

108TH CONGRESS
2D SESSION

H. R. 5332

To provide improved benefits and procedures for the transition of members of the Armed Forces from combat zones to noncombat zones and for the transition of veterans from service in the Armed Forces to civilian life.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2004

Mr. MEEHAN introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide improved benefits and procedures for the transition of members of the Armed Forces from combat zones to noncombat zones and for the transition of veterans from service in the Armed Forces to civilian life.

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Matthew Boisvert Help Extend Respect Owed to Every
6 Soldier (HEROES) Act”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INITIAL CARE

Sec. 101. Access of veterans service organizations and military service organiza-
 tions to veterans at military and veterans hospitals.

Sec. 102. Authority to provide civilian clothing to members traveling in connec-
 tion with medical evacuation.

TITLE II—HEALTH CARE

Sec. 201. Minimum standards for postdeployment medical examinations.

Sec. 202. Requirement for vouchers for psychiatric services not offered in De-
 partment of Veterans Affairs clinics.

Sec. 203. Health registry for veterans of Operation Iraqi Freedom and Oper-
 ation Enduring Freedom.

Sec. 204. Rescission of Department of Veterans Affairs memorandum.

TITLE III—TRANSITION ASSISTANCE

Sec. 301. Disabled Servicemembers Support System.

Sec. 302. Reauthorization of Service Members Occupational Conversion and
 Training Act.

Sec. 303. Sense of Congress on DoD/VA information sharing.

TITLE IV—HOMEOWNERSHIP

Sec. 401. Mortgage assistance.

TITLE V—EDUCATION

Sec. 501. Repeal of \$1,200 reduction in basic pay required for participation by
 members of the Armed Forces in the Montgomery GI Bill edu-
 cational assistance program.

3 **TITLE I—INITIAL CARE**

4 **SEC. 101. ACCESS OF VETERANS SERVICE ORGANIZATIONS**

5 **AND MILITARY SERVICE ORGANIZATIONS TO**

6 **VETERANS AT MILITARY AND VETERANS**

7 **HOSPITALS.**

8 (a) ACCESS TO VA FACILITIES.—The Secretary of
 9 Veterans Affairs shall allow access by representatives of
 10 military and veterans' service organizations and by rep-
 11 resentatives of veterans' services agencies of States to vet-

1 erans being furnished hospital care and medical services
2 by the Secretary in order to provide information and coun-
3 seling to those veterans on the care and services author-
4 ized to be provided under laws administered by the Sec-
5 retary. Access to veterans under this subsection shall be
6 provided at each facility of the Department at which the
7 Secretary furnishes care and services to veterans and at
8 each non-Department facility at which the Secretary fur-
9 nishes such care and services.

10 (b) ACCESS TO DOD FACILITIES.—The Secretary of
11 Defense shall allow access by representatives of military
12 and veterans' service organizations and by representatives
13 of veterans' services agencies of States to members of the
14 Armed Forces being furnished hospital care and medical
15 services by the Secretary in order to provide information
16 and counseling to those veterans on the care and services
17 authorized to be provided under laws administered by the
18 Secretary of Defense and under laws administered by the
19 Secretary of Veterans Affairs. Access to servicemembers
20 under this subsection shall be provided at each military
21 treatment facility at each other facility at which the Sec-
22 retary furnishes such care and services.

23 (c) CONSENT REQUIRED.— Access to a veteran
24 under this section is subject to the consent of the veteran.

1 **SEC. 102. AUTHORITY TO PROVIDE CIVILIAN CLOTHING TO**
2 **MEMBERS TRAVELING IN CONNECTION WITH**
3 **MEDICAL EVACUATION.**

4 Section 1047 of title 10, United States Code, is
5 amended—

6 (1) by inserting “(b) CERTAIN ENLISTED MEM-
7 BERS.—” before “The Secretary”; and

8 (2) by inserting after the section heading the
9 following:

10 “(a) MEMBERS TRAVELING IN CONNECTION WITH
11 MEDICAL EVACUATION.—The Secretary of the military
12 department concerned may furnish civilian clothing and
13 personal care products to a member at a cost not to exceed
14 \$250, or reimburse a member for the purchase of civilian
15 clothing in an amount not to exceed \$250, in the case of
16 a member who—

17 “(1) is medically evacuated for treatment in a
18 medical facility by reason of an illness or injury in-
19 curred or aggravated while on active duty; or

20 “(2) after being medically evacuated as de-
21 scribed in paragraph (1), is in an authorized travel
22 status from a medical facility to another location ap-
23 proved by the Secretary.”.

