

118TH CONGRESS
1ST SESSION

H.R. _____

To improve access to service-earned benefits for Reserve and National Guard members, veterans, and their families, and for other purposes.

A BILL

To improve access to service-earned benefits for Reserve and National Guard members, veterans, and their families, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Delivering Reservist Integration and Veterans Education Act” or the “DRIVE Act”.

SECTION 2. FEDERAL INTERAGENCY TASK FORCE ON RESERVE COMPONENT BENEFITS AND RESOURCES.

- a) Establishment. – The Secretary of Defense and Secretary of Veterans Affairs, in conjunction with the Secretary of Homeland Security and Secretary of Labor, shall establish an Interagency Task Force on Reserve Component Benefits and Resources.
- b) Membership. –
 - 1) NUMBER; COMPOSITION. – The Secretary of Defense and Secretary of Veterans Affairs shall appoint not more than 15 individuals to the Task Force in accordance with the following:
 - A) 12 of the appointees shall include representatives of or individuals with career experience in:
 - i) Each of the uniformed services’ Reserve Components;
 - ii) The Veterans Benefits Administration;

- iii) The Veterans Health Administration;
- iv) The National Cemetery Administration; *and*
- v) The Department of Labor.

B) 3 of the appointees shall include a representative of:

- i) A veterans organization recognized under section 5902 of title 38; *and*
- ii) A congressionally chartered veterans service organization.

C) QUALIFICATIONS. – The Secretary of Defense and Secretary of Veterans Affairs shall appoint to the Task Force individuals who have demonstrated expertise in the following areas:

- A) Reserve Component personnel management;
- B) Military personnel policy;
- C) Veterans Affairs claims process(es);
- D) Military to civilian transition assistance;
- E) Reserve Component veterans' affairs benefits and policy.

D) CO-CHAIRS. – There shall be two Co-Chairs of the Task Force:

- i) The Secretary of Defense, or a designee of his or her selection; *and*
- ii) The Secretary of Veterans Affairs, or a designee of his or her selection.

E) DEADLINE. – The Secretary of Defense and Secretary of Veterans Affairs shall appoint all members of the Task Force not later than 90 days after the date of the enactment of this Act.

c) Mission. – The Task Force shall, on a biennial basis, review relevant statutes, policies, regulations, programs, trainings, services, and guidance to ensure members of a reserve component of the Uniformed Services and their families are informed on and have access to:

- 1) The benefits to which they are or may be eligible to receive from the Department of Veterans Affairs;
- 2) The protections to which they are afforded under the law as serving and separated members of a reserve component of the Uniformed Services; *and*
- 3) Resources and services that enable best practices, for serving and separated members of a reserve component of the Uniformed Services, to access:
 - i) Benefits available under the laws administered by the Secretary of Veterans Affairs; *and*
 - ii) Protections to which a serving or separated reserve component member of the Uniformed Services, their spouses, or dependents are afforded under the law, including employment and reemployment rights and obligations under chapter 43 of title 38.

d) Assessment and Recommendations on Reserve Component Benefits and Resources. –

1) In General. – Not later than one year after the date on which all members of the Task Force have been appointed, and every other year thereafter, the Task Force shall submit a report containing an assessment of, and recommendations for improving:

- i) Access to benefits available under the laws administered by the Secretary of Veterans Affairs;
- ii) Protections to which a serving or separated reserve component member of the Uniformed Services, their spouses, or dependents are afforded under the law, including employment and reemployment rights and obligations under chapter 43 of title 38; *and*
- iii) Resources and services, offered in whole or in part by the Secretary of Veterans Affairs, Secretary of Defense, Secretary of Labor, Secretary of Homeland Security, or Secretary of Health and Human Services, to serving and separated members of a reserve component of the Uniformed Services, or the spouses or dependents of such members, to educate or otherwise assist in receiving:

- i) Benefits available under the laws administered by the Secretary of Veterans Affairs; *and*
- ii) Protections to which a serving or separated reserve component member of the Uniformed Services, their spouses, or dependents are afforded under the law, including employment and reemployment rights and obligations under chapter 43 of title 38.

