

118TH CONGRESS
1ST SESSION

S. 1975

To require a GAO study on the compliance of discharge review boards with statutory provisions and directives related to liberal consideration of certain conditions, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 14, 2023

Mr. PETERS (for himself, Mr. ROUNDS, Mr. KING, and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To require a GAO study on the compliance of discharge review boards with statutory provisions and directives related to liberal consideration of certain conditions, 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 “Discharge Review
5 Board Accountability Act of 2023”.

1 **SEC. 2. STUDY ON DISCHARGE REVIEW BOARD COMPLI-**
2 **ANCE WITH LIBERAL CONSIDERATION RE-**
3 **QUIREMENT.**

4 (a) IN GENERAL.—The Comptroller General of the
5 United States shall conduct a study on the implementation
6 by discharge review boards established under section 1553
7 of title 10, United States Code, of the concept of liberal
8 consideration as required under subsection (d)(3) of such
9 section and under the Kurta memorandum.

10 (b) ELEMENTS.—The study required under sub-
11 section (a) shall include the following elements:

12 (1) An assessment of the implementation of the
13 requirements of section 1553(d)(3) of title 10,
14 United States Code, by discharge review boards, and
15 how the Department of Defense ensures compliance
16 with the requirements.

17 (2) An assessment of the implementation of the
18 guidance outlined in the Kurta memorandum by dis-
19 charge review boards.

20 (3) An assessment of the availability of data on
21 cases considered pursuant to section 1553 of title
22 10, United States Code, where the decision explicitly
23 references liberal consideration, the Hagel memo-
24 randum, or the Kurta memorandum.

25 (4) An assessment of the availability of data on
26 cases considered pursuant to section 1553 of title

1 10, United States Code, where the decision explicitly
2 references the four-part framework outlined in the
3 Kurta memorandum.

4 (5) An analysis of how the Department of De-
5 fense ensures liberal consideration, as defined in the
6 Kurta memorandum, is actually being employed in
7 cases considered pursuant to section 1553 of title
8 10, United States Code.

9 (6) A description of any barriers, whether or
10 not referenced explicitly in discharge review board
11 decisions, that may prevent discharge review boards
12 from employing liberal consideration.

13 (7) Recommendations for reforms that could
14 enable discharge review boards to better implement
15 liberal consideration.

16 (c) RESULTS.—Not later than 180 days after the
17 date of the enactment of this Act, the Comptroller General
18 shall brief the appropriate congressional committees on
19 any preliminary findings of the study, with a report to
20 follow at a mutually agreed upon date.

21 (d) DEFINITIONS.—In this section:

22 (1) APPROPRIATE CONGRESSIONAL COMMIT-
23 TEES.—The term “appropriate congressional com-
24 mittees” means—

1 (A) the Committee on Armed Services and
2 the Committee on Veterans' Affairs of the Sen-
3 ate; and

4 (B) the Committee on Armed Services and
5 the Committee on Veterans' Affairs of the
6 House of Representatives.

7 (2) HAGEL MEMORANDUM.—The term “Hagel
8 memorandum” means the September 3, 2014,
9 memorandum from the Secretary of Defense to the
10 Secretaries of the military departments entitled,
11 “Supplemental Guidance to Military Boards for Cor-
12 rection of Military/Naval Records Considering Dis-
13 charge Upgrade Requests by Veterans Claiming Post
14 Traumatic Stress Disorder”.

15 (3) KURTA MEMORANDUM.—The term “Kurta
16 memorandum” means the August 25, 2017, memo-
17 randum from the Office of the Under Secretary of
18 Defense for Personnel and Readiness to the Secre-
19 taries of the military departments entitled, “Clari-
20 fying Guidance to Military Discharge Review Boards
21 and Boards for Correction of Military/Naval Records
22 Considering Requests by Veterans for Modification
23 of their Discharge Due to Mental Health Conditions,
24 Sexual Assault, or Sexual Harassment”.

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