

104TH CONGRESS  
1ST SESSION

# H. R. 2289

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IN THE SENATE OF THE UNITED STATES

DECEMBER 13, 1995

Received; read twice and referred to the Committee on Veterans' Affairs

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## AN ACT

To amend title 38, United States Code, to extend permanently certain housing programs, to improve the veterans employment and training system, and to make clarifying and technical amendments to further clarify the employment and reemployment rights and responsibilities of members of the uniformed services, as well as those of the employer community, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans Housing,  
5 Employment Programs, and Employment Rights Benefits  
6 Act of 1995”.

7 **SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

8 Except as otherwise expressly provided, whenever in  
9 this Act an amendment or repeal is expressed in terms  
10 of an amendment to, or repeal of, a section or other provi-  
11 sion, the reference shall be considered to be made to a  
12 section or other provision of title 38, United States Code.

13 **TITLE I—VETERANS’ HOUSING**  
14 **PROGRAMS**

15 **SEC. 101. EXTENSIONS OF CERTAIN VETERANS’ HOUSING**  
16 **PROGRAMS.**

17 (a) **NEGOTIATED INTEREST RATES.**—Paragraph (4)  
18 of section 3703(c) is amended by striking out subpara-  
19 graph (D).

20 (b) **ENERGY EFFICIENT MORTGAGES.**—Section  
21 3710(d) is amended—

22 (1) in paragraph (1), by striking out “to dem-  
23 onstrate the feasibility of guaranteeing” and insert-  
24 ing in lieu thereof “to guarantee”; and

25 (2) by striking out paragraph (7).

1 (c) ENHANCED LOAN ASSET SALE AUTHORITY.—  
2 Section 3720(h)(2) is amended by striking out “1995”  
3 and inserting in lieu thereof “2000”.

4 (d) AUTHORITY OF LENDERS OF AUTOMATICALLY  
5 GUARANTEED LOANS TO REVIEW APPRAISALS.—Section  
6 3731(f) is amended by striking out paragraphs (3), (4),  
7 and (5).

8 (e) HOUSING ASSISTANCE FOR HOMELESS VETER-  
9 ANS.—Section 3735 is amended by striking out subsection  
10 (c).

11 **SEC. 102. CODIFICATION OF REPORTING REQUIREMENTS**  
12 **AND CHANGES IN THEIR FREQUENCY.**

13 (a) CODIFICATION OF HOUSING RELATED REPORT-  
14 ING REQUIREMENTS.—(1) Chapter 37 is amended by add-  
15 ing after section 3735 the following new section:

16 **“§ 3736. Reporting requirements**

17 “The annual report required by section 529 of this  
18 title shall include a discussion of the activities under this  
19 chapter. Beginning with the report submitted at the close  
20 of fiscal year 1996, and every second year thereafter, this  
21 discussion shall include information regarding the follow-  
22 ing:

23 “(1) Loans made to veterans whose only quali-  
24 fying service was in the Selected Reserve.

1           “(2) Interest rates and discount points which  
2           were negotiated between the lender and the veteran  
3           pursuant to section 3703(c)(4)(A)(i) of this title.

4           “(3) The determination of reasonable value by  
5           lenders pursuant to section 3731(f) of this title.

6           “(4) Loans that include funds for energy effi-  
7           ciency improvements pursuant to section  
8           3710(a)(10) of this title.

9           “(5) Direct loans to Native American veterans  
10          made pursuant to subchapter V of this chapter.”.

11          (2) The table of sections at the beginning of chapter  
12 37 is amended by inserting after the item relating to sec-  
13 tion 3735 the following new item:

          “3736. Reporting requirements.”.

14          (b) REPEAL OF SUPERSEDED REPORTING REQUIRE-  
15 MENTS.—The Veterans Home Loan Program Amend-  
16 ments of 1992 (Public Law 102–547; 106 Stat. 3633) is  
17 amended by striking out sections 2(c), 3(b), 8(d), 9(c),  
18 and 10(b).

19 **SEC. 103. JOB PLACEMENT FOR HOMELESS VETERANS.**

20          (a) HOMELESS VETERANS EMPLOYMENT PRO-  
21 GRAM.—Section 738(e)(1) of the Stewart B. McKinney  
22 Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is  
23 amended—

24           (1) in subparagraph (A), by striking out  
25           “1993” and inserting in lieu thereof “1996”;

1 (2) in subparagraph (B)—

2 (A) by striking out “\$12,000,000” and in-  
3 serting in lieu thereof “\$10,000,000”, and

4 (B) by striking out “1994” and inserting  
5 in lieu thereof “1997”; and

6 (3) in subparagraph (C)—

7 (A) by striking out “\$14,000,000” and in-  
8 serting in lieu thereof “\$10,000,000”, and

9 (B) by striking out “1995” and inserting  
10 in lieu thereof “1998”.

