

Public Law 100-323
100th Congress

An Act

May 20, 1988

[S. 999]

To amend title 38, United States Code, and the Veterans' Job Training Act to improve veterans' employment, counseling, and job-training services and programs; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Veterans'
Employment,
Training, and
Counseling
Amendments of
1988.

38 USC 101 note.

SECTION 1. SHORT TITLE; REFERENCE TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Employment, Training, and Counseling Amendments of 1988".

(b) REFERENCES TO TITLE 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. ADMINISTRATION OF EMPLOYMENT AND TRAINING PROGRAMS.

(a) IN GENERAL.—Section 2002A is amended—

(1) by inserting "(a)" before "There"; and

(2) by adding at the end the following new subsections:

"(b) The Secretary shall—

"(1) except as expressly provided otherwise, carry out all provisions of this chapter and chapter 43 of this title through the Assistant Secretary of Labor for Veterans' Employment and Training and administer through such Assistant Secretary all programs under the jurisdiction of the Secretary for the provision of employment and training services designed to meet the needs of disabled veterans, veterans of the Vietnam era, and all other eligible veterans and eligible persons;

"(2) in order to make maximum use of available resources in meeting such needs, encourage all such programs and all grantees under such programs to enter into cooperative arrangements with private industry and business concerns (including small business concerns), educational institutions, trade associations, and labor unions;

"(3) ensure that maximum effectiveness and efficiency are achieved in providing services and assistance to eligible veterans under all such programs by coordinating and consulting with the Administrator with respect to (A) programs conducted under other provisions of this title, with particular emphasis on coordination of such programs with readjustment counseling activities carried out under section 612A of this title, apprenticeship or other on-the-job training programs carried

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out under section 1787 of this title, and rehabilitation and training activities carried out under chapter 31 of this title, and (B) the Veterans' Job Training Act (29 U.S.C. 1721 note);

"(4) ensure that job placement activities are carried out in coordination and cooperation with appropriate State public employment service officials;

"(5) subject to subsection (c)(2) of this section, make available for use in each State, directly or by grant or contract, such funds as may be necessary (A) to support (i) disabled veterans' outreach program specialists appointed under section 2003A(a)(1) of this title, and (ii) local veterans' employment representatives assigned under section 2004(b) of this title, and (B) to support the reasonable expenses of such specialists and representatives for training, travel, supplies, and fringe benefits, including travel expenses and per diem for attendance at the National Veterans' Employment and Training Services Institute established under section 2009 of this title;

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"(6) monitor and supervise on a continuing basis the distribution and use of funds provided for use in the States under paragraph (5) of this subsection; and

"(7) monitor the appointment of disabled veterans' outreach specialists and the assignment of local veterans' employment representatives in order to ensure compliance with the provisions of sections 2003A(a)(1) and 2004(a)(4), respectively, of this title.

"(c)(1) The distribution and use of funds under subsection (b)(5) of this section in order to carry out sections 2003A(a) and 2004(a) of this title shall be subject to the continuing supervision and monitoring of the Secretary and shall not be governed by the provisions of any other law, or any regulations prescribed thereunder, that are inconsistent with this section or section 2003A or 2004 of this title.

"(2) In determining the terms and conditions of a grant or contract under which funds are made available in a State in order to carry out section 2003A or 2004 of this title, the Secretary shall take into account (A) the results of the evaluations, carried out pursuant to section 2003(c)(15) of this title, of the performance of local employment offices in the State, and (B) the monitoring carried out under this section.

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"(3) Each grant or contract by which funds are made available in a State shall contain a provision requiring the recipient of the funds to comply with the provisions of this chapter.

"(d) The Assistant Secretary of Labor for Veterans' Employment and Training shall promote and monitor participation of qualified veterans and eligible persons in employment and training opportunities under the Job Training Partnership Act and other federally funded employment and training programs.

"(e)(1) The Secretary shall assign to each region for which the Secretary operates a regional office a representative of the Veterans' Employment and Training Service to serve as the Regional Administrator for Veterans' Employment and Training in such region.

"(2) Each such Regional Administrator shall be responsible for—

"(A) ensuring the promotion, operation, and implementation of all veterans' employment and training programs and services within the region;

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“(B) monitoring compliance with section 2012 of this title with respect to veterans’ employment under Federal contracts within the region;

“(C) protecting and advancing veterans’ reemployment rights within the region; and

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“(D) coordinating, monitoring, and providing technical assistance on veterans’ employment and training programs with respect to all entities receiving funds under grants from or contracts with the Department of Labor within the region.”.

(b) BUDGETING.—Section 2006(a) is amended—

(1) in the fifth sentence—

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(A) by striking out “to fund the disabled veterans’ outreach program under section 2003A” and inserting in lieu thereof “in all of the States for the purposes specified in paragraph (5) of section 2002A(b) of this title and to fund the National Veterans’ Employment and Training Services Institute under section 2009”;

(B) by striking out “such section” and inserting in lieu thereof “such sections”; and

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(2) by striking out the sixth sentence and inserting in lieu thereof the following: “Each budget submission with respect to such funds shall include separate listings of the amount for the National Veterans’ Employment and Training Services Institute and of the proposed numbers, by State, of disabled veterans’ outreach program specialists appointed under section 2003A of this title and local veterans’ employment representatives assigned under section 2004 of this title, together with information demonstrating the compliance of such budget submission with the funding requirements specified in the preceding sentence.”.

(c) USE OF ADMINISTRATIVE FUNDS.—Section 2006(d) is amended by striking out “, except with” and all that follows through “purposes”.

