

113TH CONGRESS
1ST SESSION

S. 6

To reauthorize the VOW to Hire Heroes Act of 2011, to provide assistance to small businesses owned by veterans, to improve enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 22 (legislative day, JANUARY 3), 2013

Mr. REID (for himself, Mr. SANDERS, Mr. DURBIN, Mr. SCHUMER, Mr. UDALL of New Mexico, Mr. BAUCUS, Mr. BROWN, Mr. SCHATZ, Mr. TESTER, Mr. MENENDEZ, Mr. WARNER, Mr. CARDIN, Ms. HIRONO, Mr. BEGICH, Mr. CASEY, Mrs. BOXER, Mr. NELSON, Mr. BLUMENTHAL, Mr. COONS, Mr. LEVIN, and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To reauthorize the VOW to Hire Heroes Act of 2011, to provide assistance to small businesses owned by veterans, to improve enforcement of employment and reemployment rights of members of the uniformed services, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Putting Our Veterans Back to Work Act of 2013”.

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

Sec. 1. Short title; table of contents.

TITLE I—RENEWING OUR VOW TO HIRE HEROES

Sec. 101. Reauthorization of veterans retraining assistance program.

Sec. 102. Extension of authority of Secretary of Veterans Affairs to provide rehabilitation and vocational benefits to members of Armed Forces with severe injuries or illnesses.

Sec. 103. Extension of additional rehabilitation programs for persons who have exhausted rights to unemployment benefits under State law.

Sec. 104. Reauthorization of collaborative veterans’ training, mentoring, and placement program.

TITLE II—BUILDING ON OUR VOW TO HIRE HEROES

Sec. 201. Unified employment portal for veterans.

Sec. 202. Grants to hire veterans as first responders.

Sec. 203. Employment of veterans as evaluation factor in the awarding of Federal contracts.

TITLE III—IMPROVING EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

Sec. 301. Enforcement of rights of members of uniformed services with respect to States and private employers.

Sec. 302. Suspension, termination, or debarment of contractors for repeated violations of employment or reemployment rights of members of uniformed services.

Sec. 303. Subpoena power for Special Counsel in enforcement of employment and reemployment rights of members of uniformed services with respect to Federal executive agencies.

Sec. 304. Issuance and service of civil investigative demands by Attorney General.

3 **TITLE I—RENEWING OUR VOW**
 4 **TO HIRE HEROES**

5 **SEC. 101. REAUTHORIZATION OF VETERANS RETRAINING**
 6 **ASSISTANCE PROGRAM.**

7 (a) EXTENSION.—Subsection (k) of section 211 of
 8 the VOW to Hire Heroes Act of 2011 (Public Law 112–
 9 56; 38 U.S.C. 4100 note) is amended by striking “March
 10 31, 2014” and inserting “March 31, 2016”.

1 (b) NUMBER OF ELIGIBLE VETERANS.—Subsection
2 (a)(2) of such section is amended—

3 (1) in subparagraph (A), by striking “and” at
4 the end;

5 (2) in subparagraph (B), by striking the period
6 at the end and inserting a semicolon; and

7 (3) by adding at the end the following new sub-
8 paragraphs:

9 “(C) 50,000 during the period beginning
10 April 1, 2014, and ending March 31, 2015; and

11 “(D) 50,000 during the period beginning
12 April 1, 2015, and ending March 31, 2016.”.

13 (c) CLARIFICATION OF LIMITATION ON AGGREGATE
14 AMOUNT OF ASSISTANCE.—Subsection (b) of such section
15 is amended by striking “up to 12 months of retraining
16 assistance provided by the Secretary of Veterans Affairs”
17 and inserting “an aggregate of not more than 12 months
18 of retraining assistance provided by the Secretary of Vet-
19 erans Affairs under this section”.

