I am encouraged by very real signs that this bill may pass, so that all of us can go home tomorrow to our States, participate in Veterans Day ceremonies, having voted for a bill designed to help so many of America's service men and women ease their path back to full employment in the civilian economy. I believe we owe them nothing less.

This bill offers tax credits to businesses in the private sector that would hire veterans. It guarantees servicemembers access to training designed to facilitate their transition to civilian life, and allows them full use of the skills they have gained in service to our Nation, and it cuts through some of the bureaucratic redtape that has made it difficult for veterans to get access to Federal resources.

I am proud to be a cosponsor of this bill, just as I was proud to cosponsor with Senator MURRAY of Washington the hiring heroes act this spring. We owe it to America to work more aggressively together, across the aisle, in confronting this ongoing jobs crisis. I urge my colleagues to vote in favor of the VOW to Hire Heroes Act today.

OBTAINING PERMANENT RESIDENCY

Madam President, I also wish to take another few minutes to discuss a bill that I hope will pass the Senate later today on a similar topic. It is a small bill addressing a complicated issue, but it will make a big difference in the lives of many of our servicemembers.

When an American marries a foreign national, an immigrant, and that immigrant decides he or she wants to become an American citizen, they begin a process of obtaining permanent residency, of applying for and seeking a green card. Before the 2-year mark in that process, the couple must fill out a form together and appear for an in-person interview. You have a 90-day window to file that paperwork and another 90 days to appear for this in-person interview together. Here is the problem. What if you are in the military and deployed abroad. What if the American in this couple is in a war zone and cannot make it back to the United States in that limited, tightly defined 90-day window for an in-person interview. You might miss your opportunity for you and your spouse to have the interview and secure his or her green card in this United States.

Our soldiers, in my view, have enough to worry about without adding this to the list. The bill we will offer later today is a simple fix. My colleague, Senator GRAHAM of South Carolina, and I have introduced a bill that Congresswoman ZOEY LOFGREN introduced in the House earlier this year. It would give our servicemembers the flexibility to wait until after their deployments have concluded in order to conduct these in-person interviews. That measure passed the House of Representatives 426 to 0. It is my hope it will also pass this Senate unanimously tonight.

We are blessed in this Nation to be served by volunteers, by men and women who go to the other side of the world to serve us in the interest of freedom. The two bills I have spoken of here on the floor today are things that we can and should do together across the aisle to advance their interests in having the enjoyment of liberty for which they sacrificed so much.

I yield the floor.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The Senator from Oklahoma.

Mr. INHOFE. I ask unanimous consent that at the conclusion of the remarks from the Senator from West Virginia, Mr. MANCHIN, and the Senator from Indiana, Mr. COATS, that I be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia.

EPA DEADLINE EXTENSION

Mr. MANCHIN. Mr. President, I rise today to speak about a very real problem, making sure that we do everything we can to protect jobs, safeguard our environment, and make sure utility companies can provide reliable and affordable electricity from our domestic resources. There are two EPA rules that are at the heart of this issue. One is the utility MACT rule, which would require a decrease in mercury emissions at powerplants, and the cross-State air pollution rule, which would require powerplants to lower emissions of pollutants that may reduce air quality in neighboring States.

Some utilities have already complied with these rules. Many have not. You can put the blame for the past sins on anybody and everybody, and we seem to do it well here from time to time. This is not what we are here for today.

My good colleague and my friend from Indiana will be speaking after me. This is truly a bipartisan effort trying to bring reasonability and common sense to this subject. But we have proven here in this body time and again that you truly cannot fix it if you blame people for it. What we intend to do with our legislation is truly fix the problem.

Let me be clear. I believe both of these rules aim to accomplish important objectives. But as they are written, they are nearly impossible to realize. If we do not extend the deadline for utilities to responsibly comply, we are going to lose the jobs and the reliability of the electricity we depend upon, and that hike of rates to consumers will be unimaginable. So we need to find a balance with our economy and the environment. That is why I am proud to stand today with my friend Senator COATS, a Republican from Indiana, to offer a commonsense solution to this problem, and to move forward with responsible, reasonable legislation that would get plants in compliance.

We are offering a bill today which is called the Fair Compliance Act of 2011, which has broad support from labor and industry and across the aisle. It is rare for so many groups with different points of view to come together behind a bill, but let me give you a list of some of our supporters: the Building and Construction Trades, the International Brotherhood of Boilermakers, International Brotherhood of Electrical Workers, United Mine Workers of America, AES, American Electric Power, Enerfab, the Electric Reliability Coordinating Council, to name a few.

I believe this bill provides a reasonable, responsible extension of the deadlines, while also protecting our most important priority, our environment and our responsibility to the environment, the reliability of our electric grid, the consumers who have to buy energy and can only afford to pay a reasonable price, using our own domestic resources so that we depend less on foreign energy and, most importantly, the thousands of jobs that are on the line.

I yield the floor for my friend from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I thank my colleague from West Virginia, Senator MANCHIN, for joining with me to produce a bipartisan, commonsense solution that is supported by both industry and labor, a piece of legislation that will ensure that the provision established through the Clean Air Act relative to the emissions of sulfur dioxide, nitrous oxide, mercury, and other emissions will not be reduced and eliminated.

We do nothing to stop the progress that has been made over many years in regard to cleaning up our air. We should be proud as Americans that we have taken the steps necessary to produce a cleaner environment, to eliminate toxic pollutants in the air. Over $100 billion has been spent by industry to retrofit their energy-producing plants with equipment that reduces and eliminates these pollutants. So we are not here today to advocate in favor of pumping more toxins into the air. We are here today to say we need a reasonable provision in place that would allow these industries to continue to spend the billions of dollars they are spending and do it in a timely manner so that we can reach the goal established through the Clean Air Act and other regulations.

But I think this current regulation we had a vote on—the Paul resolution—less than an hour ago, which came close to passing, now sets the stage for this particular provision, which the Senator from West Virginia, JOE MANCHIN, and I have cosponsored.

The Fair Compliance Act simply says that we want to continue to meet those standards, but we need to do it in a time-sensitive way so that industry can comply with the necessary procedures to arrange the plans, hire the contractors, and install the equipment. The timeline proposed by the EPA is

simply unattainable, unreasonable, and punitive. It costs jobs and money. Furthermore, it negatively impacts these necessary energy-producing facilities in the United States that are critical to our economy and employment. What we need now is an extension of 2 years on one of the provisions and 3 years on the other so that companies can address these rules together.

For those who have indicated on the floor in previous debate that we are undermining and undercutting regulations from going forward to reduce contaminants in the air, that is absolutely incorrect. We are ensuring that these will take place in a reasonable way that won't cost us jobs and further harm our economy.

Just to repeat something and to ask my colleague from West Virginia, my understanding is that this has significant labor and industry support. My colleague has outlined a number of industries and a number of labor unions that have supported this.

I know there is some concern that the utilities have avoided these rules in the past—that has been alleged—although they have spent over $100 billion in compliance. And some say this is just another delaying tactic. I ask my colleague, what would he say to people who object to this legislation on those grounds?

Mr. MANCHIN. Mr. President, let me say to the Senator that that question has been out there, and the naysayers are saying we should not delay it longer or extend it any more. This has gone through a real storied past, if you will. It had been repealed by previous administrations, it had gone through a court system and was overturned, and we are back where we are.

They are going to say: Well, some of them have complied and some haven't. There is ample time.

We can sit here—and we have talked and we have watched, in the last year, the blame game. That doesn't work. We haven't fixed a thing in this body this year by blaming the other side or blaming a previous administration or some other partisan group. We have a chance, with what the Senator and I have teamed up on, to fix this.

