

116TH CONGRESS
2D SESSION

S. 3899

To direct the Secretary of Veterans Affairs to carry out a retraining assistance program for unemployed veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 4, 2020

Mr. MORAN (for himself, Mr. TESTER, Mr. BLUMENTHAL, Mr. CRAMER, and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To direct the Secretary of Veterans Affairs to carry out a retraining assistance program for unemployed veterans, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans Economic
5 Recovery Act of 2020”.

6 **SEC. 2. COVID-19 VETERAN RAPID RETRAINING ASSIST-** 7 **ANCE PROGRAM.**

8 (a) IN GENERAL.—The Secretary of Veterans Affairs
9 shall carry out a program under which the Secretary shall

1 provide up to 12 months of retraining assistance to eligible
2 veterans for the pursuit of covered programs of education.

3 (b) ELIGIBLE VETERANS.—

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

6 (A) as of the date of the submittal by the
7 veteran of an application for assistance under
8 this section—

9 (i) is at least 25 years of age but not
10 more than 60 years of age;

11 (ii) is unemployed by reason of a cov-
12 ered public health emergency, as certified
13 by the veteran; and

14 (iii) is not eligible to receive edu-
15 cational assistance under chapter 30, 31,
16 32, 33, or 35 of title 38, United States
17 Code, or chapter 1606 or 1607 of title 10,
18 United States Code;

19 (B) is not enrolled in any Federal or State
20 jobs program;

21 (C) is not in receipt of compensation for a
22 service-connected disability rated totally dis-
23 abling by reason of unemployability; and

24 (D) will not be in receipt of unemployment
25 compensation (as defined in section 85(b) of the

Internal Revenue Code of 1986), including any cash benefit received pursuant to subtitle A of title II of division A of the CARES Act (Public Law 116–136), as of the first day on which the veteran would pursue a covered program of education using retraining assistance under this section.

(2) TREATMENT OF VETERANS WHO TRANSFER ENTITLEMENT.—For purposes of paragraph (1)(A)(iii), a veteran who has transferred all of the veteran’s entitlement to educational assistance under section 3319 of title 38, United States Code, shall be considered to be a veteran who is not eligible to receive educational assistance under chapter 33 of such title.

(3) FAILURE TO COMPLETE.—Any veteran who receives retraining assistance under this section to pursue a covered program of education and who fails to complete the program of education shall not be eligible to receive additional assistance under this section.

(c) COVERED PROGRAMS OF EDUCATION.—

(1) IN GENERAL.—For purposes of this section, a covered program of education is a program of education (as such term is defined in section 3452(b) of

1 title 38, United States Code) for training, pursued
 2 by the veteran on a full-time or part-time basis—

3 (A)(i) that is approved under chapter 36 of
 4 title 38, United States Code;

5 (ii) with respect to which a show cause
 6 order has not been issued by a State approving
 7 agency under such chapter during the five-year
 8 period preceding the date on which an eligible
 9 veteran begins to pursue such program;

10 (iii) that does not lead to a bachelors or
 11 graduate degree; and

12 (iv) that is designed to provide training for
 13 a high-demand occupation, as determined under
 14 paragraph (2); or

15 (B) is a high technology program of edu-
 16 cation offered by a qualified provider, under the
 17 meaning of such terms in section 116 of the
 18 Harry W. Colmery Veterans Educational As-
 19 sistance Act of 2017 (Public Law 115–48; 38
 20 U.S.C. 3001 note).

21 (2) DETERMINATION OF HIGH-DEMAND OCCU-
 22 PATIONS.—

23 (A) INITIAL IMPLEMENTATION.—In car-
 24 rying out this section, to determine whether a
 25 covered program of education is designed to

1 provide training for high-demand occupations,
2 the Secretary of Veterans Affairs shall use the
3 list of high-demand occupations compiled by the
4 Commissioner of Labor Statistics until the final
5 list is issued under subparagraph (C).

6 (B) STUDY REQUIRED.—

7 (i) IN GENERAL.—The Secretary shall
8 enter into an agreement with a federally
9 funded research and development corpora-
10 tion or another appropriate entity outside
11 of the Department of Veterans Affairs for
12 the conduct of a study to determine which
13 occupations are high-demand occupations.

14 (ii) DEADLINE.—The study described
15 in clause (i) shall be completed not later
16 than 30 days after the date of the enact-
17 ment of this Act.