1 **SEC. 102. EXTENSION OF AUTHORITY OF SECRETARY OF**
2 **VETERANS AFFAIRS TO PROVIDE REHABILI-**
3 **TATION AND VOCATIONAL BENEFITS TO**
4 **MEMBERS OF ARMED FORCES WITH SEVERE**
5 **INJURIES OR ILLNESSES.**

6 (a) IN GENERAL.—Section 1631(b)(2) of the Wound-
7 ed Warrior Act (title XVI of Public Law 110–181; 10
8 U.S.C. 1071 note) is amended by striking “December 31,
9 2014” and inserting “December 31, 2016”.

10 (b) REPORT.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of the enactment of this Act, the Sec-
13 retary of Veterans Affairs shall submit to the appro-
14 priate committees of Congress a report on the bene-
15 fits provided by the Secretary under section 1631(b)
16 of such Act.

17 (2) APPROPRIATE COMMITTEES OF CON-
18 GRESS.—In this subsection, the term “appropriate
19 committees of Congress” means—

20 (A) the Committee on Armed Services and
21 the Committee on Veterans’ Affairs of the Sen-
22 ate; and

23 (B) the Committee on Armed Services and
24 the Committee on Veterans’ Affairs of the
25 House of Representatives.

1 **SEC. 103. EXTENSION OF ADDITIONAL REHABILITATION**
 2 **PROGRAMS FOR PERSONS WHO HAVE EX-**
 3 **HAUSTED RIGHTS TO UNEMPLOYMENT BENE-**
 4 **FITS UNDER STATE LAW.**

5 Section 3102(b)(4) of title 38, United States Code,
 6 is amended by striking “March 31, 2014” and inserting
 7 “March 31, 2016”.

8 **SEC. 104. REAUTHORIZATION OF COLLABORATIVE VET-**
 9 **ERANS’ TRAINING, MENTORING, AND PLACE-**
 10 **MENT PROGRAM.**

11 Subsection (e) of section 4104A of title 38, United
 12 States Code, is amended to read as follows:

13 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
 14 are authorized to be appropriated to carry out this section
 15 amounts as follows:

16 “(1) \$4,500,000 for the period consisting of fis-
 17 cal years 2012 and 2013.

18 “(2) \$4,500,000 for the period consisting of fis-
 19 cal years 2014 and 2015.”.

20 **TITLE II—BUILDING ON OUR**
 21 **VOW TO HIRE HEROES**

22 **SEC. 201. UNIFIED EMPLOYMENT PORTAL FOR VETERANS.**

23 Section 4105 of title 38, United States Code is
 24 amended by adding at the end the following:

25 “(c)(1) The Secretary shall develop a single, unified
 26 Federal web-based employment portal, for use by veterans,

1 containing information regarding all Federal programs
2 and activities concerning employment, unemployment, and
3 training to the extent the programs and activities affect
4 veterans.

5 “(2) The Secretary shall work with representatives
6 from the Department of Defense, the Department of Vet-
7 erans Affairs, the Small Business Administration, and
8 other Federal agencies and organizations concerned with
9 veterans’ issues, to determine an appropriate platform and
10 implementing agency for the portal. The Secretary shall
11 enter into an agreement with the other Federal agencies
12 for the implementation of the portal.”.

13 **SEC. 202. GRANTS TO HIRE VETERANS AS FIRST RESPOND-**
14 **ERS.**

15 (a) GRANTS FOR FIREFIGHTERS.—The Secretary of
16 Homeland Security shall award grants under section 34
17 of the Federal Fire Prevention and Control Act of 1974
18 (15 U.S.C. 2229a) to hire veterans as firefighters.

19 (b) GRANTS FOR LAW ENFORCEMENT OFFICERS.—
20 The Attorney General shall award grants under part Q
21 of title I of the Omnibus Crime Control and SAfe Streets
22 Act of 1968 (42 U.S.C. 3796dd et seq.) to hire veterans
23 as law enforcement officers.

24 (c) PRIORITY.—In awarding grants under this sec-
25 tion to hire veterans, the Secretary of Homeland Security

1 and the Attorney General shall give priority to the hiring
2 of veterans who served on active duty in the Armed Forces
3 on or after September 11, 2011.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to carry out this section
6 \$250,000,000.

