

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7732
OFFERED BY *M.C. Van Orden*

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Enhancing the
3 Transitioning Servicemember’s Experience Act” or the
4 “ETS Act”.

5 **SEC. 2. TRANSITION ASSISTANCE PROGRAM: AMENDMENTS;**
6 **PILOT PROGRAMS; REPORTS.**

7 (a) REQUIREMENT OF PRESEPARATION COUN-
8 SELING: NUMBER OF DAYS.—Subsection (a) of section
9 1142 of title 10, United States Code, is amended, in para-
10 graph (1)—

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

12 (2) by adding at the end the following new sub-
13 paragraph:

14 “(B) The Secretary concerned shall ensure that a
15 member described in subparagraph (A) receives
16 preseparation counseling in the following amounts:

17 “(i) In the case of a member who has secured
18 full-time employment, or has enrolled in a program

1 of education or vocational training, that shall com-
2 mence after the member separates, retires, or is dis-
3 charged, not fewer than three days.

4 “(ii) In the case of a member other than a
5 member described in clause (i), not fewer than five
6 days.”.

7 (b) PROVISION OF PRESEPARATION COUNSELING:
8 THIRD PARTY COUNSELORS; IN-PERSON TO THE EXTENT
9 PRACTICABLE.—Such subsection is further amended, in
10 paragraph (2)—

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

12 and

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

15 “(B) Preseparation counseling may not be provided
16 by an individual responsible for the retention of members
17 in the armed force concerned.

18 “(C) Preseparation counseling shall be provided in
19 person to the extent practicable. If the Secretary con-
20 cerned determines that a member cannot attend such
21 counseling in person, such member may receive such coun-
22 seling remotely.”.

23 (c) WAIVER FOR CERTAIN MEMBERS OF THE RE-
24 SERVE COMPONENTS.—Such subsection is further amend-

1 ed, in paragraph (4), by adding at the end the following
2 new subparagraph:

3 “(D) The Secretary concerned may waive the require-
4 ment for preseparation counseling under paragraph (1) in
5 the case of a member of the reserve components if—

6 “(i) the member requests such a waiver;

7 “(ii) the member received preseparation coun-
8 seling during the period of three years preceding the
9 date of such request; and

10 “(iii) matters covered by such counseling, speci-
11 fied in subsection (b), have not changed since the
12 member last received such counseling.”.

13 (d) ELIGIBILITY OF A MEMBER WHO REENLISTS TO
14 RECEIVE PRESEPARATION COUNSELING.—Such sub-
15 section is further amended by adding at the end the fol-
16 lowing new paragraph:

17 “(5) The commanding officer of a member described
18 in this subsection may, on a space available basis, author-
19 ize such member to receive preseparation counseling, re-
20 gardless of whether such member reenlists or agrees to
21 a new period of obligated service.”.

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

1 (f) MINIMUM AMOUNT OF COUNSELING REGARDING
2 FINANCIAL PLANNING.—Such subsection is further
3 amended, in paragraph (9), by adding “Counseling under
4 this paragraph may not be shorter than one hour.” at the
5 end.

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

9 “(20) If the Secretary concerned determines
10 that a member is at risk of homelessness or food in-
11 security, information regarding Federal benefits for
12 low-income households, including the supplemental
13 nutrition assistance program (as such term is de-
14 fined in section 3 of the Food and Nutrition Act of
15 2008 (Public Law 88-525; 7 U.S.C. 2012)). In
16 making such determination, the Secretary concerned
17 shall consider factors including the following:

18 “(A) Whether the member is eligible for
19 the basic needs allowance under section 402b of
20 title 37.

21 “(B) Whether the member is being medi-
22 cally separated or is being retired under chapter
23 61 of this title.”

24 (h) PRESENTATION BY A VETERANS SERVICE ORGA-
25 NIZATION IN PRESEPARATION COUNSELING.—Such sub-

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

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

6 “(A) shall be standardized;

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

9 “(C) shall be submitted by the Secretary of
10 Veterans Affairs to the Committees on Armed
11 Services, and the Committees on Veterans’ Af-
12 fairs, of the Senate and House of Representa-
13 tives, for review at least 90 days before imple-
14 mentation;

15 “(D) shall be presented by—

16 “(i) a national representative of a vet-
17 erans service organization recognized
18 under section 5902 of title 38; or

19 “(ii) if a national representative is un-
20 available, a State or local representative of
21 such an organization authorized by the
22 Secretary concerned to so present;

23 “(E) shall include information on how a
24 veterans service organization may assist the

1 member in filing a claim described in paragraph
2 (19);

3 “(F) may not encourage the member to
4 join a particular veterans service organization;
5 and

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

7 (i) PATHWAY FOR MEMBERS OF THE RESERVE COM-
8 PONENTS.—Such section is further amended, in sub-
9 section (c)(1), in the matter preceding subparagraph (A),
10 by inserting “(including one pathway for members of the
11 reserve components)” after “military department con-
12 cerned”.