The only thing I would say, which the Senator eloquently laid out, is that a 2-year extension on one to comply, not just to extend and forgive—we are not asking to reduce in any way possible or to amend the Clean Air Act. We want it in force, and we want to do it with the energy we have used for the last century—it is domestic, and it is a fossil fuel. We have cleaned up the air in West Virginia by putting scrubbers and SCRs on boilers to the tune of 89 percent within the last two decades. We can do a lot more.

What we are allowing now is to bring plants into compliance without shocking the system. The shock is this: The cost, if I may quote this—even by EPA's own estimate, they peg the cost—if this rule is not extended so that we can comply, it will cost $2.4 billion. Who do you think will pay that? It will be your consumers, your constituents, and, most importantly, people who cannot afford it. It is putting a burden on, it is challenging jobs that rely on reliable, dependable, and affordable energy so that they can compete globally. It is knocking us out of the market to compete. Why would we shoot ourselves in the foot economically?

We can work within the Clean Air Act and comply with it, and it doesn't make any of these rules less stringent. We are not saying relax it. We are just saying: Let us comply. Don't blame what happened in the past. Let's fix what is before us right now.

That is what I would say to my good friend.

If I may, I will ask my good friend a question. What has he heard from the utilities in Indiana about the EPA's current timeline? What have they told the Senator?

Mr. COATS. I thank my friend for asking me that question, and I thank him so much for his answer to the previous question. I have visited those utilities. Let me mention one.

Tanners Creek is down along the Ohio River. It is a facility that will have to retire many units under this proposal, at the cost of more than 60 jobs. These types of closures may result in increased energy costs for consumers and the loss of electricity that will flow into the grid, potentially causing blackouts or interruptions in electric supply.

They are good citizens. They have plans to deal with their plants, to comply with these regulations. But they need more time to do it. They have also said: If we have to do this immediately, with all the plants all across the country, there is a shortage of equipment and contractors that are able to manufacture this type of equipment necessary and install it. That will drive up costs.

As the Senator from West Virginia has said, all of this is borne on the backs of the taxpayers, those who receive utility bills, whether for residences or companies that receive bills that are producing in the Midwest. The Senator's State and my State—we make big stuff, such as cars, locomotives, airplanes, major airplane parts, and big machines—things at the industrial heart of America. So it takes a lot of energy to produce the kinds of products that are made in our States.

To have a sudden spike in utility costs at a time when our economy is struggling is the worst thing we could do in this economy. While this amendment is not designed to specifically address that issue, it certainly helps us as we work our way through the downturn in the economy that has kept people out of work and kept our economy from growing as it should.

This is just another blow to the manufacturing industry in the Midwest, particularly in terms of hiring and in terms of being competitive and making a product. So the industries have come forward and said: We will comply, and we have complied—$100 billion-plus in compliance, which is a record to date. It will be continued as we go forward. We are simply asking for a sensible timeframe in which to do this.

In conclusion—and then I will turn it back to my friend—to my colleagues, I simply say that the allegation that this undermines what we are trying to do relative to providing clean air for American citizens to breathe is exaggerated and not true. Our bill requires compliance with the Clean Air Act, and it does not take away any regulation relative to these emissions that are poured into the air out of our utilities.

It is a bipartisan bill. This is not something that divides us on a partisan basis. It has industry support and labor support. It ensures full compliance with the Clean Air Act and reduction levels through regulations. It ensures that we won't have energy disruptions and blackouts and grid problems. It keeps jobs, and it spreads out the costs so that utility payers aren't hit with the shock of an increase in their bills. And the time to do it is set in a way that it will be accomplished within a more reasonable period of time. It synchronizes the two rules on reductions of emissions, the sulfur and nitrous oxide, as well as mercury and other toxins, so utilities can make the necessary changes at the same time.

We urge our colleagues to look at the details of the bill and study this. I see no reason why those who are concerned just about the environment and those who might be concerned just about the production capacity can't come together in a compromise and achieve the ends they both want to meet.

With that, I yield the floor and turn it back to my colleague. I thank him for his work in this process. We have been working together to do this in a way that both sides can support.

Mr. MANCHIN. I thank my good friend, the Senator from Indiana, Mr. COATS, for his diligence in working on this issue. In the greatest Nation on Earth, not to have an energy policy is wrong. It is also wrong to be so insecure—or less secure, if you will—by depending on foreign oil as we have. We know the results we are faced with now.

We are saying: Let us comply and make sure we are working in harmony with the environment and the economy. We can make that happen within a reasonable amount of time. That is all we have asked for. We are not asking to make the rules less stringent or to forget about them and throw caution to the wind. We know jobs and the economy are at stake. We know that, basically, the security of the Nation is at stake. But until we find a fuel of the future, we need to use what we have right here in America. Coal has supplied energy for a hundred years and will do so until we find a fuel that will replace it that is dependable, reliable,

and affordable. So what we are asking for is something that is reasonable, and we are not blaming anything.

AMENDMENT NO. 927, AS MODIFIED

Mr. MANCHIN. Mr. President, I ask unanimous consent that the Reid for Tester amendment No. 927 be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 927), as modified, is as follows:

Strike title II and insert the following:

TITLE II—VOW TO HIRE HEROES

SEC. 201. SHORT TITLE.

This title may be cited as the ''VOW to Hire Heroes Act of 2011''.

Subtitle A—Retraining Veterans

SEC. 211. VETERANS RETRAINING ASSISTANCE PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Not later than July 1, 2012, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, establish and commence a program of retraining assistance for eligible veterans.

(2) NUMBER OF ELIGIBLE VETERANS.—The number of unique eligible veterans who participate in the program established under paragraph (1) may not exceed—

(A) 45,000 during fiscal year 2012; and

(B) 54,000 during the period beginning October 1, 2012, and ending March 31, 2014.

(b) RETRAINING ASSISTANCE.—Except as provided by subsection (k), each veteran who participates in the program established under subsection (a)(1) shall be entitled to up to 12 months of retraining assistance provided by the Secretary of Veterans Affairs. Such retraining assistance may only be used by the veteran to pursue a program of education (as such term is defined in section 3452(b) of title 38, United States Code) for training, on a full-time basis, that—

(1) is approved under chapter 36 of such title;

(2) is offered by a community college or technical school;

(3) leads to an associate degree or a certificate (or other similar evidence of the completion of the program of education or training);

(4) is designed to provide training for a high-demand occupation, as determined by the Commissioner of Labor Statistics; and

(5) begins on or after July 1, 2012.

(c) MONTHLY CERTIFICATION.—Each veteran who participates in the program established under subsection (a)(1) shall certify to the Secretary of Veterans Affairs the enrollment of the veteran in a program of education described in subsection (b) for each month in which the veteran participates in the program.

(d) AMOUNT OF ASSISTANCE.—The monthly amount of the retraining assistance payable under this section is the amount in effect under section 3015(a)(1) of title 38, United States Code.

(e) ELIGIBILITY.—

(1) IN GENERAL.—For purposes of this section, an eligible veteran is a veteran who—

(A) as of the date of the submittal of the application for assistance under this section, is at least 35 years of age but not more than 60 years of age;

(B) was last discharged from active duty service in the Armed Forces under conditions other than dishonorable;

(C) as of the date of the submittal of the application for assistance under this section, is unemployed;

(D) as of the date of the submittal of the application for assistance under this section, is not eligible to receive educational assistance under chapter 30, 31, 32, 33, or 35 of title 38, United States Code, or chapter 1606 or 1607 of title 10, United States Code;

(E) is not in receipt of compensation for a service-connected disability rated totally disabling by reason of unemployability;

(F) was not and is not enrolled in any Federal or State job training program at any time during the 180-day period ending on the date of the submittal of the application for assistance under this section; and

(G) by not later than October 1, 2013, submits to the Secretary of Labor an application for assistance under this section containing such information and assurances as that Secretary may require.

