

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5649
OFFERED BY MR. ARRINGTON OF TEXAS

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Navy SEAL Chief
3 Petty Officer William ‘Bill’ Mulder (Ret.) Transition Im-
4 provement Act of 2018”.

5 SEC. 2. TABLE OF CONTENTS.

6 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.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

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

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

9 **TITLE I—IMPROVEMENTS TO**
10 **TRANSITION ASSISTANCE**

11 **SEC. 101. ACCESS FOR THE SECRETARIES OF LABOR AND**
12 **VETERANS AFFAIRS TO THE FEDERAL DIREC-**
13 **TORY OF NEW HIRES.**

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

17 “(4) VETERAN EMPLOYMENT.—The Secretaries
18 of Labor and of Veterans Affairs shall have access
19 to information reported by employers pursuant to
20 subsection (b) of this section for purposes of track-
21 ing employment of veterans.”.

1 **SEC. 102. PILOT PROGRAM FOR OFF-BASE TRANSITION**
2 **TRAINING FOR VETERANS AND SPOUSES.**

3 (a) EXTENSION OF PILOT PROGRAM.—Subsection
4 (a) of section 301 of the Dignified Burial and Other Vet-
5 erans' Benefits Improvement Act of 2012 (Public Law
6 112–260; 10 U.S.C. 1144 note) is amended—

7 (1) by striking “During the two-year period be-
8 ginning on the date of the enactment of this Act,
9 the” and inserting “During the five-year period be-
10 ginning on the date of the enactment of the Navy
11 SEAL Chief Petty Officer William ‘Bill’ Mulder
12 (Ret.) Transition Improvement Act of 2018, the”;
13 and

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

18 (b) LOCATIONS.—Subsection (c) of such section is
19 amended—

20 (1) in paragraph (1), by striking “not less than
21 three and not more than five States” and inserting
22 “not less than 50 locations in States (as defined in
23 section 101(20) of title 38, United States Code)”;
24 and

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

1 (c) CONFORMING REPEAL.—Subsection (f) of such
2 section is repealed.

3 **SEC. 103. GRANTS FOR PROVISION OF TRANSITION ASSIST-**
4 **ANCE TO MEMBERS OF THE ARMED FORCES**
5 **AFTER SEPARATION, RETIREMENT, OR DIS-**
6 **CHARGE.**

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

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

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

23 (d) PRIORITY FOR HUBS OF SERVICES.—In making
24 grants under this section, the Secretary shall give priority

1 to an organization that provides multiple forms of services
2 described in subsection (b).

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

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

10 (g) TERMINATION.—The authority to provide a grant
11 under this section shall terminate on the date that is five
12 years after the date on which the Secretary implements
13 the grant program under this section.

14 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated \$10,000,000 to carry out
16 this section.

17 **SEC. 104. STUDY OF COMMUNITY-BASED TRANSITION AS-**
18 **SISTANCE PROGRAMS FOR MEMBERS OF THE**
19 **ARMED FORCES AFTER SEPARATION, RE-**
20 **TIREMENT, OR DISCHARGE.**

21 (a) STUDY.—The Secretary of Veterans Affairs, in
22 consultation with State entities that serve members of the
23 Armed Forces who are retired, separated, or discharged
24 from the Armed Forces, shall enter into an agreement

1 with an appropriate non-Federal entity to carry out a
2 study to identify community-based programs—

3 (1) that provide transition assistance to such
4 members; and

5 (2) operated by nonprofit entities.

6 (b) TRANSMISSION TO MEMBERS.—The Secretary of
7 Veterans Affairs shall transmit the list of programs identi-
8 fied under this section to the Secretary of Defense so the
9 Secretaries of the military departments may provide infor-
10 mation in the list to members of the Armed Forces who
11 participate in TAP.