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

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

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

19 (3) by adding at the end the following new
20 paragraphs:

21 “(2) Before a member described in subsection (a)
22 separates, retires, or is discharged, the Secretary con-
23 cerned shall transmit to the Secretary of Veterans Affairs
24 the following information:

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

1 “(B) The Department of Defense Form DD-
2 2648 regarding such member.

3 “(C) The determination of the Secretary con-
4 cerned under subsection (b)(20) regarding such
5 member.”.

6 (k) INFORMATION PROVIDED TO STATE VETERANS
7 AGENCIES REGARDING MEMBERS SEPARATING FROM
8 THE ARMED FORCES.—

9 (1) EXPANSION.—Section 570F of the National
10 Defense Authorization Act for Fiscal Year 2020
11 (Public Law 116–92; 10 U.S.C. 1142 note) is
12 amended, in subsection (a)—

13 (A) by redesignating paragraph (8) as
14 paragraph (9); and

15 (B) by inserting, after paragraph (7), the
16 following new paragraph (8):

17 “(8) Benefits for low-income households, includ-
18 ing the supplemental nutrition assistance program
19 (as such term is defined in section 3 of the Food
20 and Nutrition Act of 2008 (Public Law 88–525; 7
21 U.S.C. 2012)).”.

22 (2) LIMITATION OF VOLUNTARY PARTICIPA-
23 TION.—Such section is further amended, in sub-
24 section (d), by striking “Information” and inserting
25 “Except for information related to whether an indi-

1 vidual is eligible for benefits described in paragraph
2 (8) of subsection (a), information”.

3 (1) DEPARTMENT OF LABOR EMPLOYMENT NAVI-
4 GATOR AND PARTNERSHIP PILOT PROGRAM.—

5 (1) ESTABLISHMENT.—Not later than one year
6 after the date of the enactment of this Act, the Sec-
7 retary of Labor, in consultation with the Secretary
8 of Defense, the Secretary of Homeland Security, and
9 the Secretary of Veterans Affairs, shall carry out a
10 pilot program to be known as the “Employment
11 Navigator and Partnership Pilot Program”. The
12 pilot program shall supplement the program under
13 section 1144 of title 10, United States Code.

14 (2) ACTIVITIES.—In carrying out the pilot pro-
15 gram under this subsection, the Secretary of Labor
16 shall—

17 (A) seek to enter into contracts with pub-
18 lic, private, and nonprofit entities under which
19 such entities provide individualized employment
20 counseling for members of the Armed Forces
21 and military spouses;

22 (B) prioritize entering into contracts with
23 qualified private entities that have experience
24 providing instruction to members of the Armed

1 Forces eligible for assistance under the pilot
2 program carried out under this section on—

3 (i) private sector culture, resume writ-
4 ing, career networking, and training on job
5 search technologies;

6 (ii) academic readiness and edu-
7 cational opportunities; or

8 (iii) other relevant topics, as deter-
9 mined by the Secretary;

10 (C) give a preference to any private entity
11 that—

12 (i) has a national or international geo-
13 graphical area of service;

14 (ii) provides multiple forms of career
15 assistance and placement services to—

16 (I) active duty members of the
17 Armed Forces;

18 (II) spouses of active duty mem-
19 bers of the Armed Forces;

20 (III) veterans; and

21 (IV) spouses of veterans;

22 (iii) provides services to at least 1,000
23 individuals who are—

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

1 (II) spouses of active duty mem-
2 bers of the Armed Forces;

3 (III) veterans; or

4 (IV) spouses of veterans;

5 (iv) has continuously, for at least the
6 three-year period immediately preceding
7 the date of the contract, provided services
8 to individuals who are—

9 (I) active duty members of the
10 Armed Forces;

11 (II) spouses of active duty mem-
12 bers of the Armed Forces;

13 (III) veterans; and

14 (IV) spouses of veterans; and

15 (v) has a demonstrated record of suc-
16 cess in providing assistance with employ-
17 ment services, as indicated by—

18 (I) the average wages or earnings
19 of people who receive employment
20 services provided by the entity;

