



Legislative Bulletin.....July 24, 2006

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Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 1

Total Cost of Discretionary Authorizations: \$22 million over five years

Effect on Revenue: \$0

Total Change in Mandatory Spending: \$0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 1

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

H.R. 3082 — Veteran-Owned Small Business Promotion Act of 2005 — *as amended* (Boozman, R-AR)

Order of Business: The bill is scheduled for consideration on Monday, July 24, 2006, under a motion to suspend the rules and pass the bill, as amended.

Note: Under House Republican Conference Rules, legislation creating a new program is not to be considered by the House on the Suspension Calendar, unless it is granted a waiver of the rules. A waiver was requested and provided for H.R. 3082, since it does create a new federal program.

Summary: H.R. 3082 would make changes to several programs for veterans, primarily for veterans' employment and training benefits and veterans' burial benefits, and establish contract goals to be awarded to veteran owned business, among other items. This bill combines the text of four separate bills: H.R. 601, H.R. 3082 (as amended), H.R. 5038, and H.R. 5220, as amended. The specific provisions of the bill are as follows:

Title I – Veteran-Owned Small Business

- Establishes a goal (quota) for each fiscal year for participation in Department of Veterans Affairs (VA) contracts by veteran owned businesses (defined as a business with at least 51 percent ownership by veterans);
- States that the VA Secretary may determine the goal for each fiscal year, but that the goal may not be less than the government-wide goal for participation by small businesses owned by veterans service-connected disabilities;
- Requires that annual performance reviews for each relevant senior official at VA with procurement authority include an assessment of whether or not the contracting goals were met under their authority; stipulates that if the contracting goal is not met, the official may not receive a performance reward or presidential rank award;
- Stipulates that non-competitive contract procedures may be used to meet the contracting goals/quotas in this Act;
- Allows sole source contracts to be awarded to a veteran owned business up to \$5 million;
- Requires the VA to create and maintain a database of small business owned and controlled by veterans, and a database of the veteran owners of those businesses; and
- Requires the VA to give priority to a veteran-owned small business when procuring goods and services, if the business meets the requirements of the contract.

Title II – Grants to Indian Tribal Organizations for Veterans Cemeteries

- Requires the VA to make grants to any tribal organization to assist them in establishing, expanding, or improving veterans' cemeteries on the trust land owned by, or held in trust for, the tribal organization; and
- Permanently extends the VA Government Marker Benefit and Obsolete Provision under current law, and expands the applicant pool by changing the date from September 11, 2001 to November 1, 1990 (veterans that died on or after that date qualify for the program).

Title III – Veterans' Employment and Training

- Requires the Department of Labor's Employment and Training Service (VETS) to establish professional qualification guidelines (for use by states) for determining the eligibility for employment of state employees who are designated as disabled veterans outreach program specialists (DVOPS) and local veterans employment representatives (LVERs);
- Requires states to describe the qualifications and training for DVOPS and LVERs as part of the application for a state grant;
- Requires states to develop a licensing and certification program within two years after date of enactment for veterans as a condition of receiving a grant from VETS;

- Requires that all DVOPS/LVERs hired after date of enactment successfully complete training by the National Veterans' Training Institute within three years of appointment;
- **Authorizes a five-year demonstration project** allowing the Assistant Secretary of Labor for VETS to enter into contracts with non-governmental entities to carry out placement services in high unemployment areas using unobligated funds, and require the GAO to report on this demonstration project; and
- **Establishes a demonstration project** that would:
 - a. authorizes the Secretary of Labor to identify not fewer than ten military occupational specialties that would lead to civilian credentialing within an industry that has a critical shortage of employees or that is a high-growth industry;
 - b. requires the Secretary of Labor to work with states and industries to identify the civilian credentialing requirements within each state and industry to reduce the barriers for service members seeking civilian employment;
 - c. requires an annual report to Congress describing the efforts and results of the previous year toward credentialing services;
 - d. terminates authorization of the demonstration project on September 30, 2009; and
 - e. **authorizes appropriations of \$1 million for each of the fiscal years 2007 through 2009.**

Title IV – Education Programs

- Extends authorization for work-study programs located at VA cemeteries, state veterans homes, and state approving agencies through June 30, 2007 (set to expire on December 27, 2006).
- Requires the VA to submit a report to Congress outlining methods to improve the administrative processes and procedures of education programs in chapters 30 through 30 of title 38 of the U.S. Code.
- Restores lost entitlement for certain education beneficiaries who are survivors and dependents of veterans who are forced to discontinue a course of education due to being called to full-time National Guard duty.

Possible Conservative Concerns: As noted above, the bill establishes new “goals” for awarding VA contracts to veteran-owned business, creates new several new federal grant programs and a demonstration project for veterans affairs related programs.

Committee Action: H.R. 3082 was introduced on June 28, 2005, and referred to the Committee on Veterans' Affairs Subcommittee on Economic Opportunity. The bill was marked-up on May 10, 2005, and it was reported (amended) to the House by voice vote on July 13, 2006.

Cost to Taxpayers: CBO estimates that implementing H.R. 3082 “would cost \$1 million in 2007 and \$22 million over the 2007-2011 period, assuming appropriation of the necessary amounts. In addition, CBO estimates that enacting **this legislation would increase direct spending for veterans programs by less than \$500,000 in 2007 and by \$2 million over the 2007-2016 period**” (emphasis added).

