

Suspend the Rules and Pass the Bill, H.R. 2523, with an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

117TH CONGRESS
1ST SESSION

H. R. 2523

To amend the American Rescue Plan Act of 2021 to improve the COVID–19 Veteran Rapid Retraining Assistance program, to make certain technical corrections to the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 2021

Mr. LEVIN of California (for himself and Mr. BOST) introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the American Rescue Plan Act of 2021 to improve the COVID–19 Veteran Rapid Retraining Assistance program, to make certain technical corrections to the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Training in High-de-
3 mand Roles to Improve Veteran Employment Act” or the
4 “THRIVE Act”.

5 **SEC. 2. IMPROVEMENTS TO COVID-19 VETERAN RAPID RE-
6 TRAINING ASSISTANCE PROGRAM.**

7 (a) IN GENERAL.—Section 8006 of the American
8 Rescue Plan Act of 2021 (Public Law 117–2) is amend-
9 ed—

10 (1) by striking paragraph (3) of subsection (c)
11 and inserting the following new paragraph (3):

12 “(3) DETERMINATION OF HIGH-DEMAND OCCU-
13 PATIONS.—

14 “(A) INITIAL IMPLEMENTATION.—In car-
15 rying out this section, the Secretary shall use
16 the list of high-demand occupations prepared in
17 conjunction with the Secretary of Labor.

18 “(B) MODIFICATIONS.—The Secretary of
19 Veterans Affairs may add and remove occupa-
20 tions from the list under subparagraph (A) as
21 the Secretary determines appropriate.”;

22 (2) in subsection (d)(3)—

23 (A) in the matter preceding subparagraph
24 (A), by inserting “(other than such a program
25 pursued solely through distance learning on a
26 half-time basis or less)” after “a covered pro-

1 gram of education under the retraining assist-
2 ance program under this section”; and

3 (B) in subparagraph (C), by striking “less
4 than a half-time basis” and inserting “a half-
5 time basis or less”;

6 (3) by redesignating subsections (f), (g), and
7 (h) as subsections (k), (l), and (m), respectively;

8 (4) by inserting after subsection (e) the fol-
9 lowing new subsections:

10 “(f) **EMPLOYEE ASSISTANCE.**—The Secretary of Vet-
11 erans Affairs, in consultation with the Secretary of Labor,
12 shall contact each veteran who pursues a covered program
13 of education under this section—

14 “(1) not later than 30 days after the date on
15 which the veteran begins the program of education
16 to notify the veteran of the availability of employ-
17 ment placement services upon completion of the pro-
18 gram; and

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

23 “(g) **NONPROFIT ORGANIZATION.**—

24 “(1) **IN GENERAL.**—The Secretary of Veterans
25 Affairs shall seek to enter into a memorandum of

1 understanding with one or more qualified nonprofit
2 organizations for the purpose of facilitating the em-
3 ployment of veterans who participate in the retrain-
4 ing assistance program under this section.

5 “(2) QUALIFIED NONPROFIT ORGANIZATION.—

6 For purposes of this subsection, a qualified non-
7 profit organization is a nonprofit organization
8 that—

9 “(A) is an association of businesses; and

10 “(B) has at least two years of experience
11 providing job placement services for veterans.

12 “(h) FOLLOW UP OUTREACH.—The Secretary of Vet-
13 erans Affairs, in coordination with the Secretary of Labor,
14 shall contact each veteran who completes a covered pro-
15 gram of education under the retraining assistance pro-
16 gram under this section 30, 60, 90, and 180 days after
17 the veteran completes such program of education to ask
18 the veteran about the experience of the veteran in the re-
19 training assistance program and the veteran’s employment
20 status.

21 “(i) QUARTERLY REPORTS.—Not later than the date
22 that is one year after the date of the enactment of this
23 Act, and quarterly thereafter, the Secretary of Labor shall
24 submit to the Committees on Veterans’ Affairs of the Sen-
25 ate and House of Representatives a report containing the

1 following information about veterans who participate in
2 the retraining assistance program under this section:

3 “(1) The percentage of such veterans who
4 found employment before the end of the second cal-
5 endar quarter after exiting the program.

6 “(2) The percentage of such veterans who
7 found employment before the end of the fourth cal-
8 endar quarter after exiting the program.

9 “(3) The median earnings of all such veterans
10 for the second quarter after exiting the program.

11 “(4) The percentage of such veterans who at-
12 tain a recognized postsecondary credential during
13 the 12-month period after exiting the program.

