

117TH CONGRESS
1ST SESSION

S. 134

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

JANUARY 28, 2021

Mr. MORAN (for himself and Mr. TESTER) 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. COVID-19 VETERAN RAPID RETRAINING AS-**
4 **SISTANCE PROGRAM.**

5 (a) IN GENERAL.—The Secretary of Veterans Affairs
6 shall carry out a program under which the Secretary shall
7 provide up to 12 months of retraining assistance to an
8 eligible veteran for the pursuit of a covered program of
9 education.

10 (b) ELIGIBLE VETERANS.—

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

3 (A) as of the date of the receipt by the De-
4 partment of Veterans Affairs of the application
5 for assistance under this section, is at least 22
6 years of age but not more than 66 years of age;

7 (B) as of such date, is unemployed by rea-
8 son of a covered public health emergency, as
9 certified by the veteran;

10 (C) as of such date, is not eligible to re-
11 ceive educational assistance under chapter 30,
12 31, 32, 33, or 35 of title 38, United States
13 Code, or chapter 1606 of title 10, United States
14 Code;

15 (D) is not enrolled in any Federal or State
16 jobs program;

17 (E) is not in receipt of compensation for a
18 service-connected disability rated totally dis-
19 abling by reason of unemployability; and

20 (F) will not be in receipt of unemployment
21 compensation (as defined in section 85(b) of the
22 Internal Revenue Code of 1986), including any
23 cash benefit received pursuant to subtitle A of
24 title II of division A of the CARES Act (Public
25 Law 116–136), as of the first day on which the

1 veteran would receive a housing stipend pay-
2 ment under this section.

3 (2) TREATMENT OF VETERANS WHO TRANSFER
4 ENTITLEMENT.—For purposes of paragraph (1)(C),
5 a veteran who has transferred all of the veteran’s
6 entitlement to educational assistance under section
7 3319 of title 38, United States Code, shall be con-
8 sidered to be a veteran who is not eligible to receive
9 educational assistance under chapter 33 of such
10 title.

11 (3) FAILURE TO COMPLETE.—Any veteran who
12 receives retraining assistance under this section to
13 pursue a covered program of education and who fails
14 to complete the program of education shall not be el-
15 igible to receive additional assistance under this sec-
16 tion.

17 (c) COVERED PROGRAMS OF EDUCATION.—

18 (1) IN GENERAL.—For purposes of this section,
19 a covered program of education is a program of edu-
20 cation (as such term is defined in section 3452(b) of
21 title 38, United States Code) for training, pursued
22 on a full-time or part-time basis—

23 (A) that—

24 (i) is approved under chapter 36 of
25 such title;

1 (ii) does not lead to a bachelors or
2 graduate degree; and

3 (iii) is designed to provide training for
4 a high-demand occupation, as determined
5 under paragraph (3); or

6 (B) that is a high technology program of
7 education offered by a qualified provider, under
8 the meaning given such terms in section 116 of
9 the Harry W. Colmery Veterans Educational
10 Assistance Act of 2017 (Public Law 115–48; 38
11 U.S.C. 3001 note).

12 (2) ACCREDITED PROGRAMS.—In the case of an
13 accredited program of education, the program of
14 education shall not be considered a covered program
15 of education under this section if the program has
16 received a show cause order from the accreditor of
17 the program during the five-year period preceding
18 the date of the enactment of this Act.

19 (3) DETERMINATION OF HIGH-DEMAND OCCU-
20 PATIONS.—

21 (A) INITIAL IMPLEMENTATION.—In car-
22 rying out this section, to determine whether a
23 program of education is designed to provide
24 training for high-demand occupations, the Sec-
25 retary of Veterans Affairs shall use the list of

1 high-demand occupations compiled by the Com-
2 missioner of Labor Statistics until the final list
3 is issued under subparagraph (C).

4 (B) STUDY REQUIRED.—

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

12 (ii) DEADLINE.—The study described
13 in clause (i) shall be completed not later
14 than 90 days after the date of the enact-
15 ment of this Act.

16 (C) FINAL LIST.—The Secretary—

17 (i) may add or remove an occupation
18 from the list in use pursuant to subpara-
19 graph (A) during the 90-day period fol-
20 lowing the completion of the study required
21 by subparagraph (B);

22 (ii) shall issue a final list of high-de-
23 mand occupations for use under this sec-
24 tion by not later than 90 days after the
25 date of the completion of the study; and

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

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

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

12 (4) FULL-TIME DEFINED.—In this subsection,
13 the term “full-time” has the meaning given such
14 term under section 3688 of title 38, United States
15 Code.

