

115TH CONGRESS
2^D SESSION

H. R. 5649

IN THE SENATE OF THE UNITED STATES

JULY 25, 2018

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

AN ACT

To amend titles 10 and 38, United States Code, to amend the Social Security Act, and to direct the Secretaries of Veterans Affairs, Defense, Labor, and Homeland Security, and the Administrator of the Small Business Administration, to take certain actions to improve transition assistance to members of the Armed Forces who separate, retire, or are discharged from the Armed Forces, 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 “Navy SEAL Chief
 5 Petty Officer William ‘Bill’ Mulder (Ret.) Transition Im-
 6 provement Act of 2018”.

7 **SEC. 2. TABLE OF CONTENTS.**

8 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Definitions.

TITLE I—IMPROVEMENTS TO TRANSITION ASSISTANCE

- Sec. 101. Access for the Secretaries of Labor and Veterans Affairs to the Federal directory of new hires.
- Sec. 102. Pilot program for off-base transition training for veterans and spouses.
- Sec. 103. Grants for provision of transition assistance to members of the Armed Forces after separation, retirement, or discharge.
- Sec. 104. Study of community-based transition assistance programs for members of the Armed Forces after separation, retirement, or discharge.
- Sec. 105. One-year independent assessment of the effectiveness of TAP.
- Sec. 106. Longitudinal study on changes to TAP.

TITLE II—EDUCATIONAL ASSISTANCE

- Sec. 201. Improvements to assistance for certain flight training and other programs of education.
- Sec. 202. Elimination of the period of eligibility for the Vocational Rehabilitation and Employment program of the Department of Veterans Affairs.
- Sec. 203. Educational assistance during extended school closures due to natural disasters.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

- 11 (1) The term “TAP” means the Transition As-
 12 sistance Program under sections 1142 and 1144 of
 13 title 10, United States Code.

1 (2) The term “military departments” has the
2 meaning given that term in section 101 of title 10,
3 United States Code.

4 **TITLE I—IMPROVEMENTS TO** 5 **TRANSITION ASSISTANCE**

6 **SEC. 101. ACCESS FOR THE SECRETARIES OF LABOR AND** 7 **VETERANS AFFAIRS TO THE FEDERAL DIREC-** 8 **TORY OF NEW HIRES.**

9 Section 453A(h) of the Social Security Act (42
10 U.S.C. 653a(h)) is amended by adding at the end the fol-
11 lowing new paragraph:

12 “(4) VETERAN EMPLOYMENT.—The Secretaries
13 of Labor and of Veterans Affairs shall have access
14 to information reported by employers pursuant to
15 subsection (b) of this section for purposes of track-
16 ing employment of veterans.”.

17 **SEC. 102. PILOT PROGRAM FOR OFF-BASE TRANSITION** 18 **TRAINING FOR VETERANS AND SPOUSES.**

19 (a) EXTENSION OF PILOT PROGRAM.—Subsection
20 (a) of section 301 of the Dignified Burial and Other Vet-
21 erans’ Benefits Improvement Act of 2012 (Public Law
22 112–260; 10 U.S.C. 1144 note) is amended—

23 (1) by striking “During the two-year period be-
24 ginning on the date of the enactment of this Act,
25 the” and inserting “During the five-year period be-

1 ginning on the date of the enactment of the Navy
2 SEAL Chief Petty Officer William ‘Bill’ Mulder
3 (Ret.) Transition Improvement Act of 2018, the”;
4 and

5 (2) by striking “to assess the feasibility and ad-
6 visability of providing such program to eligible indi-
7 viduals at locations other than military installa-
8 tions”.

9 (b) LOCATIONS.—Subsection (c) of such section is
10 amended—

11 (1) in paragraph (1), by striking “not less than
12 three and not more than five States” and inserting
13 “not less than 50 locations in States (as defined in
14 section 101(20) of title 38, United States Code)”;
15 and

16 (2) in paragraph (2), by striking “at least two”
17 and inserting “at least 20”.

18 (c) CONFORMING REPEAL.—Subsection (f) of such
19 section is repealed.

20 **SEC. 103. GRANTS FOR PROVISION OF TRANSITION ASSIST-**
21 **ANCE TO MEMBERS OF THE ARMED FORCES**
22 **AFTER SEPARATION, RETIREMENT, OR DIS-**
23 **CHARGE.**

24 (a) IN GENERAL.—The Secretary of Veterans Affairs
25 shall make grants to eligible organizations for the provi-

1 sion of transition assistance to members of the Armed
2 Forces who are separated, retired, or discharged from the
3 Armed Forces, and spouses of such members.