(2) DETERMINATION OF ELIGIBILITY.—

(A) DETERMINATION BY SECRETARY OF LABOR.—

(i) IN GENERAL.—For each application for assistance under this section received by the Secretary of Labor from an applicant, the Secretary of Labor shall determine whether the applicant is eligible for such assistance under subparagraphs (A), (C), (F), and (G) of paragraph (1).

(ii) REFERRAL TO SECRETARY OF VETERANS AFFAIRS.—If the Secretary of Labor determines under clause (i) that an applicant is eligible for assistance under this section, the Secretary of Labor shall forward the application of such applicant to the Secretary of Veterans Affairs in accordance with the terms of the agreement required by subsection (h).

(B) DETERMINATION BY SECRETARY OF VETERANS AFFAIRS.—For each application relating to an applicant received by the Secretary of Veterans Affairs under subparagraph (A)(ii), the Secretary of Veterans Affairs shall determine under subparagraphs (B), (D), and (E) of paragraph (1) whether such applicant is eligible for assistance under this section.

(f) EMPLOYMENT ASSISTANCE.—For each veteran who participates in the program established under subsection (a)(1), the Secretary of Labor shall contact such veteran not later than 30 days after the date on which the veteran completes, or terminates participation in, such program to facilitate employment of such veteran and availability or provision of employment placement services to such veteran.

(g) CHARGING OF ASSISTANCE AGAINST OTHER ENTITLEMENT.—Assistance provided under this section shall be counted against the aggregate period for which section 3695 of title 38, United States Code, limits the individual's receipt of educational assistance under laws administered by the Secretary of Veterans Affairs.

(h) JOINT AGREEMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs and the Secretary of Labor shall enter into an agreement to carry out this section.

(2) APPEALS PROCESS.—The agreement required by paragraph (1) shall include establishment of a process for resolving disputes relating to and appeals of decisions of the Secretaries under subsection (e)(2).

(i) REPORT.—

(1) IN GENERAL.—Not later than July 1, 2014, the Secretary of Veterans Affairs shall, in collaboration with the Secretary of Labor, submit to the appropriate committees of Congress a report on the retraining assistance provided under this section.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The total number of—

(i) eligible veterans who participated; and

(ii) associates degrees or certificates awarded (or other similar evidence of the completion of the program of education or training earned).

(B) Data related to the employment status of eligible veterans who participated.

(j) FUNDING.—Payments under this section shall be made from amounts appropriated to or otherwise made available to the Department of Veterans Affairs for the payment of readjustment benefits. Not more than $2,000,000 shall be made available from such amounts for information technology expenses (not including personnel costs) associated with the administration of the program established under subsection (a)(1).

(k) TERMINATION OF AUTHORITY.—The authority to make payments under this section shall terminate on March 31, 2014.

(l) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pension of the Senate; and

(2) the Committee on Veterans' Affairs and the Committee on Education and the Workforce of the House of Representatives.

Subtitle B—Improving the Transition Assistance Program

SEC. 221. MANDATORY PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN THE TRANSITION ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Subsection (c) of section 1144 of title 10, United States Code, is amended to read as follows:

''(c) PARTICIPATION.—(1) Except as provided in paragraph (2), the Secretary of Defense and the Secretary of Homeland Security shall require the participation in the program carried out under this section of the members eligible for assistance under the program.

''(2) The Secretary of Defense and the Secretary of Homeland Security may, under regulations such Secretaries shall prescribe, waive the participation requirement of paragraph (1) with respect to—

''(A) such groups or classifications of members as the Secretaries determine, after consultation with the Secretary of Labor and the Secretary of Veterans Affairs, for whom participation is not and would not be of assistance to such members based on the Secretaries' articulable justification that there is extraordinarily high reason to believe the exempted members are unlikely to face major readjustment, health care, employment, or other challenges associated with transition to civilian life; and

''(B) individual members possessing specialized skills who, due to unavoidable circumstances, are needed to support a unit's imminent deployment.''.

(b) REQUIRED USE OF EMPLOYMENT ASSISTANCE, JOB TRAINING ASSISTANCE, AND OTHER TRANSITIONAL SERVICES IN PRESEPARATION COUNSELING.—Section 1142(a)(2) of such title is amended by striking ''may'' and inserting ''shall''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 222. INDIVIDUALIZED ASSESSMENT FOR MEMBERS OF THE ARMED FORCES UNDER TRANSITION ASSISTANCE ON EQUIVALENCE BETWEEN SKILLS DEVELOPED IN MILITARY OCCUPATIONAL SPECIALTIES AND QUALIFICATIONS REQUIRED FOR CIVILIAN EMPLOYMENT WITH THE PRIVATE SECTOR.

(a) STUDY ON EQUIVALENCE REQUIRED.—

(1) IN GENERAL.—The Secretary of Labor shall, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, enter into a contract with a qualified organization to conduct a study to identify any equivalences between the skills developed by members of the Armed Forces

through various military occupational specialties (MOS), successful completion of resident training courses, attaining various military ranks or rates, or other military experiences and the qualifications required for various positions of civilian employment in the private sector.

(2) COOPERATION OF FEDERAL AGENCIES.—The departments and agencies of the Federal Government, including the Office of Personnel Management, the General Services Administration, the Government Accountability Office, the Department of Education, and other appropriate departments and agencies, shall cooperate with the contractor under paragraph (1) to conduct the study required under that paragraph.

(3) REPORT.—Upon completion of the study conducted under paragraph (1), the contractor under that paragraph shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor a report setting forth the results of the study. The report shall include such information as the Secretaries shall specify in the contract under paragraph (1) for purposes of this section.

(4) TRANSMITTAL TO CONGRESS.—The Secretary of Labor shall transmit to the appropriate committees of Congress the report submitted under paragraph (3), together with such comments on the report as the Secretary considers appropriate.

(5) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Veterans' Affairs, the Committee on Armed Services, and the Committee on Health, Education, Labor, and Pension of the Senate; and

(B) the Committee on Veterans' Affairs, the Committee on Armed Services, and the Committee on Education and the Workforce of the House of Representatives.

(b) PUBLICATION.—The secretaries described in subsection (a)(1) shall ensure that the equivalences identified under subsection (a)(1) are—

(1) made publicly available on an Internet website; and

(2) regularly updated to reflect the most recent findings of the secretaries with respect to such equivalences.

(c) INDIVIDUALIZED ASSESSMENT OF CIVILIAN POSITIONS AVAILABLE THROUGH MILITARY EXPERIENCES.—The Secretary of Defense shall ensure that each member of the Armed Forces who is participating in the Transition Assistance Program (TAP) of the Department of Defense receives, as part of such member's participation in that program, an individualized assessment of the various positions of civilian employment in the private sector for which such member may be qualified as a result of the skills developed by such member through various military occupational specialties (MOS), successful completion of resident training courses, attaining various military ranks or rates, or other military experiences. The assessment shall be performed using the results of the study conducted under subsection (a) and such other information as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs and the Secretary of Labor, considers appropriate for that purpose.

(d) FURTHER USE IN EMPLOYMENT-RELATED TRANSITION ASSISTANCE.—

(1) TRANSMITTAL OF ASSESSMENT.—The Secretary of Defense shall make the individualized assessment provided a member under subsection (a) available electronically to the Secretary of Veterans Affairs and the Secretary of Labor.

(2) USE IN ASSISTANCE.—The Secretary of Veterans Affairs and the Secretary of Labor may use an individualized assessment with respect to an individual under paragraph (1) for employment-related assistance in the transition from military service to civilian life provided the individual by such Secretary and to otherwise facilitate and enhance the transition of the individual from military service to civilian life.

(e) EFFECTIVE DATE.—This section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 223. TRANSITION ASSISTANCE PROGRAM CONTRACTING.

