

Congress of the United States
Washington, DC 20515

July 12, 2018

The Honorable John McCain
Chairman
Senate Armed Services Committee
228 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Mac Thornberry
Chairman
House Committee on Armed Services
2120 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Jack Reed
Ranking Member
Senate Committee on Armed Services
228 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Adam Smith
Ranking Member
House Committee on Armed Services
2120 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman McCain, Chairman Thornberry, Ranking Member Reed, and Ranking Member Smith:

As you work to reconcile the differences between the House and Senate versions of the *National Defense Authorization Act for Fiscal Year 2019*, we respectfully request that Section 552 of the House bill, including 552(b), be retained in the final conference agreement.

Section 552 is entitled “Improvements to Transition Assistance Program” and Section 552(b) is entitled “Contents of TAP.” Section 552(b) amends 10 U.S.C. 1144 to effectively establish a five-day TAP program for departing servicemembers. Servicemembers would take three days of instruction covering a broad array of topics, including guidance on how to prepare a resume, manage personal finances, and obtain earned health and education benefits. Servicemembers would then supplement that core curriculum by choosing from among at least four targeted two-day courses, preparing servicemembers for (1) employment, (2) education, (3) vocational training, or (4) entrepreneurship.

As Members of Congress who filed bipartisan bills in the 115th Congress to reform TAP—namely, H.R. 4954 and S. 2748—we strongly support the language of Section 552. We believe Section 552 addresses the main problem our own bills were designed to address, which is that fewer than 15 percent of eligible departing servicemembers are taking one of these targeted two-day courses because they are optional under current law. The Government Accountability Office noted this shortcoming in its November 8, 2017 report, “DOD Needs to Improve Performance Reporting and Monitoring for the Transition Assistance Program” (GAO-18-23).

As you are aware, the Administration has expressed concerns with Section 552, writing the following in its Statement of Administration Policy:

The Administration objects to section 552, which would replace the current requirement for all Transitioning service members to participate in the Department of Labor Employment Workshop (DOLEW) by limiting required instruction related to employment to only one day, instead of the three days in the current Transition Assistance Program (TAP). Such prescriptive legislation is premature and would restrict the Administration's flexibility to shape TAP based on the needs of the participants and findings of ongoing analysis and evaluation.

As explained, however, Section 552 would *not* limit departing servicemembers to one day of employment-related instruction; to the contrary, servicemembers can elect to receive three days of such instruction, consisting of one day of employment instruction under the core curriculum and two days of employment instruction through a targeted course. We also believe the change to TAP embodied in Section 552 is not premature, but rather essential. There is no reason to expect that participation rates in the targeted two-day courses will meaningfully increase absent the sort of structural change to TAP's format required by Section 552.

There are two provisions related to TAP in the Senate version of the NDAA, Sections 575 (entitled "Pilot Program on Participation of Military Spouses in Transition Assistance Program Activities") and 5501 ("Report on Participation in the Transition Assistance Program"). Neither provision is objectionable or inconsistent with Section 552 of the House bill, but—unlike Section 552—neither does anything to address the low participation rate identified by the GAO.

Moreover, and of critical importance, S. Rept. 115-262 contains language—in the section entitled "Specialized workshops for transitioning servicemembers"—that calls for the precise changes to TAP that Section 552 would make. Specifically, the Senate Armed Services Committee writes that "the committee encourages the Department to make certain that all TAP-eligible servicemembers participate in one of the 2-day workshops." Section 522 would accomplish this result.

For the foregoing reasons, we respectfully request that the Senate recede to the House and retain Section 552 of H.R. 5515 in the final conference agreement, since it reflects good policy and promotes the goal expressed by the Senate Armed Services Committee in S. Rept. 115-162.

Sincerely,



Stephanie Murphy
Member of Congress



M. Michael Rounds
United States Senator



Derek Kilmer
Member of Congress



Walter B. Jones
Member of Congress



Chellie Pingree
Member of Congress



Jody Hice
Member of Congress



Vicente Gonzalez
Member of Congress



Sheila Jackson Lee
Member of Congress