TITLE II—HEALTH CARE

SEC. 201. MINIMUM STANDARDS FOR POSTDEPLOYMENT MEDICAL EXAMINATIONS.

(a) **QUALITY ASSURANCE.**—The Secretary of Defense, acting through the Assistant Secretary of Defense for Health Affairs, shall establish an effective quality assurance program that will help ensure that the Armed Forces comply with the requirements of section 1074f(d) of title 10, United States Code.

(b) **UNIFORM APPLICABILITY.**—The Secretary shall ensure that the content and standards prescribed for predeployment and postdeployment medical examinations 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 part of Operation Iraqi Freedom or Operation Enduring Freedom.

(c) **INCLUSION OF SCREENING FOR MENTAL HEALTH DISORDERS.**—Any such postdeployment examination shall include content and standards for screening for mental health disorders. In the case of acute post-traumatic stress disorder and delayed onset post-traumatic stress disorder, such examination shall specifically include a personal evaluation to identify stressors experienced by

1 servicemembers that have the potential to lead to post-
2 traumatic stress disorders. An examination consisting
3 solely or primarily of an assessment questionnaire com-
4 pleted by a member does not meet the requirements of
5 this subsection for a medical examination and does not
6 meet the requirements of this section for an assessment.
7 An examination of a member required under this section
8 may not be waived by the Secretary (or any official exer-
9 cising the Secretary's authority under this section) or by
10 the member.

11 **SEC. 202. REQUIREMENT FOR VOUCHERS FOR PSY-**
12 **CHIATRIC SERVICES NOT OFFERED IN DE-**
13 **PARTMENT OF VETERANS AFFAIRS CLINICS.**

14 The Secretary of Veterans Affairs shall provide
15 vouchers to veterans entitled to psychiatric and mental
16 health services at medical facilities of the Department of
17 Veterans Affairs for use at non-Department facilities in
18 the case of eligible veterans who reside more than 50 miles
19 from the nearest such facility of the Department.

20 **SEC. 203. HEALTH REGISTRY FOR VETERANS OF OPER-**
21 **ATION IRAQI FREEDOM AND OPERATION EN-**
22 **DURING FREEDOM.**

23 (a) ESTABLISHMENT.—The Secretary of Veterans
24 Affairs shall establish and maintain a special record con-
25 taining health status information concerning individuals

1 who as members of the Armed Forces served during Oper-
2 ation Iraqi Freedom or Operation Enduring Freedom. The
3 registry shall be used to record demographic information
4 on those individuals and their mental and physical health
5 history, including signs of post-traumatic stress disorder.

6 (b) CLAIMS FOR COMPENSATION.—The Secretary
7 shall include in the information maintained in the record
8 under subsection (a) information on claims for veterans’
9 disability compensation due to ill health.

10 (c) COMPATIBILITY WITH DOD REGISTRY.—The
11 Secretary shall ensure that the information in the record
12 under this section be collected and maintained so as to
13 enable easy cross-reference with a registry for the Depart-
14 ment of Defense established under this Act.

15 (d) NOTIFICATION OF RESEARCH DEVELOPMENTS.—
16 The Secretary shall notify individuals in the Registry from
17 time to time on significant developments in research on
18 the health consequences of military service during the op-
19 erations specified in subsection (a).

20 **SEC. 204. RESCISSION OF DEPARTMENT OF VETERANS AF-**
21 **FAIRS MEMORANDUM.**

22 (a) RESCISSION OF MEMORANDUM.—The memo-
23 randum of the Department of Veterans Affairs dated July
24 18, 2002, from the Deputy Under Secretary for Health
25 for Operations and Management with the subject “Status

1 of VHA Enrollment and Associated Issues” is hereby re-
2 scinded. Marketing activities of Directors of health service
3 networks (known as “Veterans Integrated Service Net-
4 works”) of the Department of Veterans Affairs to enroll
5 new veterans within their respective networks shall be car-
6 ried out without regard to such memorandum.

7 (b) FUNDING LIMITATION.—No funds available to
8 the Department of Veterans Affairs may be used to carry
9 out the memorandum referred to in subsection (a) or oth-
10 erwise to implement the policy contained in that memo-
11 randum.

12 **TITLE III—TRANSITION**

13 **ASSISTANCE**

14 **SEC. 301. DISABLED SERVICEMEMBERS SUPPORT SYSTEM.**

15 (a) DSSS PROGRAM.—The Secretary of each military
16 department shall carry out a program to provide a support
17 system for members of the Armed Forces who incur severe
18 disabilities on or after September 11, 2001. The program
19 shall include a system of advocacy and follow-up with per-
20 sonal support to assist those members as they transition
21 from military service to the civilian community.