7 **SEC. 203. EMPLOYMENT OF VETERANS AS EVALUATION**
8 **FACTOR IN THE AWARDING OF FEDERAL**
9 **CONTRACTS.**

10 (a) CIVILIAN CONTRACTS.—

11 (1) IN GENERAL.—Chapter 33 of title 41,
12 United States Code, is amended by adding at the
13 end the following new section:

14 **“§ 3312. Employment of veterans as evaluation factor**

15 “The head of each executive agency shall consider fa-
16 vorably as an evaluation factor in solicitations for con-
17 tracts and task or delivery order valued at or above
18 \$25,000,000 the employment by a prospective contractor
19 of veterans constituting at least 5 percent of the contrac-
20 tor’s workforce.”.

21 (2) CLERICAL AMENDMENT.—The table of sec-
22 tions at the beginning of such chapter is amended
23 by adding after the item relating to section 3311 the
24 following new item:

“3312. Employment of veterans as evaluation factor.”.

25 (b) DEFENSE CONTRACTS.—

1 (1) IN GENERAL.—Chapter 137 of title 10,
2 United States Code, is amended by adding at the
3 end the following new section:

4 **“§ 2336. Employment of veterans as evaluation factor**

5 “The head of each agency shall consider favorably as
6 an evaluation factor in solicitations for contracts and task
7 or delivery order valued at or above \$25,000,000 the em-
8 ployment by a prospective contractor of veterans consti-
9 tuting at least 5 percent of the contractor’s workforce.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of such chapter is amended
12 by adding after the item relating to section 2335 the
13 following new item:

“2336. Employment of veterans as evaluation factor.”.

14 (c) REGULATIONS.—Not later than 180 days after
15 the date of the enactment of this Act, the Federal Acquisi-
16 tion Regulatory Council shall amend the Federal Acquisi-
17 tion Regulation to carry out the provisions of section 3313
18 of title 41, United States Code, and section 2336 of title
19 10, United States Code, as added by subsections (a) and
20 (b), respectively.

1 **TITLE III—IMPROVING EMPLOY-**
 2 **MENT AND REEMPLOYMENT**
 3 **RIGHTS OF MEMBERS OF THE**
 4 **UNIFORMED SERVICES**

5 **SEC. 301. ENFORCEMENT OF RIGHTS OF MEMBERS OF UNI-**
 6 **FORMED SERVICES WITH RESPECT TO**
 7 **STATES AND PRIVATE EMPLOYERS.**

8 (a) ACTION FOR RELIEF.—Subsection (a) of section
 9 4323 of title 38, United States Code, is amended—

10 (1) in paragraph (1)—

11 (A) by striking “appear on behalf of, and
 12 act as attorney for, the person on whose behalf
 13 the complaint is submitted and”;

14 (B) by striking “for such person”;

15 (C) by striking the fourth sentence; and

16 (D) by adding at the end the following:

17 “The person on whose behalf the complaint is
 18 referred may, upon timely application, intervene
 19 in such action, and may obtain such appro-
 20 priate relief as is provided in subsections (d)
 21 and (e).”;

22 (2) by striking paragraph (2) and inserting the
 23 following new paragraph (2):

24 “(2)(A) Not later than 60 days after the date the
 25 Attorney General receives a referral under paragraph (1),

1 the Attorney General shall transmit, in writing, to the per-
2 son on whose behalf the complaint is submitted—

3 “(i) if the Attorney General has made a deci-
4 sion to commence an action for relief under para-
5 graph (1) relating to the complaint of the person,
6 notice of the decision; and

7 “(ii) if the Attorney General has not made such
8 a decision, notice of when the Attorney General ex-
9 pects to make such a decision.

