

117TH CONGRESS
1ST SESSION

H. R. 2523

IN THE SENATE OF THE UNITED STATES

APRIL 22, 2021

Received; read twice and referred to the Committee on Veterans' Affairs

AN ACT

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,*

3 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. IMPROVEMENTS TO COVID-19 VETERAN RAPID RE-**
8 **TRAINING ASSISTANCE PROGRAM.**

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

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

14 “(3) DETERMINATION OF HIGH-DEMAND OCCU-
15 PATIONS.—

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

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

24 (2) in subsection (d)(3)—

1 (A) in the matter preceding subparagraph
2 (A), by inserting “(other than such a program
3 pursued solely through distance learning on a
4 half-time basis or less)” after “a covered pro-
5 gram of education under the retraining assist-
6 ance program under this section”; and

7 (B) in subparagraph (C), by striking “less
8 than a half-time basis” and inserting “a half-
9 time basis or less”;

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

12 (4) by inserting after subsection (e) the fol-
13 lowing new subsections:

14 “(f) EMPLOYEE ASSISTANCE.—The Secretary of Vet-
15 erans Affairs, in consultation with the Secretary of Labor,
16 shall contact each veteran who pursues a covered program
17 of education under this section—

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

23 “(2) not later than 14 days after the date on
24 which the veteran completes, or terminates partici-

1 pation in, such program to facilitate the provision of
2 employment placement services to such veteran.

3 “(g) NONPROFIT ORGANIZATION.—

4 “(1) IN GENERAL.—The Secretary of Veterans
5 Affairs shall seek to enter into a memorandum of
6 understanding with one or more qualified nonprofit
7 organizations for the purpose of facilitating the em-
8 ployment of veterans who participate in the retrain-
9 ing 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 “(h) 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, 60, 90, and 180 days after
22 the veteran completes such program of education to ask
23 the veteran about the experience of the veteran in the re-
24 training assistance program and the veteran’s employment
25 status.

1 “(i) QUARTERLY REPORTS.—Not later than the date
2 that is one year after the date of the enactment of this
3 Act, and quarterly thereafter, the Secretary of Labor shall
4 submit to the Committees on Veterans’ Affairs of the Sen-
5 ate and House of Representatives a report containing the
6 following information about veterans who participate in
7 the retraining assistance program under this section:

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

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

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

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

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

1 (5) in subsection (l), as so redesignated, by
2 striking “No retraining assistance may be paid
3 under this section after the date that is 21 months
4 after the date of the enactment of this Act” and in-
5 serting “No retraining assistance may be paid under
6 this section for a covered program of education that
7 begins on or after December 11, 2022”;

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

17 (7) by adding at the end the following new sub-
18 section:

19 “(n) DEFINITIONS.—In this section:

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

22 “(A) of a public health emergency, based
23 on an outbreak of COVID–19 by the Secretary
24 of Health and Human Services under section

1 319 of the Public Health Service Act (42
2 U.S.C. 247d); or

3 “(B) of a domestic emergency, based on an
4 outbreak of COVID–19 by the President, the
5 Secretary of Homeland Security, or State, or
6 local authority.

7 “(2) The term ‘veteran’ means—

8 “(A) a person who served in the active
9 military, naval, or air service, and who was dis-
10 charged or released therefrom under conditions
11 other than dishonorable; or

12 “(B) a member of a reserve component of
13 the Armed Forces who performs active service
14 for a period of 30 days or longer by reason of
15 the covered public health emergency.

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

19 (b) EFFECTIVE DATE.—The amendments made by
20 subsection (a) shall apply as if included in the enactment
21 of the American Rescue Plan Act of 2021 (Public Law
22 117–2).

1 **SEC. 3. INFORMATION PROVIDED BY DEPARTMENT OF VET-**
2 **ERANS AFFAIRS ABOUT POSTSECONDARY**
3 **EDUCATIONAL INSTITUTIONS.**

4 (a) ADDITIONAL INFORMATION TO BE PROVIDED.—
5 Subsection (c) of section 3698 of title 38, United States
6 Code, is amended—

7 (1) in paragraph (1)(C)—

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

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

12 (C) by adding at the end the following new
13 clauses:

14 “(xiii) whether the institution is listed on
15 the College Navigator website as affiliated with
16 a religion and, if so, which religious denomina-
17 tion;

18 “(xiv) whether the Secretary of Education
19 or other head of a department or agency of the
20 Federal Government has determined that the
21 institution is a minority serving institution and,
22 if so, which one or more types of minority serv-
23 ing institutions; and

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

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

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

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

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

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

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

19 “(C) A Tribal College or University, as
20 such term is defined in section 316(b)(3) of
21 such Act (20 U.S.C. 1059e(b)(3)).

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

1 “(E) A Native American-serving, nontribal
2 institution, as such term is defined in section
3 319(b)(2) of such Act (20 U.S.C. 1059f(b)(6)).

4 “(F) An Alaska Native-serving institution
5 or Native Hawaiian-serving institution, as such
6 terms are defined in section 317(b) of such Act
7 (20 U.S.C. 1059d(b)).