16 (d) AMOUNT OF ASSISTANCE.—

17 (1) RETRAINING ASSISTANCE.—The Secretary
18 of Veterans Affairs shall provide to an eligible vet-
19 eran pursuing a covered program of education under
20 the retraining assistance program under this section
21 an amount equal to the amount of educational as-
22 sistance payable under section 3313(c)(1)(A) of title
23 38, United States Code.

24 (2) PAYMENTS.—Amounts described in para-
25 graph (1) shall be payable directly to the educational

1 institution offering the covered program of education
2 pursued by the veteran as follows:

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

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

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

15 (3) FAILURE TO COMPLETE.—

16 (A) PRO-RATED PAYMENTS.—In the case
17 of an eligible veteran who pursues a covered
18 program of education under the retraining as-
19 sistance program under this section, but who
20 does not complete the program of education,
21 the Secretary shall pay to the educational insti-
22 tution offering such program of education a
23 pro-rated amount based on the number of
24 months the veteran pursued the program of
25 education in accordance with this paragraph.

1 (B) PAYMENT OTHERWISE DUE UPON
2 COMPLETION OF PROGRAM.—The Secretary
3 shall pay to the educational institution a pro-
4 rated amount under paragraph (2)(B) when the
5 veteran provides notice to the educational insti-
6 tution that the veteran no longer intends to
7 pursue the program of education.

8 (C) NONRECOVERY FROM VETERAN.—In
9 the case of a veteran referred to in subpara-
10 graph (A), the educational institution may not
11 seek payment from the veteran for any amount
12 that would have been payable under paragraph
13 (2)(B) had the veteran completed the program
14 of education.

15 (D) PAYMENT DUE UPON EMPLOYMENT.—

16 (i) VETERANS WHO FIND EMPLOY-
17 MENT.—In the case of a veteran referred
18 to in subparagraph (A) who finds employ-
19 ment in a field related to the program of
20 education during the 180-day period begin-
21 ning on the date on which the veteran
22 withdraws from the program of education,
23 the Secretary shall pay to the educational
24 institution a pro-rated amount under para-

1 graph (2)(C) when the veteran finds such
2 employment.

3 (ii) VETERANS WHO DO NOT FIND EM-
4 PLOYMENT.—In the case of a veteran re-
5 ferred to in subparagraph (A) who does
6 not find employment in a field related to
7 the program of education during the 180-
8 day period beginning on the date on which
9 the veteran withdraws from the program of
10 education—

11 (I) the Secretary shall not make
12 a payment to the educational institu-
13 tion under paragraph (2)(C); and

14 (II) the educational institution
15 may not seek payment from the vet-
16 eran for any amount that would have
17 been payable under paragraph (2)(C)
18 had the veteran found employment
19 during such 180-day period.

20 (4) HOUSING STIPEND.—For each month that
21 an eligible veteran pursues a covered program of
22 education under the retraining assistance program
23 under this section, the Secretary shall pay to the
24 veteran a monthly housing stipend in an amount
25 equal to—

1 (A) in the case of a covered program of
2 education at an institution of higher learning
3 (as that term is defined in section 3452(f) of
4 title 38, United States Code) pursued on more
5 than a half-time basis, the amount specified
6 under subsection (c)(1)(B) of section 3313 of
7 title 38, United States Code;

8 (B) in the case of a covered program of
9 education at an institution other than an insti-
10 tution of higher learning pursued on more than
11 a half-time basis, the amount specified under
12 subsection (g)(3)(A)(ii) of such section; or

13 (C) in the case of a covered program of
14 education pursued on less than a half-time
15 basis, or a covered program of education pur-
16 sued solely through distance learning on more
17 than a half-time basis, the amount specified
18 under subsection (c)(1)(B)(iii) of such section.

19 (5) FAILURE TO FIND EMPLOYMENT.—The
20 Secretary shall not make a payment under para-
21 graph (2)(C) with respect to an eligible veteran who
22 completes or fails to complete a covered program of
23 education under the retraining assistance program
24 under this section if the veteran fails to find employ-
25 ment in a field related to the program of education

1 within the 180-period beginning on the date on
2 which the veteran withdraws from or completes the
3 program.

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

9 (f) NO TRANSFERABILITY.—Retraining assistance
10 provided under this section may not be transferred to an-
11 other individual.