(d) REPORTING REQUIREMENTS.—Section 2007(c) is amended to read as follows:

“(c) Not later than February 1 of each year, the Secretary shall report to the Committees on Veterans’ Affairs of the Senate and the House of Representatives on the success during the preceding program year of the Department of Labor and its affiliated State employment service agencies in carrying out the provisions of this chapter and programs for the provision of employment and training services to meet the needs of eligible veterans and eligible persons. The report shall include—

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“(1) specification, by State and by age group, of the numbers of eligible veterans, veterans of the Vietnam era, disabled veterans, special disabled veterans, and eligible persons who registered for assistance with the public employment service system and, for each of such categories, the numbers referred to and placed in permanent and other jobs, the numbers referred to and placed in jobs and job training programs supported by the Federal Government, the number counseled, and the number who received some, and the number who received no, reportable service;

“(2) a comparison of the job placement rate for each of the categories of veterans and persons described in clause (1) of this subsection with the job placement rate for nonveterans of the same age groups registered for assistance with the public employment system in each State;

“(3) any determination made by the Secretary during the preceding fiscal year under section 2006 of this title or subsection (a)(2) of this section and a statement of the reasons for such determination;

“(4) a report on activities carried out during the preceding program year under sections 2003A and 2004 of this title; and

“(5) a report on the operation during the preceding program year of programs for the provision of employment and training services designed to meet the needs of eligible veterans and eligible persons, including an evaluation of the effectiveness of such programs during such program year in meeting the requirements of section 2002A(b) of this title, the efficiency with which services were provided through such programs during such year, and such recommendations for further legislative action (including the need for any changes in the formulas governing the appointment of disabled veterans’ outreach program specialists under section 2003A(a)(2) of this title and the assignment of local veterans’ employment representatives under section 2004(b) of this title and the allocation of funds for the support of such specialists and representatives) relating to veterans’ employment and training as the Secretary considers appropriate.”.

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(e) CONFORMING, TECHNICAL, AND CLERICAL AMENDMENTS.—(1) Section 2003A is amended—

(A) in subsection (a)—

(i) by striking out paragraphs (1), (3), and (5) and redesignating paragraphs (2) and (4) as paragraphs (1) and (2), respectively;

(ii) in paragraph (1) (as so redesignated)—

(I) by amending the first sentence to read as follows:

“The amount of funds made available for use in a State under section 2002A(b)(5)(A)(i) of this title shall be sufficient to support the appointment of one disabled veterans’ outreach program specialist for each 5,300 veterans of the Vietnam era and disabled veterans residing in such State.”;

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(II) in the second sentence, by inserting “qualified” before “veteran”;

(III) in the third, fourth, and fifth sentences, by inserting “qualified” before “disabled” each place it appears; and

(IV) in the fifth sentence, by inserting “qualified” after “any”; and

(iii) in paragraph (2) (as so redesignated) by striking out “paragraph (2) of”; and

(B) by striking out subsection (d).

(2) Section 2006(a) is amended by striking out the last sentence.

(3)(A) The section heading of section 2002A is amended to read as follows:

“§ 2002A. Assistant Secretary of Labor for Veterans’ Employment and Training; Regional Administrators”.

(B) The table of contents of chapter 41 is amended by striking out the item relating to section 2002A and inserting in lieu thereof the following:

"2002A. Assistant Secretary of Labor for Veterans' Employment and Training; Regional Administrators."

SEC. 3. LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) IN GENERAL.—Section 2004 is amended to read as follows:

"§ 2004. Local veterans' employment representatives

Effective date.

"(a)(1) Beginning with fiscal year 1988, the total of the amount of funds made available for use in the States under section 2002A(b)(5)(A)(ii) of this title shall be sufficient to support the assignment of 1,600 full-time local veterans' employment representatives and the States' administrative expenses associated with the assignment of that number of such representatives and shall be allocated to the several States so that each State receives funding sufficient to support—

"(A) the number of such representatives who were assigned in such State on January 1, 1987, for which funds were provided under this chapter, plus one additional such representative;

"(B) the percentage of the 1,600 such representatives for which funding is not provided under clause (A) of this paragraph which is equal to the average of (i) the percentage of all veterans residing in the United States who reside in such State, (ii) the percentage of the total of all eligible veterans and eligible persons registered for assistance with local employment service offices in the United States who are registered for assistance with local employment service offices in such State, and (iii) the percentage of all full-service local employment service offices in the United States which are located in such State; and

"(C) the State's administrative expenses associated with the assignment of the number of such representatives for which funding is allocated to the State under clauses (A) and (B) of this paragraph.

"(2)(A) The local veterans' employment representatives allocated to a State pursuant to paragraph (1) of this subsection shall be assigned by the administrative head of the employment service in the State, after consultation with the Director for Veterans' Employment and Training for the State, so that as nearly as practical (i) one full-time representative is assigned to each local employment service office at which at least 1,100 eligible veterans and eligible persons are registered for assistance, (ii) one additional full-time representative is assigned to each local employment service office for each 1,500 eligible veterans and eligible persons above 1,100 who are registered at such office for assistance, and (iii) one half-time representative is assigned to each local employment service office at which at least 350 but less than 1,100 eligible veterans and eligible persons are registered for assistance.

"(B) In the case of a service delivery point (other than a local employment service office described in subparagraph (A) of this paragraph) at which employment services are offered under the Wagner-Peyser Act, the head of such service delivery point shall be responsible for ensuring compliance with the provisions of this title providing for priority services for veterans and priority referral of veterans to Federal contractors.

"(3) For the purposes of this subsection, an individual shall be considered to be registered for assistance with a local employment service office during a program year if the individual—

“(A) registered, or renewed such individual’s registration, for assistance with the office during that program year; or

“(B) so registered or renewed such individual’s registration during a previous program year and, in accordance with regulations which the Secretary shall prescribe, is counted as still being registered for administrative purposes.

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“(4) In the assigning of local veterans’ employment representatives on or after July 1, 1988, preference shall be given to qualified eligible veterans or eligible persons. Preference shall be accorded first to qualified service-connected disabled veterans; then, if no such disabled veteran is available, to qualified eligible veterans; and, if no such eligible veteran is available, then to qualified eligible persons.

