

115TH CONGRESS
2D SESSION

H. R. 5649

To amend titles 10 and 38, United States Code, to amend the Social Security Act, and to direct the Secretaries of Veterans Affairs, Defense, Labor, and Homeland Security, and the Administrator of the Small Business Administration, to take certain actions to improve transition assistance to members of the Armed Forces who separate, retire, or are discharged from the Armed Forces, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2018

Mr. ARRINGTON (for himself, Mr. O'ROURKE, Mr. BANKS of Indiana, Mr. BILIRAKIS, Mr. RUTHERFORD, and Mr. WENSTRUP) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on Veterans' Affairs, and Ways and Means, 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 titles 10 and 38, United States Code, to amend the Social Security Act, and to direct the Secretaries of Veterans Affairs, Defense, Labor, and Homeland Security, and the Administrator of the Small Business Administration, to take certain actions to improve transition assistance to members of the Armed Forces who separate, retire, or are discharged from the Armed Forces, 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 “Navy SEAL Chief
 5 Petty Officer William ‘Bill’ Mulder (Ret.) Transition Im-
 6 provement Act of 2018”.

7 **SEC. 2. TABLE OF CONTENTS.**

8 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 TAP

- Sec. 101. Pathways for TAP.
- Sec. 102. Contents of TAP.

TITLE II—OTHER TRANSITION ASSISTANCE

- Sec. 201. Access for the Secretaries of Labor and Veterans Affairs to the Federal directory of new hires.
- Sec. 202. Pilot program for off-base transition training for veterans and spouses.
- Sec. 203. Grants for provision of transition assistance to members of the Armed Forces after separation, retirement, or discharge.
- Sec. 204. Study of community-based transition assistance programs for members of the Armed Forces after separation, retirement, or discharge.
- Sec. 205. One-year independent assessment of the effectiveness of TAP.
- Sec. 206. Longitudinal study on changes to TAP.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

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

1 (2) The term “Secretary concerned” has the
2 meaning given such term in section 101 of title 10,
3 United States Code.

4 **TITLE I—IMPROVEMENTS TO** 5 **TAP**

6 **SEC. 101. PATHWAYS FOR TAP.**

7 (a) IN GENERAL.—Section 1142 of title 10, United
8 States Code, is amended—

9 (1) in the section heading by striking “**med-**
10 **ical**” and inserting “**certain**”;

11 (2) in subsection (a)—

12 (A) in paragraph (1), by inserting “(re-
13 gardless of character of discharge)” after “dis-
14 charge”;

15 (B) in paragraph (3)(A)—

16 (i) by inserting “or other separation”
17 after “anticipated retirement” each place it
18 appears;

19 (ii) by striking the second sentence;

20 (iii) by striking “90 days” and insert-
21 ing “365 days”; and

22 (iv) by striking “discharge or release”
23 and inserting “retirement or other separa-
24 tion”; and

25 (C) in paragraph (3)(B)—

1 (i) by striking “90” and inserting
2 “365”; and

3 (ii) by striking “90-day” and inserting
4 “365-day”;

5 (3) by redesignating subsection (c) as sub-
6 section (d);

7 (4) by inserting after subsection (b) the fol-
8 lowing new subsection (c):

9 “(c) COUNSELING PATHWAYS.—(1) Each Secretary
10 concerned, in consultation with the Secretaries of Labor
11 and Veterans Affairs, shall establish at least three path-
12 ways for members of the military department concerned
13 receiving individualized counseling under this section. The
14 Secretaries shall design the pathways to address the needs
15 of members, based on the following factors:

16 “(A) Rank.

17 “(B) Term of service.

18 “(C) Gender.

19 “(D) Whether the member was a member
20 of a regular or reserve component of an armed
21 force.

22 “(E) Disability.

23 “(F) Character of discharge (including ex-
24 pedited discharge and discharge under condi-
25 tions other than honorable).

1 “(G) Health (including mental health).

2 “(H) Military occupational specialty.

3 “(I) Whether the member intends, after
4 separation, retirement, or discharge, to—

5 “(i) seek employment;

6 “(ii) enroll in a program of higher
7 education;

8 “(iii) enroll in a program of vocational
9 training; or

10 “(iv) become an entrepreneur.

11 “(J) The educational history of the mem-
12 ber.

13 “(K) The employment history of the mem-
14 ber.

15 “(L) Whether the member has secured—

16 “(i) employment;

17 “(ii) enrollment in a program of edu-
18 cation; or

19 “(iii) enrollment in a program of voca-
20 tional training.

21 “(M) Other factors the Secretary of De-
22 fense and the Secretary of Homeland Security,
23 in consultation with the Secretaries of Labor
24 and Veterans Affairs, determine appropriate.

