

**§ 1144. Employment assistance, job training assistance, and other transitional services: Department of Labor**

(a) IN GENERAL.—(1) The Secretary of Labor, in conjunction with the Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs, shall establish and maintain a program to furnish counseling, assistance in identifying employment and training opportunities, help in obtaining such employment and training, and other related information and services to members of the armed forces under the jurisdiction of the Secretary concerned who are being separated from active duty and the spouses of such members. Such services shall be provided to a member within the time periods provided under paragraph (3) of section 1142(a) of this title, except that the Secretary concerned shall not provide pre-separation counseling to a member described in paragraph (4)(A) of such section.

(2) The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall 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.

(b) ELEMENTS OF PROGRAM.—In establishing and carrying out a program under this section, the Secretary of Labor shall do the following:

(1) Provide information concerning employment and training assistance, including (A) labor market information, (B) civilian work place requirements and employment opportunities, (C) instruction in resumé preparation, and (D) job analysis techniques, job search techniques, and job interview techniques.

(2) In providing information under paragraph (1), use experience obtained from implementation of the pilot program established under section 408 of Public Law 101–237.

(3) 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.

(4) 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.

(5) 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.

(6) 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, child care, education, and medical and dental care).

(7) Work with military and veterans' service organizations and other appropriate organizations in promoting and publicizing job fairs for such members.

(8) Provide information regarding the public and community service jobs program carried out under section 1143a of this title.

(9) Provide information about disability-related employment and education protections.

(10) 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.

(11) Acting through the Secretary of the department in which the Coast Guard is operating, provide information on career and employment opportunities available to members with transportation security cards issued under section 70105 of title 46.

(c) PARTICIPATION.—(1) Except as provided in paragraph (2), the Secretary of Defense and the Secretary of Homeland Security shall require the participation in the program carried out under this section of the members eligible for assistance under the program.

(2) The Secretary of Defense and the Secretary of Homeland Security may, under regulations such Secretaries shall prescribe, waive the participation requirement of paragraph (1) with respect to—

(A) such groups or classifications of members as the Secretaries determine, after consultation with the Secretary of Labor and the Secretary of Veterans Affairs, for whom participation is not and would not be of assistance to such members based on the Secretaries' articulable justification that there is extraordinarily high reason to believe the exempted members are unlikely to face major readjustment, health care, employment, or other challenges associated with transition to civilian life; and

(B) individual members possessing specialized skills who, due to unavoidable circumstances, are needed to support a unit's imminent deployment.

(d) USE OF PERSONNEL AND ORGANIZATIONS.—In carrying out the program established under this section, the Secretaries may—

(1) provide, as the case may be, for the use of disabled veterans outreach program specialists, local veterans' employment representatives, and other employment service personnel funded by the Department of Labor to the extent that the Secretary of Labor determines that such use will not significantly interfere with the provision of services or other benefits to eligible veterans and other eligible recipients of such services or benefits;

(2) use military and civilian personnel of the Department of Defense and the Department of Homeland Security;

(3) use personnel of the Veterans Benefits Administration of the Department of Veterans

Affairs and other appropriate personnel of that Department;

(4) use representatives of military and veterans' service organizations;

(5) enter into contracts with public entities;

(6) enter into contracts with private entities, particularly with qualified private entities that have experience with instructing members of the armed forces eligible for assistance under the program carried out under this section on—

(A) private sector culture, resume writing, career networking, and training on job search technologies;

(B) academic readiness and educational opportunities; or

(C) other relevant topics; and

(7) take other necessary action to develop and furnish the information and services to be provided under this section.

(e) PARTICIPATION IN APPRENTICESHIP PROGRAMS.—As part of the program carried out under this section, the Secretary of Defense and the Secretary of Homeland Security may permit a member of the armed forces eligible for assistance under the program to participate in an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), or a pre-apprenticeship program that provides credit toward a program registered under such Act, that provides members of the armed forces with the education, training, and services necessary to transition to meaningful employment that leads to economic self-sufficiency.

(f) ADDITIONAL TRAINING OPPORTUNITIES.—(1) As part of the program carried out under this section, the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating, when the Coast Guard is not operating within the Department of the Navy, shall permit a member of the armed forces eligible for assistance under the program to elect to receive additional training in any of the following subjects:

(A) Preparation for higher education or training.

(B) Preparation for career or technical training.

