

109TH CONGRESS
1ST SESSION

H. R. 2074

To amend title 10, United States Code, to improve transition assistance provided to members of the Armed Forces being discharged, released from active duty, or retired, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2005

Mr. ANDREWS 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 title 10, United States Code, to improve transition assistance provided to members of the Armed Forces being discharged, released from active duty, or retired, 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 “Service Members’ En-
5 hanced Transition Services Act of 2005”.

1 **SEC. 2. TRANSMITTAL TO DEPARTMENT OF VETERANS AF-**
2 **FAIRS OF MEDICAL RECORDS OF ALL MEM-**
3 **BERS SEPARATING FROM ACTIVE DUTY.**

4 Chapter 58 of title 10, United States Code, is amend-
5 ed—

6 (1) by inserting before subsection (c) of section
7 1142 the following:

8 **“§ 1142a. Members separating from active duty:**
9 **transmittal of medical records to Depart-**
10 **ment of Veterans Affairs”;**

11 and

12 (2) in section 1142a, as designated by para-
13 graph (1)—

14 (A) by striking “(c) TRANSMITTAL OF
15 MEDICAL INFORMATION TO DEPARTMENT OF
16 VETERANS AFFAIRS.—”;

17 (B) by striking “a member being medically
18 separated or being retired under chapter 61 of
19 this title” and inserting “each member of the
20 armed forces being discharged, released from
21 active duty, or retired”; and

22 (C) by inserting “of the member” before
23 the period at the end.

1 **SEC. 3. PRESEPARATION COUNSELING AND TRANSITION**
2 **SERVICES.**

3 (a) INDIVIDUALIZED SERVICES, ETC.—Subsection (a)
4 of section 1142 of title 10, United States Code, is amend-
5 ed—

6 (1) in the first sentence of paragraph (1)—

7 (A) by striking “shall (except as provided
8 in paragraph (4)) provide for individual
9 preseparation counseling of” and inserting
10 “shall (except as provided in paragraph (7))
11 provide preseparation counseling and additional
12 individualized transition services to”; and

13 (B) by inserting “under conditions other
14 than dishonorable” after “active duty”;

15 (2) by redesignating paragraph (4) as para-
16 graph (7); and

17 (3) by inserting after paragraph (3) the fol-
18 lowing new paragraphs:

19 “(4) For members of the reserve components being
20 separated from service on active duty for a period of more
21 than 30 days, the Secretary concerned shall require that
22 preseparation counseling and services under this section
23 be provided to all such members before the members are
24 separated.

1 “(5) In carrying out this section, the Secretary con-
2 cerned shall ensure that such counseling and services are
3 provided to officers as well as enlisted members.

4 “(6) The Secretary concerned shall ensure that com-
5 manders of members who are required to be provided
6 preseparation counseling and services under this section
7 authorize the members to be provided such counseling and
8 services during duty time.”.

9 (b) ADDITIONAL INFORMATION TO BE PROVIDED.—
10 Subsection (b) of such section is amended—

11 (1) by striking “COUNSELING.—Counseling
12 under” and inserting “COUNSELING AND ADDI-
13 TIONAL INDIVIDUALIZED TRANSITIONAL SERV-
14 ICES.—Counseling and additional individualized
15 transitional services under”;

16 (2) by striking “(4) Information concerning
17 Government” and inserting the following:

18 “(4) Provision of information concerning civil-
19 ian occupations and related assistance programs, in-
20 cluding information about—

21 “(A) certification and licensure require-
22 ments that are applicable to civilian occupa-
23 tions;

24 “(B) civilian occupations that correspond
25 to military occupational specialties; and

1 “(C) Government”; and

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

4 “(11) Information concerning the priority of
5 service for veterans in the receipt of employment,
6 training, and placement services provided under
7 qualified job training programs of the Department
8 of Labor.

9 “(12) Information concerning veterans small
10 business ownership and entrepreneurship programs
11 of the Small Business Administration and the Na-
12 tional Veterans Business Development Corporation.

13 “(13) Information concerning employment and
14 reemployment rights and obligations under chapter
15 43 of title 38.

16 “(14) Information concerning veterans pref-
17 erence in Federal employment and Federal procure-
18 ment opportunities.

