

118TH CONGRESS
2D SESSION

H. R. 7732

To amend titles 10 and 38, United States Code, to make improvements to certain programs for a member nearing separation, or for a veteran who recently separated, from the Armed Forces, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2024

Mr. VAN ORDEN (for himself and Mr. BOST) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, 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 make improvements to certain programs for a member nearing separation, or for a veteran who recently separated, 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 “Enhancing the
5 Transitioning Servicemember’s Experience Act” or the
6 “ETS Act”.

1 **SEC. 2. TRANSITION ASSISTANCE PROGRAM: AMENDMENTS;**
2 **PILOT PROGRAM; REPORTS.**

3 (a) REQUIREMENT OF PRESEPARATION COUN-
4 SELING: NUMBER OF DAYS.—Subsection (a) of section
5 1142 of title 10, United States Code, is amended, in para-
6 graph (1)—

7 (1) by inserting “(A)” before “Within”; and

8 (2) by adding at the end the following new sub-
9 paragraph:

10 “(B) The Secretary concerned shall ensure that a
11 member described in subparagraph (A) receives
12 preseparation counseling in the following amounts:

13 “(i) In the case of a member who has secured
14 full-time employment, or has enrolled in a program
15 of education or vocational training, that shall com-
16 mence after the member separates, retires, or is dis-
17 charged, not fewer than three days.

18 “(ii) In the case of a member other than a
19 member described in clause (i), not fewer than five
20 days.”.

21 (b) PROVISION OF PRESEPARATION COUNSELING:
22 THIRD-PARTY COUNSELORS; IN-PERSON TO THE EXTENT
23 PRACTICABLE.—Such subsection is further amended, in
24 paragraph (2)—

25 (1) by inserting “(A)” before “In carrying”;

26 and

1 (2) by adding at the end the following new sub-
2 paragraphs:

3 “(B) Preseparation counseling may not be provided
4 by a member of the armed forces or a civilian employee
5 of the Secretary concerned. The Secretary concerned shall
6 enter into an agreement with an entity to provide such
7 counseling.

8 “(C) Preseparation counseling shall be provided in
9 person to the extent practicable. If the Secretary con-
10 cerned determines that a member cannot attend such
11 counseling in person, such member may receive such coun-
12 seling remotely.”.

13 (c) WAIVER FOR CERTAIN MEMBERS OF THE RE-
14 SERVE COMPONENTS.—Such subsection is further amend-
15 ed, in paragraph (4), by adding at the end the following
16 new subparagraph:

17 “(D) The Secretary concerned may waive the require-
18 ment for preseparation counseling under paragraph (1) in
19 the case of a member of the reserve components who re-
20 quests such a waiver and who received preseparation coun-
21 seling during the period of three years preceding the date
22 of such request.”.

23 (d) ELIGIBILITY OF A MEMBER WHO REENLISTS TO
24 RECEIVE PRESEPARATION COUNSELING.—Such sub-

1 section is further amended by adding at the end the fol-
2 lowing new paragraph:

3 “(5) A member described in this subsection may elect
4 to receive preseparation counseling regardless of whether
5 such member reenlists or agrees to a new period of obli-
6 gated service.”.

7 (e) ELECTIVE INCLUSION OF THE SPOUSE OF A
8 MEMBER.—Such section is further amended, in subsection
9 (b), in paragraph (5), by striking “regarding the matters
10 covered by paragraphs (9), (10), and (16)”.

11 (f) MINIMUM AMOUNT OF COUNSELING REGARDING
12 FINANCIAL PLANNING.—Such subsection is further
13 amended, in paragraph (9), by adding “Counseling under
14 this paragraph may not be shorter than one hour.” at the
15 end.

16 (g) COUNSELING REGARDING HOMELESSNESS AND
17 FOOD INSECURITY.—Such subsection is further amended
18 by adding at the end the following new paragraph:

19 “(20) If the Secretary concerned determines
20 that a member is at risk of homelessness or food in-
21 security, information regarding Federal benefits for
22 low-income households, including the supplemental
23 nutrition assistance program (as such term is de-
24 fined in section 3 of the Food and Nutrition Act of
25 2008 (Public Law 88–525; 7 U.S.C. 2012)). In

1 making such determination, the Secretary concerned
2 shall consider factors including the following:

3 “(A) Whether the member is eligible for
4 the basic needs allowance under section 402b of
5 title 37.