10 “(B) If the Attorney General notifies a person that
11 the Attorney General expects to make a decision under
12 subparagraph (A)(ii), the Attorney General shall, not later
13 than 30 days after the date on which the Attorney General
14 makes such decision, notify, in writing, the person of such
15 decision.”;

16 (3) by redesignating paragraph (3) as para-
17 graph (4);

18 (4) by inserting after paragraph (2) the fol-
19 lowing new paragraph (3):

20 “(3) Whenever the Attorney General has reasonable
21 cause to believe that a State (as an employer) or a private
22 employer is engaged in a pattern or practice of resistance
23 to the full enjoyment of any of the rights and benefits pro-
24 vided for under this chapter, and that the pattern or prac-
25 tice is of such a nature and is intended to deny the full

1 exercise of such rights and benefits, the Attorney General
2 may commence an action for relief under this chapter.”;
3 and

4 (5) in paragraph (4), as redesignated by para-
5 graph (3), by striking subparagraph (C) and insert-
6 ing the following new subparagraph (C):

7 “(C) has been notified by the Attorney General
8 that the Attorney General does not intend to com-
9 mence an action for relief under paragraph (1) with
10 respect to the complaint under such paragraph.”.

11 (b) STANDING.—Subsection (f) of such section is
12 amended to read as follows:

13 “(f) STANDING.—An action under this chapter may
14 be initiated only by the Attorney General or by a person
15 claiming rights or benefits under this chapter under sub-
16 section (a).”.

17 (c) CONFORMING AMENDMENT.—Subsection (h)(2)
18 of such section is amended by striking “under subsection
19 (a)(2)” and inserting “under paragraph (1) or (4) of sub-
20 section (a)”.

1 **SEC. 302. SUSPENSION, TERMINATION, OR DEBARMENT OF**
2 **CONTRACTORS FOR REPEATED VIOLATIONS**
3 **OF EMPLOYMENT OR REEMPLOYMENT**
4 **RIGHTS OF MEMBERS OF UNIFORMED SERV-**
5 **ICES.**

6 (a) IN GENERAL.—Subchapter III of chapter 43 of
7 title 38, United States Code, is amended by adding at the
8 end the following new section:

9 **“§ 4328. Suspension, termination, or debarment of**
10 **contractors**

11 “(a) GROUNDS FOR SUSPENSION, TERMINATION, OR
12 DEBARMENT.—Payment under a contract awarded by a
13 Federal executive agency may be suspended and the con-
14 tract may be terminated, and the contractor who made
15 the contract with the agency may be suspended or
16 debarred in accordance with the requirements of this sec-
17 tion, if the head of the agency determines that the con-
18 tractor as an employer has repeatedly been convicted of
19 failing or refusing to comply with one or more provisions
20 of this chapter.

21 “(b) EFFECT OF DEBARMENT.—A contractor
22 debarred by a final decision under this section is ineligible
23 for award of a contract by a Federal executive agency,
24 and for participation in a future procurement by a Federal
25 executive agency, for a period specified in the decision, not
26 to exceed 5 years.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 43 of such title is amended
3 by inserting after the item relating to section 4327 the
4 following new item:

“4328. Suspension, termination, or debarment of contractor.”.

5 (c) REGULATIONS.—Not later than 180 days after
6 the date of the enactment of this Act, the Federal Acquisi-
7 tion Regulatory Council shall amend the Federal Acquisi-
8 tion Regulation to carry out section 4328 of title 38,
9 United States Code, as added by subsection (a).

10 (d) EFFECTIVE DATE.—Section 4328 of title 38,
11 United States Code, as added by subsection (a), shall
12 apply with respect to failures and refusals to comply with
13 provisions of chapter 43 of such title occurring on or after
14 the date of the enactment of this Act.

15 (e) ANNUAL REPORT.—Section 4332(a) of such title
16 is amended—

17 (1) by redesignating paragraph (10) as para-
18 graph (11); and

19 (2) by inserting after paragraph (9) the fol-
20 lowing new paragraph (10):

21 “(10) The number of suspensions, terminations,
22 and debarments under section 4328 of this title,
23 disaggregated by the agency or department imposing
24 the suspension or debarment.”.