19 “(15) Information concerning homelessness, in-
20 cluding risk factors, awareness assessment, and con-
21 tact information for preventative assistance associ-
22 ated with homelessness.

23 “(16) Contact information for housing coun-
24 seling and assistance.

1 “(17) A description (to be developed with the
2 assistance of the Secretary of Veterans Affairs) of
3 the health care and other benefits to which the
4 member may be entitled under the laws administered
5 by the Secretary of Veterans Affairs.

6 “(18) In the case of a member who, as deter-
7 mined pursuant to the preseparation physical exam-
8 ination conducted under section 1145(d) of this title,
9 may be eligible for compensation or pension benefits
10 under the laws administered by the Secretary of Vet-
11 erans Affairs, a referral (to be provided with the as-
12 sistance of the Secretary of Veterans Affairs) for a
13 medical examination by the Secretary of Veterans
14 Affairs referred to as a compensation and pension
15 examination.”.

16 (c) ADDITIONAL PROVISIONS.—Such section is fur-
17 ther amended by adding at the end the following new sub-
18 sections:

19 “(c) CONTENT RELEVANT TO REGULAR AND RE-
20 SERVE COMPONENT MEMBERS.—The Secretary concerned
21 shall ensure that preseparation counseling and services
22 under this section include material that is specifically rel-
23 evant to the needs of members being separated from active
24 duty from a regular component, the needs of members of
25 the reserve components being separated from active duty,

1 and the needs of members of the National Guard being
2 separated from full-time National Guard duty.

3 “(d) LOCATIONS FOR SERVICES TO BE PROVIDED.—
4 The Secretary concerned shall ensure that the locations
5 at which preseparation counseling and services are pro-
6 vided under this section include the following:

7 “(1) Each military installation under the juris-
8 diction of the Secretary.

9 “(2) Each armory and military family support
10 center of the National Guard.

11 “(3) Each inpatient medical care facility of the
12 uniformed services.

13 “(4) In the case of a member on the temporary
14 disability retired list under section 1202 or 1205 of
15 this title who is being retired under another provi-
16 sion of this title or is being discharged, a location
17 reasonably convenient to the member.

18 Counselors for the provision of preseparation counseling
19 and services may be made available on a appointment
20 basis and need not be stationed at the facilities specified
21 in paragraphs (1) through (4) permanently.

22 “(e) CONSISTENCY OF MATERIALS.—The Secretary
23 concerned shall ensure that the scope and content of the
24 materials presented as part of preseparation counseling
25 and services at each location under this section are con-

1 sistent with the scope and content of the materials pre-
2 sented as part of the preseparation counseling and services
3 at the other locations under this section.

4 “(f) POST-SEPARATION FOLLOW-UP FOR RESERVE
5 COMPONENT MEMBERS.—The Secretary concerned shall
6 ensure that follow-up counseling is provided for each mem-
7 ber of a reserve component separated from active duty not
8 later than 180 days after such separation.

9 “(g) UPDATED CONTENT OF MATERIALS AND AC-
10 TIVITIES.—The Secretary concerned shall, on a continuing
11 basis, update the content of the materials used by the Na-
12 tional Veterans Training Institute and other activities of
13 the Secretary that provide direct training support to per-
14 sonnel who provide preseparation counseling and other
15 services under this section.

16 “(h) NATIONAL GUARD MEMBERS ON DUTY IN
17 STATE STATUS.—Members of the National Guard being
18 separated from duty to which ordered under section 502(f)
19 of title 32 shall be provided preseparation counseling and
20 services under this section to the same extent that mem-
21 bers of a reserve component being discharged or released
22 from active duty are provided preseparation counseling
23 and services under this section.

24 “(i) MINIMUM REQUIRED INDIVIDUALIZED SERV-
25 ICES.—(1) In carrying out this section, the Secretary con-

cerned ensure that at least eight hours of individualized transition services are provided, in addition to preseparation counseling and group workshops, for each member provided counseling and services under this section.

“(2) In order to ensure that the requirements of paragraph (1) are met, the Secretary concerned shall ensure, for each fiscal year, that there is allocated, from the appropriate operation and maintenance or military personnel accounts, such amounts as necessary to provide for the individualized transition services required under that paragraph for each member expected to receive such services during the fiscal year.”.