(C) Preparation for entrepreneurship.

(D) Other training options determined by the Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating, when the Coast Guard is not operating within the Department of the Navy.

(2) The Secretary of Defense and the Secretary of the Department in which the Coast Guard is operating, when the Coast Guard is not operating within the Department of the Navy, shall ensure that a member of the armed forces who elects to receive additional training in subjects available under paragraph (1) is able to receive the training.

(Added Pub. L. 101-510, div. A, title V, §502(a)(1), Nov. 5, 1990, 104 Stat. 1553; amended Pub. L. 102-190, div. A, title X, §1061(a)(6), Dec. 5, 1991, 105 Stat. 1472; Pub. L. 102-484, div. D, title XLIV, §§4462(c), 4469, Oct. 23, 1992, 106 Stat. 2740, 2752;

Pub. L. 103-337, div. A, title V, §543(b), Oct. 5, 1994, 108 Stat. 2769; Pub. L. 107-103, title III, §302(b), Dec. 27, 2001, 115 Stat. 992; Pub. L. 107-107, div. A, title X, §1048(e)(1), Dec. 28, 2001, 115 Stat. 1227; Pub. L. 107-296, title XVII, §1704(b)(1), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 112-56, title II, §§221(a), 224, 225, Nov. 21, 2011, 125 Stat. 715, 718; Pub. L. 113-66, div. A, title V, §521(a), Dec. 26, 2013, 127 Stat. 755; Pub. L. 114-92, div. A, title V, §553, Nov. 25, 2015, 129 Stat. 823; Pub. L. 114-328, div. A, title V, §§563, 564(a), Dec. 23, 2016, 130 Stat. 2138.)

#### REFERENCES IN TEXT

Section 408 of Public Law 101-237, referred to in subsec. (b)(2), is set out as a note under section 4100 of Title 38, Veterans' Benefits.

The National Apprenticeship Act, referred to in subsec. (e), is act Aug. 16, 1937, ch. 663, 50 Stat. 664, which is classified generally to chapter 4C (§50 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 50 of Title 29 and Tables.

#### AMENDMENTS

2016—Subsec. (b)(10). Pub. L. 114-328, §563, added par. (10).

Subsec. (b)(11). Pub. L. 114-328, §564(a), added par. (11). 2015—Subsec. (f). Pub. L. 114-92 added subsec. (f).

2013—Subsec. (b)(9). Pub. L. 113-66 added par. (9).

2011—Subsec. (c). Pub. L. 112-56, §221(a), amended subsec. (c) generally. Prior to amendment, text read as follows: “The Secretary of Defense and the Secretary of Homeland Security shall encourage and otherwise promote maximum participation by members of the armed forces eligible for assistance under the program carried out under this section.”

Subsec. (d)(5). Pub. L. 112-56, §224(1), substituted “public entities;” for “public or private entities; and”.

Subsec. (d)(6), (7). Pub. L. 112-56, §224(2), (3), added par. (6) and redesignated former par. (6) as (7).

Subsec. (e). Pub. L. 112-56, §225, added subsec. (e).

2002—Subsecs. (a)(1), (2), (b)(4), (c), (d)(2). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

2001—Subsec. (a)(1). Pub. L. 107-103, in second sentence, substituted “within the time periods provided under paragraph (3) of section 1142(a) of this title, except that the Secretary concerned shall not provide prepreparation counseling to a member described in paragraph (4)(A) of such section” for “during the 180-day period before the member is separated from active duty”.

Subsec. (a)(3). Pub. L. 107-107, §1048(e)(1)(A), struck out at end “The agreement shall be entered into no later than 60 days after the date of the enactment of this section.”

Subsec. (e). Pub. L. 107-107, §1048(e)(1)(B), struck out heading and text of subsec. (e). Text read as follows:

“(1) There is authorized to be appropriated to the Department of Labor to carry out this section \$11,000,000 for fiscal year 1993 and \$8,000,000 for each of fiscal years 1994 and 1995.

“(2) There is authorized to be appropriated to the Department of Veterans Affairs to carry out this section \$6,500,000 for each of fiscal years 1993, 1994, and 1995.”

1994—Subsec. (a)(1). Pub. L. 103-337, §543(b)(1), inserted “, the Secretary of Transportation,” after “Secretary of Defense” and substituted “concerned” for “of a military department”.