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“(b) Local veterans’ employment representatives shall—

“(1) functionally supervise the providing of services to eligible veterans and eligible persons by the local employment service staff;

“(2) maintain regular contact with community leaders, employers, labor unions, training programs, and veterans’ organizations for the purpose of (A) keeping them advised of eligible veterans and eligible persons available for employment and training, and (B) keeping eligible veterans and eligible persons advised of opportunities for employment and training;

“(3) provide directly, or facilitate the provision of, labor exchange services by local employment service staff to eligible veterans and eligible persons, including intake and assessment, counseling, testing, job-search assistance, and referral and placement;

“(4) encourage employers and labor unions to employ eligible veterans and eligible persons and conduct on-the-job training and apprenticeship programs for such veterans and persons;

“(5) promote and monitor the participation of veterans in federally funded employment and training programs, monitor the listing of vacant positions with State employment agencies by Federal agencies, and report to the Director for Veterans’ Employment and Training for the State concerned any evidence of failure to provide priority or other special consideration in the provision of services to veterans as is required by law or regulation;

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“(6) monitor the listing of jobs and subsequent referrals of qualified veterans as required by section 2012 of this title;

“(7) work closely with appropriate Veterans’ Administration personnel engaged in providing counseling or rehabilitation services under chapter 31 of this title, and cooperate with employers in identifying disabled veterans who have completed or are participating in a vocational rehabilitation training program under such chapter and who are in need of employment;

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“(8) refer eligible veterans and eligible persons to training, supportive services, and educational opportunities, as appropriate;

“(9) assist, through automated data processing, in securing and maintaining current information regarding available employment and training opportunities;

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“(10) cooperate with the staff of programs operated under section 612A of this title in identifying and assisting veterans who have readjustment problems and who may need services available at the local employment service office;

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"(11) when requested by a Federal or State agency, a private employer, or a service-connected disabled veteran, assist such agency, employer, or veteran in identifying and acquiring prosthetic and sensory aids and devices needed to enhance the employability of disabled veterans; and

"(12) facilitate the provision of guidance or counseling services, or both, to veterans who, pursuant to section 5(b)(3) of the Veterans' Job Training Act (29 U.S.C. 1721 note), are certified as eligible for participation under such Act.

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"(c) Each local veterans' employment representative shall be administratively responsible to the manager of the local employment service office and shall provide reports, not less frequently than quarterly, to the manager of such office and to the Director for Veterans' Employment and Training for the State regarding compliance with Federal law and regulations with respect to special services and priorities for eligible veterans and eligible persons.

"(d) Local veterans' employment representatives shall be assigned, in accordance with this section, by the administrative head of the employment service in each State after consultation with the Director for Veterans' Employment and Training."

(b) DEFINITION.—Section 2001 is amended by adding the following at the end:

"(7) The term 'local employment service office' means a service delivery point which has an intrinsic management structure and at which employment services are offered in accordance with the Wagner-Peyser Act."

(c) CLERICAL AMENDMENT.—The item for section 2004 in the table of contents for chapter 41 is amended to read as follows:

"2004. Local veterans' employment representatives."

SEC. 4. PERFORMANCE OF DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) IN GENERAL.—(1) Chapter 41 is amended by inserting after section 2004 the following new section:

38 USC 2004A.

"§ 2004A. Performance of disabled veterans' outreach program specialists and local veterans' employment representatives

"(a)(1) Subject to paragraph (2) of this subsection, each State employment agency shall develop and apply standards for the performance of disabled veterans' outreach program specialists appointed under section 2003A(a) of this title and local veterans' employment representatives assigned under section 2004(b) of this title.

"(2)(A) Such standards shall be consistent with the duties and functions specified in section 2003A(b) of this title with respect to such specialists and section 2004(b) (1) through (12) of this title with respect to such representatives.

"(B) In developing such standards, the State employment agency—

"(i) shall take into account (I) the prototype developed under paragraph (3) of this subsection, and (II) the comments submitted under clause (ii) of this subparagraph by the Director for Veterans' Employment and Training for the State;

"(ii) shall submit to such Director proposed standards for comment;

“(iii) may take into account the State’s personnel merit system requirements and other local circumstances and requirements; and

“(iv) may request the assistance of such Director.

“(C) Such standards shall include as one of the measures of the performance of such a specialist the extent to which the specialist, in serving as a case manager under section 14(b)(1)(A) of the Veterans’ Job Training Act (29 U.S.C. 1721 note), facilitates rates of successful completion of training by veterans participating in programs of job training under the Act.

“(3)(A) The Secretary, after consultation with State employment agencies or their representatives, or both, shall provide to such agencies a prototype of performance standards for use by such agencies in the development of performance standards under subsection (a)(1) of this section.

“(B) Each Director for Veterans’ Employment and Training—

“(i) shall, upon the request of the State employment agency under paragraph (2)(B)(iv) of this subsection, provide appropriate assistance in the development of performance standards,

“(ii) may, within 30 days after receiving proposed standards under paragraph (2)(B)(ii) of this subsection, provide comments on the proposed standards, particularly regarding the consistency of the proposed standards with such prototype.

“(b)(1) Directors for Veterans’ Employment and Training and Assistant Directors for Veterans’ Employment and Training shall regularly monitor the performance of the specialists and representatives referred to in subsection (a)(1) of this section through the application of the standards required to be prescribed by subsection (a)(1).

“(2) A Director for Veterans’ Employment and Training for a State may submit to the head of the employment service in the State recommendations and comments in connection with each annual performance rating of such specialists and representatives in the State.”.

(2) Each State employment agency (A) shall develop and promulgate standards under section 2004A of title 38, United States Code, as added by paragraph (1) of this subsection, as soon as feasible, and in doing so (B) shall submit proposed standards to the Director for Veterans’ Employment and Training for the State not later than 12 months after the date on which the Secretary provides the agency with prototype standards under subsection (a)(3)(A) of such section, and (C) shall adopt final standards not later than 90 days after submitting the proposed standards to the Director for Veterans’ Employment and Training for comment under subsection (a)(3)(B)(ii) of such section.

