

109TH CONGRESS
1ST SESSION

S. 1341

To amend title 10, United States Code, to improve transitional 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

JUNE 30, 2005

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 transitional 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 2005”.

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

3 (a) PRESEPARATION COUNSELING.—Section 1142 of
4 title 10, United States Code, is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1), by striking “provide
7 for individual preseparation counseling” and in-
8 serting “shall provide individual preseparation
9 counseling”;

10 (B) by redesignating paragraph (4) as
11 paragraph (6); and

12 (C) by inserting after paragraph (3) the
13 following:

14 “(4) For members of the reserve components who
15 have been serving on active duty continuously for at least
16 180 days, the Secretary concerned shall require that
17 preseparation counseling under this section be provided to
18 all such members (including officers) before the members
19 are separated.

20 “(5) The Secretary concerned shall ensure that com-
21 manders of members entitled to services under this section
22 authorize the members to obtain such services during duty
23 time.”.

24 (2) in subsection (b)—

1 (A) in paragraph (4), by striking “(4) In-
2 formation concerning” and inserting the fol-
3 lowing:

4 “(4) Provision of information on civilian occu-
5 pations and related assistance programs, including
6 information concerning—

7 “(A) certification and licensure require-
8 ments that are applicable to civilian occupa-
9 tions;

10 “(B) civilian occupations that correspond
11 to military occupational specialties; and

12 “(C)”; and

13 (B) by adding at the end the following:

14 “(11) Information concerning the priority of
15 service for veterans in the receipt of employment,
16 training, and placement services provided under
17 qualified job training programs of the Department
18 of Labor.

19 “(12) Information concerning veterans small
20 business ownership and entrepreneurship programs
21 of the Small Business Administration and the Na-
22 tional Veterans Business Development Corporation.

23 “(13) Information concerning employment and
24 reemployment rights and obligations under chapter
25 43 of title 38.

1 “(14) Information concerning veterans pref-
2 erence in federal employment and federal procure-
3 ment opportunities.

4 “(15) Information concerning homelessness, in-
5 cluding risk factors, awareness assessment, and con-
6 tact information for preventative assistance associ-
7 ated with homelessness.

8 “(16) Contact information for housing coun-
9 seling assistance.

10 “(17) A description, developed in consultation
11 with the Secretary of Veterans Affairs, of health
12 care and other benefits to which the member may be
13 entitled under the laws administered by the Sec-
14 retary of Veterans Affairs.

15 “(18) If a member is eligible, based on a
16 preseparation physical examination, for compensa-
17 tion benefits under the laws administered by the
18 Secretary of Veterans Affairs, a referral for a med-
19 ical examination by the Secretary of Veterans Af-
20 fairs (commonly known as a ‘compensation and pen-
21 sion examination’).”;

22 (3) by adding at the end the following:

23 “(d) ADDITIONAL REQUIREMENTS.—(1) The Sec-
24 retary concerned shall ensure that—

1 “(A) preseparation counseling under this sec-
2 tion includes material that is specifically relevant to
3 the needs of—

4 “(i) persons being separated from active
5 duty by discharge from a regular component of
6 the armed forces; and

7 “(ii) members of the reserve components
8 being separated from active duty;

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

11 “(i) each military installation under the ju-
12 risdiction of the Secretary;

13 “(ii) each armory and military family sup-
14 port center of the National Guard;

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

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

24 “(C) the scope and content of the material pre-
25 sented in preseparation counseling at each location

1 under this section are consistent with the scope and
2 content of the material presented in the
3 preseparation counseling at the other locations
4 under this section; and

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

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

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

22 “(2) The preseparation counseling provided personnel
23 under paragraph (1) shall include material that is specifi-
24 cally relevant to the needs of such personnel as members
25 of the National Guard.

1 “(3) The Secretary of Defense shall prescribe, by reg-
 2 ulation, the standards for determining long-term duty
 3 under paragraph (1).”; and

4 (4) by amending the heading to read as follows:
 5 **“§ 1142. Members separating from active duty:
 6 preseparation counseling”.**

7 (b) CLERICAL AMENDMENT.—The table of sections
 8 at the beginning of chapter 58 of title 10, United States
 9 Code, is amended by striking the item relating to section
 10 1142 and inserting the following:

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

11 (c) DEPARTMENT OF LABOR TRANSITIONAL SERV-
 12 ICES PROGRAM.—Section 1144 of title 10, United States
 13 Code, is amended—

14 (1) in subsection (a)(1), by striking “paragraph
 15 (4)(A)” in the second sentence and inserting “para-
 16 graph (6)(A)”;

17 (2) by amending subsection (c) to read as fol-
 18 lows:

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

24 “(2) The Secretary and the Secretary of Homeland
 25 Security need not require, but shall encourage and other-

1 wise promote, participation in the program by the fol-
 2 lowing members of the armed forces described in para-
 3 graph (1):

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

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

8 “(i) a position of employment; or

9 “(ii) pursuit of an academic degree or
 10 other educational or occupational training ob-
 11 jective that the member was pursuing when
 12 called or ordered to such active duty.