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

16 **SEC. 105. ONE-YEAR INDEPENDENT ASSESSMENT OF THE**
17 **EFFECTIVENESS OF TAP.**

18 (a) INDEPENDENT ASSESSMENT.—Not later than 90
19 days after the date of the enactment of this Act, the Sec-
20 retary of Veterans Affairs, in consultation with the cov-
21 ered officials, shall enter into an agreement with an appro-
22 priate entity with experience in adult education to carry
23 out a one-year independent assessment of TAP, includ-
24 ing—

1 (1) the effectiveness of TAP for members of
2 each military department during the entire military
3 life cycle;

4 (2) the appropriateness of the TAP career read-
5 iness standards;

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

9 (4) whether TAP effectively addresses the chal-
10 lenges veterans face entering the civilian workforce
11 and in translating experience and skills from mili-
12 tary service to the job market;

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

16 (6) appropriate metrics regarding TAP out-
17 comes for members of the Armed Forces one year
18 after separation, retirement, or discharge from the
19 Armed Forces;

20 (7) what the Secretary, in consultation with the
21 covered officials, veterans service organizations, and
22 organizations described in section 203(a) of this Act,
23 determine to be successful outcomes for TAP;

1 (8) whether members of the Armed Forces
2 achieve successful outcomes for TAP, as determined
3 under paragraph (7);

4 (9) how the Secretary and the covered officials
5 provide feedback to each other regarding such out-
6 comes;

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

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

14 (b) REPORT.—Not later than 90 days after the com-
15 pletion of the independent assessment under subsection
16 (a), the Secretary and the covered officials, shall submit
17 to the Committees on Veterans' Affairs of the Senate and
18 House of Representatives and the Committees on Armed
19 Services of the Senate and House of Representatives—

20 (1) the findings and recommendations (includ-
21 ing recommended legislation) of the independent as-
22 sessment prepared by the entity described in sub-
23 section (a); and

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

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

6 (1) the Secretary of Defense;

7 (2) the Secretary of Labor;

8 (3) the Administrator of the Small Business
9 Administration; and

10 (4) the Secretaries of the military departments.

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

12 (a) STUDY.—Not later than 90 days after the date
13 of the enactment of this Act, the Secretary of Veterans
14 Affairs, in consultation with the Secretaries of Defense
15 and Labor and the Administrator of the Small Business
16 Administration, shall conduct a five-year longitudinal
17 study regarding TAP on three separate cohorts of mem-
18 bers of the Armed Forces who have separated from the
19 Armed Forces, including—

20 (1) a cohort that has attended TAP counseling
21 as implemented on the date of the enactment of this
22 Act;

23 (2) a cohort that attends TAP counseling after
24 the Secretaries of Defense and Labor implement

1 changes recommended in the report under section
2 205(b) of this Act; and

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

5 (b) PROGRESS REPORTS.—Not later than 90 days
6 after the day that is one year after the date of the initi-
7 ation of the study under subsection (a) and annually
8 thereafter for the three subsequent years, the Secretaries
9 of Veterans Affairs, Defense, and Labor, and the Adminis-
10 trator of the Small Business Administration, shall submit
11 to the Committees on Veterans' Affairs of the Senate and
12 House of Representatives and the Committees on Armed
13 Services of the Senate and House of Representatives a
14 progress report of activities under the study during the
15 immediately preceding year.

16 (c) FINAL REPORT.—Not later than 180 days after
17 the completion of the study under subsection (a), the Sec-
18 retaries of Veterans Affairs, Defense, and Labor, and the
19 Administrator of the Small Business Administration, shall
20 submit to the Committees on Veterans' Affairs of the Sen-
21 ate and House of Representatives and the Committees on
22 Armed Services of the Senate and House of Representa-
23 tives a report of final findings and recommendations based
24 on the study.

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

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

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

7 (3) Annual starting and ending salaries of
8 members of each cohort who were employed during
9 the study.

10 (4) How many members of each cohort enrolled
11 in an institution of higher learning, as that term is
12 defined in section 3452(f) of title 38, United States
13 Code.