1 “(2) Each member described in subsection (a) shall
2 meet in person or by video conference with a counselor
3 before beginning counseling under this section to—

4 “(A) take a self-assessment designed by the
5 Secretary concerned (in consultation with the Secre-
6 taries of Labor and Veterans Affairs) to ensure that
7 the Secretary concerned places the member in the
8 appropriate pathway under this subsection; and

9 “(B) receive information from the counselor re-
10 garding reenlistment in the armed forces; and

11 “(C) receive information from the counselor re-
12 garding resources—

13 “(i) for members of the armed forces sepa-
14 rated, retired, or discharged;

15 “(ii) located in the community in which the
16 member will reside after separation, retirement,
17 or discharge.

18 “(3) At the meeting under paragraph (2), the mem-
19 ber may elect to have the Secretary concerned (in con-
20 sultation with the Secretaries of Labor and Veterans Af-
21 fairs) provide the contact information of the member to
22 the resources described in paragraph (2)(B).”; and

23 (5) by adding at the end the following new sub-
24 section:

1 “(e) JOINT SERVICE TRANSCRIPT.—(1) The Sec-
2 retary concerned shall provide a copy of the joint service
3 transcript of a member described in subsection (a) to—

4 “(A) that member—

5 “(i) at the meeting with a counselor under
6 subsection (c)(2); and

7 “(ii) on the day the member separates, re-
8 tires, or is discharged; and

9 “(B) the Secretary of Veterans Affairs on the
10 day the member separates, retires, or is discharged.

11 “(2) The Secretary of Veterans Affairs shall ensure
12 that a member who has separated, retired, or is discharged
13 may access the joint service transcript of that member
14 from a website of the Department of Veterans Affairs not
15 later than one year after the day the member separates,
16 retires, or is discharged.”.

17 (b) DEADLINE.—Each Secretary concerned shall
18 carry out subsection (c) of such section, as amended by
19 subsection (a), not later than one year after the date of
20 the enactment of this Act.

21 (c) GAO STUDY.—Not later than one year after the
22 Secretaries concerned carry out subsection (c) of such sec-
23 tion, as amended by subsection (a), the Comptroller Gen-
24 eral of the United States shall submit to Congress a review

1 of the pathways for the Transition Assistance Program
2 established under such subsection (c).

3 **SEC. 102. CONTENTS OF TAP.**

4 (a) IN GENERAL.—Section 1144 of title 10, United
5 States Code, is amended—

6 (1) in subsection (a), by striking “Such serv-
7 ices” and inserting “Subject to subsection (f)(2),
8 such services”; and

9 (2) by amending subsection (f) to read as fol-
10 lows:

11 “(f) PROGRAM CONTENTS.—(1) The program carried
12 out under this section shall consist of at least five days
13 of instruction as follows:

14 “(A) One day of preseparation training
15 specific to the armed force concerned, as deter-
16 mined by the Secretary concerned.

17 “(B) One day of instruction regarding—

18 “(i) benefits under laws administered
19 by the Secretary of Veterans Affairs; and

20 “(ii) other subjects determined by the
21 Secretary concerned.

22 “(C) One day of instruction regarding
23 preparation for employment.

1 “(D) Two days of instruction regarding a
2 topic selected by the member from the following
3 subjects:

4 “(i) Preparation for employment.

5 “(ii) Preparation for education.

6 “(iii) Preparation for vocational train-
7 ing.

8 “(iv) Preparation for entrepreneur-
9 ship.

10 “(v) Other options determined by the
11 Secretary concerned.

12 “(2) The Secretary concerned may permit a member
13 to attend training and instruction under the program es-
14 tablished under this section—

15 “(A) before the time periods established under
16 section 1142(a)(3) of this title;

17 “(B) in addition to such training and instruc-
18 tion required during such time periods.”.

19 (b) DEADLINE.—TAP shall comply with the require-
20 ments of subsection (f) of such section, as amended by
21 subsection (a)(2), not later than one year after the date
22 of the enactment of this Act.

23 (c) REPORT.—On the date that is two years after the
24 date of the enactment of this Act and annually thereafter
25 for the subsequent four years, the Secretary of Defense

1 shall submit to the Committees on Armed Services and
2 Veterans' Affairs of the Senate and the House of Rep-
3 resentatives a report regarding members of the Armed
4 Forces who have attended TAP counseling during the pre-
5 ceding year. The report shall detail the following:

6 (1) The total number of members who attended
7 TAP counseling.

8 (2) The number of members who attended TAP
9 counseling under paragraph (1) of section 1142(f) of
10 title 10, as amended by subsection (a).