11 (b) GENERAL AUTHORIZATION OF APPROPRIA-  
12 TIONS.—Section 739(a) of such Act (42 U.S.C. 11448(a))  
13 is amended by striking out “fiscal years 1994 and 1995”  
14 and inserting in lieu thereof “fiscal years 1996, 1997, and  
15 1998”.

16 (c) EXTENSION OF PROGRAM.—Section 741 of such  
17 Act (42 U.S.C. 11450) is amended by striking out “1995”  
18 and inserting in lieu thereof “1998”.

19 **TITLE II—VETERANS’**  
20 **EMPLOYMENT AND TRAINING**

21 **SEC. 201. REGIONAL OFFICES FOR VETERANS’ EMPLOY-**  
22 **MENT AND TRAINING.**

23 Paragraph (1) of section 4102A(e) is amended to  
24 read as follows:

1 “(1) The Secretary of Labor shall assign regional ad-  
2 ministrators for Veterans’ Employment and Training in  
3 such regions, which may not be less than five in number,  
4 as the Secretary may determine are necessary for the ef-  
5 fective administration of the Veterans’ Employment and  
6 Training Service. Each regional administrator appointed  
7 after the date of the enactment of the Veterans Housing,  
8 Employment Programs, and Employment Rights Benefits  
9 Act of 1995 shall be a veteran.”.

10 **SEC. 202. SUPPORT PERSONNEL FOR DIRECTORS OF VET-**  
11 **ERANS’ EMPLOYMENT AND TRAINING.**

12 Subsection (a) of section 4103 is amended—

13 (1) in the first sentence, by striking out “full-  
14 time Federal clerical support” and inserting in lieu  
15 thereof “full-time Federal clerical or other support  
16 personnel”; and

17 (2) in the third sentence, by striking out “Full-  
18 time Federal clerical support personnel” and insert-  
19 ing in lieu thereof “Full-time Federal clerical or  
20 other support personnel”.

21 **SEC. 203. DIRECTORS AND ASSISTANT DIRECTORS FOR**  
22 **VETERANS’ EMPLOYMENT AND TRAINING.**

23 Subparagraph (B) of section 4103(b)(1) is amended  
24 to read as follows:

1 “(B) A person who serves in the position of Director  
2 for Veterans’ Employment and Training or Assistant Di-  
3 rector of Veterans’ Employment Training for any State  
4 for not less than two years is eligible for appointment as  
5 such a Director or Assistant Director for any State, re-  
6 gardless of the period of the person’s residence in that  
7 State.”.

8 **SEC. 204. PILOT PROGRAM TO INTEGRATE AND STREAM-**  
9 **LINE FUNCTIONS OF LOCAL VETERANS’ EM-**  
10 **PLOYMENT REPRESENTATIVES.**

11 (a) **AUTHORITY TO CONDUCT PILOT PROGRAM.**—In  
12 order to assess the effects on the timeliness and quality  
13 of services to veterans resulting from re-focusing the staff  
14 resources of local veterans’ employment representatives,  
15 the Secretary of Labor is authorized to conduct a pilot  
16 program under which the primary responsibilities of local  
17 veterans’ employment representatives will be case manage-  
18 ment and the provision and facilitation of direct employ-  
19 ment and training services to veterans.

20 (b) **AUTHORITIES UNDER CHAPTER 41.**—To imple-  
21 ment the pilot program, the Secretary is authorized to sus-  
22 pend or limit application of those provisions of chapter 41  
23 (other than sections 4104 (b)(1) and (c)) of such title that  
24 pertain to the Local Veterans’ Employment Representa-  
25 tive Program in States designated by the Secretary under

1 subsection (d), except that the Secretary may use the au-  
2 thority of chapter 41, as the Secretary may determine, in  
3 conjunction with the authority of this section, to carry out  
4 the pilot program. The Secretary may collect such data  
5 as the Secretary considers necessary for assessment of the  
6 pilot program. The Secretary shall measure and evaluate  
7 on a continuing basis the effectiveness of the pilot pro-  
8 gram in achieving its stated goals in general, and in  
9 achieving such goals in relation to their cost, their effect  
10 on related programs, and their structure and mechanisms  
11 for delivery of services.

