

118TH CONGRESS
1ST SESSION

S. 3295

To require the Secretary of Veterans Affairs to establish a portal for maintaining digital records of former members of the Armed Forces and to establish an advisory committee regarding the maintenance of those records, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 14 (legislative day, NOVEMBER 13), 2023

Mr. LANKFORD (for himself and Ms. HASSAN) introduced the following bill;
which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To require the Secretary of Veterans Affairs to establish a portal for maintaining digital records of former members of the Armed Forces and to establish an advisory committee regarding the maintenance of those records, 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 “Increasing Access to
5 Military Service Records Act of 2023”.

1 **SEC. 2. ESTABLISHMENT OF PORTAL FOR DIGITAL**
2 **RECORDS OF FORMER MEMBERS OF THE**
3 **ARMED FORCES.**

4 (a) ESTABLISHMENT OF PORTAL REQUIRED.—The
5 Secretary of Veterans Affairs shall establish a portal for
6 maintaining images of the military personnel digital
7 records of the Department of Defense so that former
8 members of the Armed Forces and their families can ac-
9 cess their own records through a portal created by the De-
10 partment of Veterans Affairs.

11 (b) ADVISORY COMMITTEE.—

12 (1) ESTABLISHMENT.—

13 (A) IN GENERAL.—The Secretary shall es-
14 tablish an advisory committee on access to mili-
15 tary personnel records of former members of
16 the Armed Forces.

17 (B) DESIGNATION.—The advisory com-
18 mittee established under subparagraph (A) shall
19 be known as the “Veteran Military Personnel
20 Record Advisory Committee” (in this section re-
21 ferred to as the “Advisory Committee”).

22 (2) MEMBERSHIP.—

23 (A) IN GENERAL.—The Advisory Com-
24 mittee shall be composed of 12 members ap-
25 pointed by the Secretary, of which—

1 (i) not fewer than one shall be a rep-
2 resentative of the Administration;

3 (ii) not fewer than one shall be a rep-
4 resentative of the Department of Defense;

5 (iii) not fewer than one shall be a rep-
6 resentative of the Department of Veterans
7 Affairs;

8 (iv) not fewer than one shall be a rep-
9 resentative of the Army;

10 (v) not fewer than one shall be a rep-
11 resentative of the Navy;

12 (vi) not fewer than one shall be a rep-
13 resentative of the Air Force;

14 (vii) not fewer than one shall be a
15 representative of the Marine Corps;

16 (viii) not fewer than one shall be a
17 representative of the Space Force;

18 (ix) not fewer than one shall be a rep-
19 resentative of the Coast Guard;

20 (x) not fewer than one shall be a
21 skilled software product development spe-
22 cialist; and

23 (xi) not fewer than one shall be a rep-
24 resentative of a veterans service organiza-
25 tion.

1 (B) DATE.—The appointments of the
 2 members of the Committee under subparagraph
 3 (A) shall be made not later than 90 days after
 4 the date of the enactment of this Act.

5 (C) PERIOD OF APPOINTMENT; VACAN-
 6 CIES.—

7 (i) IN GENERAL.—A member of the
 8 Advisory Committee shall be appointed for
 9 the life of the Advisory Committee.

10 (ii) VACANCIES.—A vacancy in the
 11 Advisory Committee—

12 (I) shall not affect the powers of
 13 the Advisory Committee; and

14 (II) shall be filled in the same
 15 manner as the original appointment.

16 (D) CHAIRPERSON AND VICE CHAIR-
 17 PERSON.—The Advisory Committee shall select
 18 a Chairperson and Vice Chairperson from
 19 among the members of the Advisory Committee.

20 (3) MEETINGS.—

21 (A) INITIAL MEETING.—Not later than 90
 22 days after the date of the enactment of this
 23 Act, the Advisory Committee shall hold the first
 24 meeting of the Advisory Committee.

1 (B) FREQUENCY.—The Advisory Com-
2 mittee shall meet not less frequently than quar-
3 terly.

4 (C) QUORUM.—A majority of the members
5 of the Advisory Committee shall constitute a
6 quorum, but a lesser number of members may
7 hold hearings.