38 USC 2004A
note.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 is amended by adding after the item for section 2004 the following new item:

“2004A. Performance of disabled veterans’ outreach program specialists and local veterans’ employment representatives.”.

SEC. 5. WAIVER OF RESIDENCY REQUIREMENT FOR DIRECTORS AND ASSISTANT DIRECTORS FOR VETERANS’ EMPLOYMENT AND TRAINING.

Section 2003(b)(1) is amended—

(1) by inserting “(A)” after “(1)”;

(2) by redesignating clauses (A) and (B) as clauses (i) and (ii), respectively;

(3) in clause (i), as redesignated by clause (2) of this section, by striking out "be an eligible veteran" and inserting in lieu thereof ", except as provided in subparagraph (B) of this paragraph, be a qualified veteran"; and

(4) by adding at the end the following new subparagraph:

"(B) If, in appointing a Director or Assistant Director for any State under this section, the Secretary determines that there is no qualified veteran available who meets the residency requirement in subparagraph (A)(i), the Secretary may appoint as such Director or Assistant Director any qualified veteran."

SEC. 6. SHARING OF INFORMATION REGARDING POTENTIAL EMPLOYERS.

(a) BETWEEN THE DEPARTMENTS OF DEFENSE AND LABOR.—Section 2005 is amended—

(1) by inserting "(a)" before "All"; and

(2) by adding at the end the following new subsection:

"(b) For the purpose of assisting the Secretary and the Administrator in identifying employers with potential job training opportunities under the Veterans' Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note) and otherwise in order to carry out this chapter, the Secretary of Defense shall provide, not more than 30 days after the date of the enactment of this subsection, the Secretary and the Administrator with any list maintained by the Secretary of Defense of employers participating in the National Committee for Employer Support of the Guard and Reserve and shall provide, on the 15th day of each month thereafter, updated information regarding the list."

(b) BETWEEN THE VETERANS' ADMINISTRATION AND THE DEPARTMENT OF LABOR.—(1) Section 2008 is amended—

(A) by inserting "(a)" before "In"; and

(B) by adding at the end the following new subsection:

"(b) The Administrator shall provide to appropriate employment service offices and Department of Labor offices, as designated by the Secretary, on a monthly or more frequent basis, the name and address of each employer located in the areas served by such offices that offer a program of job training which has been approved by the Administrator under section 7 of the Veterans' Job Training Act (29 U.S.C. 1721 note)."

(2)(A) The heading of section 2008 is amended to read as follows:

"§ 2008. Cooperation and coordination".

(B) The item relating to such section in the table of sections at the beginning of chapter 41 is amended to read as follows:

"2008. Cooperation and coordination."

SEC. 7. RESPONSIBILITIES OF PERSONNEL.

(a) DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.—Section 2003(c) is amended—

(1) in clause (1)—

(A) by inserting "(A) functionally supervise the provision of services to eligible veterans and eligible persons by such system and such program and their staffs, and (B)" after "(1)"; and

(B) by inserting “, including the program conducted under the Veterans’ Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note)” after “programs”;

(2) in clause (2), by inserting “and otherwise to promote the employment of eligible veterans and eligible persons” after “opportunities”;

(3) in clause (11), by striking out “and” at the end;

(4) in clause (12), by striking out the period and inserting in lieu thereof a semicolon; and

(5) by adding at the end the following new clauses:

“(13) monitor the implementation of Federal laws requiring veterans preference in employment and job advancement opportunities within the Federal Government and report to the Office of Personnel Management or other appropriate agency, for enforcement or other remedial action, any evidence of failure to provide such preference or to provide priority or other special consideration in the provision of services to veterans as is required by law or regulation;

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“(14) monitor, through disabled veterans’ outreach program specialists and local veterans’ employment representatives, the listing of vacant positions with State employment agencies by Federal agencies, and report to the Office of Personnel Management or other appropriate agency, for enforcement or other remedial action, any evidence of failure to provide priority or other special consideration in the provision of services to veterans as is required by law or regulation; and

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“(15)(A) not less frequently than annually, conduct, subject to subclause (B) of this clause, an evaluation at each local employment office of the services provided to eligible veterans and eligible persons and make recommendations for corrective action as appropriate; and

“(B) carry out such evaluations in the following order of priority: (I) offices that demonstrated less than satisfactory performance during either of the two previous program years, (II) offices with the largest number of veterans registered during the previous program year, and (III) other offices as resources permit.”

(b) **DISABLED VETERANS’ OUTREACH PROGRAM SPECIALISTS.**—Section 2003A(c) is amended—

(1) in clause (4), by inserting “(including part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.))” after “programs”;

(2) in clause (6), by inserting “(including the program conducted under the Veterans’ Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note))” after “programs”; and

(3) by adding at the end the following new clauses:

“(9) Provision of vocational guidance or vocational counseling services, or both, to veterans with respect to veterans’ selection of and changes in vocations and veterans’ vocational adjustment.

“(10) Provision of services as a case manager under section 14(b)(1)(A) of the Veterans’ Job Training Act (Public Law 98-77; 29 U.S.C. 1721 note).”

SEC. 8. NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE.

(a) **ESTABLISHMENT OF INSTITUTE.**—Section 2009 is amended to read as follows:

"§ 2009. National Veterans' Employment and Training Services Institute

"(a) In order to provide for such training as the Secretary considers necessary and appropriate for the efficient and effective provision of employment, job-training, counseling, placement, job-search, and related services to veterans, the Secretary shall establish and make available such funds as may be necessary to operate a National Veterans' Employment and Training Services Institute for the training of disabled veterans' outreach program specialists, local veterans' employment representatives, Directors for Veterans' Employment and Training, and Assistant Directors for Veterans' Employment and Training, Regional Administrators for Veterans' Employment and Training, and such other personnel involved in the provision of employment, job-training, counseling, placement, or related services to veterans as the Secretary considers appropriate, including travel expenses and per diem for attendance at the Institute.