Subsec. (a)(2). Pub. L. 103-337, §543(b)(2), inserted “, the Secretary of Transportation,” after “Secretary of Defense”.

Subsec. (b)(4). Pub. L. 103-337, §543(b)(3), substituted “Department of Defense and the Department of Transportation are” for “Department of Defense is”.

Subsec. (c). Pub. L. 103-337, §543(b)(4), inserted “and the Secretary of Transportation” after “Secretary of Defense”.

Subsec. (d)(2). Pub. L. 103-337, § 543(b)(5), inserted “and the Department of Transportation” after “Department of Defense”.

1992—Subsec. (b)(8). Pub. L. 102-484, § 4462(c), added par. (8).

Subsec. (e)(1). Pub. L. 102-484, § 4469(1), substituted “\$11,000,000 for fiscal year 1993 and \$8,000,000 for each of fiscal years 1994 and 1995” for “\$4,000,000 for fiscal year 1991 and \$9,000,000 for each of fiscal years 1992 and 1993”.

Subsec. (e)(2). Pub. L. 102-484, § 4469(2), substituted “\$6,500,000 for each of fiscal years 1993, 1994, and 1995” for “\$1,000,000 for fiscal year 1991 and \$4,000,000 for each of fiscal years 1992 and 1993”.

1991—Subsec. (b)(1). Pub. L. 102-190, § 1061(a)(6)(A), substituted “resumé” for “resume” in cl. (C).

Subsec. (b)(3). Pub. L. 102-190, § 1061(a)(6)(B), substituted “veterans’ service organizations” for “veterans service organization” and “armed forces” for “Armed Forces”.

Subsec. (b)(6). Pub. L. 102-190, § 1061(a)(6)(C), substituted “those areas” for “such area”.

#### EFFECTIVE DATE OF 2011 AMENDMENT

Amendment by section 221(a) of Pub. L. 112-56 effective on the date that is 1 year after Nov. 21, 2011, see section 221(c) of Pub. L. 112-56, set out as a note under section 1142 of this title.

#### EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of this title.

#### DEADLINE FOR IMPLEMENTATION

Pub. L. 114-328, div. A, title V, § 564(b), Dec. 23, 2016, 130 Stat. 2138, provided that: “The program carried out under section 1144 of title 10, United States Code, shall satisfy the requirements of subsection (b)(11) of such section (as added by subsection (a) of this section) by not later than 180 days after the date of the enactment of this Act [Dec. 23, 2016].”

#### ENHANCEMENT OF INFORMATION PROVIDED TO MEMBERS OF THE ARMED FORCES AND VETERANS REGARDING USE OF POST-9/11 EDUCATIONAL ASSISTANCE AND FEDERAL FINANCIAL AID THROUGH TRANSITION ASSISTANCE PROGRAM

Pub. L. 113-291, div. A, title V, § 557, Dec. 19, 2014, 128 Stat. 3381, provided that:

“(a) ADDITIONAL INFORMATION REQUIRED.—

“(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act [Dec. 19, 2014], the Secretary of Defense shall enhance the higher education component of the Transition Assistance Program (TAP) of the Department of Defense by providing additional information that is more complete and accurate than the information provided as of the day before the date of the enactment of this Act to individuals who apply for educational assistance under chapter 30 or 33 of title 38, United States Code, to pursue a program of education at an institution of higher learning.

“(2) ELEMENTS.—The additional information required by paragraph (1) shall include the following:

“(A) Information provided by the Secretary of Education that is publically available and addresses—

“(i) to the extent practicable, differences between types of institutions of higher learning in such matters as tuition and fees, admission requirements, accreditation, transferability of credits, credit for qualifying military training, time required to complete a degree, and retention and job placement rates; and

“(ii) how Federal educational assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) may be used in conjunction with educational assistance provided

under chapters 30 and 33 of title 38, United States Code.

“(B) Information about the Postsecondary Education Complaint System of the Department of Defense, the Department of Veterans Affairs, the Department of Education, and the Consumer Financial Protection Bureau.

“(C) Information about the GI Bill Comparison Tool of the Department of Veterans Affairs.

“(D) Information about each of the Principles of Excellence established by the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Education pursuant to Executive Order 13607 of April 27, 2012 (77 Fed. Reg. 25861), including how to recognize whether an institution of higher learning may be violating any of such principles.