13 “(3) The Secretary concerned shall ensure that com-
 14 manders of members entitled to services under this section
 15 authorize the members to obtain such services during duty
 16 time.”; and

17 (3) by adding at the end the following:

18 “(e) UPDATED MATERIALS.—The Secretary con-
 19 cerned shall, on a continuing basis, update the content of
 20 all materials used by the Department of Labor that pro-
 21 vide direct training support to personnel who provide tran-
 22 sitional services counseling under this section.”.

23 **SEC. 3. BENEFITS DELIVERY AT DISCHARGE PROGRAMS.**

24 (a) PLAN FOR MAXIMUM ACCESS TO BENEFITS.—

1 (1) IN GENERAL.—The Secretary of Defense,
2 the Secretary of Homeland Security, and the Sec-
3 retary of Veterans Affairs shall jointly submit to
4 Congress a plan to maximize access to benefits deliv-
5 ery at discharge programs for members of the
6 Armed Forces.

7 (2) CONTENTS.—The plan submitted under
8 paragraph (1) shall include a description of efforts
9 to ensure that services under programs described in
10 paragraph (1) are provided, to the maximum extent
11 practicable—

12 (A) at each military installation under the
13 jurisdiction of the Secretary;

14 (B) at each armory and military family
15 support center of the National Guard;

16 (C) at each installation and inpatient med-
17 ical care facility of the uniformed services at
18 which personnel eligible for assistance under
19 such programs are discharged from the armed
20 forces; and

21 (D) in the case of a member on the tem-
22 porary disability retired list under section 1202
23 or 1205 of title 10, United States Code, who is
24 being retired under another provision of such

1 title or is being discharged, at a location rea-
2 sonably convenient to the member.

3 (b) DEFINITION.—In this section, the term “benefits
4 delivery at discharge program” means a program adminis-
5 tered jointly by the Secretary of Defense and the Secretary
6 of Veterans Affairs to provide information and assistance
7 on available benefits and other transition assistance to
8 members of the Armed Forces who are separating from
9 the Armed Forces, including assistance to obtain any dis-
10 ability benefits for such members may be eligible.

11 **SEC. 4. POST-DEPLOYMENT MEDICAL ASSESSMENT AND**
12 **SERVICES.**

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

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

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

22 (3) by inserting after subsection (b) the fol-
23 lowing:

24 “(c) PHYSICAL MEDICAL EXAMINATIONS.—(1) The
25 Secretary shall—

1 “(A) prescribe the minimum content and stand-
2 ards that apply for the physical medical examina-
3 tions required under this section; and

4 “(B) ensure that the content and standards
5 prescribed under subparagraph (A) are uniformly
6 applied at all installations and medical facilities of
7 the armed forces where physical medical examina-
8 tions required under this section are performed for
9 members of the armed forces returning from a de-
10 ployment described in subsection (a).

11 “(2) An examination consisting solely or primarily of
12 an assessment questionnaire completed by a member does
13 not meet the requirements under this section for—

14 “(A) a physical medical examination; or

15 “(B) an assessment.

16 “(3) The content and standards prescribed under
17 paragraph (1) for mental health screening and assessment
18 shall include—

19 “(A) content and standards for screening men-
20 tal health disorders; and

21 “(B) in the case of acute post-traumatic stress
22 disorder and delayed onset post-traumatic stress dis-
23 order, specific questions to identify stressors experi-
24 enced by members that have the potential to lead to
25 post-traumatic stress disorder, which questions may

1 be taken from or modeled after the post-deployment
2 assessment questionnaire used in June 2005.

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

7 “(d) FOLLOW UP SERVICES.—(1) The Secretary, in
8 consultation with the Secretary of Veterans Affairs, shall
9 ensure that appropriate actions are taken to assist a mem-
10 ber who, as a result of a post-deployment medical exam-
11 ination carried out under the system established under
12 this section, receives an indication for a referral for follow
13 up treatment from the health care provider who performs
14 the examination.

15 “(2) Assistance required to be provided to a member
16 under paragraph (1) includes—

17 “(A) information regarding, and any appro-
18 priate referral for, the care, treatment, and other
19 services that the Secretary or the Secretary of Vet-
20 erans Affairs may provide to such member under
21 any other provision of law, including—

22 “(i) clinical services, including counseling
23 and treatment for post-traumatic stress dis-
24 order and other mental health conditions; and

1 “(ii) any other care, treatment, and serv-
2 ices;

3 “(B) information on the private sector sources
4 of treatment that are available to the member in the
5 member’s community; and

6 “(C) assistance to enroll in the health care sys-
7 tem of the Department of Veterans Affairs for
8 health care benefits for which the member is eligible
9 under laws administered by the Secretary of Vet-
10 erans Affairs.”.