"(b) In implementing this section, the Secretary shall, as the Secretary considers appropriate, provide, out of program funds designated for the Institute, training for Veterans' Employment and Training Service personnel, including travel expenses and per diem to attend the Institute."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 41 is amended by striking out the item for section 2009 and inserting in lieu thereof the following:

"2009. National Veterans' Employment and Training Services Institute."

SEC. 9. STUDY OF UNEMPLOYMENT AMONG CERTAIN DISABLED VETERANS AND VIETNAM THEATER VETERANS.

(a) **IN GENERAL.**—Chapter 41 is further amended by adding at the end the following new section:

"§ 2010A. Special unemployment study

"(a) The Secretary, through the Bureau of Labor Statistics, shall conduct, on a biennial basis, studies of unemployment among special disabled veterans and among veterans who served in the Vietnam Theater of Operations during the Vietnam era and promptly report to the Congress on the results of such studies.

"(b) The first study under this section shall be completed not later than 180 days after the date of the enactment of this section."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 41 is amended by adding at the end the following new item:

"2010A. Special unemployment study."

SEC. 10. SECRETARY'S COMMITTEE ON VETERANS' EMPLOYMENT.

Clause (1) of section 2010(b) is amended—

(1) by redesignating subclauses (D), (E), and (F) as subclauses (E), (F), and (G), respectively;

(2) by inserting after subclause (C) the following:

"(D) the Secretary of Education;"

- (3) by striking out "and" at the end of subclauses (F) and (G) (as so redesignated); and
- (4) by adding at the end the following:
 - "(H) the Postmaster General; and
 - "(I) any other agency of the Federal Government which has had its request to have a representative on the committee approved by the Secretary; and".

SEC. 11. VETERANS' JOB TRAINING ACT AMENDMENTS.

(a) COUNSELING.—(1) Section 14 of the Veterans' Job Training Act is amended by striking out subsection (b) and inserting in lieu thereof the following:

29 USC 1721
note.

"(b)(1) The Secretary shall provide for a program under which—

"(A) except as provided in paragraph (2), a disabled veteran's outreach program specialist appointed under section 2003A(a) of title 38, United States Code, is assigned as a case manager for each veteran participating in a program of job training under this Act;

"(B) the veteran has an in-person interview with the case manager not later than 60 days after entering into a program of training under this Act; and

"(C) periodic (not less frequent than monthly) contact is maintained with each such veteran for the purpose of (i) avoiding unnecessary termination of employment, (ii) referring the veteran to appropriate counseling, if necessary, (iii) facilitating the veteran's successful completion of such program, and (iv) following up with the employer and the veteran in order to determine the veteran's progress in the program and the outcome regarding the veteran's participation in and successful completion of the program.

"(2) No case manager shall be assigned pursuant to paragraph

(1)(A)—

"(A) for a veteran if, on the basis of a recommendation made by a disabled veterans' outreach program specialist, the Secretary determines that there is no need for a case manager for such veteran; or

"(B) in the case of the employees of an employer, if the Secretary determines that—

"(i) the employer has an appropriate and effective employee assistance program that is available to all veterans participating in the employer's programs of job training under this Act; or

"(ii) the rate of veterans' successful completion of the employer's programs of job training under this Act, either cumulatively or during the previous program year, is 60 percent or higher.

"(3) The Secretary and the Administrator shall jointly provide, to the extent feasible—

"(A) a program of counseling or other services (to be provided pursuant to subchapter IV of chapter 3 of title 38, United States Code, and sections 612A, 2003A, and 2004 of such title) designed to resolve difficulties that may be encountered by veterans during their training under this Act; and

"(B) a program of information services under which—

"(i) each veteran who enters into a program of job training under this Act and each employer participating under this Act is informed of the supportive services and re-

sources available to the veteran (I) under clauses (A) and (B), (II) through Veterans' Administration counseling and career-development activities (especially, in the case of a Vietnam-era veteran, readjustment counseling services under section 612A of such title) and under part C of title IV of the Job Training Partnership Act (29 U.S.C. 1501 et seq.), and (III) through other appropriate agencies in the community; and

"(ii) veterans and employers are encouraged to request such services whenever appropriate.

"(c) Before a veteran who voluntarily terminates from a program of job training under this Act or is involuntarily terminated from such program by the employer may be eligible to be provided with a further certificate, or renewal of certification, of eligibility for participation under this Act, such veteran must be provided by the Secretary, after consultation with the Administrator, with a case manager."

29 USC 1721
note.

(2) Section 14(a) of the Veterans' Job Training Act is amended—

(A) by striking out "The" and inserting in lieu thereof "(1) The"; and

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

"(2) The Administrator shall, after consultation with the Secretary, provide a program of job-readiness skills development and counseling services designed to assist veterans in need of such assistance in finding, applying for, and successfully participating in a suitable program of job training under this Act. As part of providing such services, the Administrator shall coordinate activities, to the extent practicable, with the readjustment counseling program described in section 612A of title 38, United States Code. The Administrator shall advise veterans participating under this Act of the availability of such services and encourage them to request such services whenever appropriate."

(3)(A) Section 1504(a)(7) is amended—

(i) by inserting "(A)" before "individualized"; and

(ii) by striking out the period and inserting in lieu thereof ", and (B) job-readiness skills development and counseling under section 14(a)(2) of the Veterans' Job Training Act (29 U.S.C. 1721 note) for a participant in a program of training under such Act."