12 (c) TARGETED VETERANS.—Within the pilot pro-  
13 gram, eligible veterans who are among groups most in  
14 need of intensive services, including disabled veterans, eco-  
15 nomically disadvantaged veterans, and veterans separated  
16 within the previous four years from active military, naval,  
17 or air service shall be given priority for service by local  
18 veterans' employment representatives. Priority for the pro-  
19 vision of service shall be given first to disabled veterans  
20 and then to the other categories of veterans most in need  
21 of intensive services in accordance with priorities deter-  
22 mined by the Secretary of Labor in consultation with ap-  
23 propriate State labor authorities.

1 (d) STATES DESIGNATED.—The pilot program shall  
2 be limited to not more than five States to be designated  
3 by the Secretary of Labor.

4 (e) REPORTS TO CONGRESS.—(1) One year after the  
5 date of the enactment of this Act, the Secretary of Labor  
6 shall submit to Congress and the Committees on Veterans’  
7 Affairs of the Senate and the House of Representatives,  
8 an interim report describing in detail the development and  
9 implementation of the pilot program on a State by State  
10 basis.

11 (2) Not later than 120 days after the expiration of  
12 this section under subsection (h), the Secretary of Labor  
13 shall submit to Congress and the Committees on Veterans’  
14 Affairs of the Senate and the House of Representatives,  
15 a final report evaluating the results of the pilot program  
16 and make recommendations based on the evaluation,  
17 which may include legislative recommendations.

18 (f) DEFINITIONS.—For the purposes of this section—

19 (1) the term “veteran” has the meaning given  
20 such term by section 101(2) of title 38, United  
21 States Code;

22 (2) the term “disabled veteran” has the mean-  
23 ing given such term by section 4211(3) of such title;  
24 and

1           (3) the term “active military, naval, or air serv-  
2           ice” has the meaning given such term by section  
3           101(24) of such title.

4           (g) AUTHORIZATION.—There is authorized to be ap-  
5           propriated for the pilot program, in the States designated  
6           by the Secretary of Labor pursuant to subsection (d), the  
7           amount allocated to such States under section  
8           4102A(b)(5) of title 38, United States Code, for fiscal  
9           years 1996, 1997, and 1998.

10          (h) EXPIRATION DATE.—Except as provided by sub-  
11          section (e), this section shall expire on October 1, 1998.

12       **TITLE III—EMPLOYMENT AND**  
13       **REEMPLOYMENT RIGHTS OF**  
14       **MEMBERS OF THE UNI-**  
15       **FORMED SERVICES**

16       **SEC. 301. PURPOSES.**

17          Section 4301(a)(2) is amended by striking out  
18          “under honorable conditions”.

19       **SEC. 302. DEFINITIONS.**

20          Section 4303(16) is amended by inserting “national”  
21          before “emergency”.

1 **SEC. 303. DISCRIMINATION AGAINST PERSONS WHO SERVE**  
2 **IN THE UNIFORMED SERVICES AND ACTS OF**  
3 **REPRISAL PROHIBITED.**

4 Section 4311 is amended by striking out subsections  
5 (b) and (c) and inserting in lieu thereof the following:

6 “(b) An employer may not discriminate in employ-  
7 ment against or take any adverse employment action  
8 against any person because such person (1) has taken an  
9 action to enforce a protection afforded any person under  
10 this chapter, (2) has testified or otherwise made a state-  
11 ment in or in connection with any proceeding under this  
12 chapter, (3) has assisted or otherwise participated in an  
13 investigation under this chapter, or (4) has exercised a  
14 right provided for in this chapter. The prohibition in this  
15 subsection shall apply with respect to a person regardless  
16 of whether that person has performed service in the uni-  
17 formed services.

18 “(c) An employer shall be considered to have engaged  
19 in actions prohibited—

20 “(1) under subsection (a), if the person’s mem-  
21 bership, application for membership, service, applica-  
22 tion for service, or obligation for service in the uni-  
23 formed services is a motivating factor in the employ-  
24 er’s action, unless the employer can prove that the  
25 action would have been taken in the absence of such

1 membership, application for membership, service,  
2 application for service, or obligation for service; or

3 “(2) under subsection (b), if the person’s (A)  
4 action to enforce a protection afforded any person  
5 under this chapter, (B) testimony or making of a  
6 statement in or in connection with any proceeding  
7 under this chapter, (C) assistance or other participa-  
8 tion in an investigation under this chapter, or (D)  
9 exercise of a right provided for in this chapter, is a  
10 motivating factor in the employer’s action, unless  
11 the employer can prove that the action would have  
12 been taken in the absence of such person’s enforce-  
13 ment action, testimony, statement, assistance, par-  
14 ticipation, or exercise of a right.