2) Use of Other Efforts. – In preparing the report, the Task Force shall take into consideration completed and ongoing efforts by the President, Congress, Secretary of Defense, Secretary of Veterans Affairs, Secretary of Homeland Security, Secretary of Labor, and Secretary of Health and Human Services to improve access to benefits for serving or separated members of a reserve component of the Uniformed Services, their spouses, or dependents.

e) Elements. – The assessment and recommendations (including recommendations for legislative or administrative action) shall include:

- (a) Disability compensation paid by the Secretary of Veterans Affairs;
- (b) The Veterans Pension program;
- (c) Home loan services and housing assistance benefits available under the laws administered by the Secretary of Veterans Affairs;
- (d) Educational assistance benefits available under the laws administered by the Secretary of Veterans Affairs;
- (e) Health care, medical care, and dental care available under the laws administered by the Secretary of Veterans Affairs;
- (f) Burial and memorial benefits available under the laws administered by the Secretary of Veterans Affairs;
- (g) Life insurance programs available under the laws administered by the Secretary of Veterans Affairs;

- (h) Benefits and services for members being separated or recently separated under Chapter 58 of Title 10;
- (i) Rehabilitation and employment services and benefits available under the laws administered by the Secretary of Veterans Affairs;
- (j) Support services for family caregivers under the laws administered by the Secretary of Veterans Affairs;
- (k) Small business ownership and entrepreneurship programs of the Small Business Administration;
- (l) Employment, training, and placement services provided under qualified job training programs of the Department of Labor;
- (m) Employment and reemployment rights and obligations under chapter 43 of title 38.
- (n) Other matters the Task Force determines appropriate.

f) Report. –

- 1) Submission. – The Task Force shall submit the report to the President, veterans and defense congressional committees, Secretary of Defense, Secretary of Veterans Affairs, Secretary of Homeland Security, Secretary of Labor, and Secretary of Health and Human Services. The report shall include:
 - A) A description of the activities of the Task Force;
 - B) The assessment and recommendations of the Task Force required by subsections (e) and (f); and
 - C) Other matters that the Task Force determines appropriate.

SECTION 3. CHANGES IN ELIGIBILITY TO RECEIVE PRESEPARATION COUNSELING.¹

Other Qualifying Duty. – Sec. 1142(a)(4)(A) of title 10, United States Code, Chapter 58, is amended –

- (1) by striking “first 180 continuous days of active duty” and inserting “completion of 180 days of active service”; and
- (2) by striking “(i) the member performed full-time training duty or annual training; and”.

¹ How Sec. 1142(a)(4) reads with amendments provided by Sec. 3 of the DRIVE Act:

(4)(A) Subject to subparagraph (B), the Secretary concerned shall not provide preseparation counseling to a member who is being discharged or released before the completion of 180 days of active service of the member.

(B) Subparagraph (A) shall not apply in the case of a member who is being retired or separated for disability.

(C) For purposes of calculating the days of active duty of a member under subparagraph (A), the Secretary concerned shall exclude any day on which the member attended, while in the active military service, a school designated as a service school by law or by the Secretary concerned.

SECTION 4. CHANGES IN MATTERS COVERED BY COUNSELING.

(a) Establishment of Counseling for Active Component. – Sec. 1142 (b) of title 10, United States Code, Chapter 58, is amended –

- (1) by striking “Matters To Be Covered By Counseling” and inserting “Matters to Be Covered By Active Component Counseling”; and
- (2) by inserting “for each member of the active component of the armed forces discharged or released from active duty subject to Sec.1142 (a) of this title” after “section”.²

(b) Establishment of Counseling for Reserve Component. – Sec. 1142 (b) of title 10, United States Code, Chapter 58, is amended by adding at the end the following new paragraph:

“(c) Matters to Be Covered By Reserve Component Counseling. — Counseling under this section for each member of a reserve component of the armed forces subject to Sec.1142(a) of this title shall include the following:

- 1) A discussion of the educational assistance benefits to which the member is entitled under the Montgomery GI Bill Selected Reserve and other educational assistance programs under laws administered by the Secretary of Veterans Affairs and Secretary of Defense.
- 2) A description (to be developed with the assistance of the Secretary of Veterans Affairs) of the compensation and vocational rehabilitation benefits to which the member may be entitled under laws administered by the Secretary of Veterans Affairs, if the member is being medically separated or is being retired under chapter 61 of this title.
- 3) An explanation of the circumstances under which the member may be subject to a retired recall to active duty.
- 4) Provision of information on civilian occupations and related assistance programs, including information concerning:
 - (A) certification and licensure requirements that are applicable to civilian occupations, including State-submitted and approved lists of military training and skills that satisfy occupational certifications and licenses;
 - (B) civilian occupations that correspond to military occupational specialties; and
 - (C) Government and private-sector programs for job search and job placement assistance, including information regarding the placement programs established under sections 1152 and 1153 of this title and the Troops-to-Teachers Program.