(B) Section 14 of the Veterans' Job Training Act is amended by adding after the subsections inserted by paragraph (1) of this subsection the following:

"(d) Payments made under this Act pursuant to contracts entered into for the provision of job-readiness skills development and counseling services under subsection (a)(2) may only be paid out of the same account used to make payments under section 1504(a)(7) of title 38, United States Code, and the amount paid out of such account in any fiscal year for such services shall not exceed an amount equal to 5 percent of the amount obligated to carry out this Act for such fiscal year, except that for fiscal year 1988 the amount shall not exceed 5 percent of the amount available to carry out this Act on October 1, 1987."

29 USC 1721
note.

(4) Section 7(d) of such Act is amended—

(A) by redesignating paragraph (12) as paragraph (13); and

(B) inserting after paragraph (11) the following new paragraph:

"(12) That, as applicable, the employer will provide each participating veteran with the full opportunity to participate in a personal interview pursuant to section 14(b)(1)(A) during the veteran's normal workday."

(b) DISCONTINUANCE OF APPROVAL OF PARTICIPATION IN PROGRAMS OF EMPLOYERS WITH UNSATISFACTORY COMPLETION RATES.—Section 11 of such Act is amended—

(1) by inserting "(a)" after "SEC. 11."; and

(2) by adding at the end the following new subsection:

29 USC 1721
note.

"(b)(1) If the Administrator determines that the rate of veterans' successful completion of an employer's programs of job training previously approved by the Administrator for the purposes of this Act is disproportionately low because of deficiencies in the quality of such programs, the Administrator shall disapprove participation in such programs on the part of veterans who had not begun such participation on the date that the employer is notified of the disapproval. In determining whether any such rate is disproportionately low because of such deficiencies, the Administrator shall take into account appropriate data, including—

"(A) the quarterly data provided by the Secretary with respect to the number of veterans who receive counseling in connection with training under this Act, are referred to employers under this Act, participate in job training under this Act, complete such training or do not complete such training, and the reasons for noncompletion; and

"(B) data compiled through the particular employer's compliance surveys.

"(2) With respect to a disapproval under paragraph (1), the Administrator shall provide to the employer concerned the kind of statement, opportunity for hearing, and notice described in subsection (a).

"(3) A disapproval under paragraph (1) shall remain in effect until such time as the Administrator determines that adequate remedial action has been taken."

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 16 of such Act is amended—

29 USC 1721
note.

(1) by inserting "(a)" before "There";

(2) in subsection (a) (as so designated)—

(A) in the first sentence—

(i) by inserting "(1)" after "Administration";

(ii) by striking out "and" the second place it appears and inserting in lieu thereof "(2)"; and

(iii) by striking out "1987, and 1988" and inserting in lieu thereof "and 1987, and (3) \$60,000,000 for each of the fiscal years 1988 and 1989"; and

(B) in the final sentence, by striking out "1989" and inserting in lieu thereof "1991"; and

(3) by adding at the end the following new subsection:

"(b) Notwithstanding any other provision of law, any funds appropriated under subsection (a) for any fiscal year which are obligated for the purpose of making payments under section 8 on behalf of a veteran (including funds so obligated which previously had been obligated for such purpose on behalf of another veteran and were thereafter deobligated) and are later deobligated shall immediately upon deobligation become available to the Administrator for obligation for such purpose. The further obligation of such funds by the Administrator for such

purpose shall not be delayed, directly or indirectly, in any manner by any officer or employee in the executive branch.”.

29 USC 1721
note.

(2) DEADLINES FOR VETERANS' APPLICATIONS AND ENTRY INTO TRAINING.—Section 17 of such Act is amended to read as follows:

“TIME PERIODS FOR APPLICATION AND INITIATION OF TRAINING

“SEC. 17. Assistance may not be paid to an employer under this Act—

“(1) on behalf of a veteran who initially applies for a program of job training under this Act after September 30, 1989; or
“(2) for any such program which begins after March 31, 1990.”.

29 USC 1721
note.

(e) CONFORMING AMENDMENT.—Section 5(b)(3)(A) of such Act is amended by striking out “The” at the beginning of the first sentence and inserting in lieu thereof “Subject to section 14(c), the”.

29 USC 1721
note.

(f) DATA ON PARTICIPATION.—Section 15 of such Act is amended by adding at the end the following new subsection:

State and local
governments.

“(f) The Secretary shall, on a not less frequent than quarterly basis, collect and compile from the heads of State employment services and Directors for Veterans' Employment and Training for each State information available to such heads and Directors, and derived from programs carried out in their respective States, with respect to the numbers of veterans who receive counseling services pursuant to section 14, who are referred to employers participating under this Act, who participate in programs of job training under this Act, and who complete such programs, and the reasons for veterans' noncompletion.”.

29 USC 1721
note.

SEC. 12. TRAINING AND EMPLOYMENT STUDY AND REPORT.

The Administrator of Veterans' Affairs shall provide for a study, based on valid statistical samplings, of the implementation of the Veterans' Job Training Act and shall transmit, not later than one year after the date of the enactment of this Act, a report to the Committees on Veterans' Affairs of the Senate and the House of Representatives containing the findings and conclusions of such study, including, to the extent feasible—

(1) a listing, by regional office and by State, of the number of veterans placed in a program of job training under the Veterans' Job Training Act and the percentage that this number represents of the total number of veterans certified (not including renewal of certifications), by regional office and by State, as eligible for participation under such Act;

(2) a description, by regional office and by State, of the demographic nature (including race, sex, age, educational level, service-connected disability status, income before placement, and income after placement) of veterans placed in a program of job training under such Act;

(3) a description, by regional office and by State, of the demographic nature (including, race, sex, age, educational level, service-connected disability status, and income) of veterans certified as eligible for participation under such Act but not placed in a job training program;

(4) an analysis of the reasons that veterans certified as eligible for participation have not been placed in a program of job training under such Act;

(5) a listing, by regional office and by State, of the number of veterans who were certified as eligible for participation under such Act and were not placed in a program of job training under such Act but were later placed in another job training program or employment;

(6) a description, by regional office and by State, of the rate at which veterans have discontinued participation in, without completing, a program of job training under such Act, with a separate rate stated for those who discontinued within 3 months after beginning such a program, those who discontinued within 3 to 6 months after such beginning, and those who discontinued within 6 to 9 months after such beginning;

(7) an analysis of the major reasons for veterans failing to complete such a training program;

(8) a ranking of the twenty-five categories of employment (by types of business or industry and trade) for which programs of job training have most frequently been denied approval under such Act, with such ranking being made on the basis of the number of denials for each such category; and

(9) a ranking of the twenty-five categories of employment (by types of business or industry and trade) for which veterans have most frequently received employment as a result of a program of job training under such Act, with such ranking being made on the basis of the number of jobs provided in each such category.