6 “(B) Whether the member is being medi-
7 cally separated or is being retired under chapter
8 61 of this title.”.

9 (h) PRESENTATION BY A VETERANS SERVICE ORGA-
10 NIZATION IN PRESEPARATION COUNSELING.—Such sub-
11 section is further amended by adding at the end the fol-
12 lowing new paragraph:

13 “(21) A presentation that promotes the benefits
14 available to veterans under laws administered by the
15 Secretary of Veterans Affairs. Such presentation—

16 “(A) shall be standardized;

17 “(B) shall be previously reviewed and ap-
18 proved by the Secretary of Veterans Affairs;

19 “(C) shall be submitted by the Secretary of
20 Veterans Affairs to the Committees on Armed
21 Services, and the Committees on Veterans’ Af-
22 fairs, of the Senate and House of Representa-
23 tives, for review at least 90 days before imple-
24 mentation;

25 “(D) shall be presented by—

1 “(i) a national representative of a vet-
2 erans service organization recognized
3 under section 5902 of title 38; or

4 “(ii) if a national representative is un-
5 available, a State or local representative of
6 such an organization authorized by the
7 Secretary concerned to so present;

8 “(E) shall include information on how a
9 veterans service organization may assist the
10 member in filing a claim described in paragraph
11 (19);

12 “(F) may not encourage the member to
13 join a particular veterans service organization;
14 and

15 “(G) may not be longer than one hour.”.

16 (i) PATHWAY FOR A MEMBER WHO TRANSFERS
17 FROM REGULAR COMPONENT TO A RESERVE COMPO-
18 NENT.—Such section is further amended, in subsection
19 (c)(1)(D), by inserting “, or is transferring from a regular
20 component to a reserve component” before the period at
21 the end.

22 (j) COORDINATION WITH SOLID START PROGRAM OF
23 THE DEPARTMENT OF VETERANS AFFAIRS.—Such sec-
24 tion is further amended, in subsection (d)—

1 (1) in the heading, by striking “MEDICAL” and
2 inserting “CERTAIN”;

3 (2) by inserting “(1)” before “In the case”; and

4 (3) by adding at the end the following new
5 paragraphs:

6 “(2) Before a member described in subsection (a)
7 separates, retires, or is discharged, the Secretary con-
8 cerned shall transmit to the Secretary of Veterans Affairs
9 the following information:

10 “(A) The contact information of such member.

11 “(B) The determination of the Secretary con-
12 cerned under subsection (b)(20) regarding such
13 member.”.

14 (k) PROHIBITION OF PROVISION OF DD FORM 214
15 FOR CERTAIN MEMBERS WHO DO NOT COMPLETE
16 PRESEPARATION COUNSELING.—Such section is further
17 amended by adding at the end the following new sub-
18 section:

19 “(f) DD FORM 214.—(1) The Secretary concerned
20 may not provide a member required to receive
21 preseparation counseling under this section a copy of the
22 Certificate of Release or Discharge from Active Duty (DD
23 Form 214) for such member if the member does not com-
24 plete such counseling.

1 “(2) The prohibition under paragraph (1) shall not
2 apply in the case of a member—

3 “(A) who is being retired or separated for dis-
4 ability; or

5 “(B) whose discharge is not characterized as
6 honorable or general.”.

7 (l) DEPARTMENT OF LABOR EMPLOYMENT NAVI-
8 GATOR AND PARTNERSHIP PROGRAM.—

9 (1) ESTABLISHMENT OF PROGRAM.—Section
10 1144 of title 10, United States Code, is amended—

11 (A) in subsection (d)—

12 (i) in paragraph (4), by inserting
13 “and” after the semicolon;

14 (ii) by striking paragraphs (5) and
15 (6); and

16 (iii) by redesignating paragraph (7) as
17 paragraph (5);

18 (B) by redesignating subsections (e) and
19 (f) as subsections (f) and (g), respectively; and

20 (C) by inserting after subsection (d) the
21 following new subsection (e):