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

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

17 **SEC. 4. DELAY OF EFFECTIVE DATE FOR LIMITATION ON**
18 **COLOCATION AND ADMINISTRATION OF**
19 **STATE APPROVING AGENCIES.**

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

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

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

6 ““(c) The Secretary may not recognize a State de-
7 partment or agency as the State approving agency for a
8 State for purposes of this chapter if such department or
9 agency is administered at, or colocated with, a university
10 or university system that offers courses or programs of
11 education that are subject to approval under this chapter
12 by the State approving agency for that State.’.

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

16 **SEC. 5. CLARIFICATION OF APPLICABILITY OF TREATMENT**
17 **OF CERTAIN FOR-PROFIT EDUCATIONAL IN-**
18 **STITUTIONS.**

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

25 (b) EFFECTIVE DATE.—The amendment made by
26 subsection (a) shall apply as if included in the enactment

1 of the Johnny Isakson and David P. Roe, M.D. Veterans
2 Health Care and Benefits Improvement Act of 2020 (Pub-
3 lic Law 116–315).

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

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

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

16 (2) in paragraph (2)—

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

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

1 (C) by striking subparagraph (B) and in-
2 serting the following new subparagraph (B):

3 “(B) Provides a commission, bonus, or other in-
4 centive payment based directly or indirectly on suc-
5 cess in securing enrollments or financial aid to any
6 persons or entities engaged in any student recruiting
7 or admission activities or in making decisions re-
8 garding the award of student financial assistance.”;

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

11 “(ii) Suspending the approval of the courses
12 and programs of education offered by the edu-
13 cational institution by disapproving new enrollments
14 of eligible veterans and eligible persons in each
15 course or program of education offered by that edu-
16 cational institution.

17 “(iii) Revoking the approval of the courses and
18 programs of education offered by the educational in-
19 stitution by disapproving all enrollments of eligible
20 veterans and eligible persons in each course or pro-
21 gram of education offered by that educational insti-
22 tution”; and

23 (4) in paragraph (5)(A), by striking “1-aca-
24 demic-year period” and inserting “one-academic-year
25 period”.

1 **SEC. 7. TECHNICAL CORRECTIONS.**

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

4 (1) The second section 1164, as added by sec-
5 tion 5501 the Johnny Isakson and David P. Roe,
6 M.D. Veterans Health Care and Benefits Improve-
7 ment Act of 2020 (Public Law 116–315), is redesign-
8 nated as section 1166 and transferred so as to ap-
9 pear after section 1165 (and the table of sections at
10 the beginning of chapter 11 of such title is con-
11 formed accordingly).

12 (2) Subsection (l) of section 3313, as added by
13 section 1010 of such Act (as effective on August 1,
14 2021), is amended to read as follows:

15 “(l) VERIFICATION OF ENROLLMENT.—

16 “(1) IN GENERAL.—The Secretary shall re-
17 quire—

18 “(A) each educational institution to submit
19 to the Secretary verification of each individual
20 who is enrolled in a course or program of edu-
21 cation at the educational institution and is re-
22 ceiving educational assistance under this chap-
23 ter—

24 “(i) not later than such time as the
25 Secretary determines reasonable after the

1 date on which the individual is enrolled;
2 and

3 “(ii) not later than such time as the
4 Secretary determines reasonable after the
5 last date on which a student is able to
6 withdraw from the course or program of
7 education without penalty; and

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

15 “(2) FORM OF VERIFICATION.—Verification
16 under this subsection shall be in an electronic form
17 prescribed by the Secretary.

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

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

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

3 (B) in subsection (c), by inserting “search-
4 able” before “database”.

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

10 (5) Section 3696(g)(4)(A)(iii)(III), as amended
11 by section 1020 of such Act, is amended by striking
12 “paragraph (3)(B) of this subsection” and inserting
13 “paragraph (3)”.

14 (b) JOHNNY ISAKSON AND DAVID P. ROE, M.D. VET-
15 ERANS HEALTH CARE AND BENEFITS IMPROVEMENT ACT
16 OF 2020.—The Johnny Isakson and David P. Roe, M.D.
17 Veterans Health Care and Benefits Improvement Act of
18 2020 (Public Law 116–315) is amended as follows:

19 (1) In section 1013(a)(1), by inserting “of title
20 38” after “of chapter 36”.

21 (2) In section 2205(c)—

22 (A) in the heading, by striking “EFFEC-
23 TIVE DATE” and inserting “APPLICABILITY”;
24 and

1 (B) by striking “the date that is two years
2 after the date of the enactment of this Act”
3 and inserting “the date of the enactment of this
4 Act and shall apply with respect to grants ap-
5 plications submitted on or after the date that is
6 two years after the date of the enactment of
7 this Act.”.

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

10 (4) In section 5501—

11 (A) in subsection (a)(1), by striking “of
12 such title” and inserting “of title 38, United
13 States Code”; and

14 (B) in subsection (b), by striking “section
15 1164” each place it appears and inserting “sec-
16 tion 1166”.

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

18 The budgetary effects of this Act, for the purpose of
19 complying with the Statutory Pay-As-You-Go Act of 2010,
20 shall be determined by reference to the latest statement
21 titled “Budgetary Effects of PAYGO Legislation” for this
22 Act, submitted for printing in the Congressional Record
23 by the Chairman of the House Budget Committee, pro-

1 vided that such statement has been submitted prior to the
2 vote on passage.

Passed the House of Representatives April 20, 2021.

Attest: CHERYL L. JOHNSON,
Clerk.