15 “(d) The prohibitions in subsections (a) and (b) shall  
16 apply to any position of employment, including a position  
17 that is described in section 4312(d)(1)(C).”.

18 **SEC. 304. REEMPLOYMENT RIGHTS OF PERSONS WHO**

19 **SERVE IN THE UNIFORMED SERVICES.**

20 (a) INCLUSION OF PREPARATION AND TRAVEL TIME  
21 PRIOR TO SERVICE.—Section 4312(a) is amended by  
22 striking out “who is absent from a position of employ-  
23 ment” and inserting in lieu thereof “whose absence from  
24 a position of employment is necessitated”.

1 (b) LIMITATION ON SERVICE EXEMPTION TO WAR OR  
2 NATIONAL EMERGENCY.—Section 4312(c)(4)(B) is  
3 amended to read as follows:

4 “(B) ordered to or retained on active duty  
5 (other than for training) under any provision of  
6 law because of a war or because of a national  
7 emergency declared by the President or the  
8 Congress as determined by the Secretary con-  
9 cerned;”.

10 (c) BRIEF, NONRECURRENT PERIODS OF SERVICE.—  
11 Section 4312(d)(2)(C) is amended by striking out “is brief  
12 or for a nonrecurrent period and without a reasonable ex-  
13 pectation” and inserting in lieu thereof “is for a brief,  
14 nonrecurrent period and there is no reasonable expecta-  
15 tion”.

16 (d) CONFORMING AMENDMENTS TO  
17 REDESIGNATIONS IN TITLE 10.—Section 4312(c) is  
18 amended—

19 (1) in paragraph (3), by striking out “section  
20 270” and inserting in lieu thereof “section 10147”;  
21 and

22 (2) in paragraph (4)—

23 (A) by striking out “section 672(a),  
24 672(g), 673, 673b, 673c, or 688” in subpara-  
25 graph (A) and inserting in lieu thereof “section

1           688, 12301(a), 12301(g), 12302, 12304, or  
2           12305”;

3                   (B) by striking out “section 673b” in sub-  
4           paragraph (C) and inserting in lieu thereof  
5           “section 12304”; and

6                   (C) by striking out “section 3500 or 8500”  
7           in subparagraph (E) and inserting in lieu there-  
8           of “section 12406”.

9   **SEC. 305. REEMPLOYMENT POSITIONS.**

10          Section 4313(a)(4) is amended—

11                   (1) by striking out “uniform services” in clause  
12          (A)(ii) and inserting in lieu thereof “uniformed serv-  
13          ices”; and

14                   (2) by striking out “of lesser status and pay  
15          which” and inserting in lieu thereof “which is the  
16          nearest approximation to a position referred to first  
17          in clause (A)(i) and then in clause (A)(ii) which”.

18   **SEC. 306. LEAVE.**

19          Section 4316(d) is amended by adding at the end the  
20          following new sentence: “No employer may require any  
21          such person to use vacation, annual or similar leave during  
22          such period of service.”.

23   **SEC. 307. HEALTH PLANS.**

24          Section 4317(a) is amended—

1 (1) by striking out “(a)(1)(A) subject to para-  
2 graphs (2) and (3), in” and inserting in lieu thereof  
3 “(a)(1) In”;

4 (2) by redesignating clauses (i) and (ii) of para-  
5 graph (1) (as amended by paragraph (1) of this sec-  
6 tion) as subparagraphs (A) and (B), respectively;

7 (3) by redesignating subparagraph (B) as para-  
8 graph (2); and

9 (4) by redesignating subparagraph (C) as para-  
10 graph (3), and in that paragraph by redesignating  
11 clauses (i) and (ii) as subparagraphs (A) and (B),  
12 and by redesignating subclauses (I) and (II) as  
13 clauses (i) and (ii), respectively.

14 **SEC. 308. EMPLOYEE PENSION BENEFIT PLANS.**

15 The last sentence of section 4318(b)(2) is amended  
16 by striking out “services,” and inserting in lieu thereof  
17 “services, such payment period”.

18 **SEC. 309. ENFORCEMENT OF EMPLOYMENT OR REEMPLOY-**  
19 **MENT RIGHTS.**

20 (a) **TECHNICAL AMENDMENT.**—The second sentence  
21 of section 4322(d) is amended by inserting “attempt to”  
22 before “resolve”.