² **How Sec. 1142(b) reads with amendments provided by Sec. 4 of the DRIVE Act:**

(b) Matters To Be Covered By Active Component Counseling. — Counseling under this section for each member of the active component of the armed forces discharged or released from active duty subject to Sec.1142 (a) of this title shall include the following:

- 5) If the member has a spouse, inclusion of the spouse, at the discretion of the member and the spouse, on counseling for all matters covered by section (c) of this title, including when counseling regarding the matters covered by paragraphs (9), (10), and (16) is provided, job placement counseling for the spouse, and the provision of information on survivor benefits available under the laws administered by the Secretary of Defense and the Secretary of Veterans Affairs.
- 6) Information concerning the availability of relocation assistance services and other benefits and services available to persons leaving military service, as provided under section 1144 of this title.
- 7) Information concerning the availability of medical and dental coverage following separation from active service, including the opportunity to elect into the conversion health policy provided under section 1145 of this title.
- 8) Counseling (for the member and dependents of such member) on the effect of career change(s) on individuals and their families and the availability (for the member and dependents of such member) to suicide prevention resources following separation from a reserve component of the armed forces.
- 9) Information on financial planning assistance, including consumer protections afforded under the Servicemembers Civil Relief Act and Military Lending Act and information on budgeting, saving, credit, loans, and taxes.
- 10) The creation of a transition plan for the member to attempt to achieve the educational, training, employment, career, and financial objectives of the member and, if the member has a spouse, the spouse of the member.
- 11) Information concerning the availability of mental health services and the treatment of post-traumatic stress disorder, anxiety disorders, depression, suicidal ideations, or other mental health conditions associated with service in the armed forces, including those provided by the *NOPAIN Act*, and information concerning the availability of treatment options and resources to address substance abuse, including alcohol, prescription drug, and opioid abuse.
- 12) Information concerning the priority of service for veterans in the receipt of employment, training, and placement services provided under qualified job training programs of the Department of Labor.
- 13) Information concerning veterans' small business ownership and entrepreneurship programs of the Small Business Administration.
- 14) Information concerning employment and reemployment rights and obligations under chapter 43 of title 38.
- 15) Information concerning veterans' preference in Federal employment and Federal procurement opportunities.
- 16) Information on home loan services and housing assistance benefits available under the laws administered by the Secretary of Veterans Affairs and counseling on responsible borrowing practices.
- 17) A description, developed in consultation with the Secretary of Veterans Affairs, of health care and other benefits to which the member may be entitled under the laws administered by the Secretary of Veterans Affairs, and information regarding the means by which the member can receive additional

counseling regarding the member's actual entitlement to such benefits and apply for such benefits.

- 18) A description, developed in consultation with the Secretary of Veterans Affairs, of the assistance and support services for family caregivers of eligible veterans under the program conducted by the Secretary of Veterans Affairs pursuant to section 1720(G) of title 38, including the veterans covered by the program, the caregivers eligible for assistance and support through the program, and the assistance and support available through the program.
- 19) Information regarding how to file claims for benefits available to the member under laws administered by the Secretaries of Defense and Veterans Affairs.
- 20) Information, discussion, and counsel on pathways to obtain and properly use military service records for the purpose of accessing benefits available to the member under the laws administered by the Secretary of Defense and Secretary of Veterans Affairs.
- 21) Information, discussion, and counsel on pathways to report and document health conditions and duty status, during time in service and following separation from service, for the purpose of accessing benefits available to the member under the laws administered by the Secretary of Defense and Secretary of Veterans Affairs.
- 22) Information and discussion on the Retirement Points Accounting System, verifying retirement point calculations, and retirement benefits to which the member is eligible for or may be eligible to receive in the future, including the filing for and receipt of retirement pay.
- 23) Other topics determined by the Secretary concerned.”

SECTION 5. RESERVE COMPONENT CURRICULUM WITHIN THE TRANSITION ASSISTANCE PROGRAM.

- (a) Establishment — Sec. 1144(b) of title 10, United States Code, Chapter 58, is amended by adding at the end the following new paragraph:

“ (c) In General. – 1.) The Secretary of Labor, in conjunction with the Secretary of Defense, Secretary of Homeland Security, and Secretary of Veterans Affairs, shall establish and maintain a program to furnish:

- (A) Resources and information to a member of a reserve component of the Armed Forces and the spouses and dependents of such member throughout each phase of the deployment cycle; and
- (B) Resources, services, counseling, and assistance to members of a reserve component of the Armed Forces subject to Sec. 1142(b) of this title and the spouses and dependents of such members for the purposes of identifying employment and training opportunities, help in obtaining such employment and training, and accessing benefits and programs under laws administered by the Secretary of Veterans Affairs, Secretary of Defense, and Secretary of Labor.