8 (4) DUTIES.—The duties of the Advisory Com-
9 mittee are as follows:

10 (A) To assess how the Department of Vet-
11 erans Affairs and the National Archives can
12 more effectively utilize the electronic records of
13 the Department of Defense via the Defense
14 Personnel Records Information Retrieval Sys-
15 tem and how to best use this platform as a por-
16 tal for the digital images of the records.

17 (B) To assess how the military depart-
18 ments would need to better coordinate the capa-
19 bilities of the Defense Personnel Records Infor-
20 mation Retrieval System.

21 (C) To assess how best to leverage existing
22 infrastructure of the Defense Personnel
23 Records Information Retrieval System and
24 other forms of infrastructure to facilitate mili-

1 tary personnel record access for former mem-
2 bers of the Armed Forces.

3 (D) To create guidelines for compiling
4 military personnel records of members of the
5 Armed Forces in the portal established under
6 subsection (a).

7 (E) To assess the steps required to develop
8 an electronic portal and corresponding website
9 to carry out subsection (a).

10 (F) To assess the transition from the De-
11 partment of Defense to the Administration
12 after 62 years when military personnel records
13 become public.

14 (G) To assess the coordination of military
15 personnel records between Federal agencies.

16 (H) To assess the consistency and inter-
17 operability of data sharing between the military
18 departments with respect to military personnel
19 records.

20 (I) To assess the legal impediments to the
21 sharing between Federal agencies of military
22 personnel records.

23 (J) To assess the options for accessibility
24 of former members of the Armed Forces to

1 their military personnel records and any hin-
2 drances to such accessibility.

3 (K) To assess the feasibility and advis-
4 ability of a call center for former members of
5 the Armed Forces to access their military per-
6 sonnel records within the National Personnel
7 Records Center.

8 (L) To assess the feasibility and advis-
9 ability of a nondigital option for former mem-
10 bers of the Armed Forces without access to the
11 portal established under subsection (a) to ac-
12 cess their military personnel records.

13 (M) To assess the feasibility and advis-
14 ability of establishing a portal like the one re-
15 quired by subsection (a) but separated from
16 such portal and for congressional caseworkers
17 of former members of the Armed Forces.

18 (N) To assess the feasibility and advis-
19 ability of allowing third-party access to military
20 personnel records of former members of the
21 Armed Forces for scholars and extended family
22 members of such former members.

23 (O) To assess how the portal required by
24 subsection (a) can have necessary separation
25 between the actual data or information provided

1 and the end user to protect confidential infor-
2 mation and privacy.

3 (P) To assess measures to ensure adequate
4 access to military personnel records of former
5 members of the Armed Forces by historians
6 while protecting the privacy of former members
7 of the Armed Forces.

8 (Q) To assess which metrics should be
9 used to determine which family members of
10 former members of the Armed Forces should be
11 allowed to access the military personnel records
12 of such former members.

13 (R) To assess how military personnel
14 records transfer from the military departments
15 to the Administration after 62 years will occur
16 in the digital realm, including from a private in-
17 formation protection standpoint.

18 (S) To assess the current standards for
19 sharing records of former members of the
20 Armed Forces.

21 (T) To assess how to avoid data redun-
22 dancy and ensure consistent record keeping of
23 military personnel records across all platforms
24 and locations of the Federal Government.

1 (5) REPORT.—Not later than 180 days after
2 the initial meeting of the Advisory Committee under
3 paragraph (3)(A), the Advisory Committee shall sub-
4 mit to Congress a report on the activities conducted
5 by the Advisory Committee.

6 (6) POWERS OF ADVISORY COMMITTEE.—

7 (A) HEARINGS.—The Advisory Committee
8 may hold such hearings, sit and act at such
9 times and places, take such testimony, and re-
10 ceive such evidence as the Advisory Committee
11 considers advisable to carry out this subsection.

12 (B) INFORMATION FROM FEDERAL AGEN-
13 CIES.—

14 (i) IN GENERAL.—The Advisory Com-
15 mittee may secure directly from a Federal
16 department or agency such information as
17 the Advisory Committee considers nec-
18 essary to carry out this subsection.