21 (II) prior completion of Federal
22 grants or contracts;

23 (III) having at least 75 percent
24 of its participants find full-time em-
25 ployment within six months of initially

1 receiving employment services pro-
2 vided by the entity; and

3 (IV) other employment perform-
4 ance indicators, as determined by the
5 Secretary; and

6 (D) seek to enter into contracts with not
7 fewer than 10, but not more than 60, private
8 entities under which each such entity is com-
9 pensated at a rate agreed upon between the
10 Secretary and the entity for each individual who
11 receives employment services provided by the
12 entity; and

13 (E) conduct such other activities as may be
14 necessary for the delivery of individualized em-
15 ployment counseling and other employment
16 services under this subsection.

17 (3) REPORT.—Not later than October 1 of each
18 year during the term of the pilot program, the Sec-
19 retary of Labor shall submit to the Committees on
20 Armed Services and the Committees on Veterans'
21 Affairs of the Senate and House of Representatives
22 a report on the pilot program under this subsection,
23 including the employment outcomes for members of
24 the Armed Forces and military spouses who receive
25 employment services under the program.

1 (4) TERMINATION.—The pilot program shall
2 terminate five years after the date on which the Sec-
3 retary of Labor begins to carry out the pilot pro-
4 gram.

5 (m) PILOT PROGRAM FOR MILITARY SPOUSES.—

6 (1) ESTABLISHMENT.—Not later than one year
7 after the date of the enactment of this Act, the Sec-
8 retary of Defense shall establish a pilot program for
9 spouses of members of the covered Armed Forces
10 who are eligible to receive preseparation counseling
11 under TAP.

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

14 (3) CURRICULUM.—The Secretary of Defense,
15 in coordination with the Secretary of Veterans Af-
16 fairs and the Secretary of Labor, shall establish a
17 curriculum based on TAP for the pilot program.

18 (4) COUNSELING.—Counseling under the pilot
19 program shall—

20 (A) be tailored to the participating military
21 spouse;

22 (B) be offered at least once per calendar
23 quarter at each location selected under para-
24 graph (5);

1 (C) be offered at times including nights
2 and weekends; and

3 (D) include at least one hour regarding
4 benefits and assistance available to military
5 families and veterans from each department
6 under the jurisdiction of the Secretaries speci-
7 fied in subparagraph (C).

8 (5) LOCATIONS.—The Secretary of Defense
9 shall carry out the pilot program at not fewer than
10 five military installations of each of the covered
11 Armed Forces. One such location shall be located
12 outside the continental United States.

13 (6) REPORT.—Not later than one year before
14 the pilot program terminates, the Secretary of De-
15 fense shall submit to the Committees on Armed
16 Services of the Senate and House of Representatives
17 a report to the regarding the pilot program. Such re-
18 port shall include elements the Secretary determines
19 appropriate, including whether the pilot program
20 should be made permanent.

21 (7) TERMINATION.—The pilot program shall
22 terminate three years after the Secretary of Defense
23 establishes the pilot program.

24 (8) DEFINITIONS.—In this subsection:

1 (A) The term “covered Armed Force”
2 means the Army, Navy, Marine Corps, Air
3 Force, or Space Force.

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

7 (n) REPORTS; TRACKING SYSTEM.—

8 (1) ANNUAL REPORT ON TAP PARTICIPATION.—

9 Not later than one year after the date of the enact-
10 ment of this Act, and annually thereafter for four
11 years, the Secretary of Defense shall submit to the
12 Committees on Armed Services of the Senate and
13 House of Representatives a report on the Transition
14 Assistance Program. Such report shall include the
15 following elements with regards to the year pre-
16 ceding the date of such report, disaggregated by
17 Armed Force:

18 (A) The number of members described in
19 subsection (a)(1)(B)(ii) of section 1142 of title
20 10, United States Code, as added by subsection
21 (a), who received fewer than five days of
22 prepreparation counseling under such section,
23 disaggregated by military installation.

24 (B) The average period of time between
25 when a member begins to receive prepreparation

1 counseling and the day the member separates,
2 retires, or is discharged.

3 (C) The number of members who began to
4 receive preseparation counseling and then re-en-
5 listed or agreed to a new period of obligated
6 service.

7 (D) The number of members who began to
8 receive preseparation counseling and then were
9 deployed.

10 (E) The number of members assigned to
11 each pathway under subsection (c) of such sec-
12 tion.