18 (C) FINAL LIST.—The Secretary—

19 (i) may add or remove one or more
20 occupations from the list in use pursuant
21 to subparagraph (A) during the 60-day pe-
22 riod following the completion of the study
23 required by subparagraph (B);

24 (ii) shall issue a final list of high-de-
25 mand occupations for use under this sec-

tion by not later than 60 days after the
date of the completion of the study; and

(iii) shall make such final list publicly
available on a website of the Department.

(D) USE OF LIST.—The Secretary shall
use the final list issued under subparagraph (C)
to determine whether a program of education is
designed to provide training for high-demand
occupations.

(E) REMOVAL OF OCCUPATIONS.—The
Secretary may remove occupations from the
final list issued under subparagraph (C) as the
Secretary determines appropriate.

(d) AMOUNT OF ASSISTANCE.—

(1) RETRAINING ASSISTANCE.—The Secretary
of Veterans Affairs shall provide to an eligible vet-
eran pursuing a covered program of education under
the retraining assistance program under this section
an amount equal to the amount of educational as-
sistance payable under section 3313(c)(1)(A) of title
38, United States Code.

(2) PAYMENTS.—Amounts described in para-
graph (1) shall be payable directly to the educational
institution offering the covered program of education
pursued by the veteran as follows:

1 (A) 50 percent of the total amount payable
2 shall be paid on the date on which the eligible
3 veteran begins the covered program of edu-
4 cation.

5 (B) 25 percent of the total amount payable
6 shall be paid on the date on which the eligible
7 veteran completes the covered program of edu-
8 cation.

9 (C) 25 percent of the total amount payable
10 shall be paid on the date on which the eligible
11 veteran finds employment in a field related to
12 the covered program of education.

13 (3) FAILURE TO COMPLETE.—In the case of an
14 eligible veteran who pursues a covered program of
15 education under the retraining assistance program
16 under this section, but who does not complete the
17 program of education, the Secretary shall pay to the
18 educational institution offering such program of edu-
19 cation a pro-rated amount based on the number of
20 months the veteran pursued the program of edu-
21 cation—

22 (A) under paragraph (2)(B), which shall
23 be payable on the date on which the veteran
24 provides notice to the educational institution

1 that the veteran no longer intends to pursue the
2 program of education; and

3 (B) under paragraph (2)(C), which shall
4 by payable only if the veteran finds employment
5 in a field related to the program of education
6 during the 180-day period beginning on the
7 date on which the veteran withdraws from the
8 program of education.

9 (4) HOUSING STIPEND.—For each month that
10 an eligible veteran pursues a covered program of
11 education under the retraining assistance program
12 under this section, the Secretary shall pay to the
13 veteran a monthly housing stipend in an amount
14 equal to—

15 (A) in the case of a covered program of
16 education at an institution of higher learning
17 (as that term is defined in section 3452(f) of
18 title 38, United States Code) pursued on more
19 than a half-time basis, the amount specified
20 under subsection (c)(1)(B) of section 3313 of
21 title 38, United States Code;

22 (B) in the case of a covered program of
23 education at an institution other than an insti-
24 tution of higher learning pursued on more than

1 a half-time basis, the amount specified under
 2 subsection (g)(3)(A)(ii) of such section;

3 (C) in the case of a covered program of
 4 education pursued on less than a half-time
 5 basis, the amount specified under subsection
 6 (f)(2)(A)(ii) of such section; or

7 (D) in the case of a covered program of
 8 education pursued solely through distance
 9 learning on more than a half-time basis, the
 10 amount specified under subsection (c)(1)(B)(iii)
 11 of such section.

12 (5) FAILURE TO FIND EMPLOYMENT.—The
 13 Secretary shall not make a payment under para-
 14 graph (2)(C) with respect to an eligible veteran who
 15 completes or fails to completes a covered program of
 16 education under the retraining assistance program
 17 under this section if the veteran fails to find employ-
 18 ment in a field related to the program of education
 19 within the 180-period beginning on the date on
 20 which the veteran withdraws from or completes the
 21 program.

22 (e) USE OF ASSISTANCE.—Each eligible veteran who
 23 receives retraining assistance under this section may use
 24 such assistance only to pursue a covered program of edu-
 25 cation.