1 **SEC. 303. SUBPOENA POWER FOR SPECIAL COUNSEL IN EN-**
2 **FORCEMENT OF EMPLOYMENT AND REEM-**
3 **PLOYMENT RIGHTS OF MEMBERS OF UNI-**
4 **FORMED SERVICES WITH RESPECT TO FED-**
5 **ERAL EXECUTIVE AGENCIES.**

6 Section 4324 of title 38, United States Code, is
7 amended by adding at the end the following new sub-
8 section:

9 “(e)(1) In order to carry out the Special Counsel’s
10 responsibilities under this section, the Special Counsel
11 may require by subpoena the attendance and testimony
12 of Federal employees and the production of documents
13 from Federal employees and Federal executive agencies.

14 “(2) In the case of contumacy or failure to obey a
15 subpoena issued under paragraph (1), upon application by
16 the Special Counsel, the Merit Systems Protection Board
17 may issue an order requiring a Federal employee or Fed-
18 eral executive agency to comply with a subpoena of the
19 Special Counsel.

20 “(3) An order issued under paragraph (2) may be
21 enforced by the Merit Systems Protection Board in the
22 same manner as any order issued under section 1204 of
23 title 5.”.

1 **SEC. 304. ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE**
2 **DEMANDS BY ATTORNEY GENERAL.**

3 (a) IN GENERAL.—Section 4323 of title 38, United
4 States Code, is amended—

5 (1) by redesignating subsection (i) as subsection
6 (j); and

7 (2) by inserting after subsection (h) the fol-
8 lowing new subsection (i):

9 “(i) ISSUANCE AND SERVICE OF CIVIL INVESTIGA-
10 TIVE DEMANDS.—(1) Whenever the Attorney General has
11 reason to believe that any person may be in possession,
12 custody, or control of any documentary material relevant
13 to an investigation under this subchapter, the Attorney
14 General may, before commencing a civil action under sub-
15 section (a), issue in writing and serve upon such person,
16 a civil investigative demand requiring—

17 “(A) the production of such documentary mate-
18 rial for inspection and copying;

19 “(B) that the custodian of such documentary
20 material answer in writing written questions with re-
21 spect to such documentary material; or

22 “(C) the production of any combination of such
23 documentary material or answers.

24 “(2) The provisions of section 3733 of title 31 gov-
25 erning the authority to issue, use, and enforce civil inves-
26 tigative demands shall apply with respect to the authority

1 to issue, use, and enforce civil investigative demands under
2 this section, except that, for purposes of applying such sec-
3 tion 3733—

4 “(A) references to false claims law investigators
5 or investigations shall be considered references to in-
6 vestigators or investigations under this subchapter;

7 “(B) references to interrogatories shall be con-
8 sidered references to written questions, and answers
9 to such need not be under oath;

10 “(C) the definitions relating to ‘false claims
11 law’ shall not apply; and

12 “(D) provisions relating to qui tam relators
13 shall not apply.”.

14 (b) EFFECTIVE DATE.—Subsection (i) of such sec-
15 tion, as added by subsection (a)(2), shall take effect on
16 the date of the enactment of this Act and shall apply with
17 respect to violations of chapter 43 of such title alleged to
18 have occurred on or after such date.

19 (c) ANNUAL REPORTS.—Section 4332(b)(2) of such
20 title is amended—

21 (1) by striking “Not later than” and inserting
22 the following:

23 “(A) IN GENERAL.—Not later than”; and

24 (2) by adding at the end the following new sub-
25 paragraph:

1 “(B) ANNUAL SUPPLEMENT ON CIVIL IN-
2 VESTIGATIVE DEMANDS.—

3 “(i) IN GENERAL.—The Attorney
4 General shall include with each report sub-
5 mitted under subparagraph (A) for the last
6 quarter of each fiscal year a report on the
7 issuance of civil investigative demands
8 under section 4323(i) of this title during
9 the most recently completed fiscal year.

10 “(ii) ELEMENTS.—Each report sub-
11 mitted under clause (i) shall include the
12 following for the fiscal year covered by the
13 report:

14 “(I) The number of times that a
15 civil investigative demand was issued
16 under section 4323(i) of this title.

17 “(II) For each civil investigative
18 demand issued under such section
19 with respect to an investigation,
20 whether such investigation resulted in
21 a settlement, order, or judgment.”.

○