

108TH CONGRESS
2D SESSION

S. 2427

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

IN THE SENATE OF THE UNITED STATES

MAY 17, 2004

Mr. FEINGOLD 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 improve transition assistance provided for 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 “Veterans’ Enhanced
5 Transition Services Act of 2004”.

1 **SEC. 2. IMPROVED ADMINISTRATION OF TRANSITIONAL AS-**
2 **SISTANCE PROGRAMS.**

3 (a) TRANSMITTAL OF MEDICAL RECORDS OF ALL
4 MEMBERS SEPARATING FROM ACTIVE DUTY TO DEPART-
5 MENT OF VETERANS AFFAIRS.—Chapter 58 of title 10,
6 United States Code, is amended—

7 (1) by inserting before subsection (c) of section
8 1142 the following:

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

12 (2) by striking “(c) TRANSMITTAL OF MEDICAL
13 INFORMATION TO DEPARTMENT OF VETERANS AF-
14 FAIRS.—”; and

15 (3) by striking “a member being medically sep-
16 arated or being retired under chapter 61 of this
17 title” and inserting “each member who is entitled to
18 counseling and other services under section 1142 of
19 this title”.

20 (b) PRESEPARATION COUNSELING.—(1) Subsection
21 (a) of section 1142 of title 10, United States Code, is
22 amended—

23 (A) in paragraph (1), by striking “shall provide
24 for individual separation counseling” and inserting
25 “shall provide individual separation counseling”;

1 (B) by redesignating paragraph (4) as para-
2 graph (6); and

3 (C) by inserting after paragraph (3) the fol-
4 lowing new paragraphs:

5 “(4) For members of the reserve components being
6 separated from service on active duty for a period of more
7 than 30 days, the Secretary concerned shall require that
8 preseparation counseling under this section be provided to
9 all such members (including officers) before the members
10 are separated.

11 “(5) The Secretary concerned shall ensure that com-
12 manders of members entitled to services under this section
13 authorize the members to obtain such services during duty
14 time.”.

15 (2) Subsection (b)(4) of such section 1142 is amend-
16 ed by striking “(4) Information concerning” and inserting
17 the following:

18 “(4) Provide information on civilian occupations
19 and related assistance programs, including informa-
20 tion 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)”.

2 (3) Section 1142 of such title is further amended by
3 adding at the end the following new subsections:

4 “(c) ADDITIONAL REQUIREMENTS.—(1) The Sec-
5 retary concerned shall ensure that—

6 “(A) preseparation counseling under this sec-
7 tion includes material that is specifically relevant to
8 the needs of persons being separated from active
9 duty by discharge from a regular component of the
10 armed forces and the needs of members of the re-
11 serve components being separated from active duty;

12 “(B) the locations at which preseparation coun-
13 seling is presented to eligible personnel include—

14 “(i) inpatient medical care facilities of the
15 uniformed services where such personnel are re-
16 ceiving inpatient care; and

17 “(ii) in the case of a member on the tem-
18 porary disability retired list under section 1202
19 or 1205 of this title who is being retired under
20 another provision of this title or is being dis-
21 charged, a location reasonably convenient to the
22 member.

23 “(C) the scope and content of the material pre-
24 sented in preseparation counseling at each location
25 under this section are consistent with the scope and

1 content of the material presented in the
2 preseparation counseling at the other locations
3 under this section; and

4 “(D) followup counseling is provided for each
5 member of the reserve components described in sub-
6 paragraph (A) not later than 180 days after separa-
7 tion from active duty.

8 “(2) The Secretary concerned shall, on a continuing
9 basis, update the content of the materials used by the Na-
10 tional Veterans Training Institute and such officials’ other
11 activities that provide direct training support to personnel
12 who provide preseparation counseling under this section.

13 “(d) NATIONAL GUARD MEMBERS ON DUTY IN
14 STATE STATUS.—(1) Members of the National Guard
15 being separated from long-term duty to which ordered
16 under section 502(f) of title 32 shall also be provided
17 preseparation counseling under this section to the same
18 extent that members of the reserve components being dis-
19 charged or released from active duty are provided
20 preseparation counseling under this section.

21 “(2) The Secretary of Defense shall prescribe in regu-
22 lations the standards for determining long-term duty for
23 the purposes of paragraph (1).”.

24 (4)(A) The heading for section 1142 of such title is
25 amended to read as follows:

1 **“§ 1142. Members separating from active duty:**
 2 **preseparation counseling”.**

3 (B) The table of sections at the beginning of chapter
 4 58 of such title is amended by striking the item relating
 5 to section 1142 and inserting the following new items:

“1142. Members separating from active duty: preseparation counseling.

