

United States Senate

WASHINGTON, DC 20510

October 6, 2017

The Honorable John McCain
Chairman
Senate Armed Services Committee
228 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Jack Reed
Ranking Member
Senate Armed Services Committee
228 Russell Senate Office Building
Washington, D.C. 20510

Dear Chairman McCain and Ranking Member Reed:

We write regarding the conference committee for the National Defense Authorization Act for Fiscal Year 2018 (NDAA). As passed by the Senate, this legislation contains provisions that strengthen defense policy and fortify our national security. As conference negotiations begin, we urge you to ensure that Section 519 concerning Discharge Review Boards (DRBs) of the Senate-passed NDAA is included in the final version of the NDAA. This section provides much-needed improvements to the current process of military records corrections to ensure that veterans receive the full honors and benefits they deserve for their service.

Despite honorable service to our country, servicemembers have in some cases received less than honorable discharges from military service, including from combat-related or military sexual trauma-related mental health disorders. Section 519 of the Senate-passed NDAA ensures these veterans have a chance to dispute their discharge in-person by repealing the 15-year statute of limitations for DRBs on requests for review of veterans' discharge status. Too often, servicemembers and veterans suffer for years with undiagnosed mental health conditions. The repeal of the 15-year statute of limitations will enable all veterans, from all eras, to bring their case before DRBs for an in-person hearing where they can be considered for a discharge characterization upgrade. Currently, cases from over 15 years ago must go to Boards for the Correction of Military Records where there is no right to a hearing and veterans have a significantly lower rate of successfully appealing their discharge characterization. Additionally, this provision authorizes the Department of Defense to allow veterans to present evidence of their case through affidavit, telephone, or video conference when feasible – improving their access to justice.

It is critical that we ensure our veterans can benefit from the due process protections afforded by DRBs regardless of whether their discharge occurred this year or several decades ago. As Section 519 of the Senate-passed FY 2018 NDAA improves opportunities for veterans, we urge you to ensure it remains in the NDAA. We thank you for your consideration of this request and look forward to working with you on this matter.

Sincerely,



RICHARD BLUMENTHAL
United States Senate



KIRSTEN GILLIBRAND
United States Senate

cc: Chairman Mac Thornberry, House Armed Services Committee
Ranking Member Adam Smith, House Armed Services Committee