

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.

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## 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

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## 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

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

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

16          (3) FAILURE TO COMPLETE.—Any veteran who  
17          receives retraining assistance under this section to  
18          pursue a covered program of education and who fails  
19          to complete the program of education shall not be el-  
20          igible to receive additional assistance under this sec-  
21          tion.

22          (c) COVERED PROGRAMS OF EDUCATION.—

23           (1) IN GENERAL.—For purposes of this section,  
24          a covered program of education is a program of edu-  
25          cation (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) AMOUNT OF ASSISTANCE.—

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           be 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

(k) TIME FRAME FOR PARTICIPATION.—An eligible veteran who participates in the retraining assistance program 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.

(l) LIMITATION.—Not more than 35,000 eligible veterans 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—

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

(B) a member of a reserve component of the Armed Forces who serves on active duty 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—

(A) a high rate of unemployment among veterans;

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.—

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).

○