22 “(e) EMPLOYMENT NAVIGATOR AND PARTNERSHIP
23 PROGRAM.—(1) As part of the program carried out under
24 this section, the Secretary of Labor, in consultation with
25 the Secretary of Defense, the Secretary of Homeland Se-

1 curity, and the Secretary of Veterans Affairs, shall carry
2 out and maintain a program to be known as the ‘Employ-
3 ment Navigator and Partnership Program’. Under such
4 program, the Secretary of Labor shall seek to enter into
5 contracts with public, private, and nonprofit entities under
6 which such entities provide individualized employment
7 counseling for members of the Armed Forces and their
8 spouses.

9 “(2) In carrying out the program under this sub-
10 section, the Secretary of Labor shall—

11 “(A) prioritize entering into contracts with
12 qualified private entities that have experience pro-
13 viding instruction to members of the Armed Forces
14 eligible for assistance under the program carried out
15 under this section on—

16 “(i) private sector culture, résumé writing,
17 career networking, and training on job search
18 technologies;

19 “(ii) academic readiness and educational
20 opportunities; or

21 “(iii) other relevant topics, as determined
22 by the Secretary;

23 “(B) give a preference to any private entity
24 that—

1 “(i) has a national or international geo-
2 graphical area of service;

3 “(ii) provides multiple forms of career as-
4 sistance and placement services to—

5 “(I) active duty members of the
6 Armed Forces;

7 “(II) spouses of active duty members
8 of the Armed Forces;

9 “(III) veterans; and

10 “(IV) spouses of veterans;

11 “(iii) provides services to at least 5,000 in-
12 dividuals who are—

13 “(I) active duty members of the
14 Armed Forces;

15 “(II) spouses of active duty members
16 of the Armed Forces;

17 “(III) veterans; or

18 “(IV) spouses of veterans;

19 “(iv) has continuously, for at least the five-
20 year period immediately preceding the date of
21 the contract, provided services to individuals
22 who are—

23 “(I) active duty members of the
24 Armed Forces;

1 “(II) spouses of active duty members
2 of the Armed Forces;

3 “(III) veterans; and

4 “(IV) spouses of veterans; and

5 “(v) has a demonstrated record of success
6 in providing assistance with employment serv-
7 ices, as indicated by—

8 “(I) the average wages or earnings of
9 people who receive employment services
10 provided by the entity;

11 “(II) prior completion of Federal
12 grants or contracts;

13 “(III) having at least 50 percent of its
14 participants find full-time employment
15 within six months of initially receiving em-
16 ployment services provided by the entity;
17 and

18 “(IV) other employment performance
19 indicators, as determined by the Secretary;
20 and

21 “(C) seek to enter into contracts with not fewer
22 than five, but not more than ten, private entities
23 under which each such entity is compensated at a
24 rate agreed upon between the Secretary and the en-

1 tity for each individual who receives employment
2 services provided by the entity; and

3 “(D) conduct such other activities as may be
4 necessary for the delivery of individualized employ-
5 ment counseling and other employment services
6 under this subsection.

7 “(3) Not later than October 1 of each year, the Sec-
8 retary of Labor shall submit to the Committees on Armed
9 Services and the Committees on Veterans’ Affairs of the
10 Senate and House of Representatives a report on the im-
11 plementation of the program under this subsection, includ-
12 ing the employment outcomes for members of the Armed
13 Forces and their spouses who receive employment services
14 under the program.”.

15 (2) EFFECTIVE DATE.—Subsection (e) of sec-
16 tion 1144 of title 10, United States Code, as added
17 by paragraph (1), shall take effect on the date of the
18 enactment of this Act and apply beginning on the
19 date that is 180 days after the date of the enact-
20 ment of this Act.

21 (m) PILOT PROGRAM FOR MILITARY SPOUSES.—

22 (1) ESTABLISHMENT.—Not later than one year
23 after the date of the enactment of this Act, the Sec-
24 retary of Defense shall establish a pilot program for
25 spouses of members of the covered Armed Forces

1 who are eligible to receive preseparation counseling
2 under TAP.

3 (2) VOLUNTARY BASIS.—Participation in the
4 pilot program shall be on a voluntary basis.