19 (ii) FURNISHING INFORMATION.—On
20 request of the Chairperson of the Advisory
21 Committee, the head of the department or
22 agency shall furnish the information to the
23 Advisory Committee.

24 (C) POSTAL SERVICES.—The Advisory
25 Committee may use the United States mails in

1 the same manner and under the same condi-
2 tions as other departments and agencies of the
3 Federal Government.

4 (D) GIFTS.—The Advisory Committee may
5 accept, use, and dispose of gifts or donations of
6 services or property.

7 (7) ADVISORY COMMITTEE PERSONNEL MAT-
8 TERS.—

9 (A) COMPENSATION OF MEMBERS.—A
10 member of the Advisory Committee who is not
11 an officer or employee of the Federal Govern-
12 ment shall be compensated at a rate equal to
13 the daily equivalent of the annual rate of basic
14 pay prescribed for level IV of the Executive
15 Schedule under section 5315 of title 5, United
16 States Code, for each day (including travel
17 time) during which the member is engaged in
18 the performance of the duties of the Advisory
19 Committee.

20 (B) TRAVEL EXPENSES.—A member of the
21 Advisory Committee shall be allowed travel ex-
22 penses, including per diem in lieu of subsist-
23 ence, at rates authorized for employees of agen-
24 cies under subchapter I of chapter 57 of title 5,
25 United States Code, while away from their

1 homes or regular places of business in the per-
2 formance of services for the Advisory Com-
3 mittee.

4 (C) STAFF.—

5 (i) IN GENERAL.—The Chairperson of
6 the Advisory Committee may, without re-
7 gard to the civil service laws (including
8 regulations), appoint and terminate an ex-
9 ecutive director and such other additional
10 personnel as may be necessary to enable
11 the Advisory Committee to perform its du-
12 ties, except that the employment of an ex-
13 ecutive director shall be subject to con-
14 firmation by the Advisory Committee.

15 (ii) COMPENSATION.—The Chair-
16 person of the Advisory Committee may fix
17 the compensation of the executive director
18 and other personnel without regard to
19 chapter 51 and subchapter III of chapter
20 53 of title 5, United States Code, relating
21 to classification of positions and General
22 Schedule pay rates, except that the rate of
23 pay for the executive director and other
24 personnel may not exceed the rate payable

1 for level V of the Executive Schedule under
2 section 5316 of that title.

3 (D) DETAIL OF GOVERNMENT EMPLOY-
4 EES.—A Federal Government employee may be
5 detailed to the Advisory Committee without re-
6 imbursement, and such detail shall be without
7 interruption or loss of civil service status or
8 privilege.

9 (E) PROCUREMENT OF TEMPORARY AND
10 INTERMITTENT SERVICES.—The Chairperson of
11 the Advisory Committee may procure temporary
12 and intermittent services under section 3109(b)
13 of title 5, United States Code, at rates for indi-
14 viduals that do not exceed the daily equivalent
15 of the annual rate of basic pay prescribed for
16 level V of the Executive Schedule under section
17 5316 of that title.

18 (8) TERMINATION OF ADVISORY COMMITTEE.—
19 The Advisory Committee shall terminate on the date
20 that is two years after the date of the enactment of
21 this Act.

22 (9) AUTHORIZATION OF APPROPRIATIONS.—No
23 amounts are authorized to be appropriated to carry
24 out this subsection. The Secretary shall carry out

1 this subsection using amounts otherwise made avail-
2 able to the Department of Veterans Affairs.

3 (c) DEFINITIONS.—In this section:

4 (1) ADMINISTRATION AND ARCHIVIST.—The
5 terms “Administration” and “Archivist” have the
6 meanings given those terms in section 2101 of title
7 44, United States Code.

8 (2) VETERANS SERVICE ORGANIZATION.—The
9 term “veterans service organization” means any or-
10 ganization recognized by the Secretary of Veterans
11 Affairs for the representation of veterans under sec-
12 tion 5902 of title 38, United States Code.

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