14 “(j) COMPTROLLER GENERAL REPORT.—Not later
15 than 180 days after the termination of the retraining as-
16 sistance program under subsection (l), the Comptroller
17 General shall submit to the Committees on Veterans’ Af-
18 fairs of the Senate and House of Representatives a report
19 on the outcomes and effectiveness of the program.”;

20 (5) in subsection (l), as so redesignated, by
21 striking “No retraining assistance may be paid
22 under this section after the date that is 21 months
23 after the date of the enactment of this Act” and in-
24 serting “No retraining assistance may be paid under

1 this section for a covered program of education that
2 begins on or after December 11, 2022”;

3 (6) in subsection (m), as so redesignated, by
4 striking the period at the end and inserting the fol-
5 lowing: “, which shall be carried out as if such sec-
6 tion were authorized for the payment of readjust-
7 ment and rehabilitation benefits to or on behalf of
8 veterans under chapters 30, 31, and 41 of title 38,
9 United States Code. Not more than \$386,000,000
10 may be obligated or expended to carry out this sec-
11 tion.”; and

12 (7) by adding at the end the following new sub-
13 section:

14 “(n) DEFINITIONS.—In this section:

15 “(1) The term ‘covered public health emer-
16 gency’ means the declaration—

17 “(A) of a public health emergency, based
18 on an outbreak of COVID–19 by the Secretary
19 of Health and Human Services under section
20 319 of the Public Health Service Act (42
21 U.S.C. 247d); or

22 “(B) of a domestic emergency, based on an
23 outbreak of COVID–19 by the President, the
24 Secretary of Homeland Security, or State, or
25 local authority.

1 “(2) The term ‘veteran’ means—

2 “(A) a person who served in the active
3 military, naval, or air service, and who was dis-
4 charged or released therefrom under conditions
5 other than dishonorable; or

6 “(B) a member of a reserve component of
7 the Armed Forces who performs active service
8 for a period of 30 days or longer by reason of
9 the covered public health emergency.

10 “(3) The term ‘active service’ has the meaning
11 given such term in section 101 of title 10, United
12 States Code.”.

13 (b) EFFECTIVE DATE.—The amendments made by
14 subsection (a) shall apply as if included in the enactment
15 of the American Rescue Plan Act of 2021 (Public Law
16 117–2).

17 **SEC. 3. INFORMATION PROVIDED BY DEPARTMENT OF VET-**
18 **ERANS AFFAIRS ABOUT POSTSECONDARY**
19 **EDUCATIONAL INSTITUTIONS.**

20 (a) ADDITIONAL INFORMATION TO BE PROVIDED.—
21 Subsection (c) of section 3698 of title 38, United States
22 Code, is amended—

23 (1) in paragraph (1)(C)—

24 (A) in clause (xi), by striking “and” at the
25 end;

1 (B) in clause (xii), by striking the period
2 and inserting a semicolon; and

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

5 “(xiii) whether the institution is listed on
6 the College Navigator website as affiliated with
7 a religion and, if so, which religious denomina-
8 tion;

9 “(xiv) whether the Secretary of Education
10 or other head of a department or agency of the
11 Federal Government has determined that the
12 institution is a minority serving institution and,
13 if so, which one or more types of minority serv-
14 ing institutions; and

15 “(xv) whether the institution is gender spe-
16 cific.”; and

17 (2) in paragraph (2), by adding at the end the
18 following new sentence: “To the extent practicable,
19 the Secretary shall ensure that such information is
20 provided in a searchable format.”.

21 (b) DEFINITION.—Subsection (f) of such section is
22 amended by adding at the end the following new para-
23 graphs:

1 “(3) The term ‘College Navigator website’ has
2 the meaning given that term in section 132 of the
3 Higher Education Act (20 U.S.C. 1015a).

4 “(4) The term ‘minority serving institution’
5 means any of the following:

6 “(A) A part B institution, as such term is
7 defined in section 322(2) of the Higher Edu-
8 cation Act (20 U.S.C. 1061(2)).

9 “(B) A Hispanic-serving institution, as
10 such term is defined in section 502(a)(5) of
11 such Act (20 U.S.C. 1101a(5)).

12 “(C) A Tribal College or University, as
13 such term is defined in section 316(b)(3) of
14 such Act (20 U.S.C. 1059c(b)(3)).

15 “(D) A predominantly Black institution, as
16 such term is defined in section 318(b)(6) of
17 such Act (20 U.S.C. 1059e(b)(6)).

18 “(E) A Native American-serving, nontribal
19 institution, as such term is defined in section
20 319(b)(2) of such Act (20 U.S.C. 1059f(b)(6)).