5 (3) CURRICULUM.—The Secretary of Defense,
6 in coordination with the Secretary of Veterans Af-
7 fairs and the Secretary of Labor, shall establish a
8 curriculum based on TAP for the pilot program.

9 (4) COUNSELING.—Counseling under the pilot
10 program shall—

11 (A) be one-on-one;

12 (B) be tailored to the participating military
13 spouse;

14 (C) be offered at least once per calendar
15 quarter;

16 (D) be offered at times including nights
17 and weekends; and

18 (E) include at least one hour regarding
19 benefits and assistance available to military
20 families and veterans from each department
21 under the jurisdiction of the Secretaries speci-
22 fied in subparagraph (C).

23 (5) LOCATIONS.—The Secretary of Defense
24 shall carry out the pilot program at not fewer than

1 four military installations of each of the covered
2 Armed Forces.

3 (6) REPORT.—Not later than one year before
4 the pilot program terminates, the Secretary of De-
5 fense shall submit a report to the regarding the pilot
6 program. Such report shall include elements the Sec-
7 retary determines appropriate, including whether the
8 pilot program should be made permanent.

9 (7) TERMINATION.—The pilot program shall
10 terminate three years after the Secretary of Defense
11 establishes the pilot program.

12 (8) DEFINITIONS.—In this subsection:

13 (A) The term “covered Armed Force”
14 means the Army, Navy, Marine Corps, Air
15 Force, or Space Force.

16 (B) The term “TAP” means the Transi-
17 tion Assistance Program under sections 1142
18 and 1144 of title 10, United States Code.

19 (9) REPORTS; TRACKING SYSTEM.—

20 (A) ANNUAL REPORT ON TAP PARTICIPA-
21 TION.—Not later than one year after the date
22 of the enactment of this Act, and annually
23 thereafter for four years, a report on the Tran-
24 sition Assistance Program. Such report shall in-
25 clude the following elements with regards to the

1 year preceding the date of such report,
2 disaggregated by Armed Force:

3 (i) The number of members described
4 in subsection (a)(1)(B)(ii) of section 1142
5 of title 10, United States Code, as added
6 by subsection (a), who received fewer than
7 five days of preseparation counseling under
8 such section, disaggregated by military in-
9 stallation.

10 (ii) The average period of time be-
11 tween when a member begins to receive
12 preseparation counseling and the day the
13 member separates, retires, or is dis-
14 charged.

15 (iii) The number of members who
16 began to receive preseparation counseling
17 and then re-enlisted or agreed to a new pe-
18 riod of obligated service.

19 (iv) The number of members who
20 began to receive preseparation counseling
21 and then were deployed.

22 (v) The number of members assigned
23 to each pathway under subsection (c) of
24 such section.

1 (vi) The frequency with which the
2 commander of a military installation re-
3 ceived a briefing regarding the Transition
4 Assistance Program.

5 (B) ANNUAL REPORT ON VSO PRESEN-
6 TATIONS.—Not less than once each year after
7 the date of the enactment of this Act, the Sec-
8 retary of Veterans Affairs shall submit to the
9 Committees on Veterans' Affairs of the Senate
10 and House of Representatives a report—

11 (i) that identifies each veterans serv-
12 ice organization that presented under para-
13 graph (21) of section 1142(b) of title 10,
14 United States Code, as added by sub-
15 section (h);

16 (ii) that contains the number of mem-
17 bers of the Armed Forces who attended
18 such presentations; and

19 (iii) that includes any recommenda-
20 tions of the Secretary regarding changes to
21 such presentation or to such paragraph.

22 (C) TRACKING OF TIMELINESS.—

23 (i) IMPLEMENTATION.—Not later
24 than one year after the date of the enact-
25 ment of this Act, the Secretary of Defense

1 shall implement a system to track how
2 many, and what percentage of, members of
3 the Armed Forces begin to receive
4 preseparation counseling within the time
5 periods established in section 1142 of title
6 10, United States Code.

7 (ii) ANNUAL REPORT.—Not later than
8 two years after the date of the enactment
9 of this Act, and annually thereafter, the
10 Secretary of Defense shall submit to the
11 Committees on Armed Services, and the
12 Committees on Veterans' Affairs, of the
13 Senate and House of Representatives, a re-
14 port on data recorded with such tracking
15 system during the year preceding the date
16 of such report.