- 2.) The Secretary of Defense, Secretary of Homeland Security, and Secretary of Veterans Affairs shall collaborate and cooperate with the Secretary of Labor in establishing and maintaining the program under this section.
- 3.) The Secretaries referred to in paragraph (1) shall enter into a detailed agreement to carry out this section.
- 4.) Elements of Program. — (1) In establishing and carrying out the program under section SEC. 5(a)(1)(A), the Secretary of Labor shall do the following:
 - (1) Ensure the Program can be accessed online by the member and spouse of such member covered under this section.
 - (2) Provide resources and information on the benefits available to the member and the spouse and dependents of such member under the laws administered by the Secretary of Defense, Secretary of Veterans Affairs, and Secretary of Labor throughout all phases of the deployment cycle, including TRICARE.
 - (3) Provide resources and information on Federal, State, and local programs, and programs of military and veterans' service organizations, that enable the member and the spouse and dependents of such member to address unique challenges faced throughout each phase of the deployment cycle, including the Yellow Ribbon Reintegration Program and Employer Support of the Guard and Reserve Program.
 - (4) Provide resources and information concerning pathways to report and document health conditions and duty status, during time in service and following separation from service, for the purpose of accessing benefits available to the member and the spouse and dependents of such member under the laws administered by the Secretary of Defense and Secretary of Veterans Affairs.
 - (5) Provide resources and information on the Retirement Points Accounting System and its relation to accruing a qualifying year and receiving benefits available to the member and the spouse and dependents of such member under the laws administered by the Secretary of Defense and Secretary of Veterans Affairs, including retirement pay.
 - (6) Provide resources and information on pathways to obtain and properly use military service records for the purpose of accessing benefits available to the member and the spouse and dependents of such member under the laws administered by the Secretary of Defense and Secretary of Veterans Affairs.
 - (7) Provide resources and information on financial planning assistance, including consumer protections afforded under the Servicemembers Civil Relief Act and Military Lending Act and information on budgeting, savings, credit, loans, and taxes.
 - (8) Provide resources and information concerning employment and reemployment rights and obligations under chapter 43 of title 38.
 - (9) Provide resources and information concerning small business ownership and entrepreneurship programs of the Small Business Administration.
 - (10) Provide resources and information for transition planning for the member to attempt to achieve the educational, training, employment, career, and

financial objectives of the member and, if the member has a spouse, the spouse of the member.

- (11) Provide resources and information concerning the availability of mental health services and the treatment of post-traumatic stress disorder, anxiety disorders, depression, suicidal ideations, or other mental health conditions associated with service in the armed forces, including those provided by the *NOPAIN Act*, and information concerning the availability of treatment options and resources to address substance abuse, including alcohol, prescription drug, and opioid abuse.
 - (12) Provide additional information and resources as deemed necessary.
- (2) In establishing and carrying out the program under section SEC. 5(a)(1)(B), the Secretary of Labor shall do the following:
- (1) Ensure the Program can be accessed in-person and online by the member and spouse of such member covered under this section.
 - (2) Provide information concerning employment and training assistance, including (A) labor market information, (B) civilian workplace requirements and employment opportunities (including apprenticeship programs approved under chapters 30 through 36 of title 38), (C) instruction in resumé preparation, and (D) job analysis techniques, job search techniques, and job interview techniques.
 - (3) In providing information under paragraph (2), use experience obtained from implementation of the pilot program established under section 408 of Public Law 101–237.
 - (4) Provide resources and information, developed in consultation with the Secretary of Defense and Secretary of Veterans Affairs, on health care and other benefits to which the member may be entitled to receive under the laws administered by the Secretary of Defense and Secretary of Veterans Affairs, and information regarding how the member can receive additional counseling regarding the member's actual entitlement to such benefits and apply for such benefits.
 - (5) Provide information regarding the required deduction, pursuant to subsection (h) of section 1175a of this title, from disability compensation paid by the Secretary of Veterans Affairs of amounts equal to any voluntary separation pay received by the member under such section.
 - (6) Provide information concerning Federal, State, and local programs, and programs of military and veterans' service organizations, that may be of assistance to such members after separation from the armed forces, including, as appropriate, the information and services to be provided under section 1142 of this title.
 - (7) Inform such members that the Department of Defense and the Department of Homeland Security are required under section 1143(a) of this title to provide proper certification or verification of job skills and experience acquired while on active duty that may have application to employment in the civilian sector for use in seeking civilian employment and in obtaining job search skills.
 - (8) Information, discussion, and counsel on pathways to obtain and properly use military service records for the purpose of accessing benefits available to the member under the laws administered by the Secretary of Defense and Secretary of Veterans Affairs.