“(E) Information to enable individuals described in paragraph (1) to develop a post-secondary education plan appropriate and compatible with their educational goals.

“(F) Such other information as the Secretary of Education considers appropriate.

“(3) CONSULTATION.—In carrying out this subsection, the Secretary of Defense shall consult with the Secretary of Veterans Affairs, the Secretary of Education, and the Director of the Consumer Financial Protection Bureau.

“(b) AVAILABILITY OF HIGHER EDUCATION COMPONENT ONLINE.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall ensure that the higher education component of the Transition Assistance Program is available to members of the Armed Forces on an Internet website of the Department of Defense so that members have an option to complete such component electronically and remotely.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘institution of higher learning’ has the meaning given such term in section 3452 of title 38, United States Code.

“(2) The term ‘types of institutions of higher learning’ means the following:

“(A) An educational institution described in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

“(B) An educational institution described in subsection (b) or (c) of section 102 of such Act (20 U.S.C. 1002).”

#### PROCEDURES FOR PROVISION OF CERTAIN INFORMATION TO STATE VETERANS AGENCIES TO FACILITATE THE TRANSITION OF MEMBERS OF THE ARMED FORCES FROM MILITARY SERVICE TO CIVILIAN LIFE

Pub. L. 113-291, div. A, title V, § 558, Dec. 19, 2014, 128 Stat. 3382, provided that:

“(a) PROCEDURES REQUIRED.—The Secretary of Defense shall develop procedures to share the information described in subsection (b) regarding members of the Armed Forces who are being separated from the Armed Forces with State veterans agencies in electronic data format as a means of facilitating the transition of such members from military service to civilian life.

“(b) COVERED INFORMATION.—The information to be shared with State veterans agencies regarding a member shall include the following:

“(1) Military service and separation data.

“(2) A personal email address.

“(3) A personal telephone number.

“(4) A mailing address.

“(c) CONSENT.—The procedures developed pursuant to subsection (a) shall require the consent of a member of the Armed Forces before any information described in subsection (b) regarding the member is shared with a State veterans agency.

“(d) USE OF INFORMATION.—The Secretary of Defense shall ensure that the information shared with State veterans agencies in accordance with the procedures developed pursuant to subsection (a) is only shared by such agencies with county government veterans service offices for such purposes as the Secretary shall specify for the administration and delivery of benefits.

## “(e) REPORT.—

“(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act [Dec. 19, 2014], the Secretary of Defense shall submit to the Committees on Armed Services and Veterans’ Affairs of the Senate and the House of Representatives a report on the progress made by the Secretary—

“(A) in developing the procedures required by subsection (a); and

“(B) in sharing information with State veterans agencies as described in such subsection.

“(2) CONTENTS.—The report required by paragraph (1) shall include the following:

“(A) A description of the procedures developed to share information with State veterans agencies.

“(B) A description of the sharing activities carried out by the Secretary in accordance with such procedures.

“(C) The number of members of the Armed Force who gave their consent for the sharing of information with State veterans agencies.

“(D) Such recommendations as the Secretary may have for legislative or administrative action to improve the sharing of information as described in subsection (a).”

## DEADLINE FOR IMPLEMENTATION

Pub. L. 113–66, div. A, title V, §521(b), Dec. 26, 2013, 127 Stat. 755, provided that: “The program carried out under section 1144 of title 10, United States Code, shall comply with the requirements of subsection (b)(9) of such section, as added by subsection (a), by not later than April 1, 2015.”

## OFF-BASE TRANSITION TRAINING FOR VETERANS AND THEIR SPOUSES

Pub. L. 112–260, title III, §301, Jan. 10, 2013, 126 Stat. 2424, provided that:

“(a) PROVISION OF OFF-BASE TRANSITION TRAINING.—During the two-year period beginning on the date of the enactment of this Act [Jan. 10, 2013], the Secretary of Labor shall provide the Transition Assistance Program under section 1144 of title 10, United States Code, to eligible individuals at locations other than military installations to assess the feasibility and advisability of providing such program to eligible individuals at locations other than military installations.

“(b) ELIGIBLE INDIVIDUALS.—For purposes of this section, an eligible individual is a veteran or the spouse of a veteran.

“(c) LOCATIONS.—

“(1) NUMBER OF STATES.—The Secretary shall carry out the training under subsection (a) in not less than three and not more than five States selected by the Secretary for purposes of this section.