17 **SEC. 3. SKILLBRIDGE: GAO STUDY.**

18 (a) STUDY REQUIRED.—The Comptroller General of
19 the United States shall conduct a study of the Skillbridge
20 programs under section 1143(e) of title 10, United States
21 Code.

22 (b) REPORT.—Not later than two years after the date
23 of the enactment of this Act, the Comptroller General shall
24 submit to the Committees on Armed Services, and the
25 Committees on Veterans' Affairs, of the Senate and House

1 of Representatives, a report regarding such study. Such
2 report shall include observations and recommendations of
3 the Comptroller regarding, with respect to members and
4 employers who participate in Skillbridge—

5 (1) differences in criteria for participation be-
6 tween the Armed Forces;

7 (2) other differences in Skillbridge programs
8 between the Armed Forces;

9 (3) best practices in Skillbridge programs
10 across the Armed Forces, including—

11 (A) the selection of employers; and

12 (B) the development of contracts; and

13 (4) the feasibility of making Skillbridge pro-
14 grams uniform across the Armed Forces.

15 **SEC. 4. EXPANSION OF ELIGIBILITY FOR A CERTAIN PRO-**
16 **GRAM OF JOB COUNSELING, TRAINING, AND**
17 **PLACEMENT SERVICE FOR VETERANS.**

18 (a) DEFINITION.—Section 4101 of title 38, United
19 States Code, is amended in paragraph (5)—

20 (1) in subparagraph (A), by striking the comma
21 at the end and inserting a semicolon;

22 (2) in subparagraph (B), by striking “power,
23 or” and inserting “power;”

24 (3) in subparagraph (C), by striking the period
25 at the end and inserting “; or”; and

1 (4) by adding at the end the following new sub-
2 paragraph:

3 “(D) a member of the Armed Forces eligi-
4 ble for the Transition Assistance Program
5 under sections 1142 and 1144 of title 10.”.

6 (b) OUTREACH.—Section 4103A(a)(1) of such title is
7 amended—

8 (1) in the matter preceding subparagraph (A),
9 by inserting “and certain eligible persons” after “eli-
10 gible veterans”;

11 (2) by redesignating subparagraph (C) as sub-
12 paragraph (D); and

13 (3) by inserting after subparagraph (B) the fol-
14 lowing new subparagraph (C):

15 “(C) Eligible persons described in paragraph
16 (5)(D) of section 4101 of this chapter.”.

17 **SEC. 5. SOLID START PROGRAM: INTERACTION WITH TRAN-**
18 **SITION ASSISTANCE PROGRAM.**

19 (a) CLARIFICATION OF REFERENCE TO TAP.—Sub-
20 section (b) of section 6320 of title 38, United States Code,
21 is amended, in of paragraph (1), by striking “transition
22 classes or separation” and inserting “TAP classes or
23 preseparation counseling”.

24 (b) PROVISION OF TAP MATERIALS.—Such para-
25 graph is further amended—

1 (1) by redesignating subparagraphs (D)
2 through (H) as subparagraphs (E) through (I), re-
3 spectively; and

4 (2) by inserting after subparagraph (C) the fol-
5 lowing new subparagraph (D):

6 “(D) furnishing TAP materials to veterans;”.

7 (c) ASSESSMENT OF TAP.—Such paragraph is fur-
8 ther amended, in subparagraph (I), as redesignated, by
9 inserting “and of TAP” before the period.

10 (d) DEFINITIONS.—Such section is further amend-
11 ed—

12 (1) by striking paragraph (3) of subsection (b);
13 and

14 (2) by adding at the end the following new sub-
15 section:

16 “(c) DEFINITIONS.—In this section:

17 “(1) The term ‘TAP’ means the Transition As-
18 sistance Program under sections 1142 and 1144 of
19 title 10.

20 “(2) The term ‘Vet Center’ has the meaning
21 given such term in section 1712A(h) of this title.

22 “(3) The term ‘veterans service organization’
23 means an organization recognized by the Secretary

1 for the representation of veterans under section
2 5902 of this title.”.

○