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(Original Signature of Member)

116TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To amend titles 38 and 10, United States Code, to make certain improvements to educational assistance administered by the Secretary of Veterans Affairs and to the Transition Assistance Program and Skillbridge program of the Department of Defense.

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IN THE HOUSE OF REPRESENTATIVES

M\_\_\_\_. \_\_\_\_\_ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend titles 38 and 10, United States Code, to make certain improvements to educational assistance administered by the Secretary of Veterans Affairs and to the Transition Assistance Program and Skillbridge program of the Department of Defense.

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. SIMPLIFICATION OF ELIGIBILITY CRITERIA**  
2 **FOR DEPARTMENT OF VETERANS AFFAIRS**  
3 **POST-9/11 EDUCATIONAL ASSISTANCE.**

4 (a) IN GENERAL.—Paragraph (1) of section 3301 of  
5 title 38, United States Code, is amended to read as fol-  
6 lows:

7 “(1) The term ‘active duty’ has the meanings  
8 as follows (subject to the limitations specified in sec-  
9 tions 3002(6) and 3311(b)):

10 “(A) Active duty as described in section  
11 101(21)(A) of this title.

12 “(B) Active duty for training as described  
13 in section 101(22)(A), (C), and (E) of this title.

14 “(C) Active duty as defined in section  
15 101(12) of title 32.

16 “(D) Full-time National Guard duty as de-  
17 fined in section 101(19) of title 32.”.

18 (b) EFFECTIVE DATE.—The amendment made by  
19 subsection (a) shall take effect on August 1, 2021, and  
20 shall apply with respect to—

21 (1) academic years beginning on or after Au-  
22 gust 1, 2021; and

23 (2) service performed before, on, or after the  
24 date of the enactment of this Act.

1 **SEC. 2. ADDITION OF OTHER DUTY STATUSES TO QUALIFY**  
2 **FOR POST-9/11 EDUCATIONAL ASSISTANCE**  
3 **PROGRAM.**

4 (a) **QUALIFYING DUTY.**—Section 3311(b) of title 38,  
5 United States Code, is amended—

6 (1) by striking “(including” each place it ap-  
7 pears and inserting “(including other qualifying duty  
8 and”;

9 (2) by striking “(excluding” each place it ap-  
10 pears and inserting “(including other qualifying duty  
11 but excluding”;

12 (3) in paragraph (2)(A), by inserting “or other  
13 qualifying duty” after “active duty”.

14 (b) **OTHER QUALIFYING DUTY DEFINED.**—Section  
15 3301 of such title is amended—

16 (1) by redesignating paragraphs (3) and (4) as  
17 paragraphs (4) and (5), respectively; and

18 (2) by inserting after paragraph (2) the fol-  
19 lowing new paragraph (3):

20 “(3) The term ‘other qualifying duty’ means  
21 the following:

22 “(A) Duty under section 502 of title 32.

23 “(B) Duty for which a member is eligible  
24 to receive pay under section 204, 206, or 372  
25 of title 37.”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect on August 1, 2021, and shall  
3 apply with respect to—

4 (1) academic years beginning on or after Au-  
5 gust 1, 2021; and

6 (2) service performed before, on, or after the  
7 date of the enactment of this Act.

8 **SEC. 3. COUNSELING IN THE TRANSITION ASSISTANCE**  
9 **PROGRAM REGARDING SEXUAL ASSAULT,**  
10 **SEXUAL OR GENDER HARASSMENT, AND INTI-**  
11 **MATE PARTNER VIOLENCE.**

12 Section 1142(b) of title 10, United States Code, is  
13 amended by adding at the end the following new para-  
14 graph:

15 “(20) Information concerning health care (in-  
16 cluding mental health care) furnished by the Sec-  
17 retary of Veterans Affairs to veterans and members  
18 of the Armed Forces who have survived sexual as-  
19 sault, sexual or gender harassment, or intimate part-  
20 ner violence.”.

1 **SEC. 4. ADDITIONAL FACTORS FOR COUNSELING PATH-**  
2 **WAYS OF THE TRANSITION ASSISTANCE PRO-**  
3 **GRAM.**

4 (a) **MEDICAL OR ADMINISTRATIVE DISCHARGE.**—  
5 Section 1142(c)(1) of title 10, United States Code, is  
6 amended—

7 (1) in subparagraph (E), by striking “Dis-  
8 ability” and inserting “Potential or confirmed med-  
9 ical discharge of the member”; and

10 (2) in subparagraph (F), by striking “Char-  
11 acter” and all that follows and inserting “Potential  
12 or confirmed involuntary separation of the member.”

13 (b) **FAMILY DYNAMICS.**—Section 1142(c)(1) of title  
14 10, United States Code, as amended by section (a), is fur-  
15 ther amended—

16 (1) by redesignating subparagraph (M) as sub-  
17 paragraph (R); and

18 (2) by inserting after subparagraph (L) the fol-  
19 lowing:

20 “(M) Child care requirements of the member  
21 (including whether a dependent of the member is en-  
22 rolled in the Exceptional Family Member Program).

23 “(N) The employment status of other adults in  
24 the household of the member.

1           “(O) The location of the duty station of the  
2 member (including whether the member was sepa-  
3 rated from family while on duty).

4           “(P) The effects of operating tempo and per-  
5 sonnel tempo on the member and the household of  
6 the member.

7           “(Q) Whether the member is an Indian or  
8 urban Indian, as those terms are defined in section  
9 4 of the Indian Health Care Improvement Act (Pub-  
10 lic Law 94–437; 25 U.S.C. 1603).”.

11 **SEC. 5. EXPANSIONS OF ELIGIBILITY FOR THE**  
12 **SKILLBRIDGE PROGRAM.**

13       Section 1143(e) of title 10, United States Code, is  
14 amended—

15           (1) by amending paragraph (2) to read as fol-  
16 lows:

17       “(2) A member of the armed forces is eligible for a  
18 program under this subsection if—

19           “(A) the member—

20               “(i) has completed at least 180 days on ac-  
21 tive duty in the armed forces; and

22               “(ii) is expected to be discharged or re-  
23 leased from active duty in the armed forces  
24 within 180 days of the date of commencement  
25 of participation in such a program; or

1           “(B) the member is a member of a reserve com-  
2           ponent.”;

3           (2) by redesignating paragraph (3) as para-  
4           graph (5); and

5           (3) by inserting after paragraph (2), as amend-  
6           ed by paragraph (1) of this section, the following  
7           new paragraphs:

8           “(3) In the case of an eligible member who enrolls  
9           in a program under this subsection and who is discharged  
10          or released from active duty in the armed force before the  
11          completion of the program, that member may continue to  
12          participate in the program until the completion of the pro-  
13          gram. The continued participation of such a member in  
14          the program shall have no affect on the discharge or sepa-  
15          ration date of the member or the eligibility of the member  
16          for any pay or benefit.

17          “(4) To the extent that space is available in a pro-  
18          gram under paragraph (1), the Secretary of a military de-  
19          partment may authorize the spouse of a member of the  
20          armed forces under the jurisdiction of that Secretary to  
21          participate in that program.”.