4 (b) USE OF FUNDS.—The recipient of a grant under
5 this section shall use the grant to provide to members of
6 the Armed Forces and spouses described in subsection (a)
7 resume assistance, interview training, job recruitment
8 training, and related services leading directly to successful
9 transition, as determined by the Secretary.

10 (c) ELIGIBLE ORGANIZATIONS.—To be eligible for a
11 grant under this section, an organization shall submit to
12 the Secretary an application containing such information
13 and assurances as the Secretary, in consultation with the
14 Secretary of Labor, may require.

15 (d) PRIORITY FOR HUBS OF SERVICES.—In making
16 grants under this section, the Secretary shall give priority
17 to an organization that provides multiple forms of services
18 described in subsection (b).

19 (e) AMOUNT OF GRANT.—A grant under this section
20 shall be in an amount that does not exceed 50 percent
21 of the amount required by the organization to provide the
22 services described in subsection (b).

23 (f) DEADLINE.—The Secretary shall carry out this
24 section not later than six months after the effective date
25 of this Act.

1 (g) TERMINATION.—The authority to provide a grant
2 under this section shall terminate on the date that is five
3 years after the date on which the Secretary implements
4 the grant program under this section.

5 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated \$10,000,000 to carry out
7 this section.

8 **SEC. 104. STUDY OF COMMUNITY-BASED TRANSITION AS-**
9 **SISTANCE PROGRAMS FOR MEMBERS OF THE**
10 **ARMED FORCES AFTER SEPARATION, RE-**
11 **TIREMENT, OR DISCHARGE.**

12 (a) STUDY.—The Secretary of Veterans Affairs, in
13 consultation with State entities that serve members of the
14 Armed Forces who are retired, separated, or discharged
15 from the Armed Forces, shall enter into an agreement
16 with an appropriate non-Federal entity to carry out a
17 study to identify community-based programs—

18 (1) that provide transition assistance to such
19 members; and

20 (2) operated by nonprofit entities.

21 (b) TRANSMISSION TO MEMBERS.—The Secretary of
22 Veterans Affairs shall transmit the list of programs identi-
23 fied under this section to the Secretary of Defense so the
24 Secretaries of the military departments may provide infor-

1 mation in the list to members of the Armed Forces who
2 participate in TAP.

3 (c) ONLINE PUBLICATION.—The Secretary of Vet-
4 erans Affairs shall publish the most recent version of the
5 list of programs identified under this section on a public
6 website of the Department of Veterans Affairs.

7 **SEC. 105. ONE-YEAR INDEPENDENT ASSESSMENT OF THE**
8 **EFFECTIVENESS OF TAP.**

9 (a) INDEPENDENT ASSESSMENT.—Not later than 90
10 days after the date of the enactment of this Act, the Sec-
11 retary of Veterans Affairs, in consultation with the cov-
12 ered officials, shall enter into an agreement with an appro-
13 priate entity with experience in adult education to carry
14 out a one-year independent assessment of TAP, includ-
15 ing—

16 (1) the effectiveness of TAP for members of
17 each military department during the entire military
18 life cycle;

19 (2) the appropriateness of the TAP career read-
20 iness standards;

21 (3) a review of information that is provided to
22 the Department of Veterans Affairs under TAP, in-
23 cluding mental health data;

24 (4) whether TAP effectively addresses the chal-
25 lenges veterans face entering the civilian workforce

1 and in translating experience and skills from mili-
2 tary service to the job market;

3 (5) whether TAP effectively addresses the chal-
4 lenges faced by the families of veterans making the
5 transition to civilian life;

6 (6) appropriate metrics regarding TAP out-
7 comes for members of the Armed Forces one year
8 after separation, retirement, or discharge from the
9 Armed Forces;

10 (7) what the Secretary, in consultation with the
11 covered officials, veterans service organizations, and
12 organizations described in section 203(a) of this Act,
13 determine to be successful outcomes for TAP;

14 (8) whether members of the Armed Forces
15 achieve successful outcomes for TAP, as determined
16 under paragraph (7);

17 (9) how the Secretary and the covered officials
18 provide feedback to each other regarding such out-
19 comes;

20 (10) recommendations for the Secretaries of the
21 military departments regarding how to improve out-
22 comes for members of the Armed Forces after sepa-
23 ration, retirement, and discharge; and

1 (11) other topics the Secretary and the covered
2 officials determine would aid members of the Armed
3 Forces as they transition to civilian life.