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

6 (c) DEPARTMENT OF LABOR TRANSITIONAL SERV-
 7 ICES PROGRAM.—(1) Subsection (c) of section 1144 of
 8 title 10, United States Code, is amended to read as fol-
 9 lows:

10 “(c) PARTICIPATION.—(1) Subject to paragraph (2),
 11 the Secretary of Defense and the Secretary of Homeland
 12 Security shall require participation by members of the
 13 armed forces eligible for assistance under the program
 14 carried out under this section.

15 “(2) The Secretary of Defense and the Secretary of
 16 Homeland Security need not require, but shall encourage
 17 and otherwise promote, participation in the program by
 18 the following members of the armed forces described in
 19 paragraph (1):

20 “(A) Each member who has previously partici-
 21 pated in the program.

22 “(B) Each member who, upon discharge or re-
 23 lease from active duty, is returning to—

1 “(i) a position of employment previously
2 held by such member; or

3 “(ii) pursuit of an academic degree or
4 other educational or occupational training ob-
5 jective that the member was pursuing when
6 called or ordered to such active duty.”.

7 (2) Subsection (a)(1) of such section is amended by
8 striking “paragraph (4)(A)” in the second sentence and
9 inserting “paragraph (6)(A)”.

10 (d) STUDY ON COORDINATION OF JOB TRAINING
11 AND CERTIFICATION STANDARDS.—The Secretary of De-
12 fense and the Secretary of Labor shall jointly carry out
13 a study to determine ways to coordinate the standards ap-
14 plied by the Armed Forces for the training and certifi-
15 cation of members of the Armed Forces in military occu-
16 pational specialties with the standards that apply under
17 State laws to the training and certification of persons in
18 corresponding civilian occupations.

19 **SEC. 3. BENEFITS DELIVERY DISCHARGE PROGRAM.**

20 (a) ACCESSIBILITY OF INFORMATION.—Chapter 58
21 of title 10, United States Code, is amended by adding at
22 the end the following new section:

1 **“§ 1154. Requirements applicable to all benefits deliv-**
2 **ery at discharge programs**

3 “(a) LOCATIONS.—The Secretary of Defense, the
4 Secretary of Homeland Security, and the Secretary of Vet-
5 erans Affairs shall ensure that the benefits delivery at dis-
6 charge programs for members of the armed forces are pro-
7 vided—

8 “(1) at each installation and inpatient medical
9 care facility of the uniformed services at which per-
10 sonnel eligible for assistance under the programs are
11 discharged from the armed forces; and

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

17 “(b) PARTICIPATION OF MILITARY AND VETERANS’
18 SERVICE ORGANIZATIONS.—The Secretary of Defense, the
19 Secretary of Homeland Security, and the Secretary of Vet-
20 erans Affairs shall ensure that representatives of military
21 and veterans’ service organizations and representatives of
22 veterans’ services agencies of States are invited to partici-
23 pate in the benefits delivery at discharge programs at the
24 locations where assistance under the programs is provided.

25 “(c) BENEFITS DELIVERY AT DISCHARGE PROGRAMS
26 DEFINED.—In this section, the term ‘benefits delivery at

1 discharge programs’ means the programs under sections
 2 1142 and 1144 of this title and any similar programs ad-
 3 ministered by, in conjunction with, or in consultation with
 4 the Secretary of Defense or the Secretary of a military
 5 department.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
 7 at the beginning of such chapter is amended by adding
 8 at the end the following new item:

“1154. Requirements applicable to all benefits delivery at discharge programs.”.

9 **SEC. 4. POST-DEPLOYMENT MEDICAL ASSESSMENT AND**
 10 **SERVICES.**

11 (a) IMPROVEMENT OF MEDICAL TRACKING SYSTEM
 12 FOR MEMBERS DEPLOYED OVERSEAS.—Section 1074f of
 13 title 10, United States Code, is amended—

14 (1) in subsection (b), by striking “(including an
 15 assessment of mental health” and inserting “(which
 16 shall include mental health screening and assess-
 17 ment”;

18 (2) by redesignating subsections (c) and (d) as
 19 subsections (e) and (f), respectively; and

20 (3) by inserting after subsection (b) the fol-
 21 lowing new subsections:

22 “(c) MEDICAL EXAMINATIONS.—(1) The Secretary of
 23 Defense shall prescribe the minimum content and stand-
 24 ards that apply for the medical examinations required
 25 under this section. The Secretary shall ensure that the

1 content and standards prescribed under the preceding sen-
2 tence are applied uniformly at all installations and medical
3 facilities of the armed forces where medical examinations
4 required under this section are performed for members of
5 the armed forces returning from a deployment as de-
6 scribed in subsection (a).

