

111TH CONGRESS
2D SESSION

S. 3748

To amend title 10, United States Code, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 2010

Mr. WYDEN (for himself and Mrs. HAGAN) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide for the retention of members of the reserve components on active duty for a period of 45 days following an extended deployment in contingency operations or homeland defense missions to support their reintegration into civilian life, 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 “National Guard and
5 Reserve Soft Landing Reintegration Act”.

1 **SEC. 2. TEMPORARY RETENTION ON ACTIVE DUTY AFTER**
 2 **DEMOBILIZATION OF RESERVES FOLLOWING**
 3 **EXTENDED DEPLOYMENTS IN CONTINGENCY**
 4 **OPERATIONS OR HOMELAND DEFENSE MIS-**
 5 **SIONS.**

6 (a) TEMPORARY RETENTION ON ACTIVE DUTY.—

7 (1) IN GENERAL.—Chapter 1209 of title 10,
 8 United States Code, is amended by adding at the
 9 end the following new section:

10 **“§ 12323. Reserves: temporary retention on active**
 11 **duty after demobilization following ex-**
 12 **tended deployments in contingency oper-**
 13 **ations or homeland defense missions**

14 “(a) IN GENERAL.—Subject to subsection (d), a
 15 member of a reserve component of the armed forces de-
 16 scribed in subsection (b) shall be retained on active duty
 17 in the armed forces for a period of 45 days following the
 18 conclusion of the member’s demobilization from a deploy-
 19 ment as described in that subsection, and shall be author-
 20 ized the use of any accrued leave.

21 “(b) COVERED MEMBERS.—A member of a reserve
 22 component of the armed forces described in this subsection
 23 is any member of a reserve component of the armed forces
 24 who was deployed for more than 269 days under the fol-
 25 lowing:

26 “(1) A contingency operation.

1 “(2) A homeland defense mission (as specified
2 by the Secretary of Defense for purposes of this sec-
3 tion).

4 “(c) PAY AND ALLOWANCES.—Notwithstanding any
5 other provision of law, while a member is retained on ac-
6 tive duty under subsection (a), the member shall receive—

7 “(1) the basic pay payable to a member of the
8 armed forces under section 204 of title 37 in the
9 same pay grade as the member;

10 “(2) the basic allowance for subsistence payable
11 under section 402 of title 37; and

12 “(3) the basic allowance for housing payable
13 under section 403 of title 37 for a member in the
14 same pay grade, geographic location, and number of
15 dependents as the member.

16 “(d) EARLY RELEASE FROM ACTIVE DUTY.—(1)
17 Subject to paragraph (2), at the written request of a mem-
18 ber retained on active duty under subsection (a), the mem-
19 ber shall be released from active duty not later than the
20 end of the 14-day period commencing on the date the re-
21 quest was received. If such 14-day period would end after
22 the end of the 45-day period specified in subsection (a),
23 the member shall be released from active duty not later
24 than the end of such 45-day period.

1 “(2) The request of a member for early release from
 2 active duty under paragraph (1) may be denied only for
 3 medical or personal safety reasons. The denial of the re-
 4 quest shall require the affirmative action of an officer in
 5 a grade above O-5 who is in the chain of command of
 6 the member. If the request is not denied before the end
 7 of the 14-day period applicable under paragraph (1), the
 8 request shall be deemed to be approved, and the member
 9 shall be released from active duty as requested.

10 “(e) REINTEGRATION COUNSELING AND SERV-
 11 ICES.—(1) The Secretary of the military department con-
 12 cerned shall provide each member retained on active duty
 13 under subsection (a), while the member is so retained on
 14 active duty, counseling and services to assist the member
 15 in reintegrating into civilian life.

16 “(2) The counseling and services provided members
 17 under this subsection shall include the following:

18 “(A) Physical and mental health evaluations.

19 “(B) Employment counseling and assistance.

20 “(C) Marriage and family counseling and as-
 21 sistance.

22 “(D) Financial management counseling.

23 “(E) Education counseling.

1 “(F) Counseling and assistance on benefits
2 available to the member through the Department of
3 Defense and the Department of Veterans Affairs.

4 “(3) The Secretary of the military department con-
5 cerned shall provide, to the extent practicable, for the par-
6 ticipation of appropriate family members of members re-
7 tained on active duty under subsection (a) in the coun-
8 seling and services provided such members under this sub-
9 section.

10 “(4) The counseling and services provided to mem-
11 bers under this subsection shall, to the extent practicable,
12 be provided at National Guard armories and similar facili-
13 ties close the residences of such members.

14 “(5) Counseling and services provided a member
15 under this subsection shall, to the extent practicable, be
16 provided in coordination with the Yellow Ribbon Re-
17 integration Program of the State concerned under section
18 582 of the National Defense Authorization Act for Fiscal
19 Year 2008 (10 U.S.C. 10101 note).”.

20 (2) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of chapter 1209 of such title
22 is amended by adding at the end the following new
23 item:

“12323. Reserves: temporary retention on active duty after demobilization fol-
 lowing extended deployments in contingency operations or
 homeland defense missions.”.

1 (b) FUNDING FOR FISCAL YEAR 2011.—Amounts re-
2 quired during fiscal year 2011 for the retention of mem-
3 bers of reserve components of the Armed Forces on active
4 duty pursuant to section 12323 of title 10, United States
5 Code (as added by subsection (a)), shall be derived from
6 amounts authorized to be appropriated for the Depart-
7 ment of Defense for that fiscal year for operation and
8 maintenance for Defense-wide activities (other than
9 amounts authorized to be appropriated to that account for
10 activities of the reserve components of the Armed Forces).

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