(a) TRANSITION ASSISTANCE PROGRAM CONTRACTING.—

(1) IN GENERAL.—Section 4113 of title 38, United States Code, is amended to read as follows:

''§ 4113. Transition Assistance Program personnel

''(a) REQUIREMENT TO CONTRACT.—In accordance with section 1144 of title 10, the Secretary shall enter into a contract with an appropriate private entity or entities to provide the functions described in subsection (b) at all locations where the program described in such section is carried out.

''(b) FUNCTIONS.—Contractors under subsection (a) shall provide to members of the Armed Forces who are being separated from active duty (and the spouses of such members) the services described in section 1144(a)(1) of title 10, including the following:

''(1) Counseling.

''(2) Assistance in identifying employment and training opportunities and help in obtaining such employment and training.

''(3) Assessment of academic preparation for enrollment in an institution of higher learning or occupational training.

''(4) Other related information and services under such section.

''(5) Such other services as the Secretary considers appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of title 38, United States Code, is amended by striking the item relating to section 4113 and inserting the following new item:

''4113. Transition Assistance Program personnel.''.

(b) DEADLINE FOR IMPLEMENTATION.—The Secretary of Labor shall enter into the contract required by section 4113 of title 38, United States Code, as added by subsection (a), not later than two years after the date of the enactment of this Act.

SEC. 224. CONTRACTS WITH PRIVATE ENTITIES TO ASSIST IN CARRYING OUT TRANSITION ASSISTANCE PROGRAM OF DEPARTMENT OF DEFENSE.

Section 1144(d) of title 10, United States Code, is amended—

(1) in paragraph (5), by striking ''public or private entities; and'' and inserting ''public entities;'';

(2) by redesignating paragraph (6) as paragraph (7); and

(3) by inserting after paragraph (5), the following new paragraph (6):

''(6) enter into contracts with private entities, particularly with qualified private entities that have experience with instructing members of the armed forces eligible for assistance under the program carried out under this section on—

''(A) private sector culture, resume writing, career networking, and training on job search technologies;

''(B) academic readiness and educational opportunities; or

''(C) other relevant topics; and''.

SEC. 225. IMPROVED ACCESS TO APPRENTICESHIP PROGRAMS FOR MEMBERS OF THE ARMED FORCES WHO ARE BEING SEPARATED FROM ACTIVE DUTY OR RETIRED.

Section 1144 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) PARTICIPATION IN APPRENTICESHIP PROGRAMS.—As part of the program carried out under this section, the Secretary of Defense and the Secretary of Homeland Security may permit a member of the armed forces eligible for assistance under the program to participate in an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), or a pre-apprenticeship program that provides credit toward a program registered under such Act, that provides members of the armed forces with the education, training, and services necessary to transition to meaningful employment that leads to economic self-sufficiency.''.

SEC. 226. COMPTROLLER GENERAL REVIEW.

Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of the Transition Assistance Program (TAP) and submit to Congress a report on the results of the review and any recommendations of the Comptroller General for improving the program.

Subtitle C—Improving the Transition of Veterans to Civilian Employment

SEC. 231. TWO-YEAR EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE REHABILITATION AND VOCATIONAL BENEFITS TO MEMBERS OF THE ARMED FORCES WITH SEVERE INJURIES OR ILLNESSES.

Section 1631(b)(2) of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended by striking ''December 31, 2012'' and inserting ''December 31, 2014''.

SEC. 232. EXPANSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PAY EMPLOYERS FOR PROVIDING ON-JOB TRAINING TO VETERANS WHO HAVE NOT BEEN REHABILITATED TO POINT OF EMPLOYABILITY.

Section 3116(b)(1) of title 38, United States Code, is amended by striking ''who have been rehabilitated to the point of employability''.

SEC. 233. TRAINING AND REHABILITATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW.

(a) ENTITLEMENT TO ADDITIONAL REHABILITATION PROGRAMS.—

(1) IN GENERAL.—Section 3102 of title 38, United States Code, is amended—

(A) in the matter before paragraph (1), by striking ''A person'' and inserting the following:

''(a) IN GENERAL.—A person''; and

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

''(b) ADDITIONAL REHABILITATION PROGRAMS FOR PERSONS WHO HAVE EXHAUSTED RIGHTS TO UNEMPLOYMENT BENEFITS UNDER STATE LAW.—(1) Except as provided in paragraph (4), a person who has completed a rehabilitation program under this chapter shall be entitled to an additional rehabilitation program under the terms and conditions of this chapter if—

''(A) the person is described by paragraph (1) or (2) of subsection (a); and

''(B) the person—

''(i) has exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year;

''(ii) has no rights to regular compensation with respect to a week under such State or Federal law; and

''(iii) is not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

''(C) begins such additional rehabilitation program within six months of the date of such exhaustion.

''(2) For purposes of paragraph (1)(B)(i), a person shall be considered to have exhausted such person's rights to regular compensation under a State law when—

''(A) no payments of regular compensation can be made under such law because such person has received all regular compensation available to such person based on employment or wages during such person's base period; or

''(B) such person's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

''(3) In this subsection, the terms 'compensation', 'regular compensation', 'benefit year', 'State', 'State law', and 'week' have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

''(4) No person shall be entitled to an additional rehabilitation program under paragraph (1) from whom the Secretary receives an application therefor after March 31, 2014.''.

(2) DURATION OF ADDITIONAL REHABILITATION PROGRAM.—Section 3105(b) of such title is amended—

(A) by striking ''Except as provided in subsection (c) of this section,'' and inserting ''(1) Except as provided in paragraph (2) and in subsection (c),''; and

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

''(2) The period of a vocational rehabilitation program pursued by a veteran under section 3102(b) of this title following a determination of the current reasonable feasibility of achieving a vocational goal may not exceed 12 months.''.

(b) EXTENSION OF PERIOD OF ELIGIBILITY.—Section 3103 of such title is amended—

(1) in subsection (a), by striking ''in subsection (b), (c), or (d)'' and inserting ''in subsection (b), (c), (d), or (e)'';

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following new subsection (e):

''(e)(1) The limitation in subsection (a) shall not apply to a rehabilitation program described in paragraph (2).

''(2) A rehabilitation program described in this paragraph is a rehabilitation program pursued by a veteran under section 3102(b) of this title.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on June 1, 2012, and shall apply with respect to rehabilitation programs beginning after such date.

(d) COMPTROLLER GENERAL REVIEW.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a review of the training and rehabilitation under chapter 31 of title 38, United States Code; and

(2) submit to Congress a report on the findings of the Comptroller General with respect to the review and any recommendations of the Comptroller General for improving such training and rehabilitation.

SEC. 234. COLLABORATIVE VETERANS' TRAINING, MENTORING, AND PLACEMENT PROGRAM.

(a) IN GENERAL.—Chapter 41 of title 38, United States Code, is amended by inserting after section 4104 the following new section:

''§ 4104A. Collaborative veterans' training, mentoring, and placement program

''(a) GRANTS.—The Secretary shall award grants to eligible nonprofit organizations to provide training and mentoring for eligible veterans who seek employment. The Secretary shall award the grants to not more than three organizations, for periods of two years.

''(b) COLLABORATION AND FACILITATION.—The Secretary shall ensure that the recipients of the grants—

''(1) collaborate with—

''(A) the appropriate disabled veterans' outreach specialists (in carrying out the functions described in section 4103A(a)) and the appropriate local veterans' employment representatives (in carrying out the functions described in section 4104); and

''(B) the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) for the areas to be served by recipients of the grants; and

''(2) based on the collaboration, facilitate the placement of the veterans that complete the training in meaningful employment that leads to economic self-sufficiency.

''(c) APPLICATION.—To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the information shall include—

''(1) information describing how the organization will—

''(A) collaborate with disabled veterans' outreach specialists and local veterans' employment representatives and the appropriate State boards and local boards (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801));

''(B) based on the collaboration, provide training that facilitates the placement described in subsection (b)(2); and

''(C) make available, for each veteran receiving the training, a mentor to provide career advice to the veteran and assist the veteran in preparing a resume and developing job interviewing skills; and

''(2) an assurance that the organization will provide the information necessary for the Secretary to prepare the reports described in subsection (d).