(d) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading for section 1142 of such title is amended to read as follows:

“§ 1142. Members separating from active duty: preseparation counseling and transition services”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1142 and inserting the following new items:

“1142. Members separating from active duty: preseparation counseling and transition services.

“1142a. Members separating from active duty: transmittal of medical records to Department of Veterans Affairs.”.

1 **SEC. 4. DEPARTMENT OF LABOR TRANSITIONAL ASSIST-**
2 **ANCE PROGRAM.**

3 (a) ADDITIONAL ELEMENTS OF PROGRAM.—Sub-
4 section (b) of section 1144 of title 10, United States Code,
5 is amended by adding at the end the following new para-
6 graphs:

7 “(9) Provide information concerning the pri-
8 ority of service for veterans in the receipt of employ-
9 ment, training, and placement services provided
10 under qualified job training programs of the Depart-
11 ment of Labor.

12 “(10) Provide information concerning veterans
13 small business ownership and entrepreneurship pro-
14 grams of the Small Business Administration and the
15 National Veterans Business Development Corpora-
16 tion.

17 “(11) Provide information concerning employ-
18 ment and reemployment rights and obligations under
19 chapter 43 of title 38.

20 “(12) Provide information concerning veterans
21 preference in Federal employment and Federal pro-
22 curement opportunities.

23 “(13) Provide information concerning homeless-
24 ness, including risk factors, awareness assessment,

1 and contact information for preventative assistance
2 associated with homelessness.

3 “(14) Provide contact information for housing
4 counseling and assistance.

5 “(15) A description (to be developed with the
6 assistance of the Secretary of Veterans Affairs) of
7 the health care and other benefits to which the
8 member may be entitled under the laws administered
9 by the Secretary of Veterans Affairs.

10 “(16) In the case of a member who, as deter-
11 mined pursuant to the preseparation physical exam-
12 ination conducted under section 1145(d) of this title,
13 may be eligible for compensation or pension benefits
14 under the laws administered by the Secretary of Vet-
15 erans Affairs, a referral (to be provided with the as-
16 sistance of the Secretary of Veterans Affairs) for a
17 compensation and pension examination by the Sec-
18 retary of Veterans Affairs.”.

19 (b) REQUIRED PARTICIPATION FOR CERTAIN MEM-
20 BERS.—Subsection (c) of such section is amended to read
21 as follows:

22 “(c) PARTICIPATION.—(1) Subject to paragraph (2),
23 the Secretary of Defense and the Secretary of Homeland
24 Security shall require participation by members of the

1 armed forces eligible for assistance under the program
2 carried out under this section.

3 “(2) The Secretary of Defense and the Secretary of
4 Homeland Security need not require, but shall encourage
5 and otherwise promote, participation in the program by
6 the following members described in paragraph (1):

7 “(A) A member who has previously participated
8 in the program.

9 “(B) A member who, upon discharge or release
10 from active duty, is returning to—

11 “(i) a position of employment; or

12 “(ii) pursuit of an academic degree or
13 other educational or occupational training ob-
14 jective that the member was pursuing when
15 called or ordered to such active duty.

16 “(3) Members of the armed forces eligible for assist-
17 ance under this section include members of the reserve
18 components being separated from service on active duty
19 for a period of more than 30 days and members of the
20 National Guard being separated from full-time National
21 Guard duty.

22 “(4) The Secretary concerned shall ensure that com-
23 manders of members who are required to be provided as-
24 sistance under this section authorize the members to be
25 provided such assistance during duty time.”.

1 (c) REQUIRED UPDATING OF MATERIALS.—Such
2 section is further amended by adding at the end the fol-
3 lowing new subsection:

4 “(e) UPDATING OF MATERIALS.—The Secretary
5 shall, on a continuing basis, update the content of the ma-
6 terials used by the National Veterans Training Institute
7 of the Department of Labor and the Secretary’s other ma-
8 terials that provide direct training support to personnel
9 who carry out the program established in this section.”.

10 (d) CROSS-REFERENCE AMENDMENT.—Subsection
11 (a)(1) of such section is amended by striking “paragraph
12 (4)(A)” in the second sentence and inserting “paragraph
13 (7)(A)”.

○