1 (f) RELATION TO OTHER EDUCATIONAL ASSISTANCE
2 AND BENEFITS.—Retraining assistance provided under
3 this section shall be in addition to any other entitlement
4 to educational assistance or benefits for which an eligible
5 veteran is, or has been, eligible

6 (g) NO TRANSFERABILITY.—Retraining assistance
7 provided under this section may not be transferred to an-
8 other individual.

9 (h) EMPLOYMENT ASSISTANCE.—

10 (1) IN GENERAL.—The Secretary of Labor shall
11 contact each eligible veteran who pursues a covered
12 program of education under this section—

13 (A) not later than 30 days after the date
14 on which the veteran begins the program of
15 education to notify the veteran of the avail-
16 ability of employment placement services upon
17 completion of the program; and

18 (B) not later than 14 days after the date
19 on which the veteran completes, or terminates
20 participation in, such program to facilitate the
21 provision of employment placement services to
22 such veteran.

23 (2) PROVISION OF INFORMATION.—The Sec-
24 retary of Veterans Affairs shall provide to the Sec-

1 retary of Labor such information as may be nec-
2 essary to carry out paragraph (1).

3 (i) NONPROFIT ORGANIZATION.—

4 (1) IN GENERAL.—The Secretary of Veterans
5 Affairs may enter into a memorandum of under-
6 standing with one or more qualified nonprofit orga-
7 nizations for the purpose of facilitating the employ-
8 ment of eligible veterans who participate in the re-
9 training assistance program under this section.

10 (2) QUALIFIED NONPROFIT ORGANIZATION.—

11 For purposes of this subsection, a qualified non-
12 profit organization is a nonprofit organization
13 that—

14 (A) is an association of businesses; and

15 (B) has at least two years of experience
16 providing job placement services for veterans.

17 (j) FOLLOW UP OUTREACH.—The Secretary of Vet-
18 erans Affairs, in coordination with the Secretary of Labor,
19 shall contact each veteran who completes a covered pro-
20 gram of education under the retraining assistance pro-
21 gram under this section 30 days, 60 days, 90 days, and
22 180 days after the veteran completes such program of edu-
23 cation to ask the veteran about—

24 (1) the experience of the veteran in the retrain-
25 ing assistance program; and

1 (2) the veteran’s employment status.

2 (k) TIME FRAME FOR PARTICIPATION.—An eligible
3 veteran who participates in the retraining assistance pro-
4 gram under this section shall—

5 (1) begin a program of education by not later
6 than 150 days after the date of the enactment of
7 this Act; and

8 (2) complete such program of education by not
9 later than 17 months after the date of the enact-
10 ment of this Act.

11 (l) LIMITATION.—Not more than 35,000 eligible vet-
12 erans may receive retraining assistance under this section.

13 (m) TERMINATION.—No retraining assistance may
14 be paid under this section after the date that is 17 months
15 after the date of the enactment of this Act.

16 (n) GAO REPORT.—Not later than 180 days after
17 the termination of the retraining assistance program
18 under subsection (m), the Comptroller General of the
19 United States shall submit to the Committee on Veterans’
20 Affairs of the Senate and the Committee on Veterans’ Af-
21 fairs of the House of Representatives a report on the out-
22 comes and effectiveness of the program.

23 (o) DEFINITIONS.—In this section:

24 (1) ACTIVE MILITARY, NAVAL, OR AIR SERVICE;

25 DISCHARGE OR RELEASE.—The terms “active mili-

1 tary, naval, or air service” and “discharge or re-
2 lease” have the meanings given those terms in sec-
3 tion 101 of title 38, United States Code.

4 (2) COVERED PUBLIC HEALTH EMERGENCY.—
5 The term “covered public health emergency”
6 means—

7 (A) the public health emergency declared
8 by the Secretary of Health and Human Services
9 under section 319 of the Public Health Service
10 Act (42 U.S.C. 247d) on January 31, 2020,
11 with respect to Coronavirus Disease 2019
12 (COVID–19); or

13 (B) a domestic emergency declared, based
14 on an outbreak of Coronavirus Disease 2019
15 (COVID–19), by the President, the Secretary of
16 Homeland Security, or a State or local author-
17 ity.