''(d) REPORTS.—(1) Not later than six months after the date of the enactment of the VOW to Hire Heroes Act of 2011, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the process for awarding grants under this section, the recipients of the grants, and the collaboration described in subsections (b) and (c).

''(2) Not later than 18 months after the date of enactment of the VOW to Hire Heroes Act of 2011, the Secretary shall—

''(A) conduct an assessment of the performance of the grant recipients, disabled veterans' outreach specialists, and local veterans' employment representatives in carrying out activities under this section, which assessment shall include collecting information on the number of—

''(i) veterans who applied for training under this section;

''(ii) veterans who entered the training;

''(iii) veterans who completed the training;

''(iv) veterans who were placed in meaningful employment under this section; and

''(v) veterans who remained in such employment as of the date of the assessment; and

''(B) submit to the appropriate committees of Congress a report that includes—

''(i) a description of how the grant recipients used the funds made available under this section;

''(ii) the results of the assessment conducted under subparagraph (A); and

''(iii) the recommendations of the Secretary as to whether amounts should be appropriated to carry out this section for fiscal years after 2013.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,500,000 for the period consisting of fiscal years 2012 and 2013.

''(f) DEFINITIONS.—In this section—

''(1) the term 'appropriate committees of Congress' means—

''(A) the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pension of the Senate; and

''(B) the Committee on Veterans' Affairs and the Committee on Education and Workforce of the House of Representatives; and

''(2) the term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and that is exempt from taxation under section 501(a) of such Code.''.

(b) CONFORMING AMENDMENT.—Section 4103A(a) of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting ''and facilitate placements'' after ''intensive services''; and

(2) by adding at the end the following:

''(3) In facilitating placement of a veteran under this program, a disabled veterans' outreach program specialist shall help to identify job opportunities that are appropriate for the veteran's employment goals and assist that veteran in developing a cover letter and resume that are targeted for those particular jobs.''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by inserting after the item relating to section 4104 the following new item:

''4104A. Collaborative veterans' training, mentoring, and placement program.''.

SEC. 235. APPOINTMENT OF HONORABLY DISCHARGED MEMBERS AND OTHER EMPLOYMENT ASSISTANCE.

(a) APPOINTMENTS TO COMPETITIVE SERVICE POSITIONS.—

(1) IN GENERAL.—Chapter 21 of title 5, United States Code, is amended by inserting after section 2108 the following:

''§ 2108a. Treatment of certain individuals as veterans, disabled veterans, and preference eligibles

''(a) VETERAN.—

''(1) IN GENERAL.—Except as provided under paragraph (3), an individual shall be treated as a veteran defined under section 2108(1) for purposes of making an appointment in the competitive service, if the individual—

''(A) meets the definition of a veteran under section 2108(1), except for the requirement that the individual has been discharged or released from active duty in the armed forces under honorable conditions; and

''(B) submits a certification described under paragraph (2) to the Federal officer making the appointment.

''(2) CERTIFICATION.—A certification referred to under paragraph (1) is a certification that the individual is expected to be discharged or released from active duty in the armed forces under honorable conditions not later than 120 days after the date of the submission of the certification.

''(b) DISABLED VETERAN.—

''(1) IN GENERAL.—Except as provided under paragraph (3), an individual shall be treated as a disabled veteran defined under section 2108(2) for purposes of making an appointment in the competitive service, if the individual—

''(A) meets the definition of a disabled veteran under section 2108(2), except for the requirement that the individual has been separated from active duty in the armed forces under honorable conditions; and

''(B) submits a certification described under paragraph (2) to the Federal officer making the appointment.

''(2) CERTIFICATION.—A certification referred to under paragraph (1) is a certification that the individual is expected to be separated from active duty in the armed forces under honorable conditions not later than 120 days after the date of the submission of the certification.

''(c) PREFERENCE ELIGIBLE.—Subsections (a) and (b) shall apply with respect to determining whether an individual is a preference eligible under section 2108(3) for purposes of making an appointment in the competitive service.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) DEFINITIONS.—Section 2108 of title 5, United States Code, is amended—

(i) in paragraph (1), in the matter following subparagraph (D), by inserting '', except as provided under section 2108a,'' before ''who has been'';

(ii) in paragraph (2), by inserting ''(except as provided under section 2108a)'' before ''has been separated''; and

(iii) in paragraph (3), in the matter preceding subparagraph (A), by inserting ''or section 2108a(c)'' after ''paragraph (4) of this section''.

(B) TABLE OF SECTIONS.—The table of sections for chapter 21 of title 5, United States Code, is amended by adding after the item relating to section 2108 the following:

''2108a. Treatment of certain individuals as veterans, disabled veterans, and preference eligibles.''.

(b) EMPLOYMENT ASSISTANCE: OTHER FEDERAL AGENCIES.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''agency'' has the meaning given the term ''Executive agency'' in section 105 of title 5, United States Code; and

(B) the term ''veteran'' has the meaning given that term in section 101 of title 38, United States Code.

(2) RESPONSIBILITIES OF OFFICE OF PERSONNEL MANAGEMENT.—The Director of the Office of Personnel Management shall—

(A) designate agencies that shall establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty in accordance with paragraph (3); and

(B) ensure that the programs established under this subsection are coordinated with the Transition Assistance Program (TAP) of the Department of Defense.

(3) ELEMENTS OF PROGRAM.—The head of each agency designated under paragraph (2)(A), in consultation with the Director of the Office of Personnel Management, and acting through the Veterans Employment Program Office of the agency established under Executive Order 13518 (74 Fed. Reg. 58533; relating to employment of veterans in the Federal Government), or any successor thereto, shall—

(A) establish a program to provide employment assistance to members of the Armed Forces who are being separated from active duty, including assisting such members in seeking employment with the agency;

(B) provide such members with information regarding the program of the agency established under subparagraph (A); and

(C) promote the recruiting, hiring, training and development, and retention of such members and veterans by the agency.

(4) OTHER OFFICE.—If an agency designated under paragraph (2)(A) does not have a Veterans Employment Program Office, the head of the agency, in consultation with the Director of the Office of Personnel Management, shall select an appropriate office of the agency to carry out the responsibilities of the agency under paragraph (3).

SEC. 236. DEPARTMENT OF DEFENSE PILOT PROGRAM ON WORK EXPERIENCE FOR MEMBERS OF THE ARMED FORCES ON TERMINAL LEAVE.

(a) IN GENERAL.—The Secretary of Defense may establish a pilot program to assess the feasibility and advisability of providing to members of the Armed Forces on terminal leave work experience with civilian employees and contractors of the Department of Defense to facilitate the transition of the individuals from service in the Armed Forces to employment in the civilian labor market.

(b) DURATION.—The pilot program shall be carried out during the two-year period beginning on the date of the commencement of the pilot program.

(c) REPORT.—Not later than 540 days after the date of the commencement of the pilot program, the Secretary shall submit to the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate and the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives an interim report on the pilot program that includes the findings of the Secretary with respect to the feasibility and advisability of providing covered individuals with work experience as described in subsection (a).

SEC. 237. ENHANCEMENT OF DEMONSTRATION PROGRAM ON CREDENTIALING AND LICENSING OF VETERANS.