7 “(2) The content and standards prescribed under
8 paragraph (1) for mental health screening and assessment
9 shall include content and standards for screening acute
10 post-traumatic stress disorder and delayed onset post-
11 traumatic stress disorder, and shall specifically include
12 questions to identify all stressors experienced by members
13 that have the potential to lead to post-traumatic stress dis-
14 order.

15 “(3) An examination consisting solely or primarily of
16 an assessment questionnaire completed by a member does
17 not meet the requirements of this subsection for a medical
18 examination and does not meet the requirements of this
19 section for an assessment.

20 “(4) An examination of a member required under this
21 section may not be waived by the Secretary (or any official
22 exercising the Secretary’s authority under this section) or
23 by the member.

24 “(d) FOLLOWUP SERVICES.—(1) The Secretary of
25 Defense, in consultation with the Secretary of Veterans

1 Affairs, shall ensure that appropriate actions are taken to
2 assist a member who, as a result of a medical examination
3 carried out under the system established under this sec-
4 tion, is identified or suspected as having an illness (includ-
5 ing any mental health condition) or injury.

6 “(2) Assistance required to be provided a member
7 under paragraph (1) includes the following:

8 “(A) Care and treatment and other services
9 that the Secretary of Defense or the Secretary of
10 Veterans Affairs may provide such member under
11 any other provision of law, as follows:

12 “(i) Clinical services, including counseling
13 and treatment for post-traumatic stress dis-
14 order and other mental health conditions.

15 “(ii) Any other care, treatment, and serv-
16 ices.

17 “(B) Assistance to enroll in the Department of
18 Veterans Affairs health care system for health care
19 benefits for which the member is eligible under laws
20 administered by the Secretary of Veterans Affairs.”.

21 (b) REPORT ON PTSD CASES.—(1) The Secretary of
22 Defense and the Secretary of Veterans Affairs shall jointly
23 submit to Congress a report on the services provided mem-
24 bers and former members of the Armed Forces who expe-

1 rience post-traumatic stress disorder (and related condi-
2 tions) associated with service in the Armed Forces.

3 (2) The report under paragraph (1) shall include a
4 discussion of the policies, plans, and procedures of the De-
5 partment of Defense and the Department of Veterans Af-
6 fairs for—

7 (A) the identification of cases of persons experi-
8 encing post-traumatic stress disorder or related con-
9 ditions, intervention in such cases, and treatment of
10 such persons; and

11 (B) the training of Department of Defense per-
12 sonnel and Department of Veterans Affairs per-
13 sonnel regarding such disorder and conditions.

14 (c) STUDY ON DoD-VA COORDINATION AND CO-
15 OPERATION.—(1) The Secretary of Defense and the Sec-
16 retary of Veterans Affairs shall jointly carry out a study
17 to identify ways to improve the coordination and coopera-
18 tion between the two departments to support the provision
19 of veterans' benefits to members and former members of
20 the Armed Forces who have been deployed as described
21 in section 1074f(a) of title 10, United States Code, as well
22 as to other members and former members of the Armed
23 Forces.

24 (2) The study under paragraph (1) shall, at a min-
25 imum, address the following matters:

- 1 (A) Compatibility of health care filing systems.
2 (B) Consistency of claims forms.
3 (C) Consistency of medical examination forms.
4 (D) Shared electronic database with appropriate
5 privacy protections.

6 **SEC. 5. ACCESS OF MILITARY AND VETERANS SERVICE**
7 **AGENCIES AND ORGANIZATIONS.**

8 (a) DEPARTMENT OF DEFENSE.—(1) Chapter 58 of
9 title 10, United States Code, as amended by section 3(a),
10 is further amended by adding at the end the following new
11 section:

12 **“§ 1155. Veteran-to-veteran preseparation counseling**

13 “(a) COOPERATION REQUIRED.—The Secretary of
14 Defense shall carry out a program to facilitate the access
15 of representatives of military and veterans’ service organi-
16 zations and representatives of veterans’ services agencies
17 of States to provide preseparation counseling and services
18 to members of the armed forces who are scheduled, or are
19 in the process of being scheduled, for discharge, release
20 from active duty, or retirement.