18 (3) VETERAN.—The term “veteran” means—

19 (A) a person who served in the active mili-
20 tary, naval, or air service, and who was dis-
21 charged or released therefrom under conditions
22 other than dishonorable; or

23 (B) a member of a reserve component of
24 the Armed Forces who serves on active duty
25 pursuant to section 502(f) of title 32, United

1 States Code, for a period of 30 days or longer
2 by reason of a covered public health emergency.

3 (p) FUNDING.—

4 (1) IN GENERAL.—For each fiscal year for
5 which the Secretary of Veterans Affairs provides re-
6 training assistance under this section, such sums as
7 may be necessary shall be made available for such
8 assistance from—

9 (A) funds appropriated to, or otherwise
10 made available to, the Department of Veterans
11 Affairs for the payment of readjustment bene-
12 fits; and

13 (B) funds appropriated to the Department
14 under the CARES Act (Public Law 116–136).

15 (2) ADMINISTRATIVE COSTS.—The Secretary
16 may use up to \$10,000,000 for administrative costs
17 associated with carrying out this section from funds
18 appropriated to, or otherwise made available to, the
19 Department, including funds appropriated to the
20 Department under the CARES Act (Public Law
21 116–136).

1 **SEC. 3. ACCESS FOR THE SECRETARIES OF LABOR AND**
 2 **VETERANS AFFAIRS TO THE FEDERAL DIREC-**
 3 **TORY OF NEW HIRES.**

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

7 “(4) VETERAN EMPLOYMENT.—The Secretaries
 8 of Labor and of Veterans Affairs shall have access
 9 to information reported by employers pursuant to
 10 subsection (b) of this section for purposes of track-
 11 ing employment of veterans.”.

12 **SEC. 4. EXPANSION OF ELIGIBLE CLASS OF PROVIDERS OF**
 13 **HIGH TECHNOLOGY PROGRAMS OF EDU-**
 14 **CATION FOR VETERANS.**

15 Section 116 of the Harry W. Colmery Veterans Edu-
 16 cational Assistance Act of 2017 (Public Law 115–48; 38
 17 U.S.C. 3001 note) is amended—

18 (1) in subsection (b), by adding at the end the
 19 following: “The Secretary shall treat an individual as
 20 an eligible veteran if the Secretary determines that
 21 the individual shall become an eligible veteran fewer
 22 than 180 days after the date of such determina-
 23 tion.”;

24 (2) in subsection (c)—

25 (A) in paragraph (3)(A), by striking “has
 26 been operational for at least 2 years” and in-

1 serting “employs instructors whom the Sec-
2 retary determines are experts in their respective
3 fields in accordance with paragraph (6)”; and

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

6 “(6) EXPERTS.—The Secretary shall determine
7 whether instructors are experts under paragraph
8 (3)(A) based on evidence furnished to the Secretary
9 by the provider regarding the ability of the instruc-
10 tors to—

11 “(A) identify professions in need of new
12 employees to hire, tailor the programs to meet
13 market needs, and identify the employers likely
14 to hire graduates;

15 “(B) effectively teach the skills offered to
16 eligible veterans;

17 “(C) provide relevant industry experience
18 in the fields of programs offered to incoming el-
19 igible veterans; and

20 “(D) demonstrate relevant industry experi-
21 ence in such fields of programs.”;

22 (3) in subsection (d), in the matter preceding
23 paragraph (1), by inserting “(not including an indi-
24 vidual described in the second sentence of subsection
25 (b))” after “each eligible veteran”;

1 (4) in subsection (e), in the matter preceding
 2 paragraph (1), by inserting “, including a part-time
 3 program shorter than six months in duration,” after
 4 “means a program of education”;

5 (5) in subsection (g), by striking
 6 “\$15,000,000” and inserting “\$45,000,000”; and

7 (6) by adding at the end the following new sub-
 8 section (i):

9 “(i) PROHIBITION ON CERTAIN ACCOUNTING OF AS-
 10 SISTANCE.—The Secretary may not consider enrollment in
 11 a high technology program of education under this section
 12 to be assistance under a provision of law referred to in
 13 section 3695 of title 38, United States Code.”.