(a) IN GENERAL.—Section 4114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking ''may'' and inserting ''shall'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''Assistant Secretary shall'' and inserting ''Assistant Secretary for Veterans' Employment and Training shall, in consultation with the Assistant Secretary for Employment and Training,'';

(ii) by striking ''not less than 10 military'' and inserting ''not more than five military''; and

(iii) by inserting ''for Veterans' Employment and Training'' after ''selected by the Assistant Secretary''; and

(B) in paragraph (2), by striking ''consult with appropriate Federal, State, and industry officials to'' and inserting ''enter into a contract with an appropriate entity representing a coalition of State governors to consult with appropriate Federal, State, and industry officials and''; and

(3) by striking subsections (d) through (h) and inserting the following:

''(d) PERIOD OF PROJECT.—The period during which the Assistant Secretary shall carry out the demonstration project under this section shall be the two-year period beginning on the date of the enactment of the VOW to Hire Heroes Act of 2011.''.

(b) STUDY COMPARING COSTS INCURRED BY SECRETARY OF DEFENSE FOR TRAINING FOR MILITARY OCCUPATIONAL SPECIALTIES WITHOUT CREDENTIALING OR LICENSING WITH COSTS INCURRED BY SECRETARY OF VETERANS AFFAIRS AND SECRETARY OF LABOR IN PROVIDING EMPLOYMENT-RELATED ASSISTANCE.—

(1) IN GENERAL.—Not later than 180 days after the conclusion of the period described in subsection (d) of section 4114 of title 38, United States Code, as added by subsection (a), the Assistant Secretary of Labor of Veterans' Employment and Training shall, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, complete a study comparing the costs incurred by the Secretary of Defense in training members of the Armed Forces for the military occupational specialties selected by the Assistant Secretary of Labor of Veterans' Employment and Training pursuant to the demonstration project provided for in such section 4114, as amended by subsection (a), with the costs incurred by the Secretary of Veterans Affairs and the Secretary of Labor in providing employment-related assistance to veterans who previously held such military occupational specialties, including—

(A) providing educational assistance under laws administered by the Secretary of Veterans Affairs to veterans to obtain credentialing and licensing for civilian occupations that are similar to such military occupational specialties;

(B) providing assistance to unemployed veterans who, while serving in the Armed Forces, were trained in a military occupational specialty; and

(C) providing vocational training or counseling to veterans described in subparagraph (B).

(2) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the conclusion of the period described in subsection (d) of section 4114 of title 38, United States Code, as added by subsection (a), the Assistant Secretary of Labor of Veterans' Employment and Training shall submit to Congress a report on the study carried out under paragraph (1).

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings of the Assistant Secretary with respect to the study required by paragraph (1).

(ii) A detailed description of the costs compared under the study required by paragraph (1).

SEC. 238. INCLUSION OF PERFORMANCE MEASURES IN ANNUAL REPORT ON VETERAN JOB COUNSELING, TRAINING, AND PLACEMENT PROGRAMS OF THE DEPARTMENT OF LABOR.

Section 4107(c) of title 38, United States Code, is amended—

(1) in paragraph (2), by striking ''clause (1)'' and inserting ''paragraph (1)'';

(2) in paragraph (5), by striking ''and'' at the end;

(3) in paragraph (6), by striking the period and inserting ''; and''; and

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

''(7) performance measures for the provision of assistance under this chapter, including—

''(A) the percentage of participants in programs under this chapter who find employment before the end of the first 90-day period following their completion of the program;

''(B) the percentage of participants described in subparagraph (A) who are employed during the first 180-day period following the period described in such subparagraph;

''(C) the median earnings of participants described in subparagraph (A) during the period described in such subparagraph;

''(D) the median earnings of participants described in subparagraph (B) during the period described in such subparagraph; and

''(E) the percentage of participants in programs under this chapter who obtain a certificate, degree, diploma, licensure, or industry-recognized credential relating to the program in which they participated under this chapter during the third 90-day period following their completion of the program.''.

SEC. 239. CLARIFICATION OF PRIORITY OF SERVICE FOR VETERANS IN DEPARTMENT OF LABOR JOB TRAINING PROGRAMS.

Section 4215 of title 38, United States Code, is amended—

(1) in subsection (a)(3), by adding at the end the following: ''Such priority includes giving access to such services to a covered person before a non-covered person or, if resources are limited, giving access to such services to a covered person instead of a non-covered person.''; and

(2) by amending subsection (d) to read as follows:

''(d) ADDITION TO ANNUAL REPORT.—(1) In the annual report required under section 4107(c) of this title for the program year beginning in 2003 and each subsequent program year, the Secretary of Labor shall evaluate whether covered persons are receiving priority of service and are being fully served by qualified job training programs. Such evaluation shall include—

''(A) an analysis of the implementation of providing such priority at the local level;

''(B) whether the representation of veterans in such programs is in proportion to the incidence of representation of veterans in the labor market, including within groups that the Secretary may designate for priority under such programs, if any; and

''(C) performance measures, as determined by the Secretary, to determine whether veterans are receiving priority of service and are being fully served by qualified job training programs.

''(2) The Secretary may not use the proportion of representation of veterans described in subparagraph (B) of paragraph (1) as the basis for determining under such paragraph whether veterans are receiving priority of service and are being fully served by qualified job training programs.''.

SEC. 240. EVALUATION OF INDIVIDUALS RECEIVING TRAINING AT THE NATIONAL VETERANS' EMPLOYMENT AND TRAINING SERVICES INSTITUTE.

(a) IN GENERAL.—Section 4109 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary shall require that each disabled veterans' outreach program specialist and local veterans' employment representative who receives training provided by the Institute, or its successor, is given a final examination to evaluate the specialist's or representative's performance in receiving such training.

''(2) The results of such final examination shall be provided to the entity that sponsored the specialist or representative who received the training.''.

(b) EFFECTIVE DATE.—Subsection (d) of section 4109 of title 38, United States Code, as added by subsection (a), shall apply with respect to training provided by the National Veterans' Employment and Training Services Institute that begins on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 241. REQUIREMENTS FOR FULL-TIME DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.

(a) DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS.—Section 4103A of title 38, United States Code, is amended by adding at the end the following new subsection:

''(d) ADDITIONAL REQUIREMENT FOR FULL-TIME EMPLOYEES.—(1) A full-time disabled veterans' outreach program specialist shall perform only duties related to meeting the employment needs of eligible veterans, as described in subsection (a), and shall not perform other non-veteran-related duties that detract from the specialist's ability to perform the specialist's duties related to meeting the employment needs of eligible veterans.

''(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.''.

(b) LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.—Section 4104 of such title is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) ADDITIONAL REQUIREMENTS FOR FULL-TIME EMPLOYEES.—(1) A full-time local veterans' employment representative shall perform only duties related to the employment, training, and placement services under this chapter, and shall not perform other non-veteran-related duties that detract from the representative's ability to perform the representative's duties related to employment, training, and placement services under this chapter.

''(2) The Secretary shall conduct regular audits to ensure compliance with paragraph (1). If, on the basis of such an audit, the Secretary determines that a State is not in compliance with paragraph (1), the Secretary may reduce the amount of a grant made to the State under section 4102A(b)(5) of this title.''.

(c) CONSOLIDATION.—Section 4102A of such title is amended by adding at the end the following new subsection:

''(h) CONSOLIDATION OF DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND VETERANS' EMPLOYMENT REPRESENTATIVES.—The Secretary may allow the Governor of a State receiving funds under subsection (b)(5) to support specialists and representatives as described in such subsection to consolidate the functions of such specialists and representatives if—

''(1) the Governor determines, and the Secretary concurs, that such consolidation—

''(A) promotes a more efficient administration of services to veterans with a particular emphasis on services to disabled veterans; and

''(B) does not hinder the provision of services to veterans and employers; and

''(2) the Governor submits to the Secretary a proposal therefor at such time, in such manner, and containing such information as the Secretary may require.''.

Subtitle D—Improvements to Uniformed Services Employment and Reemployment Rights

SEC. 251. CLARIFICATION OF BENEFITS OF EMPLOYMENT COVERED UNDER USERRA.