11 (3) The number of members who attended TAP
12 counseling under paragraph (2) of such section.

13 (4) The number of members who elected to at-
14 tend each two-day instruction under paragraph
15 (1)(D) of such section.

16 **TITLE II—OTHER TRANSITION** 17 **ASSISTANCE**

18 **SEC. 201. ACCESS FOR THE SECRETARIES OF LABOR AND** 19 **VETERANS AFFAIRS TO THE FEDERAL DIREC-** 20 **TORY OF NEW HIRES.**

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

24 “(4) VETERAN EMPLOYMENT.—The Secretaries
25 of Labor and of Veterans Affairs shall have access

1 to information reported by employers pursuant to
2 subsection (b) of this section for purposes of track-
3 ing employment of veterans.”.

4 **SEC. 202. PILOT PROGRAM FOR OFF-BASE TRANSITION**
5 **TRAINING FOR VETERANS AND SPOUSES.**

6 (a) EXTENSION OF PILOT PROGRAM.—Subsection
7 (a) of section 301 of the Dignified Burial and Other Vet-
8 erans’ Benefits Improvement Act of 2012 (Public Law
9 112–260; 10 U.S.C. 1144 note) is amended—

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

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

21 (b) LOCATIONS.—Subsection (c) of such section is
22 amended—

23 (1) in paragraph (1), by striking “not less than
24 three and not more than five States” and inserting
25 “not less than 50 locations in States (as defined in

1 section 101(20) of title 38, United States Code)”;
2 and

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

5 (c) CONFORMING REPEAL.—Subsection (f) of such
6 section is repealed.

7 **SEC. 203. GRANTS FOR PROVISION OF TRANSITION ASSIST-**
8 **ANCE TO MEMBERS OF THE ARMED FORCES**
9 **AFTER SEPARATION, RETIREMENT, OR DIS-**
10 **CHARGE.**

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

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

22 (c) ELIGIBLE ORGANIZATIONS.—To be eligible for a
23 grant under this section, an organization shall submit to
24 the Secretary an application containing such information

1 and assurances as the Secretary, in consultation with the
2 Secretary of Labor, may require.

3 (d) PRIORITY FOR HUBS OF SERVICES.—In making
4 grants under this section, the Secretary shall give priority
5 to an organization that provides multiple forms of services
6 described in subsection (b).

7 (e) INCLUSION IN TAP COUNSELING.—The Sec-
8 retary of the military department concerned shall include
9 in the information provided to a member of the Armed
10 Forces during TAP counseling under section
11 1142(c)(2)(B) of title 10, United States Code, as amended
12 by section 101 of this Act, information regarding any re-
13 cipient of a grant under this section that is located in the
14 community in which that member will reside after separa-
15 tion, retirement, or discharge from the Armed Forces.

16 (f) AMOUNT OF GRANT.—A grant under this section
17 shall be in an amount that does not exceed 50 percent
18 of the amount required by the organization to provide the
19 services described in subsection (b).

20 (g) DEADLINE.—The Secretary shall carry out this
21 section not later than six months after the effective date
22 of this Act.

23 (h) TERMINATION.—The authority to provide a grant
24 under this section shall terminate on the date that is five

1 years after the date on which the Secretary implements
2 the grant program under this section.

3 (i) **AUTHORIZATION OF APPROPRIATIONS.**—There is
4 authorized to be appropriated \$10,000,000 to carry out
5 this section.

6 **SEC. 204. STUDY OF COMMUNITY-BASED TRANSITION AS-**
7 **SISTANCE PROGRAMS FOR MEMBERS OF THE**
8 **ARMED FORCES AFTER SEPARATION, RE-**
9 **TIREMENT, OR DISCHARGE.**

10 (a) **STUDY.**—The Secretary of Veterans Affairs, in
11 consultation with State entities that serve members of the
12 Armed Forces who are retired, separated, or discharged
13 from the Armed Forces, shall enter into an agreement
14 with an appropriate non-Federal entity to carry out a
15 study to identify community-based programs—

16 (1) that provide transition assistance to such
17 members; and

18 (2) operated by nonprofit entities.

19 (b) **TRANSMISSION TO MEMBERS.**—The Secretary of
20 Veterans Affairs shall transmit the list of programs identi-
21 fied under this section to the Secretary of Defense so the
22 Secretaries of the military departments may carry out sec-
23 tion 1142(c)(2)(B) of title 10, United States Code, as
24 amended by section 101 of this Act.