14 (5) The academic credit hours, degrees, and
15 certificates obtained by members of each cohort dur-
16 ing the study.

17 (6) The annual income of members of each co-
18 hort.

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

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

23 (9) How many dependents that members of
24 each cohort have.

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

4 (11) Other criteria the Secretaries and the Ad-
5 ministrator of the Small Business Administration
6 determine appropriate.

7 **TITLE II—EDUCATIONAL** 8 **ASSISTANCE**

9 **SEC. 201. IMPROVEMENTS TO ASSISTANCE FOR CERTAIN** 10 **FLIGHT TRAINING AND OTHER PROGRAMS** 11 **OF EDUCATION.**

12 (a) USE OF ENTITLEMENT FOR PRIVATE PILOT’S LI-
13 CENSES.—Section 3034(d) of title 38, United States Code,
14 is amended—

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

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

21 (3) by redesignating paragraph (3) as para-
22 graph (2).

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

1 “(k) ACCELERATED PAYMENTS FOR CERTAIN
2 FLIGHT TRAINING.—

3 “(1) PAYMENTS.—An individual enrolled in a
4 program of education pursued at a vocational school
5 or institution of higher learning in which flight
6 training is required to earn the degree being pursued
7 (including with respect to a dual major, concentra-
8 tion, or other element of such a degree) may elect
9 to receive accelerated payments of amounts for tui-
10 tion and fees determined under subsection (c). The
11 amount of each accelerated payment shall be an
12 amount equal to twice the amount for tuition and
13 fee so determined under such subsection, but the
14 total amount of such payments may not exceed the
15 total amount of tuition and fees for the program of
16 education. The amount of monthly stipends shall be
17 determined in accordance with such subsection (c)
18 and may not be accelerated under this paragraph.

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

23 “(3) CHARGE AGAINST ENTITLEMENT.—The
24 number of months of entitlement charged an indi-
25 vidual for accelerated payments made pursuant to

1 paragraph (1) shall be determined at the rate of two
2 months for each month in which such an accelerated
3 payment is made.”.

4 (c) FLIGHT TRAINING AT PUBLIC INSTITUTIONS.—

5 Subsection (c)(1)(A) of such section 3313 is amended—

6 (1) in clause (i)—

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

9 (B) by striking “In the case of a program
10 of education pursued at a public institution of
11 higher learning” and inserting “(I) Subject to
12 subclause (II), in the case of a program of edu-
13 cation pursued at a public institution of higher
14 learning not described in clause (ii)(II)(bb)”;
15 and

16 (C) by adding at the end the following new
17 subclause:

18 “(II) In determining the actual net
19 cost for in-State tuition and fees pursuant
20 to subclause (I), the Secretary may not
21 pay for tuition and fees relating to flight
22 training.”; and

23 (2) in clause (ii)—

1 (A) in subclause (I), by redesignating
2 items (aa) and (bb) as subitems (AA) and
3 (BB), respectively;

4 (B) in subclause (II), by redesignating
5 items (aa) and (bb) as subitems (AA) and
6 (BB), respectively;

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

9 (D) by striking “In the case of a program
10 of education pursued at a non-public or foreign
11 institution of higher learning” and inserting
12 “(I) In the case of a program of education de-
13 scribed in subclause (II)”;

14 (E) by adding at the end the following new
15 subclause:

16 “(II) A program of education de-
17 scribed in this subclause is any of the fol-
18 lowing:

19 “(aa) A program of education
20 pursued at a non-public or foreign in-
21 stitution of higher learning.

22 “(bb) A program of education
23 pursued at a public institution of
24 higher learning in which flight train-
25 ing is required to earn the degree

1 being pursued (including with respect
2 to a dual major, concentration, or
3 other element of such a degree).”.