SEC. 13. STATE APPROVING AGENCIES.

(a) PAYMENTS.—(1) Section 1774(a) is amended—

(A) by striking out “The” in the first sentence and inserting in lieu thereof “(1) Subject to paragraphs (2) through (4) of this subsection, the”;

(B) by striking out “(1)” and “(2)” in the first sentence and inserting in lieu thereof “(A)” and “(B)”, respectively; and

(C) by adding at the end the following new paragraphs:

“(2)(A) The Administrator shall, effective at the beginning of fiscal year 1988, make payments to State and local agencies, out of amounts available for the payment of readjustment benefits, for the reasonable and necessary expenses of salary and travel incurred by employees of such agencies in carrying out contracts or agreements entered into under this section and for the allowance for administrative expenses described in subsection (b).

Contracts.
Wages.

“(B) The Administrator shall make such a payment to an agency within a reasonable time after the agency has submitted a report pursuant to paragraph (3)(A) of this subsection.

“(C) Subject to paragraph (4) of this subsection, the amount of any such payment made to an agency for any period shall be equal to the amount of the reasonable and necessary expenses of salary and travel certified by such agency for such period in accordance with paragraph (3) of this subsection plus the allowance for administrative expenses described in subsection (b).

“(3)(A) Each State and local agency with which a contract or agreement is entered into under this section shall submit to the Administrator on a monthly or quarterly basis, as determined by the agency, a report containing a certification of the reasonable and necessary expenses incurred for salary and travel by such agency under such contract or agreement for the period covered by the

Contracts.
Reports.

report. The report shall be submitted in the form and manner required by the Administrator.

"(B) The Administrator shall transmit a report to the Congress on a quarterly basis which summarizes—

"(i) the amounts for which certifications were made by State and local agencies in the reports submitted under subparagraph (A) of this paragraph with respect to the quarter for which the report is made; and

"(ii) the amounts of the payments made by the Administrator for such quarter with respect to such certifications and with respect to administrative expenses.

"(4) The total amount made available under this section for any fiscal year may not exceed \$12,000,000. For any fiscal year in which the total amount that would be made available under this section would exceed \$12,000,000 except for the provisions of this paragraph, the Administrator shall provide that each agency shall receive the same percentage of \$12,000,000 as the agency would have received of the total amount that would have been made available without the limitation of this paragraph."

38 USC 1774
note.

(2) If any payment is made to State or local approving agencies with respect to activities carried out under subchapter I of chapter 36 of title 38, United States Code, for fiscal year 1988 before the date of the enactment of this Act and from an account other than the account used for payment of readjustment benefits, the account from which such payment was made shall be reimbursed from the account used for payment of readjustment benefits.

(b) EMPLOYMENT STANDARDS.—(1) Subchapter I of chapter 36 is amended—

(A) by inserting the following new section after section 1774:

38 USC 1774A.

"§ 1774A. Evaluations of agency performance; qualifications and performance of agency personnel

"(a) The Administrator shall—

"(1)(A) conduct, in conjunction with State approving agencies, an annual evaluation of each State approving agency on the basis of standards developed by the Administrator in conjunction with the State approving agencies, and (B) provide each such agency an opportunity to comment on the evaluation;

Contracts.

"(2) take into account the results of annual evaluations carried out under clause (1) when negotiating the terms and conditions of a contract or agreement under section 1774 of this title;

Contracts.

"(3) supervise functionally the provision of course-approval services by State approving agencies under this subchapter;

"(4) cooperate with State approving agencies in developing and implementing a uniform national curriculum, to the extent practicable, for training new employees and for continuing the training of employees of such agencies, and sponsor, with the agencies, such training and continuation of training; and

"(5) prescribe prototype qualification and performance standards, developed in conjunction with State approving agencies, for use by such agencies in the development of qualification and performance standards for State approving agency personnel carrying out approval responsibilities under a contract or agreement entered into under section 1774(a).

Contracts.

"(b)(1) Each State approving agency carrying out a contract or agreement with the Administrator under section 1774(a) after the

18-month period beginning on the date of the enactment of this section shall—

“(A) apply qualification and performance standards based on the standards developed under subsection (a)(5) of this section; and

“(B) make available to any person, upon request, the criteria used to carry out its functions under a contract or agreement entered into under section 1774(a).

“(2) In developing and applying standards described in subsection (a)(5) of this section, the State approving agency may take into consideration the State’s merit system requirements and other local requirements and conditions.

“(3) The Administrator shall provide assistance in developing such standards to a State approving agency that requests it.”; and

(B) by inserting after the item for section 1774 in the table of sections for such subchapter the following:

“1774A. Evaluations of agency performance; qualifications and performance of agency personnel”.