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

5 **SEC. 205. ONE-YEAR INDEPENDENT ASSESSMENT OF THE**
6 **EFFECTIVENESS OF TAP.**

7 (a) INDEPENDENT ASSESSMENT.—Not later than 90
8 days after the date of the enactment of this Act, the Sec-
9 retary of Veterans Affairs, in consultation with the cov-
10 ered officials, shall enter into an agreement with an appro-
11 priate entity with experience in adult education to carry
12 out a one-year independent assessment of TAP, includ-
13 ing—

14 (1) the effectiveness of TAP for members of
15 each military department during the entire military
16 life cycle;

17 (2) the appropriateness of the TAP career read-
18 iness standards;

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

22 (4) whether TAP effectively addresses the chal-
23 lenges veterans face entering the civilian workforce
24 and in translating experience and skills from mili-
25 tary service to the job market;

1 (5) whether TAP effectively addresses the chal-
2 lenges faced by the families of veterans making the
3 transition to civilian life;

4 (6) appropriate metrics regarding TAP out-
5 comes for members of the Armed Forces one year
6 after separation, retirement, or discharge from the
7 Armed Forces;

8 (7) what the Secretary, in consultation with the
9 covered officials, veterans service organizations, and
10 organizations described in section 203(a) of this Act,
11 determine to be successful outcomes for TAP;

12 (8) whether members of the Armed Forces
13 achieve successful outcomes for TAP, as determined
14 under paragraph (7);

15 (9) how the Secretary and the covered officials
16 provide feedback to each other regarding such out-
17 comes;

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

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

1 (b) REPORT.—Not later than 90 days after the com-
2 pletion of the independent assessment under subsection
3 (a), the Secretary and the covered officials, shall submit
4 to the Committees on Veterans’ Affairs of the Senate and
5 House of Representatives and the Committees on Armed
6 Services of the Senate and House of Representatives—

7 (1) the findings and recommendations (includ-
8 ing recommended legislation) of the independent as-
9 sessment prepared by the entity described in sub-
10 section (a); and

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

14 (c) DEFINITIONS.—In this section:

15 (1) The term “covered officials” is comprised
16 of—

17 (A) the Secretary of Defense;

18 (B) the Secretary of Labor;

19 (C) the Administrator of the Small Busi-
20 ness Administration; and

21 (D) the Secretaries of the military depart-
22 ments.

23 (2) The term “military departments” has the
24 meaning given such term in section 101(8) of title
25 10, United States Code.

1 **SEC. 206. LONGITUDINAL STUDY ON CHANGES TO TAP.**

2 (a) STUDY.—Not later than 90 days after the date
3 of the enactment of this Act, the Secretary of Veterans
4 Affairs, in consultation with the Secretaries of Defense
5 and Labor and the Administrator of the Small Business
6 Administration, shall conduct a five-year longitudinal
7 study regarding TAP on three separate cohorts of mem-
8 bers of the Armed Forces who have separated from the
9 Armed Forces, including—

10 (1) a cohort that has attended TAP counseling
11 as implemented on the date of the enactment of this
12 Act;

13 (2) a cohort that attends TAP counseling after
14 the Secretaries of Defense and Labor implement
15 changes recommended in the report under section
16 205(b) of this Act; and

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

19 (b) PROGRESS REPORTS.—Not later than 90 days
20 after the day that is one year after the date of the initi-
21 ation of the study under subsection (a) and annually
22 thereafter for the three subsequent years, the Secretaries
23 of Veterans Affairs, Defense, and Labor, and the Adminis-
24 trator of the Small Business Administration, shall submit
25 to the Committees on Veterans' Affairs of the Senate and
26 House of Representatives and the Committees on Armed

1 Services of the Senate and House of Representatives a
2 progress report of activities under the study during the
3 immediately preceding year.

4 (c) FINAL REPORT.—Not later than 180 days after
5 the completion of the study under subsection (a), the Sec-
6 retaries of Veterans Affairs, Defense, and Labor, and the
7 Administrator of the Small Business Administration, shall
8 submit to the Committees on Veterans' Affairs of the Sen-
9 ate and House of Representatives and the Committees on
10 Armed Services of the Senate and House of Representa-
11 tives a report of final findings and recommendations based
12 on the study.

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

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

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

19 (3) Annual starting and ending salaries of
20 members of each cohort who were employed during
21 the study.

22 (4) How many members of each cohort enrolled
23 in an institution of higher learning, as that term is
24 defined in section 3452(f) of title 38, United States
25 Code.

1 (5) The academic credit hours, degrees, and
2 certificates obtained by members of each cohort dur-
3 ing the study.

4 (6) The annual income of members of each co-
5 hort.

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

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

10 (9) How many dependents that members of
11 each cohort have.

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

15 (11) Other criteria the Secretaries and the Ad-
16 ministrator of the Small Business Administration
17 determine appropriate.

○