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, as noted above, it creates new federal grant programs and demonstration projects, among other items.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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**H.Con.Res. 347 — Honoring the National Association of State Veterans Homes and the 119 State veterans homes providing long-term care to veterans that are represented by that association for their contributions to the health care of veterans and the health-care system of the Nation
— as reported (Simmons, R-CT)**

Order of Business: The resolution is scheduled for consideration on Monday, July 24, 2006, under a motion to suspend the rules and pass the resolution.

Summary: H.Con.Res. 347 resolves that Congress:

- “honors the National Association of State Veterans Homes and the 119 State veterans homes providing long-term care to veterans that are represented by that association for their significant contributions to the health care of veterans and to the health care system of the Nation;
- “commends the thousands of individuals who work in, or on behalf of, State veterans homes for their contributions in caring for elderly and disabled veterans;
- “recognizes the importance of the partnership between the States and the Department of Veterans Affairs in providing long-term care to veterans; and
- “affirms the support of Congress for continuation of the State homes program to address the known and anticipated needs of the Nation’s veterans for institutional long-term care services.”

The resolution lists a number of findings, including the following:

- “the National Association of State Veterans Homes was established in 1954 by a group of administrators of State veterans homes to represent the interests of those homes in a unified voice before Congress and the Executive Branch;
- “the National Association of State Veterans Homes functions on an all-volunteer basis and focuses on endeavors that improve the conditions of care furnished to veterans by State veterans homes, elevate and monitor the qualifications for managers of such homes, and provide continuing education standards for staff who provide care to veterans in State veterans homes;
- “the National Association of State Veterans Homes has been and continues to be in the forefront of developing and supporting new methods and models for providing long-term

care services to elderly veterans, such as hospice care, respite care, Alzheimer's care, and adult day health care;

- “the State veterans homes offer long-term services to eligible veterans in need of such services on certification of the Department of Veterans Affairs at 119 facilities in 47 states and the Commonwealth of Puerto Rico;
- “within the limits of their capacities, the State veterans homes provide care for over 27,500 veterans each day, accounting for more than 50 percent of the total national long-term care bed capacity for veterans, thereby sharing the enormous responsibility of caring for veterans with the Department of Veterans Affairs in an admirable partnership; and
- “State veterans homes provide quality care for elderly and disabled veterans at an average daily cost that is significantly less than nursing homes operated by the Department of Veterans Affairs.”

Committee Action: H.Con.Res. 347 was introduced on February 16, 2006, and referred to the Committee on Veterans' Affairs. The bill was marked-up and was ordered reported to the House by voice vote on July 20, 2006.

Cost to Taxpayers: The resolution authorizes no expenditure.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

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H.Con.Res. 125 — Expressing support for the designation and goals of “Hire a Veteran Week” and encouraging the President to issue a proclamation supporting those goals — *as reported (Holt, D-NJ)*

Order of Business: The resolution is scheduled for consideration on Monday, July 24, 2006, under a motion to suspend the rules and pass the resolution.

Note: The 104th Congress changed House rules to prohibit a bill from being considered on the House floor if “it establishes or expresses a commemoration”, which is defined as “a remembrance, celebration, or recognition for any purpose through the designation of a specified period of time.” (<http://clerk.house.gov/legisAct/legisProc/rules/rule12.html>)

This legislation resolves that Congress supports the designation of a week as “Hire a Veteran Week.” Because the resolution merely states support for, but does not establish a commemorative day, the parliamentarian's office has ruled that it is allowable under House rules.

Summary: H.Con.Res. 125 resolves that Congress:

- “recognizes the importance of the men and women who have served or who currently serve in the Armed Forces of the United States;
- “supports the designation of an appropriate week as ‘Hire a Veteran Week’; and
- “encourages the President to issue a proclamation calling upon employers, labor organizations, veterans service organizations, and Federal, State, and local governmental agencies (including such agencies in the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States) to lend their support to increase employment of the men and women who have served in the Armed Forces of the United States.”

The resolution lists a number of findings, including the following:

- “the people of the United States have a sincere appreciation and respect for the military personnel who serve in the Armed Forces of the United States;
- “veterans possess special qualities and skills that make them ideal candidates for employment, but many veterans encounter difficulties in securing employment;
- “it would be inconsistent, inconsiderate, and contrary to the economic competitiveness of the United States to neglect the post-military needs of the military personnel who have served in the Armed Forces of the United States;
- “many of the brave men and women who have served the United States so gallantly and selflessly in the war on terrorism and the war in Iraq since September 11, 2001, are beginning to return home to be reunited with their loved ones and will be re-entering the workforce or searching for their first jobs outside of military service; and
- “the Department of Veterans Affairs, the Department of Labor, the Office of Personnel Management, and many State and local governments administer veterans programs and have veterans employment representatives both to ensure that veterans receive the services to which they are entitled and to promote employer interest in hiring veterans.”

Committee Action: H.Con.Res. 125 was introduced on April 6, 2005, and referred to the Committees on Veterans’ Affairs and Armed Services’ Subcommittee on Military Personnel. Veterans Affairs held a mark-up and was reported to the House by voice vote on July 20, 2006.

Cost to Taxpayers: The resolution authorizes no expenditure.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

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