4 (b) REPORT.—Not later than 90 days after the com-
5 pletion of the independent assessment under subsection
6 (a), the Secretary and the covered officials, shall submit
7 to the Committees on Veterans’ Affairs of the Senate and
8 House of Representatives and the Committees on Armed
9 Services of the Senate and House of Representatives—

10 (1) the findings and recommendations (includ-
11 ing recommended legislation) of the independent as-
12 sessment prepared by the entity described in sub-
13 section (a); and

14 (2) responses of the Secretary and the covered
15 officials to the findings and recommendations de-
16 scribed in paragraph (1).

17 (c) COVERED OFFICIALS DEFINED.—In this section,
18 the term “covered officials” is comprised of—

19 (1) the Secretary of Defense;

20 (2) the Secretary of Labor;

21 (3) the Administrator of the Small Business
22 Administration; and

23 (4) the Secretaries of the military departments.

1 **SEC. 106. LONGITUDINAL STUDY ON CHANGES TO TAP.**

2 (a) STUDY.—Not later than 90 days after the date
3 of the enactment of this Act, the Secretary of Veterans
4 Affairs, in consultation with the Secretaries of Defense
5 and Labor and the Administrator of the Small Business
6 Administration, shall conduct a five-year longitudinal
7 study regarding TAP on three separate cohorts of mem-
8 bers of the Armed Forces who have separated from the
9 Armed Forces, including—

10 (1) a cohort that has attended TAP counseling
11 as implemented on the date of the enactment of this
12 Act;

13 (2) a cohort that attends TAP counseling after
14 the Secretaries of Defense and Labor implement
15 changes recommended in the report under section
16 205(b) of this Act; and

17 (3) a cohort that has not attended TAP coun-
18 seling.

19 (b) PROGRESS REPORTS.—Not later than 90 days
20 after the day that is one year after the date of the initi-
21 ation of the study under subsection (a) and annually
22 thereafter for the three subsequent years, the Secretaries
23 of Veterans Affairs, Defense, and Labor, and the Adminis-
24 trator of the Small Business Administration, shall submit
25 to the Committees on Veterans' Affairs of the Senate and
26 House of Representatives and the Committees on Armed

1 Services of the Senate and House of Representatives a
2 progress report of activities under the study during the
3 immediately preceding year.

4 (c) FINAL REPORT.—Not later than 180 days after
5 the completion of the study under subsection (a), the Sec-
6 retaries of Veterans Affairs, Defense, and Labor, and the
7 Administrator of the Small Business Administration, shall
8 submit to the Committees on Veterans' Affairs of the Sen-
9 ate and House of Representatives and the Committees on
10 Armed Services of the Senate and House of Representa-
11 tives a report of final findings and recommendations based
12 on the study.

13 (d) ELEMENTS.—The final report under subsection
14 (c) shall include information regarding the following:

15 (1) The percentage of each cohort that received
16 unemployment benefits during the study.

17 (2) The numbers of months members of each
18 cohort were employed during the study.

19 (3) Annual starting and ending salaries of
20 members of each cohort who were employed during
21 the study.

22 (4) How many members of each cohort enrolled
23 in an institution of higher learning, as that term is
24 defined in section 3452(f) of title 38, United States
25 Code.

1 (5) The academic credit hours, degrees, and
2 certificates obtained by members of each cohort dur-
3 ing the study.

4 (6) The annual income of members of each co-
5 hort.

6 (7) The total household income of members of
7 each cohort.

8 (8) How many members of each cohort own
9 their principal residences.

10 (9) How many dependents that members of
11 each cohort have.

12 (10) The percentage of each cohort that
13 achieves a successful outcome for TAP, as deter-
14 mined under section 205(a)(6) of this Act.

15 (11) Other criteria the Secretaries and the Ad-
16 ministrator of the Small Business Administration
17 determine appropriate.