13 (F) The frequency with which the com-
14 mander of a military installation received a
15 briefing regarding attendance of members in ac-
16 cordance with statutory requirements of the
17 Transition Assistance Program.

18 (2) ANNUAL REPORT ON VSO PRESEN-
19 TATIONS.—Not less than once each year after the
20 date of the enactment of this Act, the Secretary of
21 Veterans Affairs shall submit to the Committees on
22 Veterans' Affairs of the Senate and House of Rep-
23 resentatives a report—

24 (A) that identifies each veterans service or-
25 ganization that presented under paragraph (21)

1 of section 1142(b) of title 10, United States
2 Code, as added by subsection (h);

3 (B) that contains the number of members
4 of the Armed Forces who attended such presen-
5 tations; and

6 (C) that includes any recommendations of
7 the Secretary regarding changes to such presen-
8 tation or to such paragraph.

9 (3) TRACKING OF TIMELINESS.—

10 (A) IMPLEMENTATION.—Not later than
11 one year after the date of the enactment of this
12 Act, the Secretary of Defense shall implement
13 a system to track how many, and what percent-
14 age of, members of the Armed Forces begin to
15 receive preseparation counseling within the time
16 periods established in section 1142 of title 10,
17 United States Code.

18 (B) ANNUAL REPORT.—Not later than two
19 years after the date of the enactment of this
20 Act, and annually thereafter, the Secretary of
21 Defense shall submit to the Committees on
22 Armed Services, and the Committees on Vet-
23 erans' Affairs, of the Senate and House of Rep-
24 resentatives, a report on data recorded with
25 such tracking system during the year preceding

1 the date of such report. Such report shall in-
2 clude a list of the seven military installations lo-
3 cated inside the continental United States, and
4 three military installations located outside the
5 continental United States, where members are
6 least likely to receive TAP preseparation coun-
7 seling in accordance with such time periods.

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

9 (a) **STUDY REQUIRED.**—The Comptroller General of
10 the United States shall conduct a study of the Skillbridge
11 programs under section 1143(e) of title 10, United States
12 Code.

13 (b) **REPORT.**—Not later than two years after the date
14 of the enactment of this Act, the Comptroller General shall
15 submit to the Committees on Armed Services, and the
16 Committees on Veterans' Affairs, of the Senate and House
17 of Representatives, a report regarding such study. Such
18 report shall include observations and recommendations of
19 the Comptroller regarding, with respect to members and
20 employers who participate in Skillbridge—

21 (1) differences in criteria for participation be-
22 tween the Armed Forces;

23 (2) other differences in Skillbridge programs
24 between the Armed Forces;

1 (3) best practices in Skillbridge programs
2 across the Armed Forces, including—

3 (A) the selection of employers; and

4 (B) the development of contracts; and

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

7 **SEC. 4. EXPANSION OF ELIGIBILITY FOR A CERTAIN PRO-**
8 **GRAM OF JOB COUNSELING, TRAINING, AND**
9 **PLACEMENT SERVICE FOR VETERANS.**

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

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

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

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

18 (4) by adding at the end the following new sub-
19 paragraph:

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

23 (b) **OUTREACH.**—Section 4103A(a)(1) of such title is
24 amended—

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

4 (2) by redesignating subparagraph (C) as sub-
5 paragraph (D); and

6 (3) by inserting after subparagraph (B) the fol-
7 lowing new subparagraph (C):

8 “(C) Eligible persons described in paragraph
9 (5)(D) of section 4101 of this title.”

10 **SEC. 5. SOLID START PROGRAM: INTERACTION WITH TRAN-**
11 **SITION ASSISTANCE PROGRAM.**

12 (a) CLARIFICATION OF REFERENCE TO TAP.—Sub-
13 section (b) of section 6320 of title 38, United States Code,
14 is amended, in of paragraph (1), by striking “transition
15 classes or separation” and inserting “TAP classes or
16 preseparation counseling”.

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

19 (1) by redesignating subparagraphs (D)
20 through (H) as subparagraphs (E) through (I), re-
21 spectively; and

22 (2) by inserting after subparagraph (C) the fol-
23 lowing new subparagraph (D):

24 “(D) furnishing TAP materials to veterans;”

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

4 (d) DEFINITIONS.—Such section is further amend-
5 ed—

6 (1) by striking paragraph (3) of subsection (b);
7 and

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

10 “(c) DEFINITIONS.—In this section:

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

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

16 “(3) The term ‘veterans service organization’
17 means an organization recognized by the Secretary
18 for the representation of veterans under section
19 5902 of this title.”

