the Secretary may extend the
8 number of months of payments under subpara-
9 graph (A) and proportionally adjust the amount
10 of such payments, but the maximum amount
11 paid with respect to a veteran may not exceed
12 the maximum amount of \$20,000 and the max-
13 imum amount of such payments may not exceed
14 24 months.

15 “(4) PAYMENTS MADE ON QUARTERLY BASIS.—
16 Payments under this section shall be made on a quar-
17 terly basis.

18 “(5) EMPLOYER REPORT.—Each employer pro-
19 viding a program of apprenticeship or on-the-job
20 training pursuant to this section shall submit to the
21 Secretary on a quarterly basis a report certifying the
22 wages paid to eligible veterans under such program
23 (which shall be certified by the veteran as being cor-
24 rect) and containing such other information as the

1 *Secretary may specify. Such report shall be submitted*
2 *in the form and manner required by the Secretary.*

3 “(d) *AUTHORIZATION OF APPROPRIATIONS.—There is*
4 *authorized to be appropriated \$60,000,000 for each of fiscal*
5 *years 2009 through 2018 to carry out this section.*

6 “(e) *REPORTING.—The Secretary shall include a de-*
7 *tailed description of activities carried out under this section*
8 *in the annual report prepared by the Veterans Benefits Ad-*
9 *ministration.*

10 “(f) *SEPARATE ACCOUNTING.—The Department shall*
11 *have a separate line item in budget proposals of the Depart-*
12 *ment for funds to be appropriated to carry out this sec-*
13 *tion.”.*

14 (b) *CLERICAL AMENDMENT.—The table of sections for*
15 *such chapter is amended by inserting after the item relating*
16 *to section 3687 the following new item:*

 “3687A. *Military occupational specialty transition (MOST) program.*”.

17 (c) *CONFORMING AMENDMENTS.—(1) Subsection*
18 *(a)(1) of section 3034 of such title is amended by striking*
19 *“and 3687” and inserting “3687, and 3687A”.*

20 (2) *Subsections (a)(1) and (c) of section 3241 of such*
21 *title are each amended by striking “section 3687” and in-*
22 *serting “sections 3687 and 3687A”.*

23 (3) *Subsection (d)(1) of section 3672 of such title is*
24 *amended by striking “and 3687” and inserting “3687, and*
25 *3687A”.*

1 (4) *Paragraph (3) of section 4102A(b) of such title is*
2 *amended by striking “section 3687” and inserting “section*
3 *3687 or 3687A”.*

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