22 (b) SERVICE EXECUTIVE AGENT.—The Secretary of
23 each military department shall designate an executive
24 agent for each of the Armed Forces under that Secretary’s
25 jurisdiction to have the authority and responsibility to

1 carry out the program under this section throughout that
2 Armed Force and, in cooperation with the Secretary of
3 Homeland Security, for members of the Coast Guard with
4 severe disabilities.

5 (c) PERSONNEL.—The Secretary shall ensure that
6 there are sufficient personnel assigned to the program so
7 that the the ratio of severely disabled members or former
8 members eligible for the program at any time to the num-
9 ber of personnel assigned to the program with specific re-
10 sponsibility for advocacy and follow-up for assigned mem-
11 bers and former members is not greater than 30:1.

12 (d) AUTHORIZATION.—There are authorized to be ap-
13 propriated for fiscal years 2005 through 2009 such sums
14 as may be necessary to carry out the programs under this
15 section.

16 **SEC. 302. REAUTHORIZATION OF SERVICE MEMBERS OCCU-**
17 **PATIONAL CONVERSION AND TRAINING ACT.**

18 (a) EMPLOYMENT TRAINING ASSISTANCE.—The Sec-
19 retary of Defense shall carry out a program to assist eligi-
20 ble persons in obtaining employment through participation
21 in programs of significant training for employment in sta-
22 ble and permanent positions. The program shall be carried
23 out through payments to employers who employ and train
24 eligible persons in such positions, to defray the costs of
25 necessary training.

1 (b) AGREEMENTS WITH STATE AGENCIES.—The
2 Secretary (or other implementing official) may enter into
3 contracts or agreements with State approving agencies (as
4 designated pursuant to section 3671 of title 38, United
5 States Code) or other State agencies to carry out duties
6 under the program. The Secretary (or other implementing
7 official) shall require each such State approving agency
8 or other State agency to submit to the Secretary (or other
9 official) a monthly certification of charges submitted for
10 expenses under the program.

11 (c) ELIGIBLE PERSONS.—For purposes of the pro-
12 gram under this section, a person is an eligible person if
13 the person is an eligible person under the Service Members
14 Occupational Conversion and Training Act of 1992 (10
15 U.S.C. 1143 note) or if the person, while a member of
16 the Armed Forces on active duty, served in Operation En-
17 during Freedom or Operation Iraqi Freedom.

18 (d) INCORPORATION OF PROVISIONS OF 1992 ACT.—
19 In carrying out the program under this section, the Sec-
20 retary shall, to the maximum extent practicable, incor-
21 porate the provisions of the Service Members Occupational
22 Conversion and Training Act of 1992 (10 U.S.C. 1143
23 note).

1 **SEC. 303. SENSE OF CONGRESS ON DOD/VA INFORMATION**

2 **SHARING.**

3 It is the sense of Congress that the Secretary of De-
4 fense and the Secretary of Veterans Affairs—

5 (1) should jointly identify ways to improve the
6 coordination and cooperation between the two de-
7 partments to support the provision of veterans' ben-
8 efits to members and former members of the Armed
9 Forces who have been deployed as described in sec-
10 tion 1074f(a) of title 10, United States Code, as well
11 as to other members and former members of the
12 Armed Forces; and

13 (2) in particular, should specifically address
14 compatibility of health care filing systems, consist-
15 ency of claims forms, consistency of medical exami-
16 nations, and shared electronic databases with appro-
17 priate privacy protections.

18 **TITLE IV—HOMEOWNERSHIP**

19 **SEC. 401. MORTGAGE ASSISTANCE.**

20 (a) IN GENERAL.—Section 230 of the National
21 Housing Act (12 U.S.C. 1715u) is amended by adding at
22 the end the following new subsection:

23 “(g)(1) The Secretary shall provide assistance and
24 supplemental assistance under this subsection with respect
25 to mortgages of members of the Armed Forces who are

1 seriously injured during service in the Armed Forces, for
2 the purpose of avoiding foreclosure on the mortgages.

3 “(2) An individual shall be eligible for assistance
4 under this subsection only if—

5 “(A) the individual has been seriously injured
6 while on active duty in the Armed Forces; and

7 “(B) the income of the individual is materially
8 reduced (in the determination of the Secretary) be-
9 cause of such injury.