11 (b) REPORT ON PTSD CASES.—(1) The Secretary of
12 Defense and the Secretary of Veterans Affairs shall jointly
13 submit to Congress a report on the services provided to
14 members and former members of the Armed Forces who
15 experience post-traumatic stress disorder (and related con-
16 ditions) associated with service in the Armed Forces.

17 (2) The report submitted under paragraph (1) shall
18 include—

19 (A) the number of persons treated;

20 (B) the types of interventions; and

21 (C) the programs that are in place for each of
22 the Armed Forces to identify and treat cases of
23 post-traumatic stress disorder and related condi-
24 tions.

1 **SEC. 5. ACCESS OF MILITARY AND VETERANS SERVICE**
2 **AGENCIES AND ORGANIZATIONS.**

3 (a) DEPARTMENT OF DEFENSE.—

4 (1) IN GENERAL.—Chapter 58 of title 10,
5 United States Code, is amended by adding at the
6 end the following:

7 **“§ 1154. Veteran-to-veteran preseparation counseling**

8 “(a) COOPERATION REQUIRED.—The Secretary shall
9 carry out a program to facilitate the access of representa-
10 tives of military and veterans’ service organizations and
11 representatives of veterans’ services agencies of States to
12 provide preseparation counseling and services to members
13 of the armed forces who are scheduled, or are in the proc-
14 ess of being scheduled, for discharge, release from active
15 duty, or retirement.

16 “(b) REQUIRED PROGRAM ELEMENT.—The program
17 under this section shall provide for representatives of mili-
18 tary and veterans’ service organizations and representa-
19 tives of veterans’ services agencies of States to be invited
20 to participate in the preseparation counseling and other
21 assistance briefings provided to members under the pro-
22 grams carried out under sections 1142 and 1144 of this
23 title and the benefits delivery at discharge programs.

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

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

1 “(2) at each armory and military family sup-
2 port center of the National Guard;

3 “(3) at each inpatient medical care facility of
4 the uniformed services administered under chapter
5 55 of this title; and

6 “(4) in the case of a member on the temporary
7 disability retired list under section 1202 or 1205 of
8 this title who is being retired under another provi-
9 sion of this title or is being discharged, at a location
10 reasonably convenient to the member.

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

14 “(e) DEFINITIONS.—In this section:

15 “(1) The term ‘benefits delivery at discharge
16 program’ means a program administered jointly by
17 the Secretary and the Secretary of Veterans Affairs
18 to provide information and assistance on available
19 benefits and other transition assistance to members
20 of the armed forces who are separating from the
21 armed forces, including assistance to obtain any dis-
22 ability benefits for which such members may be eli-
23 gible.

24 “(2) The term ‘representative’, with respect to
25 a veterans’ service organization, means a representa-

1 tive of an organization who is recognized by the Sec-
 2 retary of Veterans Affairs for the representation of
 3 veterans under section 5902 of title 38.”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
 5 tions at the beginning of chapter 58 of title 10,
 6 United States Code, is amended by adding at the
 7 end the following:

“1154. Veteran-to-veteran preseparation counseling.”.

8 (b) DEPARTMENT OF VETERANS AFFAIRS.—

9 (1) IN GENERAL.—Subchapter I of chapter 17
 10 of title 38, United States Code, is amended by add-
 11 ing at the end the following:

12 **“§ 1709. Veteran-to-veteran counseling**

13 “(a) COOPERATION REQUIRED.—The Secretary shall
 14 carry out a program to facilitate the access of representa-
 15 tives of military and veterans’ service organizations and
 16 representatives of veterans’ services agencies of States to
 17 veterans furnished care and services under this chapter
 18 to provide information and counseling to such veterans
 19 on—

20 “(1) the care and services authorized by this
 21 chapter; and

22 “(2) other benefits and services available under
 23 the laws administered by the Secretary.

24 “(b) FACILITIES COVERED.—The program under
 25 this section shall provide for access to veterans described

1 in subsection (a) at each facility of the Department and
2 any non-Department facility at which the Secretary fur-
3 nishes care and services under this chapter.

4 “(c) CONSENT OF VETERANS REQUIRED.—Access to
5 a veteran under the program under this section is subject
6 to the consent of the veteran.

7 “(d) DEFINITION.—In this section, the term ‘vet-
8 erans’ service organization’ means an organization who is
9 recognized by the Secretary for the representation of vet-
10 erans under section 5902 of this title.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions at the beginning of chapter 17 of title 38,
13 United States Code, is amended by inserting after
14 the item relating to section 1708 the following:

“1709. Veteran-to-veteran counseling.”.