- (9) Information, discussion, and counsel on pathways to report and document health conditions and duty status, during time in service and following separation from service, for the purpose of accessing benefits available to the member under the laws administered by the Secretary of Defense and Secretary of Veterans Affairs.
- (10) Information and discussion on the Retirement Points Accounting System, verifying retirement point calculations, and retirement benefits to which the member may be eligible to receive, including the filing for and receipt of retirement pay.
- (11) Provide information about the geographic areas in which such members will relocate after separation from the armed forces, including, to the degree possible, information about employment opportunities, the labor market, and the cost of living in those areas (including, to the extent practicable, the cost and availability of housing, childcare, education, and medical and dental care).
- (12) Provide information and other assistance to such members in their efforts to obtain loans and grants from the Small Business Administration and other Federal, State, and local agencies.
- (13) Work with military and veterans' service organizations and other appropriate organizations in promoting and publicizing job fairs for such members.
- (14) Provide information about disability-related employment and education protections.
- (15) Provide additional information and resources as deemed necessary.”.

(b) Establishment of Program Contents for Active Component. – Sec. 1144(f) of title 10, United States Code, Chapter 58, is amended by striking “Program Contents” and inserting “Program Contents for the Active Component.”

(c) Establishment of Program Contents for Reserve Component. – Sec. 1144 of title 10 is amended by adding at the end the following new paragraph:

“(g) Program Contents for Reserve Component. – (1) The program carried out under Sec. 5(a)(1)(B) shall consist of instruction as follows:

(A) One day of preseparation counseling specific to the component of the armed force concerned, as determined by the Secretary.

(B) One day of instruction regarding –

- i) benefits under laws administered by the Secretary of Veterans Affairs.
- ii) how to file claims for benefits available to the member under laws administered by the Secretaries of Defense and Veterans Affairs.
- iii) other subjects determined by the Secretary concerned.

(C) One day of instruction regarding –

- i) transition planning for the member to attempt to achieve the educational, training, employment, career, and financial objectives of the member and, if the member has a spouse, the spouse of the member;
- ii) financial planning assistance, including consumer protections afforded under the Servicemembers Civil Relief Act and Military Lending Act and information on budgeting, saving, credit, loans, and taxes;
- iii) information concerning employment and reemployment rights and obligations under chapter 43 of title 38; and
- iv) Other subjects determined by the Secretary concerned.

(D) Two days of instruction regarding topics selected by the member from the following subjects:

- i) benefits under laws administered by the Secretary of Veterans Affairs;
- ii) pathways to obtain and properly use military service records for the purpose of accessing benefits available to the member under the laws administered by the Secretary of Defense and Secretary of Veterans Affairs;
- iii) pathways to report and document health conditions and duty status, during time in service and following separation from service, for the purpose of accessing benefits available to the member under the laws administered by the Secretary of Defense and Secretary of Veterans Affairs;
- iv) the Retirement Points Accounting System, including verifying retirement point calculations and information on retirement benefits to which the member may be eligible to receive, including the filing for and receipt of retirement pay;
- v) transition planning for the member to attempt to achieve the educational, training, employment, career, and financial objectives of the member and, if the member has a spouse, the spouse of the member;
- vi) availability of mental health services and the treatment of post-traumatic stress disorder, anxiety disorders, depression, suicidal ideations, or other mental health conditions associated with service in the armed forces, including those provided by the *NOPAIN Act*, and information concerning the availability of treatment options and resources to address substance abuse, including alcohol, prescription drug, and opioid abuse;
- vii) relocation assistance services and other benefits and services available to persons leaving military service, as provided under section 1144 of this title;
- viii) retired recall to active duty; and
- ix) Other subjects determined by the Secretary concerned.

(2) The Secretary concerned may permit a member to attend training and instruction under the program established under this section —

- (A) before the time periods established under section 1142(a)(3) of this title;
- (B) in addition to such training and instruction required during such time periods.”.

SECTION 6. VETERANS PREFERENCE: MODIFICATION OF 180 DAY SERVICE REQUIREMENT AND EXTENSION TO ALL RETIRED MEMBERS OF THE ARMED FORCES.

Section 2108 of title 5, United States Code, is amended –

- (1) In subparagraphs (B) and (D) of paragraph (1), by striking “consecutive” in each instance and inserting “total”;
- (2) In paragraph (3), in the matter preceding subparagraph (A), by striking “except as provided in paragraph (4) of this section or section 2108a(e)” and inserting “consistent with paragraph (4) of this section and except as provided in section 2108(e)”; and
- (3) By amending paragraph (4) to read as follows:

“(4) ‘preference eligible’ includes a retired member of the armed forces; and”.