

Suspend the Rules and Pass the Bill, H.R. 6221, with An Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

110TH CONGRESS
2^D SESSION

H. R. 6221

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

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Improving Veterans’
3 Opportunity in Education and Business Act of 2008”.

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

6 Section 8127 of title 38, United States Code, is
7 amended—

8 (1) by redesignating subsections (j) and (k) as
9 subsections (k) and (l), respectively; and

10 (2) by inserting after subsection (i) the fol-
11 lowing:

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

21 “(2) COORDINATION.—The Secretary shall take such
22 action as may be necessary to ensure that the efforts to
23 comply with this section of the Department and govern-
24 mental entities and persons to which paragraph (1) ap-
25 plies are coordinated.

1 “(3) The Secretary shall modify contracts, memo-
2 randa of understanding, agreements, and other arrange-
3 ments of the Department in effect on the date of enact-
4 ment of the Improving Veterans’ Opportunity in Edu-
5 cation and Business Act of 2008 to comply with this sub-
6 section.

7 “(4) Nothing in this subsection shall be construed to
8 supersede or otherwise affect the authorities provided by
9 and under the Small Business Act (15 U.S.C. 631 et
10 seq.)”.

11 **SEC. 3. FIVE-YEAR PILOT PROGRAM FOR ON-CAMPUS**
12 **WORKSTUDY POSITIONS.**

13 (a) ESTABLISHMENT OF PILOT PROGRAM.—The Sec-
14 retary of Veterans Affairs shall conduct a five-year pilot
15 project to test the feasibility and advisability of expanding
16 the scope of qualifying workstudy activities for purposes
17 of section 3485(a)(4) of title 38, United States Code, in-
18 cluding workstudy positions available on site at edu-
19 cational institutions.

20 (b) TYPE OF WORKSTUDY POSITIONS.—The
21 workstudy positions referred to in subsection (a) may in-
22 clude positions in academic departments (including posi-
23 tions as tutors or research, teaching, and lab assistants)
24 and in student services (including positions in career cen-

1 ters and financial aid, campus orientation, cashiers, ad-
2 missions, records, and registration offices).

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

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

12 (e) FUNDING.—Notwithstanding any other provision
13 of law, this section shall not be carried out with any funds
14 provided for or under any authority of the Readjustment
15 benefits program described by the list of Appropriated En-
16 titlements and Mandatories for Fiscal Year 1997 con-
17 tained in the Conference Report to accompany H.R. 2015
18 of the 105th Congress, the Balanced Budget Act of 1997
19 (H. Report 105-217). Instead, no funds shall be obligated
20 for the purpose of carrying out this section except discre-
21 tionary funds appropriated specifically for the purpose of
22 carrying out this section in appropriation Acts enacted
23 after the date 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
4 title 38, United States Code, is amended by inserting after
5 section 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
10 of appropriations, the Secretary shall carry out a
11 program 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 vet-
15 eran 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 honor-
3 able conditions; and

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

8 “(ii) 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
19 in the program is not less than the rate of pay for
20 nonveterans 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
6 of appropriations, the Secretary shall enter into con-
7 tracts with employers to provide programs of ap-
8 prenticeship or on-the-job training which meet the
9 requirements of this section. Such contract shall pro-
10 vide for the payment of the amounts described in
11 subsection (b) to employers whose programs meet
12 such requirements.

13 “(2) AMOUNT OF PAYMENTS.—The amount
14 paid under this section with respect to any eligible
15 veteran for any period shall be 50 percent of the
16 wages paid by the employer to such veteran for such
17 period. 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 vet-
3 eran’s 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
7 than full-time basis, the Secretary may extend
8 the number of months of payments under sub-
9 paragraph (A) and proportionally adjust the
10 amount of such payments, but the maximum
11 amount paid with respect to a veteran may not
12 exceed the maximum amount of \$20,000 and
13 the maximum amount of such payments may
14 not exceed 24 months.

15 “(4) PAYMENTS MADE ON QUARTERLY BASIS.—
16 Payments under this section shall be made on a
17 quarterly 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
25 Secretary may specify. Such report shall be sub-

1 mitted in the form and manner required by the Sec-
2 retary.

3 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
4 is authorized to be appropriated \$60,000,000 for each of
5 fiscal 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 sec-
8 tion in the annual report prepared by the Veterans Bene-
9 fits Administration.

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

14 (b) CLERICAL AMENDMENT.—The table of sections
15 for such chapter is amended by inserting after the item
16 relating 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,
25 and 3687A”.

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