18 **TITLE II—EDUCATIONAL** 19 **ASSISTANCE**

20 **SEC. 201. IMPROVEMENTS TO ASSISTANCE FOR CERTAIN** 21 **FLIGHT TRAINING AND OTHER PROGRAMS** 22 **OF EDUCATION.**

23 (a) USE OF ENTITLEMENT FOR PRIVATE PILOT'S LI-
24 CENSES.—Section 3034(d) of title 38, United States Code,
25 is amended—

1 (1) in paragraph (1) by striking the semicolon
2 and inserting the following: “and is required for the
3 course of education being pursued (including with
4 respect to a dual major, concentration, or other ele-
5 ment of a degree); and”;

6 (2) by striking paragraph (2); and

7 (3) by redesignating paragraph (3) as para-
8 graph (2).

9 (b) ACCELERATED PAYMENTS FOR FLIGHT TRAIN-
10 ING.—Section 3313 of such title is amended by adding
11 at the end the following new subsection:

12 “(k) ACCELERATED PAYMENTS FOR CERTAIN
13 FLIGHT TRAINING.—

14 “(1) PAYMENTS.—An individual enrolled in a
15 program of education pursued at a vocational school
16 or institution of higher learning in which flight
17 training is required to earn the degree being pursued
18 (including with respect to a dual major, concentra-
19 tion, or other element of such a degree) may elect
20 to receive accelerated payments of amounts for tui-
21 tion and fees determined under subsection (c). The
22 amount of each accelerated payment shall be an
23 amount equal to twice the amount for tuition and
24 fee so determined under such subsection, but the
25 total amount of such payments may not exceed the

1 total amount of tuition and fees for the program of
2 education. The amount of monthly stipends shall be
3 determined in accordance with such subsection (c)
4 and may not be accelerated under this paragraph.

5 “(2) EDUCATIONAL COUNSELING.—An indi-
6 vidual may make an election under paragraph (1)
7 only if the individual receives educational counseling
8 under section 3697A(a) of this title.

9 “(3) CHARGE AGAINST ENTITLEMENT.—The
10 number of months of entitlement charged an indi-
11 vidual for accelerated payments made pursuant to
12 paragraph (1) shall be determined at the rate of two
13 months for each month in which such an accelerated
14 payment is made.”.

15 (c) FLIGHT TRAINING AT PUBLIC INSTITUTIONS.—
16 Subsection (c)(1)(A) of such section 3313 is amended—

17 (1) in clause (i)—

18 (A) by redesignating subclauses (I) and
19 (II) as items (aa) and (bb), respectively;

20 (B) by striking “In the case of a program
21 of education pursued at a public institution of
22 higher learning” and inserting “(I) Subject to
23 subclause (II), in the case of a program of edu-
24 cation pursued at a public institution of higher

1 learning not described in clause (ii)(II)(bb)”;
2 and

3 (C) by adding at the end the following new
4 subclause:

5 “(II) In determining the actual net
6 cost for in-State tuition and fees pursuant
7 to subclause (I), the Secretary may not
8 pay for tuition and fees relating to flight
9 training.”; and

10 (2) in clause (ii)—

11 (A) in subclause (I), by redesignating
12 items (aa) and (bb) as subitems (AA) and
13 (BB), respectively;

14 (B) in subclause (II), by redesignating
15 items (aa) and (bb) as subitems (AA) and
16 (BB), respectively;

17 (C) by redesignating subclauses (I) and
18 (II) as items (aa) and (bb), respectively;

19 (D) by striking “In the case of a program
20 of education pursued at a non-public or foreign
21 institution of higher learning” and inserting
22 “(I) In the case of a program of education de-
23 scribed in subclause (II)”; and

24 (E) by adding at the end the following new
25 subclause:

1 “(II) A program of education de-
2 scribed in this subclause is any of the fol-
3 lowing:

4 “(aa) A program of education
5 pursued at a non-public or foreign in-
6 stitution of higher learning.

7 “(bb) A program of education
8 pursued at a public institution of
9 higher learning in which flight train-
10 ing is required to earn the degree
11 being pursued (including with respect
12 to a dual major, concentration, or
13 other element of such a degree).”.

14 (d) CERTAIN PROGRAMS OF EDUCATION CARRIED
15 OUT UNDER CONTRACT.—Section 3313(c)(1)(A)(ii)(II) of
16 title 38, United States Code, as added by subsection
17 (c)(2)(E), is amended by adding at the end the following
18 new item:

19 “(cc) A program of education
20 pursued at a public institution of
21 higher learning in which the public in-
22 stitution of higher learning enters into
23 a contract or agreement with an enti-
24 ty (other than another public institu-
25 tion of higher learning) to provide

1 such program of education or a por-
2 tion of such program of education.”.