10 “(3) A mortgage shall be eligible for assistance under
11 this subsection only if—

12 “(A) the mortgagor is an eligible member of the
13 Armed Forces; and

14 “(B) the dwelling that secures the loan subject
15 to the mortgage is the primary residence of the eligi-
16 ble member of the Armed Forces.

17 “(4)(A) Subject only to the availability of amounts
18 provided under appropriations Acts, the Secretary shall
19 provide assistance under this subsection in the form of
20 monthly payments made by the Secretary to the mort-
21 gagee of an eligible mortgage on behalf of any eligible
22 member of the Armed Forces.

23 “(B) Assistance payments under this paragraph shall
24 be made for the 2-year period beginning upon the serious
25 injury of the eligible member of the Armed Forces.

1 “(C) Assistance payments under this paragraph shall
2 be in the amount determined by the Secretary to be nec-
3 essary to pay any monthly charges during such period for
4 principal, interest, taxes, assessments, ground rents, haz-
5 ard insurance, and mortgage insurance premiums (unless
6 otherwise provided under section 222(c)), and may include
7 an amount necessary to make the payments on the mort-
8 gage current.

9 “(5)(A) Subject only to the availability of amounts
10 provided under appropriations Acts, the Secretary shall
11 provide supplemental assistance under this subsection in
12 the form of monthly supplemental payments made by the
13 Secretary to the mortgagee of an eligible mortgage on be-
14 half of any eligible member of the Armed Forces.

15 “(B) Supplemental assistance payments under this
16 paragraph shall be made for the period beginning upon
17 the expiration of the 2-year period under paragraph
18 (4)(B) and ending upon payment in full of the obligation
19 under the eligible mortgage.

20 “(C) Supplemental assistance payments under this
21 paragraph shall be made in the amount equal to the dif-
22 ference between—

23 “(i) the amount determined by the Secretary to
24 be necessary to pay any monthly charges for prin-
25 cipal, interest, taxes, assessments, ground rents,

1 hazard insurance, and mortgage insurance premiums
2 (unless otherwise provided under section 222(c));
3 and

4 “(ii) 30 percent of the monthly income of the
5 household of the mortgagor.

6 “(D) Supplemental assistance payments under this
7 paragraph may include an amount necessary to make the
8 payments on the mortgage current.

9 “(6) The Secretary may prescribe additional require-
10 ments to carry out this subsection.

11 “(7) For purposes of this subsection:

12 “(A) The term ‘active duty’ means full-time
13 duty in the active military service of the United
14 States. The term includes full-time training duty,
15 annual training duty, and attendance, while in the
16 active military service, at a school designated as a
17 service school by law or by the Secretary of the mili-
18 tary department concerned.

19 “(B) The term ‘Armed Forces’ means the
20 Army, Navy, Air Force, Marine Corps, and Coast
21 Guard, and includes members of the National Oce-
22 anic and Atmospheric Administration and the Public
23 Health Service when assigned to and serving with
24 the Armed Forces.

1 “(C) The term ‘eligible member of the Armed
2 Forces’ means an individual who meets the require-
3 ments under paragraph (2).

4 “(D) The term ‘eligible mortgage’ means a
5 mortgage that meets the requirements under para-
6 graph (3). The term ‘mortgage’ means all first mort-
7 gages and includes mortgages not insured under this
8 title.

9 “(E) The term ‘income’ means income from all
10 sources and members of the household, including
11 any benefits and annuities, as determined in accord-
12 ance with criteria prescribed by the Secretary.

13 “(8) There are authorized to be appropriated such
14 sums as may be necessary to carry out this subsection.”.

15 (b) EFFECTIVE DATE.—Assistance may be provided
16 under the amendments made by subsection (a) only with
17 respect to eligible members of the Armed Forces seriously
18 injured on or after September 11, 2001.

TITLE V—EDUCATION

SEC. 501. REPEAL OF \$1,200 REDUCTION IN BASIC PAY RE-
QUIRED FOR PARTICIPATION BY MEMBERS
OF THE ARMED FORCES IN THE MONT-
GOMERY GI BILL EDUCATIONAL ASSISTANCE
PROGRAM.

Any reduction in the basic pay of an individual referred to in section 3011(b) of title 38, United States Code, by reason of such section 3011(b), or of any individual referred to in section 3012(c) of such title by reason of such section 3012(c), as of the date of the enactment of this Act shall cease, commencing with the first month beginning after such date, and any obligation of such individual under such section 3011(b) or 3012(c), as the case may be, as of the day before such date shall be considered to be fully satisfied as of such date.

○