“(2) SELECTION OF STATES WITH HIGH UNEMPLOYMENT.—Of the States selected by the Secretary under paragraph (1), at least two shall be States with high rates of unemployment among veterans.

“(3) NUMBER OF LOCATIONS IN EACH STATE.—The Secretary shall provide training under subsection (a) to eligible individuals at a sufficient number of locations within each State selected under this subsection to meet the needs of eligible individuals in such State.

“(4) SELECTION OF LOCATIONS.—The Secretary shall select locations for the provision of training under subsection (a) to facilitate access by participants and may not select any location on a military installation other than a National Guard or reserve facility that is not located on an active duty military installation.

“(d) INCLUSION OF INFORMATION ABOUT VETERANS BENEFITS.—The Secretary shall ensure that the training provided under subsection (a) generally follows the content of the Transition Assistance Program under section 1144 of title 10, United States Code.

“(e) ANNUAL REPORT.—Not later than March 1 of any year during which the Secretary provides training

under subsection (a), the Secretary shall submit to Congress a report on the provision of such training.

“(f) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the termination of the one-year period described in subsection (a), the Comptroller General of the United States shall submit to Congress a report on the training provided under such subsection. The report shall include the evaluation of the Comptroller General regarding the feasibility and advisability of carrying out off-base transition training at locations nationwide.”

## INDIVIDUALIZED ASSESSMENT FOR MEMBERS OF THE ARMED FORCES UNDER TRANSITION ASSISTANCE ON EQUIVALENCE BETWEEN SKILLS DEVELOPED IN MILITARY OCCUPATIONAL SPECIALTIES AND QUALIFICATIONS REQUIRED FOR CIVILIAN EMPLOYMENT WITH THE PRIVATE SECTOR

Pub. L. 112–56, title II, §222, Nov. 21, 2011, 125 Stat. 716, provided that:

“(a) STUDY ON EQUIVALENCE REQUIRED.—

“(1) IN GENERAL.—The Secretary of Labor shall, in consultation with the Secretary of Defense and the Secretary of Veterans Affairs, enter into a contract with a qualified organization to conduct a study to identify any equivalences between the skills developed by members of the Armed Forces through various military occupational specialties (MOS), successful completion of resident training courses, attaining various military ranks or rates, or other military experiences and the qualifications required for various positions of civilian employment in the private sector.

“(2) COOPERATION OF FEDERAL AGENCIES.—The departments and agencies of the Federal Government, including the Office of Personnel Management, the General Services Administration, the Government Accountability Office, the Department of Education, and other appropriate departments and agencies, shall cooperate with the contractor under paragraph (1) to conduct the study required under that paragraph.

“(3) REPORT.—Upon completion of the study conducted under paragraph (1), the contractor under that paragraph shall submit to the Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor a report setting forth the results of the study. The report shall include such information as the Secretaries shall specify in the contract under paragraph (1) for purposes of this section.

“(4) TRANSMITTAL TO CONGRESS.—The Secretary of Labor shall transmit to the appropriate committees of Congress the report submitted under paragraph (3), together with such comments on the report as the Secretary considers appropriate.

“(5) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘appropriate committees of Congress’ means—

“(A) the Committee on Veterans’ Affairs, the Committee on Armed Services, and the Committee on Health, Education, Labor, and Pension of the Senate; and

“(B) the Committee on Veterans’ Affairs, the Committee on Armed Services, and the Committee on Education and the Workforce of the House of Representatives.

“(b) PUBLICATION.—The secretaries described in subsection (a)(1) shall ensure that the equivalences identified under subsection (a)(1) are—

“(1) made publicly available on an Internet website; and

“(2) regularly updated to reflect the most recent findings of the secretaries with respect to such equivalences.

“(c) INDIVIDUALIZED ASSESSMENT OF CIVILIAN POSITIONS AVAILABLE THROUGH MILITARY EXPERIENCES.—The Secretary of Defense shall ensure that each member of the Armed Forces who is participating in the Transition Assistance Program (TAP) of the Department of Defense receives, as part of such member’s par-

ticipation in that program, an individualized assessment of the various positions of civilian employment in the private sector for which such member may be qualified as a result of the skills developed by such member through various military occupational specialties (MOS), successful completion of resident training courses, attaining various military ranks or rates, or other military experiences. The assessment shall be performed using the results of the study conducted under subsection (a) and such other information as the Secretary of Defense, in consultation with the Secretary of Veterans Affairs and the Secretary of Labor, considers appropriate for that purpose.