Section 4303(2) of title 38, United States Code, is amended by inserting ''the terms, conditions, or privileges of employment, including'' after ''means''.

Subtitle E—Other Matters

SEC. 261. RETURNING HEROES AND WOUNDED WARRIORS WORK OPPORTUNITY TAX CREDITS.

(a) IN GENERAL.—Paragraph (3) of section 51(b) of the Internal Revenue Code of 1986 is amended by striking ''($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))'' and inserting ''($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(I), $14,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(iv), and $24,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(II))''.

(b) RETURNING HEROES TAX CREDITS.—Subparagraph (A) of section 51(d)(3) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''or'' at the end of clause (i),

(2) by striking the period at the end of clause (ii)(II), and

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

''(iii) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 4 weeks (but less than 6 months), or

''(iv) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.''.

(c) SIMPLIFIED CERTIFICATION.—Paragraph (13) of section 51(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) CREDIT FOR UNEMPLOYED VETERANS.—

''(i) IN GENERAL.—Notwithstanding subparagraph (A), for purposes of paragraph (3)(A)—

''(I) a veteran will be treated as certified by the designated local agency as having aggregate periods of unemployment meeting the requirements of clause (ii)(II) or (iv) of such paragraph (whichever is applicable) if such veteran is certified by such agency as being in receipt of unemployment compensation under State or Federal law for not less than 6 months during the 1-year period ending on the hiring date, and

''(II) a veteran will be treated as certified by the designated local agency as having aggregate periods of unemployment meeting the requirements of clause (iii) of such paragraph if such veteran is certified by such agency as being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks (but less than 6 months) during the 1-year period ending on the hiring date.

''(ii) REGULATORY AUTHORITY.—The Secretary may provide alternative methods for certification of a veteran as a qualified veteran described in clause (ii)(II), (iii), or (iv) of paragraph (3)(A), at the Secretary's discretion.''.

(d) EXTENSION OF CREDIT.—Subparagraph (B) of section 51(c)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

''(B) after—

''(i) December 31, 2012, in the case of a qualified veteran, and

''(ii) December 31, 2011, in the case of any other individual.''.

(e) CREDIT MADE AVAILABLE TO TAX-EXEMPT ORGANIZATIONS IN CERTAIN CIRCUMSTANCES.—

(1) IN GENERAL.—Subsection (c) of section 52 of the Internal Revenue Code of 1986 is amended—

(A) by inserting ''(1) IN GENERAL.—'' before ''No credit'', and

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

''(2) CREDIT MADE AVAILABLE TO QUALIFIED TAX-EXEMPT ORGANIZATIONS EMPLOYING QUALIFIED VETERANS.—For credit against payroll taxes for employment of qualified veterans by qualified tax-exempt organizations, see section 3111(e).''.

(2) CREDIT ALLOWABLE.—Section 3111 of such Code is amended by adding at the end the following new subsection:

''(e) CREDIT FOR EMPLOYMENT OF QUALIFIED VETERANS.—

''(1) IN GENERAL.—If a qualified tax-exempt organization hires a qualified veteran with respect to whom a credit would be allowable under section 38 by reason of section 51 if the organization were not a qualified tax-exempt organization, then there shall be allowed as a credit against the tax imposed by subsection (a) on wages paid with respect to employment of all employees of the organization during the applicable period an amount equal to the credit determined under section 51 (after application of the modifications under paragraph (3)) with respect to wages paid to such qualified veteran during such period.

''(2) OVERALL LIMITATION.—The aggregate amount allowed as a credit under this subsection for all qualified veterans for any period with respect to which tax is imposed under subsection (a) shall not exceed the amount of the tax imposed by subsection (a) on wages paid with respect to employment of

all employees of the organization during such period.

''(3) MODIFICATIONS.—For purposes of paragraph (1), section 51 shall be applied—

''(A) by substituting '26 percent' for '40 percent' in subsection (a) thereof,

''(B) by substituting '16.25 percent' for '25 percent' in subsection (i)(3)(A) thereof, and

''(C) by only taking into account wages paid to a qualified veteran for services in furtherance of the activities related to the purpose or function constituting the basis of the organization's exemption under section 501.

''(4) APPLICABLE PERIOD.—The term 'applicable period' means, with respect to any qualified veteran, the 1-year period beginning with the day such qualified veteran begins work for the organization.

''(5) DEFINITIONS.—For purposes of this subsection—

''(A) the term 'qualified tax-exempt organization' means an employer that is an organization described in section 501(c) and exempt from taxation under section 501(a), and

''(B) the term 'qualified veteran' has meaning given such term by section 51(d)(3).''.

(3) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by paragraphs (1) and (2). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(f) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the amendments made by this section. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession of the United States.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system the amount estimated by the Secretary of the Treasury as being equal to the loss to that possession that would have occurred by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession establishes to the satisfaction of the Secretary that the possession has implemented (or, at the discretion of the Secretary, will implement) an income tax benefit which is substantially equivalent to the income tax credit in effect after the amendments made by this section.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—The credit allowed against United States income taxes for any taxable year under the amendments made by this section to section 51 of the Internal Revenue Code of 1986 to any person with respect to any qualified veteran shall be reduced by the amount of any credit (or other tax benefit described in paragraph (1)(B)) allowed to such person against income taxes imposed by the possession of the United States by reason of this subsection with respect to such qualified veteran for such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term ''possession of the United States'' includes American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from credit provisions described in such section.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

SEC. 262. EXTENSION OF REDUCED PENSION FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended by striking ''May 31, 2015'' and inserting ''September 30, 2016''.

SEC. 263. REIMBURSEMENT RATE FOR AMBULANCE SERVICES.

Section 111(b)(3) of title 38, United States Code, is amended by adding at the end the following new subparagraph:

''(C) In the case of transportation of a person under subparagraph (B) by ambulance, the Secretary may pay the provider of the transportation the lesser of the actual charge for the transportation or the amount determined by the fee schedule established under section 1834(l) of the Social Security Act (42 U.S.C. 1395(l)) unless the Secretary has entered into a contract for that transportation with the provider.''.

SEC. 264. EXTENSION OF AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO OBTAIN INFORMATION FROM SECRETARY OF TREASURY AND COMMISSIONER OF SOCIAL SECURITY FOR INCOME VERIFICATION PURPOSES.

Section 5317(g) of title 38, United States Code, is amended by striking ''September 30, 2011'' and inserting ''September 30, 2016''.

SEC. 265. MODIFICATION OF LOAN GUARANTY FEE FOR CERTAIN SUBSEQUENT LOANS.

(a) IN GENERAL.—Section 3729(b)(2) of title 38, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (iii), by striking ''November 18, 2011'' and inserting ''October 1, 2016''; and

(B) in clause (iv), by striking ''November 18, 2011'' and inserting ''October 1, 2016'';

(2) in subparagraph (B)—

(A) in clause (i), by striking ''November 18, 2011'' and inserting ''October 1, 2016'';

(B) by striking clauses (ii) and (iii);

(C) by redesignating clause (iv) as clause (ii); and

(D) in clause (ii), as redesignated by subparagraph (C), by striking ''October 1, 2013'' and inserting ''October 1, 2016'';

(3) in subparagraph (C)—

(A) in clause (i), by striking ''November 18, 2011'' and inserting ''October 1, 2016''; and

(B) in clause (ii), by striking ''November 18, 2011'' and inserting ''October 1, 2016''; and

(4) in subparagraph (D)—

(A) in clause (i), by striking ''November 18, 2011'' and inserting ''October 1, 2016''; and

(B) in clause (ii), by striking ''November 18, 2011'' and inserting ''October 1, 2016''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the later of—

(1) November 18, 2011; or

(2) the date of the enactment of this Act.

TITLE III—OTHER PROVISIONS RELATING TO FEDERAL VENDORS

SEC. 301. ONE HUNDRED PERCENT LEVY FOR PAYMENTS TO FEDERAL VENDORS RELATING TO PROPERTY.