3 (e) APPLICATION.—

4 (1) IN GENERAL.—Except as provided by para-
5 graph (2), the amendments made by this section
6 shall apply with respect to a quarter, semester, or
7 term, as applicable, commencing on or after the date
8 of the enactment of this Act.

9 (2) SPECIAL RULE FOR CURRENT STUDENTS.—

10 In the case of an individual who, as of the date of
11 the enactment of this Act, is using educational as-
12 sistance under chapter 33 of title 38, United States
13 Code, to pursue a course of education that includes
14 a program of education described in item (bb) or
15 (cc) of section 3313(c)(1)(A)(ii)(II) of title 38,
16 United States Code, as added by subsections (c) and
17 (d), respectively, the amendment made by such sub-
18 section shall apply with respect to a quarter, semes-
19 ter, or term, as applicable, commencing on or after
20 the date that is two years after the date of the en-
21 actment of this Act.

1 **SEC. 202. ELIMINATION OF THE PERIOD OF ELIGIBILITY**
2 **FOR THE VOCATIONAL REHABILITATION AND**
3 **EMPLOYMENT PROGRAM OF THE DEPART-**
4 **MENT OF VETERANS AFFAIRS.**

5 (a) IN GENERAL.—Section 3103 of title 38, United
6 States Code, is repealed.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of chapter 31 of such title is amended
9 by striking the item relating to section 3103.

10 **SEC. 203. EDUCATIONAL ASSISTANCE DURING EXTENDED**
11 **SCHOOL CLOSURES DUE TO NATURAL DISAS-**
12 **TERS.**

13 Section 3680 of title 38, United States Code, is
14 amended by adding at the end the following new sub-
15 section:

16 “(h) SCHOOL CLOSURE DURING NATURAL DISAS-
17 TERS.—

18 “(1) IN GENERAL.—An individual described in
19 paragraph (2) shall be entitled to a monthly stipend
20 in the amount to which the individual would be enti-
21 tled were the individual pursuing a course of edu-
22 cation at an institution of higher education through
23 resident training but for a school closure described
24 under paragraph (4).

25 “(2) INDIVIDUAL DESCRIBED.—An individual
26 described in this paragraph is an individual pursuing

1 a course of education at an institution of higher edu-
2 cation using educational assistance under chapter
3 32, 33, 34, or 35 of this title, who—

4 “(A) is forced to discontinue pursuing such
5 course at such institution by reason of a school
6 closure described under paragraph (4); and

7 “(B) opts to—

8 “(i) pursue that course of education
9 solely by distance learning; or

10 “(ii) pursue an alternative course of
11 education solely by distance learning.

12 “(3) DURATION.—The duration of the monthly
13 stipends payable to an individual under paragraph
14 (1) shall be the shorter of the following:

15 “(A) The period of time necessary to com-
16 plete the quarter, semester, term or academic
17 period during which the school closure described
18 in paragraph (4) occurs.

19 “(B) Four months.

20 “(4) SCHOOL CLOSURE.—A school closure de-
21 scribed in this paragraph is the closure of an institu-
22 tion of higher education—

23 “(A) by reason of a natural disaster;

24 “(B) for a period of time that—

1 “(i) the institution confirms will last
2 for four weeks or longer; or

3 “(ii) the institution describes as in-
4 definite and that endures for a period of
5 four weeks or longer; and

6 “(C) that the Secretary confirms is covered
7 for purposes of this subsection.

8 “(5) NATURAL DISASTER DEFINED.—In this
9 subsection, the term ‘natural disaster’ means a spe-
10 cific weather event or earth process, including a hur-
11 ricane, tornado, wildfire or forest fire, earthquake,
12 avalanche, mudslide, hailstorm, thunderstorm, light-
13 ning storm, freeze, blizzard, sinkhole, or other disas-
14 trous event that occurs as a result of such an event
15 or process, that the President or the governor of a
16 State declares a natural disaster.

17 “(6) NO CHARGE TO ENTITLEMENT.—No
18 charge shall be made to the entitlement of any indi-
19 vidual to educational assistance under chapter 32,

1 33, 34, or 35 of this title by reason of a payment
2 under this subsection.”.

Passed the House of Representatives July 24, 2018.

Attest: KAREN L. HAAS,
Clerk.