14 **SEC. 5. PILOT PROGRAM FOR OFF-BASE TRANSITION**
 15 **TRAINING FOR VETERANS AND SPOUSES.**

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

20 (1) by striking “During the two-year period be-
 21 ginning on the date of the enactment of this Act”
 22 and inserting “During the five-year period beginning
 23 on the date of the enactment of the Veterans Eco-
 24 nomic Recovery Act of 2020”; and

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

5 (b) LOCATIONS.—Subsection (c) of such section is
6 amended—

7 (1) in paragraph (1)—

8 (A) in the paragraph heading, by striking
9 “STATES” and inserting “LOCATIONS”; and

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

14 (2) in paragraph (2), by striking “at least two”
15 and inserting “at least 20”; and

16 (3) by adding at the end the following new
17 paragraphs:

18 “(5) PREFERENCES.—In selecting States for
19 participation in the pilot program, the Secretary
20 shall provide a preference for any State with—

21 “(A) a high rate of usage of unemployment
22 benefits for recently separated members of the
23 Armed Forces; or

1 “(B) a labor force or economy that has
2 been significantly impacted by a covered public
3 health emergency.

4 “(6) COVERED PUBLIC HEALTH EMERGENCY
5 DEFINED.—In this subsection, the term ‘covered
6 public health emergency’ means—

7 “(A) the public health emergency declared
8 by the Secretary of Health and Human Services
9 under section 319 of the Public Health Service
10 Act (42 U.S.C. 247d) on January 31, 2020,
11 with respect to Coronavirus Disease 2019
12 (COVID–19); or

13 “(B) a domestic emergency declared, based
14 on an outbreak of Coronavirus Disease 2019
15 (COVID–19), by the President, the Secretary of
16 Homeland Security, or a State or local author-
17 ity.”.

18 (c) ANNUAL REPORT.—Subsection (e) of such section
19 is amended by adding at the end the following new sen-
20 tence: “Each such report shall include information about
21 the employment outcomes of the eligible individuals who
22 received such training during the year covered by the re-
23 port.”.

24 (d) CONFORMING REPEAL.—Subsection (f) of such
25 section is repealed.

1 **SEC. 6. GRANTS FOR PROVISION OF TRANSITION ASSIST-**
2 **ANCE TO MEMBERS OF THE ARMED FORCES**
3 **AFTER SEPARATION, RETIREMENT, OR DIS-**
4 **CHARGE.**

5 (a) IN GENERAL.—The Secretary of Veterans Affairs
6 shall make grants to eligible organizations for the provi-
7 sion of transition assistance to members of the Armed
8 Forces who are separated, retired, or discharged from the
9 Armed Forces, and spouses of such members.

10 (b) USE OF FUNDS.—The recipient of a grant under
11 this section shall use the grant to provide to members of
12 the Armed Forces and spouses described in subsection (a)
13 resume assistance, interview training, job recruitment
14 training, and related services leading directly to successful
15 transition, as determined by the Secretary.

16 (c) ELIGIBLE ORGANIZATIONS.—To be eligible for a
17 grant under this section, an organization shall submit to
18 the Secretary an application containing such information
19 and assurances as the Secretary, in consultation with the
20 Secretary of Labor, may require.

21 (d) PRIORITY.—In making grants under this section,
22 the Secretary shall give priority to an organization that—

23 (1) provides multiple forms of services described
24 in subsection (b); or

25 (2) is located in a State with—

1 (A) a high rate of unemployment among
2 veterans;

3 (B) a high rate of usage of unemployment
4 benefits for recently separated members of the
5 Armed Forces; or

6 (C) a labor force or economy that has been
7 significantly impacted by a covered public
8 health emergency (as such term is defined in
9 section 2(o)(2)).

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

14 (f) DEADLINE.—The Secretary shall carry out this
15 section not later than six months after the date of the
16 enactment of this Act.

17 (g) TERMINATION.—The authority to provide a grant
18 under this section shall terminate on the date that is five
19 years after the date on which the Secretary implements
20 the grant program under this section.

21 (h) FUNDING.—

22 (1) IN GENERAL.—For each fiscal year for
23 which the Secretary makes grants for transition as-
24 sistance under this section, such sums as may be
25 necessary shall be made available for such assistance

1 from funds appropriated to, or otherwise made avail-
2 able to, the Department of Veterans Affairs, includ-
3 ing funds appropriated under the CARES Act (Pub-
4 lic Law 116–136).

5 (2) ADMINISTRATIVE COSTS.—The Secretary
6 may use up to \$10,000,000 for administrative costs
7 associated with carrying out this section from funds
8 appropriated to, or otherwise made available to, the
9 Department, including funds appropriated to the
10 Department under the CARES Act (Public Law
11 116–136).

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