12 (g) EMPLOYMENT ASSISTANCE.—

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

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

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

1 (2) PROVISION OF INFORMATION.—The Sec-
2 retary of Veterans Affairs shall provide to the Sec-
3 retary of Labor such information as may be nec-
4 essary to carry out paragraph (1).

5 (h) NONPROFIT ORGANIZATION.—

6 (1) IN GENERAL.—The Secretary of Veterans
7 Affairs shall seek to enter into a memorandum of
8 understanding with one or more qualified nonprofit
9 organizations for the purpose of facilitating the em-
10 ployment of eligible veterans who participate in the
11 retraining assistance program under this section.

12 (2) QUALIFIED NONPROFIT ORGANIZATION.—
13 For purposes of this subsection, a qualified non-
14 profit organization is a nonprofit organization
15 that—

16 (A) is an association of businesses; and

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

19 (i) FOLLOW UP OUTREACH.—The Secretary of Vet-
20 erans Affairs, in coordination with the Secretary of Labor,
21 shall contact each veteran who completes a covered pro-
22 gram of education under the retraining assistance pro-
23 gram under this section 30 days, 60 days, 90 days, and
24 180 days after the veteran completes such program of edu-
25 cation to ask the veteran about—

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

3 (2) the veteran's employment status.

4 (j) QUARTERLY REPORTS.—Not later than one year
5 after the date of the enactment of this Act, and quarterly
6 thereafter, the Secretary of Labor shall submit to the
7 Committee on Veterans' Affairs of the Senate and the
8 Committee on Veterans' Affairs of the House of Rep-
9 resentatives a report containing the following information
10 about veterans who participate in the retraining assistance
11 program under this section:

12 (1) The percentage of such veterans who found
13 employment before the end of the second calendar
14 quarter after exiting the program.

15 (2) The percentage of such veterans who found
16 employment before the end of the fourth calendar
17 quarter after exiting the program.

18 (3) The median earnings of all such veterans
19 for the second quarter after exiting the program.

20 (4) The percentage of such veterans who attain
21 a recognized postsecondary credential during the 12-
22 month period after exiting the program.

23 (k) LIMITATION.—Not more than 35,000 eligible vet-
24 erans may receive retraining assistance under this section.

1 (l) TERMINATION.—No retraining assistance may be
2 paid under this section after the date that is 21 months
3 after the date of the enactment of this Act.

4 (m) GAO REPORT.—Not later than 180 days after
5 the termination of the retraining assistance program
6 under subsection (l), the Comptroller General of the
7 United States shall submit to the Committee on Veterans’
8 Affairs of the Senate and the Committee on Veterans’ Af-
9 fairs of the House of Representatives a report on the out-
10 comes and effectiveness of the program.

11 (n) FUNDING.—

12 (1) IN GENERAL.—For each fiscal year for
13 which the Secretary of Veterans Affairs provides re-
14 training assistance under this section, such sums as
15 may be necessary shall be made available for such
16 assistance from funds appropriated to, or otherwise
17 made available to, the Department of Veterans Af-
18 fairs for the payment of readjustment benefits.

19 (2) ADMINISTRATIVE COSTS.—There is author-
20 ized to be appropriated \$15,000,000 for administra-
21 tive costs associated with carrying out this section
22 for each fiscal year for which the Secretary provides
23 retraining assistance under this section.

24 (o) INITIATION OF PAYMENTS.—The Secretary of
25 Veterans Affairs may begin providing retraining assist-

1 ance under this section on the date that is 180 days after
2 the date of the enactment of this Act.

3 (p) DEFINITIONS.—In this section:

4 (1) ACTIVE MILITARY, NAVAL, OR AIR SERVICE;
5 DISCHARGE OR RELEASE.—The terms “active mili-
6 tary, naval, or air service” and “discharge or re-
7 lease” have the meanings given those terms in sec-
8 tion 101 of title 38, United States Code.

9 (2) ACTIVE SERVICE.—The term “active serv-
10 ice” has the meaning given such term in section 101
11 of title 10, United States Code.

12 (3) COVERED PUBLIC HEALTH EMERGENCY.—
13 The term “covered public health emergency”
14 means—

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

21 (B) a domestic emergency declared, based
22 on an outbreak of Coronavirus Disease 2019
23 (COVID–19), by the President, the Secretary of
24 Homeland Security, or a State or local author-
25 ity.

1 (4) VETERAN.—The term “veteran” means—

2 (A) a person who served in the active mili-
3 tary, 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 a covered public health emergency.

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