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.

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 “Veterans’ Enhanced Transition Services Act of 2004”.

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SEC. 2. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.

(a) Transmittal of Medical Records of All Members Separating From Active Duty to Department of Veterans Affairs.—Chapter 58 of title 10, United States Code, is amended—

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

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

(2) by striking ``(c) Transmittal of Medical Information to Department of Veterans Affairs.—''; and

(3) by striking “a member being medically separated or being retired under chapter 61 of this title” and inserting “each member who is entitled to counseling and other services under section 1142 of this title”.

(b) Preseparation Counseling.—(1) Subsection (a) of section 1142 of title 10, United States Code, is amended—

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

(2) by striking “shall provide” and inserting “shall provide”;

(3) by striking “for individual separation counseling” and inserting “for individual separation counseling”. 

(4) by striking “under section 1142 of this title”.
(B) by redesignating paragraph (4) as paragraph (6); and

(C) by inserting after paragraph (3) the following new paragraphs:

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

“(5) The Secretary concerned shall ensure that commanders of members entitled to services under this section authorize the members to obtain such services during duty time.”.

(2) Subsection (b)(4) of such section 1142 is amended by striking “(4) Information concerning” and inserting the following:

“(4) Provide information on civilian occupations and related assistance programs, including information about—

“(A) certification and licensure requirements that are applicable to civilian occupations;

“(B) civilian occupations that correspond to military occupational specialties; and
“(C)”.

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

“(c) ADDITIONAL REQUIREMENTS.—(1) The Secretary concerned shall ensure that—

“(A) preseparation counseling under this section includes material that is specifically relevant to the needs of persons being separated from active duty by discharge from a regular component of the armed forces and the needs of members of the reserve components being separated from active duty;

“(B) the locations at which preseparation counseling is presented to eligible personnel include—

“(i) inpatient medical care facilities of the uniformed services where such personnel are receiving inpatient care; and

“(ii) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, a location reasonably convenient to the member.

“(C) the scope and content of the material presented in preseparation counseling at each location under this section are consistent with the scope and
content of the material presented in the
preseparation counseling at the other locations
under this section; and

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

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

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

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

(4)(A) The heading for section 1142 of such title is
amended to read as follows:
“§ 1142. Members separating from active duty: preseparation counseling”.

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

c) DEPARTMENT OF LABOR TRANSITIONAL SERVICES PROGRAM.—(1) Subsection (c) of section 1144 of title 10, United States Code, is amended to read as follows:

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

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

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

“(B) Each member who, upon discharge or release from active duty, is returning to—
“(i) a position of employment previously
held by such member; or
“(ii) pursuit of an academic degree or
other educational or occupational training ob-
jective that the member was pursuing when
called or ordered to such active duty.”.

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

(d) Study on Coordination of Job Training
and Certification Standards.—The Secretary of De-
fense and the Secretary of Labor shall jointly carry out
a study to determine ways to coordinate the standards ap-
plied by the Armed Forces for the training and certifi-
cation of members of the Armed Forces in military occu-
ptional specialties with the standards that apply under
State laws to the training and certification of persons in
corresponding civilian occupations.

SEC. 3. BENEFITS DELIVERY DISCHARGE PROGRAM.

(a) Accessibility of Information.—Chapter 58
of title 10, United States Code, is amended by adding at
the end the following new section:
§ 1154. Requirements applicable to all benefits delivery at discharge programs

“(a) LOCATIONS.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall ensure that the benefits delivery at discharge programs for members of the armed forces are provided—

“(1) at each installation and inpatient medical care facility of the uniformed services at which personnel eligible for assistance under the programs are discharged from the armed forces; and

“(2) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

“(b) PARTICIPATION OF MILITARY AND VETERANS’ SERVICE ORGANIZATIONS.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall ensure that representatives of military and veterans’ service organizations and representatives of veterans’ services agencies of States are invited to participate in the benefits delivery at discharge programs at the locations where assistance under the programs is provided.

“(c) BENEFITS DELIVERY AT DISCHARGE PROGRAMS DEFINED.—In this section, the term 'benefits delivery at discharge programs'...
discharge programs’ means the programs under sections 1142 and 1144 of this title and any similar programs administered by, in conjunction with, or in consultation with the Secretary of Defense or the Secretary of a military department.”.

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

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

SEC. 4. POST-DEPLOYMENT MEDICAL ASSESSMENT AND SERVICES.