“(d) FURTHER USE IN EMPLOYMENT-RELATED TRANSITION ASSISTANCE.—

“(1) TRANSMITTAL OF ASSESSMENT.—The Secretary of Defense shall make the individualized assessment provided a member under subsection (a) available electronically to the Secretary of Veterans Affairs and the Secretary of Labor.

“(2) USE IN ASSISTANCE.—The Secretary of Veterans Affairs and the Secretary of Labor may use an individualized assessment with respect to an individual under paragraph (1) for employment-related assistance in the transition from military service to civilian life provided the individual by such Secretary and to otherwise facilitate and enhance the transition of the individual from military service to civilian life.

“(e) EFFECTIVE DATE.—This section shall take effect on the date that is one year after the date of the enactment of this Act [Nov. 21, 2011].”

#### IMPLEMENTATION REPORTS

Pub. L. 101-510, div. A, title V, § 502(c), Nov. 5, 1990, 104 Stat. 1557, directed the Secretary of Labor to submit to Congress a report, not later than 90 days after Nov. 5, 1990, setting forth the agreement entered into to carry out this section, and a report, not later than one year after Nov. 5, 1990, containing an evaluation of the program carried out under this section.

#### § 1145. Health benefits

(a) TRANSITIONAL HEALTH CARE.—(1) For the time period described in paragraph (4), a member of the armed forces who is separated from active duty as described in paragraph (2) (and the dependents of the member) shall be entitled to receive—

(A) except as provided in paragraph (3), medical and dental care under section 1076 of this title in the same manner as a dependent described in subsection (a)(2) of such section; and

(B) health benefits contracted under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.

(2) This subsection applies to the following members of the armed forces:

(A) A member who is involuntarily separated from active duty.

(B) A member of a reserve component who is separated from active duty to which called or ordered in support of a contingency operation if the active duty is active duty for a period of more than 30 days.

(C) A member who is separated from active duty for which the member is involuntarily retained under section 12305 of this title in support of a contingency operation.

(D) A member who is separated from active duty served pursuant to a voluntary agreement of the member to remain on active duty for a period of less than one year in support of a contingency operation.

(E) A member who receives a sole survivorship discharge (as defined in section 1174(i) of this title).

(F) A member who is separated from active duty who agrees to become a member of the Selected Reserve of the Ready Reserve of a reserve component.

(3) In the case of a member described in paragraph (2)(B), the dental care to which the member is entitled under this subsection shall be the dental care to which a member of the uniformed services on active duty for more than 30 days is entitled under section 1074 of this title.

(4) Except as provided in paragraph (7), transitional health care for a member under subsection (a) shall be available for 180 days beginning on the date on which the member is separated from active duty. For purposes of the preceding sentence, in the case of a member on active duty as described in subparagraph (B), (C), or (D) of paragraph (2) who, without a break in service, is extended on active duty for any reason, the 180-day period shall begin on the date on which the member is separated from such extended active duty.

(5)(A) The Secretary concerned shall require a member of the armed forces scheduled to be separated from active duty as described in paragraph (2) to undergo a physical examination immediately before that separation. The physical examination shall be conducted in accordance with regulations prescribed by the Secretary of Defense.

(B) Notwithstanding subparagraph (A), if a member of the armed forces scheduled to be separated from active duty as described in paragraph (2) has otherwise undergone a physical examination within 12 months before the scheduled date of separation from active duty, the requirement for a physical examination under subparagraph (A) may be waived in accordance with regulations prescribed under this paragraph. Such regulations shall require that such a waiver may be granted only with the consent of the member and with the concurrence of the member's unit commander.

(6)(A) The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, ensure that appropriate actions are taken to assist a member of the armed forces who, as a result of a medical examination under paragraph (5), receives an indication for a referral for follow up treatment from the health care provider who performs the examination.

(B) Assistance provided to a member under paragraph (1) shall include the following:

(i) Information regarding, and any appropriate referral for, the care, treatment, and other services that the Secretary of Veterans Affairs may provide to such member under any other provision of law, including—

(I) clinical services, including counseling and treatment for post-traumatic stress disorder and other mental health conditions; and

(II) any other care, treatment, and services.

(ii) Information on the private sector sources of treatment that are available to the member in the member's community.