(a) IN GENERAL.—Section 6331(h)(3) of the Internal Revenue Code of 1986 is amended by striking ''goods or services'' and inserting ''property, goods, or services''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to levies issued after the date of the enactment of this Act.

SEC. 302. STUDY AND REPORT ON REDUCING THE AMOUNT OF THE TAX GAP OWED BY FEDERAL CONTRACTORS.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of the Treasury, or the Secretary's delegate, in consultation with the Director of the Office of Management and Budget and the heads of such other Federal agencies as the Secretary determines appropriate, shall conduct a study on ways to reduce the amount of Federal tax owed but not paid by persons submitting bids or proposals for the procurement of property or services by the Federal government.

(2) MATTERS STUDIED.—The study conducted under paragraph (1) shall include the following matters:

(A) An estimate of the amount of delinquent taxes owed by Federal contractors.

(B) The extent to which the requirement that persons submitting bids or proposals certify whether such persons have delinquent tax debts has—

(i) improved tax compliance; and

(ii) been a factor in Federal agency decisions not to enter into or renew contracts with such contractors.

(C) In cases in which Federal agencies continue to contract with persons who report having delinquent tax debt, the factors taken into consideration in awarding such contracts.

(D) The degree of the success of the Federal lien and levy system in recouping delinquent Federal taxes from Federal contractors.

(E) The number of persons who have been suspended or debarred because of a delinquent tax debt over the past 3 years.

(F) An estimate of the extent to which the subcontractors under Federal contracts have delinquent tax debt.

(G) The Federal agencies which have most frequently awarded contracts to persons notwithstanding any certification by such person that the person has delinquent tax debt.

(H) Recommendations on ways to better identify Federal contractors with delinquent tax debts.

(b) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Committee on Homeland Security and Government Affairs of the Senate, a report on the study conducted under subsection (a), together with any legislative recommendations.

TITLE IV—MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY

SEC. 401. MODIFICATION OF CALCULATION OF MODIFIED ADJUSTED GROSS INCOME FOR DETERMINING CERTAIN HEALTHCARE PROGRAM ELIGIBILITY.

(a) IN GENERAL.—Subparagraph (B) of section 36B(d)(2) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', and'', and by adding at the end the following new clause:

''(iii) an amount equal to the portion of the taxpayer's social security benefits (as defined in section 86(d)) which is not included in gross income under section 86 for the taxable year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(c) NO IMPACT ON SOCIAL SECURITY TRUST FUNDS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury, or the Secretary's delegate, shall annually estimate the impact that the amendments made by subsection (a) have on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury or the Secretary's delegate estimates that such amendments have a negative impact on the income and balances of such trust funds, the Secretary shall transfer, not less frequently than quarterly, from the general fund an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of such amendments.

TITLE V—BUDGETARY EFFECTS

SEC. 501. STATUTORY PAY-AS-YOU-GO ACT OF 2010.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

OVERREGULATION

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. It is my understanding that I have as much as 5 minutes.

Mr. President, I appreciate very much what has been described. Perhaps people can look at this in terms of the overregulation we are doing in this country, the fact that there is a direct relationship between the amount of revenue that comes into the government and the amount of regulations.

I have always used this—in fact, it is still permissible to use it. According to OMB, for each 1 percent addition to the GDP, it creates an additional $50 billion of revenue. There are other ways of doing it other than tax increases.

To turn it around, look at what this administration has done. They have regulations such as the greenhouse gas regulation, which would be between a $300 billion and $400 bill loss each year. The ozone—which they postponed, but nevertheless they proposed it—would be $676 billion in lost GDP. You can do your math on that. For each 1 percent—and 1 percent is $140 billion—for each 1 percent, it would be about a $50 billion loss in revenue. Boiler MACT is a $1 billion loss in GDP. Utility MACT, which is what they have been talking about, across State lines, is $140 billion in compliance costs. Cement MACT—all of these are huge losers in terms of revenue that can be generated.

So I would only like to say—and I wish I had time to get into more detail on this—that shortly we will be voting on McCain amendment No. 928. It has a lot of great features in it, but one that has been almost overlooked is the feature that would take away the jurisdiction of the Environmental Protection Agency to regulate greenhouse gases. This was the Upton-Inhofe bill. My bill, actually, was tested here, and we had a majority of people who were in support of it. It passed overwhelmingly in the House of Representatives.

So part of this amendment addresses what would have been done by the Waxman-Markey bill, which would cost us, not just once but every year, between $300 billion and $400 billion. The big question was, since the President could not get this body to pass a bill on cap and trade, he decided he would do it through regulation. But doing it through regulation would still cost between $300 billion and $400 billion a year. So what they had to do was to come up with an endangerment finding.

That endangerment finding was based on flawed science. In fact, we have a recent response to a request by the IG of the EPA who said, in fact, that was true—that the science on which this was based was faulty science. So after we realized that—and everyone else realized it—we went back to these people who were on record opposing the legislation regulating greenhouse gases and tried to get a bill passed that would take away the jurisdiction of the Environmental Protection Agency to regulate greenhouse gases. So that is what this was all about.

We were not able to get that, but that provision is in amendment No. 928 by Senator MCCAIN and others. I hope people will realize, in addition to those things being talked about, and the new jobs that would come with the passage of that amendment, there is also this provision which would be a huge boost to our economy and would eliminate an unnecessary tax increase of between $300 billion and $400 billion a year.

With that, I yield the floor.

3% WITHHOLDING REPEAL AND JOB CREATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 674, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 674) to amend the Internal Revenue Code of 1986 to repeal the imposition of 3 percent withholding on certain payments made to vendors by government entities, to modify the calculation of modified adjusted gross income for purposes of determining eligibility for certain healthcare-related programs, and for other purposes.

Pending:

Reid (for Tester) amendment No. 927, as modified, to amend the Internal Revenue Code of 1986 to permit a 100-percent levy for payments to Federal vendors relating to property, to require a study on how to reduce the amount of Federal taxes owed but not paid by Federal contractors, and to make certain improvements in the laws relating to the employment and training of veterans.

McCain amendment No. 928 (to amendment No. 927), to provide American jobs through economic growth.

The PRESIDING OFFICER. There will be 15 minutes of debate equally divided.

The Senator from Montana.

AMENDMENT NO. 927

Mr. TESTER. Mr. President, the economy has hit us all hard. Montanans who have done everything right are losing their jobs, and some are even losing their homes. To get the economy back on track we need to employ some common sense. We need to put politics aside, and we need to work together on behalf of the struggling families across this country.

In particular, we need to do the right thing on behalf of our men and women who have served our Nation in uniform. The unemployment rate for younger veterans who have served since September 11, 2001, continues to remain well above average. It is unacceptably high and is getting worse. It is a national disgrace. Our service men and women deserve better.

These men and women left the comforts of home and put their lives on hold to fight for us in some of the harshest conditions imaginable. Far too many have paid the ultimate sacrifice, while thousands continue to struggle with the wounds of war—those seen and those unseen. They face daily challenges many of us can never fully comprehend, and they have endured sacrifices we can never fully repay. Many of them served multiple tours. Even the Montana National Guard's largest unit was sent to Iraq twice in the last 8 years. That is a long time—especially for a Reserve component—to be away from home. But they carried out their assignments as the best-trained, most professional military in the world. And for that we are proud and we are grateful.

When I visited Iraq and Afghanistan earlier this year, I was protected by some of the most well-trained, professional, and downright inspirational men and women our country has ever produced. I recall in one instance standing at a command operating base looking out over a valley in Afghanistan where, months earlier, the Taliban had run roughshod. I thought about how difficult the conditions were for the young men and women who were there wearing the uniform of our country, standing shoulder to shoulder with members of the Afghan Army.