SEC. ___. SECRETARY DELEGATION OF THE APPROVAL AUTHORITY FOR TRANSITIONAL COMPENSATION.

Section 1059(m) of title 10, United States Code, is amended by striking paragraph (4).

[Please note: The "Changes to Existing Law" section below sets out in red-line format how the preceding legislative text would amend existing law.]

Section-by-Section Analysis

This proposal removes the prohibition exclusive to subsection (m) of section 1059 of title 10, United States Code, against the delegation of the approval authority for transitional compensation. Instead, the approval authority would be as set by regulations approved by the Secretary of Defense under subsection (k) of that section. This would improve processing times for approval of transitional compensation applications considered under the exceptional eligibility provision, enabling families to more quickly receive transitional compensation benefits.

Budget Implications: This proposal has no budgetary impact.

Changes to Existing Law: This proposal would make the following changes to section 1059(m) of title 10, United States Code:

§ 1059. Dependent of members separated for dependent abuse: transitional compensation; commissary and exchange benefits

*** * * * ***

(m) EXCEPTIONAL ELIGIBILITY FOR DEPENDENTS OF MEMBERS OR FORMER MEMBERS.—(1) The Secretary concerned, under regulations prescribed under subsection (k), may authorize eligibility for benefits under this section for dependents and former dependents of a member or former member of the armed forces in a case in which the dependents or former dependents are not otherwise eligible for such benefits and the Secretary concerned determines that the member or former member engaged in conduct that is a dependent-abuse offense under this section and the member or former member was separated from active duty other than as described in subsection (b).

(2) In a case in which the Secretary concerned, under the authority of paragraph (1), authorizes benefits to be provided under this section, such benefits shall be provided in the same manner as if the member or former member were an individual described in subsection (b), except that, under regulations prescribed under subsection (k), the Secretary shall make such adjustments to the commencement and duration of payment provisions of subsection (e), and may make adjustments to other provisions of this section, as the Secretary considers necessary in light of the circumstances in order to provide benefits substantially equivalent to the benefits provided in the case of an individual described in subsection (b).

(3) For the purposes of the provision of benefits under this section pursuant to this subsection, a member shall be considered separated from active duty upon the earliest of—

(A) the date an administrative separation is initiated by a commander of the member;

(B) the date the court-martial sentence is adjudged if the sentence, as adjudged, includes a dismissal, dishonorable discharge, bad conduct discharge, or forfeiture of all pay and allowances; or

(C) the date the member's term of service expires.

~~(4) The authority of the Secretary concerned under paragraph (1) may not be delegated.~~