23 (b) **NOTIFICATION.**—Section 4322(e) of is amend-  
24 ed—

1           (1) in the matter preceding paragraph (1), by  
2 striking out “with respect to a complaint under sub-  
3 section (d) are unsuccessful,” and inserting in lieu  
4 thereof “with respect to any complaint filed under  
5 subsection (a) do not resolve the complaint,”; and

6           (2) in paragraph (2), by inserting “or the Of-  
7 fice of Personnel Management” after “Federal execu-  
8 tive agency”.

9 **SEC. 310. ENFORCEMENT OF RIGHTS WITH RESPECT TO A**  
10 **STATE OR PRIVATE EMPLOYER.**

11 Section 4323(a) is amended—

12           (1) in paragraph (1), by striking out “of an un-  
13 successful effort to resolve a complaint”; and

14           (2) in paragraph (2)(A), by striking out “re-  
15 garding the complaint under section 4322(c)” and  
16 inserting in lieu thereof “under section 4322(a)”.

17 **SEC. 311. ENFORCEMENT OF RIGHTS WITH RESPECT TO**  
18 **FEDERAL EXECUTIVE AGENCIES.**

19           (a) REFERRAL.—Section 4324(a)(1) is amended by  
20 striking out “of an unsuccessful effort to resolve a com-  
21 plaint relating to a Federal executive agency”.

22           (b) ALTERNATIVE SUBMISSION OF COMPLAINT.—  
23 Section 4324(b) is amended—

1 (1) in the matter preceding paragraph (1), by  
2 inserting “or the Office of Personnel Management”  
3 after “Federal executive agency”; and

4 (2) in paragraph (1), by striking out “regarding  
5 a complaint under section 4322(c)” and inserting in  
6 lieu thereof “under section 4322(a)”.

7 (c) RELIEF.—Section 4324(c)(2) is amended—

8 (1) by inserting “or the Office of Personnel  
9 Management” after “Federal executive agency”; and

10 (2) by striking out “employee” and inserting in  
11 lieu thereof “Office”.

12 **SEC. 312. ENFORCEMENT OF RIGHTS WITH RESPECT TO**  
13 **CERTAIN FEDERAL AGENCIES.**

14 Section 4325(d)(1) is amended—

15 (1) by striking out “, alternative employment in  
16 the Federal Government under this chapter,”; and

17 (2) by striking out “employee” the last place it  
18 appears and inserting in lieu thereof “employees”.

19 **SEC. 313. CONDUCT OF INVESTIGATION; SUBPOENAS.**

20 Section 4326(a) is amended by inserting “have rea-  
21 sonable access to and the right to interview persons with  
22 information relevant to the investigation and shall” after  
23 “at all reasonable times,”.

1 **SEC. 314. TRANSITION RULES AND EFFECTIVE DATES.**

2 (a) REEMPLOYMENT.—Section 8(a) of the Uniformed  
3 Services Employment and Reemployment Rights Act of  
4 1994 (38 U.S.C. 4301 note) is amended—

5 (1) in paragraph (3), by adding at the end  
6 thereof the following: “Any service begun up to 60  
7 days after the date of enactment of this Act, which  
8 is served up to 60 days after the date of enactment  
9 of this Act pursuant to orders issued under section  
10 502(f) of chapter 5 of title 32, United States Code,  
11 shall be considered under chapter 43 of title 38,  
12 United States Code, as in effect on the day before  
13 such date of enactment. Any service pursuant to or-  
14 ders issued under section 502(f) of chapter 5 of title  
15 32, United States Code, served after 60 days after  
16 the date of enactment of this Act, regardless of  
17 when begun, shall be considered under the amend-  
18 ments made by this Act.”; and

19 (2) in paragraph (4), by striking out “such pe-  
20 riod” and inserting in lieu thereof “such 60-day pe-  
21 riod”.

22 (b) INSURANCE.—Section 8(c)(2) of such Act is  
23 amended by striking out “person on active duty” and in-  
24 serting in lieu thereof “person serving a period of service  
25 in the uniformed services”.

1 **SEC. 315. EFFECTIVE DATES.**

2 (a) IN GENERAL.—Except as provided in subsection  
3 (b), the amendments made by this title shall take effect  
4 as of October 13, 1994.

5 (b) REORGANIZED TITLE 10 REFERENCES.—The  
6 amendments made by section 304(d) shall take effect as  
7 of December 1, 1994.

Passed the House of Representatives December 12,  
1995.

Attest:

ROBIN H. CARLE,  
*Clerk.*

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