21 “(F) An Alaska Native-serving institution
22 or Native Hawaiian-serving institution, as such
23 terms are defined in section 317(b) of such Act
24 (20 U.S.C. 1059d(b)).

1 “(G) An Asian American and Native
2 American Pacific Islander-serving institution, as
3 such term is defined in section 320(b) of such
4 Act (20 U.S.C. 1059g(b)).”.

5 (c) APPLICATION.—The amendments made by this
6 section shall apply with respect to the information pro-
7 vided under section 3698 of title 38, United States Code,
8 beginning on the date that is two years after the date of
9 the enactment of this Act.

10 **SEC. 4. DELAY OF EFFECTIVE DATE FOR LIMITATION ON**
11 **COLOCATION AND ADMINISTRATION OF**
12 **STATE APPROVING AGENCIES.**

13 Section 1024 of the Johnny Isakson and David P.
14 Roe, M.D. Veterans Health Care and Benefits Improve-
15 ment Act of 2020 (Public Law 116–315) is amended to
16 read as follows:

17 **“SEC. 1024. LIMITATION ON COLOCATION AND ADMINIS-**
18 **TRATION OF STATE APPROVING AGENCIES.**

19 “(a) IN GENERAL.—Section 3671 of title 38, United
20 States Code, is amended by adding at the end the fol-
21 lowing new subsection:

22 ““(c) The Secretary may not recognize a State de-
23 partment or agency as the State approving agency for a
24 State for purposes of this chapter if such department or
25 agency is administered at, or colocated with, a university

1 or university system that offers courses or programs of
2 education that are subject to approval under this chapter
3 by the State approving agency for that State.’.

4 “(b) EFFECTIVE DATE.—The amendment made by
5 subsection (a) shall take effect on the date that is one
6 year after the date of the enactment of this Act.”.

7 **SEC. 5. CLARIFICATION OF APPLICABILITY OF TREATMENT**
8 **OF CERTAIN FOR-PROFIT EDUCATIONAL IN-**
9 **STITUTIONS.**

10 (a) CLARIFICATION.—Section 1022(c) of the Johnny
11 Isakson and David P. Roe, M.D. Veterans Health Care
12 and Benefits Improvement Act of 2020 (Public Law 116–
13 315) is amended by inserting “, or the conversion of a
14 for-profit educational institution to a public educational
15 institution,” after “nonprofit educational institution”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall apply as if included in the enactment
18 of the Johnny Isakson and David P. Roe, M.D. Veterans
19 Health Care and Benefits Improvement Act of 2020 (Pub-
20 lic Law 116–315).

1 **SEC. 6. CLARIFICATIONS REGARDING REQUIREMENTS FOR**
2 **EDUCATIONAL INSTITUTIONS PARTICI-**
3 **PATING IN THE EDUCATIONAL ASSISTANCE**
4 **PROGRAMS OF THE DEPARTMENT OF VET-**
5 **ERANS AFFAIRS.**

6 Subsection (f) of section 3679 of title 38, United
7 States Code, as added by section 1018 of the Johnny Isak-
8 son and David P. Roe, M.D. Veterans Health Care and
9 Benefits Improvement Act of 2020 (Public Law 116–315),
10 is amended—

11 (1) in paragraph (1)(E), by inserting “, to the
12 maximum extent practicable,” after “including”;

13 (2) in paragraph (2)—

14 (A) in the matter preceding subparagraph
15 (A), by inserting “, or any person with whom
16 the institution has an agreement to provide
17 educational programs, marketing, advertising,
18 recruiting or admissions services,” after “edu-
19 cational institution”;

20 (B) in paragraph (A)(ii), by striking “1-
21 month” and inserting “one-month”; and

22 (C) by striking subparagraph (B) and in-
23 serting the following new subparagraph (B):

24 “(B) Provides a commission, bonus, or other in-
25 centive payment based directly or indirectly on suc-
26 cess in securing enrollments or financial aid to any

1 persons or entities engaged in any student recruiting
2 or admission activities or in making decisions re-
3 garding the award of student financial assistance.”;

4 (3) in paragraph (4)(A), by striking clause (ii)
5 and inserting the following new clauses:

6 “(ii) Suspending the approval of the courses
7 and programs of education offered by the edu-
8 cational institution by disapproving new enrollments
9 of eligible veterans and eligible persons in each
10 course or program of education offered by that edu-
11 cational institution.

12 “(iii) Revoking the approval of the courses and
13 programs of education offered by the educational in-
14 stitution by disapproving all enrollments of eligible
15 veterans and eligible persons in each course or pro-
16 gram of education offered by that educational insti-
17 tution”; and

18 (4) in paragraph (5)(A), by striking “1-aca-
19 demic-year period” and inserting “one-academic-year
20 period”.