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

9 “(cc) A program of education
10 pursued at a public institution of
11 higher learning in which the public in-
12 stitution of higher learning enters into
13 a contract or agreement with an enti-
14 ty (other than another public institu-
15 tion of higher learning) to provide
16 such program of education or a por-
17 tion of such program of education.”.

18 (e) APPLICATION.—

19 (1) IN GENERAL.—Except as provided by para-
20 graph (2), the amendments made by this section
21 shall apply with respect to a quarter, semester, or
22 term, as applicable, commencing on or after the date
23 of the enactment of this Act.

24 (2) SPECIAL RULE FOR CURRENT STUDENTS.—

25 In the case of an individual who, as of the date of

1 the enactment of this Act, is using educational as-
2 sistance under chapter 33 of title 38, United States
3 Code, to pursue a course of education that includes
4 a program of education described in item (bb) or
5 (cc) of section 3313(c)(1)(A)(ii)(II) of title 38,
6 United States Code, as added by subsections (c) and
7 (d), respectively, the amendment made by such sub-
8 section shall apply with respect to a quarter, semes-
9 ter, or term, as applicable, commencing on or after
10 the date that is two years after the date of the en-
11 actment of this Act.

12 **SEC. 202. ELIMINATION OF THE PERIOD OF ELIGIBILITY**
13 **FOR THE VOCATIONAL REHABILITATION AND**
14 **EMPLOYMENT PROGRAM OF THE DEPART-**
15 **MENT OF VETERANS AFFAIRS.**

16 (a) **IN GENERAL.**—Section 3103 of title 38, United
17 States Code, is repealed.

18 (b) **CLERICAL AMENDMENT.**—The table of sections
19 at the beginning of chapter 31 of such title is amended
20 by striking the item relating to section 3103.

1 **SEC. 203. EDUCATIONAL ASSISTANCE DURING EXTENDED**
2 **SCHOOL CLOSURES DUE TO NATURAL DISAS-**
3 **TERS.**

4 Section 3680 of title 38, United States Code, is
5 amended by adding at the end the following new sub-
6 section:

7 “(h) SCHOOL CLOSURE DURING NATURAL DISAS-
8 TERS.—

9 “(1) IN GENERAL.—An individual described in
10 paragraph (2) shall be entitled to a monthly stipend
11 in the amount to which the individual would be enti-
12 tled were the individual pursuing a course of edu-
13 cation at an institution of higher education through
14 resident training but for a school closure described
15 under paragraph (4).

16 “(2) INDIVIDUAL DESCRIBED.—An individual
17 described in this paragraph is an individual pursuing
18 a course of education at an institution of higher edu-
19 cation using educational assistance under chapter
20 32, 33, 34, or 35 of this title, who—

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

24 “(B) opts to—

25 “(i) pursue that course of education
26 solely by distance learning; or

1 “(ii) pursue an alternative course of
2 education solely by distance learning.

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

6 “(A) The period of time necessary to com-
7 plete the quarter, semester, term or academic
8 period during which the school closure described
9 in paragraph (4) occurs.

10 “(B) Four months.

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

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

15 “(B) for a period of time that—

16 “(i) the institution confirms will last
17 for four weeks or longer; or

18 “(ii) the institution describes as in-
19 definite and that endures for a period of
20 four weeks or longer; and

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

23 “(5) NATURAL DISASTER DEFINED.—In this
24 subsection, the term ‘natural disaster’ means a spe-
25 cific weather event or earth process, including a hur-

1 ricane, tornado, wildfire or forest fire, earthquake,
2 avalanche, mudslide, hailstorm, thunderstorm, light-
3 ning storm, freeze, blizzard, sinkhole, or other disas-
4 trous event that occurs as a result of such an event
5 or process, that the President or the governor of a
6 State declares a natural disaster.

7 “(6) NO CHARGE TO ENTITLEMENT.—No
8 charge shall be made to the entitlement of any indi-
9 vidual to educational assistance under chapter 32,
10 33, 34, or 35 of this title by reason of a payment
11 under this subsection.”.