21 “(b) ELEMENTS OF PROGRAM.—The program under
22 this section shall include the following elements:

23 “(1) Invitation to representatives of military
24 and veterans’ service organizations and representa-
25 tives of veterans’ services agencies of States to par-

1 participate in the preseparation counseling and other
2 assistance briefings provided to members under the
3 programs carried out under sections 1142 and 1144
4 of this title.

5 “(2) Support for the outreach programs of such
6 organizations and agencies by providing the organi-
7 zations and agencies with the names and addresses
8 of members of the armed forces described in sub-
9 section (a), including, in particular, members who
10 are being separated from active duty upon return
11 from a deployment in support of a contingency oper-
12 ation.

13 “(c) LOCATIONS.—The program under this section
14 shall provide for access to members—

15 “(1) at each installation of the armed forces;

16 “(2) at each inpatient medical care facility of
17 the uniformed services administered under chapter
18 55 of this title; and

19 “(3) in the case of a member on the temporary
20 disability retired list under section 1202 or 1205 of
21 this title who is being retired under another provi-
22 sion of this title or is being discharged, at a location
23 reasonably convenient to the member.

24 “(d) WAIVER OF ACCESS RESTRICTIONS.—To carry
25 out elements of the program under subsection (b), the Sec-

1 retary of Defense may waive the applicable provisions of
 2 the regulations promulgated under section 264(e) of the
 3 Health Insurance Portability and Accountability Act of
 4 1996 (42 U.S.C. 1320d–2 note) to the extent necessary
 5 to ensure that representatives of military and veterans’
 6 service organizations and representatives of veterans’ serv-
 7 ices agencies of States have access to members and former
 8 members of the uniformed services in medical treatment
 9 facilities of the uniformed services.

10 “(e) CONSENT OF MEMBERS REQUIRED.—Access to
 11 a member of the armed forces under the program under
 12 this section is subject to the consent of the member.”.

13 (2) The table of sections at the beginning of such
 14 chapter, as amended by section 3(b), is amended by add-
 15 ing at the end the following new item:

“1155. Veteran-to-veteran preseparation counseling.”.

16 (b) DEPARTMENT OF VETERANS AFFAIRS.—(1) Sub-
 17 chapter 1 of chapter 17 of title 38, United States Code,
 18 is amended by adding at the end the following new section:

19 **“§ 1709. Veteran-to-veteran counseling**

20 “(a) COOPERATION REQUIRED.—The Secretary shall
 21 carry out a program to facilitate the access of representa-
 22 tives of military and veterans’ service organizations and
 23 representatives of veterans’ services agencies of States to
 24 veterans furnished care and services under this chapter
 25 to provide information and counseling to such veterans on

1 the care and services authorized by this chapter and on
2 other benefits and services available under the laws admin-
3 istered by the Secretary.

4 “(b) FACILITIES COVERED.—The program under
5 this section shall provide for access to veterans described
6 in subsection (a) at each facility of the Department or
7 non-Department facility at which the Secretary furnishes
8 care and services under this chapter.

9 “(c) WAIVER OF ACCESS RESTRICTIONS.—To carry
10 out the program under this section, the Secretary may
11 waive the applicable provisions of the regulations promul-
12 gated under section 264(c) of the Health Insurance Port-
13 ability and Accountability Act of 1996 (42 U.S.C. 1320d-
14 2 note) to the extent necessary to ensure that representa-
15 tives of military and veterans’ service organizations and
16 representatives of veterans’ services agencies of States
17 have access to veterans described in subsection (a) at the
18 facilities referred to in subsection (b).

19 “(d) CONSENT OF VETERANS REQUIRED.—Access to
20 a veteran under the program under this section is subject
21 to the consent of the veteran.”.

22 (2) The table of sections at the beginning of that
23 chapter is amended by inserting after the item relating
24 to section 1708 the following new item:

“Veteran-to-veteran counseling.”.

1 **SEC. 6. COLLEGE CREDIT FOR SERVICE IN ARMED FORCES.**

2 (a) REQUIREMENT FOR PROGRAM.—Chapter 58 of
3 title 10, United States Code, as amended by section 5(a),
4 is further amended by adding at the end the following new
5 section:

6 **“§ 1156. College credit for training in the armed**
7 **forces**

8 “The Secretary of Defense shall carry out a program
9 to assist members of the armed forces being discharged,
10 released from active duty, or retired to obtain college cred-
11 it for training received as a member of the armed forces.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of such chapter, as amended by section
14 5(a)(2), is amended by adding at the end the following
15 new item:

“1156. College credit for training in the armed forces.”.

○