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

(1) in subsection (b), by striking “(including an assessment of mental health)” and inserting “(which shall include mental health screening and assessment”;

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

(3) by inserting after subsection (b) the following new subsections:

“(e) MEDICAL EXAMINATIONS.—(1) The Secretary of Defense shall prescribe the minimum content and standards that apply for the medical examinations required under this section. The Secretary shall ensure that the
content and standards prescribed under the preceding sentence are applied uniformly at all installations and medical facilities of the armed forces where medical examinations required under this section are performed for members of the armed forces returning from a deployment as described in subsection (a).

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

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

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

“(d) FOLLOWUP SERVICES.—(1) The Secretary of Defense, in consultation with the Secretary of Veterans
Affairs, shall ensure that appropriate actions are taken to assist a member who, as a result of a medical examination carried out under the system established under this section, is identified or suspected as having an illness (including any mental health condition) or injury.

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

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

“(i) Clinical services, including counseling and treatment for post-traumatic stress disorder and other mental health conditions.

“(ii) Any other care, treatment, and services.

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

(b) REPORT ON PTSD CASES.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the services provided members and former members of the Armed Forces who expe-
rience post-traumatic stress disorder (and related conditions) associated with service in the Armed Forces.

(2) The report under paragraph (1) shall include a discussion of the policies, plans, and procedures of the Department of Defense and the Department of Veterans Affairs for—

(A) the identification of cases of persons experiencing post-traumatic stress disorder or related conditions, intervention in such cases, and treatment of such persons; and

(B) the training of Department of Defense personnel and Department of Veterans Affairs personnel regarding such disorder and conditions.

(c) STUDY ON DoD-VA COORDINATION AND COOPERATION.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly carry out a study to identify ways to improve the coordination and cooperation between the two departments to support the provision of veterans’ benefits to members and former members of the Armed Forces who have been deployed as described in section 1074f(a) of title 10, United States Code, as well as to other members and former members of the Armed Forces.

(2) The study under paragraph (1) shall, at a minimum, address the following matters:
(A) Compatibility of health care filing systems.
(B) Consistency of claims forms.
(C) Consistency of medical examination forms.
(D) Shared electronic database with appropriate privacy protections.

SEC. 5. ACCESS OF MILITARY AND VETERANS SERVICE AGENCIES AND ORGANIZATIONS.

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

“§ 1155. Veteran-to-veteran preseparation counseling

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

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

“(1) Invitation to representatives of military and veterans’ service organizations and representatives of veterans’ services agencies of States to par-
participate in the preseparation counseling and other assistance briefings provided to members under the programs carried out under sections 1142 and 1144 of this title.

“(2) Support for the outreach programs of such organizations and agencies by providing the organizations and agencies with the names and addresses of members of the armed forces described in subsection (a), including, in particular, members who are being separated from active duty upon return from a deployment in support of a contingency operation.

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

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

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

“(3) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

“(d) WAIVER OF ACCESS RESTRICTIONS.—To carry out elements of the program under subsection (b), the Sec-
Secretary of Defense may waive the applicable provisions of
the regulations promulgated under section 264(e) of the
Health Insurance Portability and Accountability Act of
1996 (42 U.S.C. 1320d–2 note) to the extent necessary
to ensure that representatives of military and veterans’
service organizations and representatives of veterans’ serv-
ices agencies of States have access to members and former
members of the uniformed services in medical treatment
facilities of the uniformed services.

“(e) Consent of Members Required.—Access to
a member of the armed forces under the program under
this section is subject to the consent of the member.”.

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

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

(b) Department of Veterans Affairs.—(1) Sub-
chapter 1 of chapter 17 of title 38, United States Code,
is amended by adding at the end the following new section:

§ 1709. Veteran-to-veteran counseling

“(a) Cooperation Required.—The Secretary shall
carry out a program to facilitate the access of representa-
tives of military and veterans’ service organizations and
representatives of veterans’ services agencies of States to
veterans furnished care and services under this chapter
to provide information and counseling to such veterans on
the care and services authorized by this chapter and on other benefits and services available under the laws administered by the Secretary.

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

“(c) WAIVER OF ACCESS RESTRICTIONS.—To carry out the program under this section, the Secretary may waive the applicable provisions of the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note) to the extent necessary to ensure that representatives of military and veterans’ service organizations and representatives of veterans’ services agencies of States have access to veterans described in subsection (a) at the facilities referred to in subsection (b).

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

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

“Veteran-to-veteran counseling.”.

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

(a) Requirement for Program.—Chapter 58 of title 10, United States Code, as amended by section 5(a), is further amended by adding at the end the following new section:

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

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

(b) Clerical Amendment.—The table of sections at the beginning of such chapter, as amended by section 5(a)(2), is amended by adding at the end the following new item:

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