(2) For purposes of implementing the amendments made by paragraph (1)—

38 USC 1774A
note.

(A) the Administrator of Veterans’ Affairs shall, within 120 days after the date of the enactment of this Act, publish prototype standards developed under section 1774A(a)(5) of title 38, United States Code, as added by paragraph (1);

(B) each State approving agency shall, within 1 year after the Administrator has published prototype standards under subparagraph (A), submit to the Administrator of Veterans’ Affairs a copy of the standards to be implemented by such agency under section 1774A(b)(1)(A) of such title; and

(C) the Administrator may, within 30 days after receiving such standards from an agency, provide comments to the agency, especially with regard to whether the State’s standards are consistent with the prototype standards developed by the Administrator under section 1774A(a)(5) of such title.

(3) None of the qualification standards implemented pursuant to the amendments made by paragraph (1) shall apply to any person employed by a State approving agency on the date of the enactment of this Act as long as such person remains in the position in which the person is employed on such date.

38 USC 1774A
note.

(4) Section 1771(b)(1) is amended by striking out “approving agency,” the first place it appears and inserting in lieu thereof “approving agency, or fails to enter into an agreement under section 1774(a),”.

Contracts.

(5) Section 1774(a)(1), as amended by subsection (a)(1) of this section, is amended—

(A) by striking out “chapters 34 and 35 of this title” the first place it appears in the first sentence and inserting in lieu thereof “chapters 30 through 35 of this title and chapters 106 and 107 of title 10”;

(B) by striking out “chapters 34 and 35 of this title” the second place it appears in the first sentence and where it appears in the second sentence and inserting in lieu thereof “such chapters”; and

(C) by striking out “chapter 32, 34, 35, or 36 of this title” in the third sentence and inserting in lieu thereof “such chapters”.

(6) Section 1782 is amended by striking out "No" in the first sentence and inserting in lieu thereof "Except as provided in section 1774A of this title, no".

SEC. 14. COMMISSION ON VETERANS' EDUCATION POLICY.

38 USC 1792
note.

Section 320(a)(3) of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 (Public Law 99-576; 100 Stat. 3248) is amended by inserting "the Assistant Secretary of Defense for Force Management and Personnel," after "paragraph (2)(A),".

SEC. 15. REVISIONS OF NOMENCLATURE.

(a) SECRETARY OF LABOR.—(1) Section 2001 is amended by adding at the end the following new paragraph:

"(8) The term 'Secretary' means the Secretary of Labor."

(2) Sections 2002A, 2003 (a) and (b)(2), 2005, 2006(a), 2007, 2008, and 2010(b) are amended by striking out "Secretary of Labor" each place it appears except where preceded by "Assistant" and inserting in lieu thereof "Secretary".

(3) The first sentence of section 2010(b) is amended by striking out "The" and inserting in lieu thereof "Notwithstanding section 2002A(b) of this title, the".

29 USC 1721
note.

(b) ASSISTANT SECRETARY OF LABOR FOR VETERANS' EMPLOYMENT AND TRAINING.—(1) Sections 2000(2), 2002, 2002A, and 2010(b) are amended by inserting "and Training" after "Assistant Secretary of Labor for Veterans' Employment" each place it appears.

(2) Section 4(b) of the Veterans' Job Training Act is amended by inserting "and Training" after "Assistant Secretary of Labor for Veterans' Employment".

(c) DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.—(1) Sections 2003 and 2003A(b)(2) are amended by striking out "State Director for Veterans' Employment", "State Directors for Veterans' Employment", "Assistant State Director for Veterans' Employment" and "Assistant State Directors for Veterans' Employment" each place those terms appear and inserting in lieu thereof "Director for Veterans' Employment and Training", "Directors for Veterans' Employment and Training", "Assistant Director for Veterans' Employment and Training", and "Assistant Directors for Veterans' Employment and Training", respectively.

29 USC 1721
note.

(2) Section 15(c)(2) of the Veterans Job Training Act is amended by striking out "State and Assistant State Directors for Veterans' Employment" and inserting in lieu thereof "Directors and Assistant Directors for Veterans' Employment and Training".

(3)(A) The heading of section 2003 is amended to read as follows:

"§ 2003. Directors and Assistant Directors for Veterans' Employment and Training".

(B) The item relating to such section in the table of sections at the beginning of chapter 41 is amended to read as follows:

"2003. Directors and Assistant Directors for Veterans' Employment and Training."

(d) VETERANS' EMPLOYMENT AND TRAINING SERVICE.—Section 2002 is amended by striking out "Veterans Employment Service" and inserting in lieu thereof "Veterans' Employment and Training Service".

SEC. 16. EFFECTIVE DATES.

38 USC 1504
note.

(a) **IN GENERAL.**—Except as provided in subsection (b), the provisions of and amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) **EXCEPTIONS.**—(1) The following provisions of or amendments made by this Act shall take effect for all of fiscal year 1988 and subsequent fiscal years:

(A) Clause (5) of subsection (b) of section 2002A of title 38, United States Code, as added by section 2(a)(2) of this Act.

(B) Subsection (a) of section 2003A of such title, as amended by section 2(e)(1)(A) of this Act.

(C) Paragraphs (1), (2), and (3) of section 2004(a) of such title, as amended by section 3(a) of this Act.

(D) Paragraphs (2) through (5) of section 1774(a) of such title, as added by section 13(a)(1) of this Act.

(2) The provisions of and amendments made by sections 4 through 11 shall take effect on the 60th day after the date of the enactment of this Act.

Approved May 20, 1988.

LEGISLATIVE HISTORY—S. 999 (H.R. 1504):

HOUSE REPORTS: No. 100-192 accompanying H.R. 1504 (Comm. on Veterans' Affairs).

SENATE REPORTS: No. 100-128 (Comm. on Veterans' Affairs).

CONGRESSIONAL RECORD:

Vol. 133 (1987): June 29, 30, H.R. 1504 considered and passed House.

Aug. 4, considered and passed Senate, amended, in lieu of S. 999.

Dec. 19, passage of H.R. 1504 vitiated; S. 999 considered and passed Senate.

Vol. 134 (1988): Apr. 27, considered and passed House, amended.

Apr. 28, Senate concurred in House amendments.