21 **SEC. 7. TECHNICAL CORRECTIONS.**

22 (a) TITLE 38.—Title 38, United States Code, is
23 amended as follows:

24 (1) The second section 1164, as added by sec-
25 tion 5501 the Johnny Isakson and David P. Roe,

1 M.D. Veterans Health Care and Benefits Improve-
2 ment Act of 2020 (Public Law 116–315), is redesign-
3 nated as section 1166 and transferred so as to ap-
4 pear after section 1165 (and the table of sections at
5 the beginning of chapter 11 of such title is con-
6 formed accordingly).

7 (2) Subsection (l) of section 3313, as added by
8 section 1010 of such Act (as effective on August 1,
9 2021), is amended to read as follows:

10 “(l) VERIFICATION OF ENROLLMENT.—

11 “(1) IN GENERAL.—The Secretary shall re-
12 quire—

13 “(A) each educational institution to submit
14 to the Secretary verification of each individual
15 who is enrolled in a course or program of edu-
16 cation at the educational institution and is re-
17 ceiving educational assistance under this chap-
18 ter—

19 “(i) not later than such time as the
20 Secretary determines reasonable after the
21 date on which the individual is enrolled;
22 and

23 “(ii) not later than such time as the
24 Secretary determines reasonable after the
25 last date on which a student is able to

1 withdraw from the course or program of
2 education without penalty; and

3 “(B) each individual who is enrolled in a
4 course or program of education and is receiving
5 educational assistance under this chapter to
6 submit to the Secretary verification of such en-
7 rollment for each month during which the indi-
8 vidual is so enrolled and receiving such edu-
9 cational assistance.

10 “(2) FORM OF VERIFICATION.—Verification
11 under this subsection shall be in an electronic form
12 prescribed by the Secretary.

13 “(3) FAILURE TO SUBMIT VERIFICATION.—If
14 an individual fails to submit the verification required
15 under paragraph (1)(B) for two consecutive months,
16 the Secretary may not make a monthly housing sti-
17 pend payment to the individual under this section
18 until the individual submits such verification.”.

19 (3) Section 3673A, as added by section 1013 of
20 such Act, is amended—

21 (A) in subsection (a), by striking “search-
22 able”; and

23 (B) in subsection (e), by inserting “search-
24 able” before “database”.

1 (4) The subsection (f) of section 3679, as added
2 by section 1017 of such Act, is redesignated as para-
3 graph (3) of subsection (a) of such section 3679 and
4 is transferred so as to appear after paragraph (2) of
5 such subsection.

6 (5) Section 3696(g)(4)(A)(iii)(III), as amended
7 by section 1020 of such Act, is amended by striking
8 “paragraph (3)(B) of this subsection” and inserting
9 “paragraph (3)”.

10 (b) JOHNNY ISAKSON AND DAVID P. ROE, M.D. VET-
11 ERANS HEALTH CARE AND BENEFITS IMPROVEMENT ACT
12 OF 2020.—The Johnny Isakson and David P. Roe, M.D.
13 Veterans Health Care and Benefits Improvement Act of
14 2020 (Public Law 116–315) is amended as follows:

15 (1) In section 1013(a)(1), by inserting “of title
16 38” after “of chapter 36”.

17 (2) In section 2205(c)—

18 (A) in the heading, by striking “EFFEC-
19 TIVE DATE” and inserting “APPLICABILITY”;
20 and

21 (B) by striking “the date that is two years
22 after the date of the enactment of this Act”
23 and inserting “the date of the enactment of this
24 Act and shall apply with respect to grants ap-
25 plications submitted on or after the date that is

1 two years after the date of the enactment of
2 this Act.”

3 (3) In section 4101(b), by striking “sub-
4 chapter” and inserting “chapter”.

5 (4) In section 5501—

6 (A) in subsection (a)(1), by striking “of
7 such title” and inserting “of title 38, United
8 States Code”; and

9 (B) in subsection (b), by striking “section
10 1164” each place it appears and inserting “sec-
11 tion 1166”.

12 **SEC. 8. DETERMINATION OF BUDGETARY EFFECTS.**

13 The budgetary effects of this Act, for the purpose of
14 complying with the Statutory Pay-As-You-Go Act of 2010,
15 shall be determined by reference to the latest statement
16 titled “Budgetary Effects of PAYGO Legislation” for this
17 Act, submitted for printing in the Congressional Record
18 by the Chairman of the House Budget Committee, pro-
19 vided that such statement has been submitted prior to the
20 vote on passage.