

110TH CONGRESS
2D SESSION

S. 2963

To improve and enhance the mental health care benefits available to members of the Armed Forces and veterans, to enhance counseling and other benefits available to survivors of members of the Armed Forces and veterans, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 1, 2008

Mr. BOND (for himself, Mrs. BOXER, Mr. STEVENS, Mr. OBAMA, Mr. DOMENICI, Mrs. DOLE, and Ms. MURKOWSKI) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To improve and enhance the mental health care benefits available to members of the Armed Forces and veterans, to enhance counseling and other benefits available to survivors of members of the Armed Forces and veterans, 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. SCHOLARSHIP PROGRAM FOR EDUCATION AND**
4 **TRAINING OF BEHAVIORAL HEALTH CARE**
5 **SPECIALISTS FOR VET CENTERS.**

6 (a) PROGRAM REQUIRED.—The Secretary of Vet-
7 erans Affairs shall, acting through the Under Secretary

1 for Health of the Department of Veterans Affairs, carry
2 out a program to provide scholarships to individuals pur-
3 suing education or training in behavioral health care spe-
4 cialties that are critical to the operations of Vet Centers
5 in order to recruit and retain individuals with such special-
6 ties for service as behavioral health care specialists in Vet
7 Centers.

8 (b) ELIGIBILITY.—An individual shall be eligible for
9 a scholarship under the program under this section if the
10 individual—

11 (1) is pursuing education or training leading to
12 licensure or other certified proficiency in such behav-
13 ioral health care specialties critical to the operations
14 of Vet Centers as the Secretary shall designate for
15 purposes of the program; and

16 (2) otherwise meets such other criteria or re-
17 quirements as the Secretary shall establish for pur-
18 poses of the program.

19 (c) AMOUNT.—The amount of any scholarship pro-
20 vided under the program under this section shall be deter-
21 mined by the Secretary.

22 (d) AGREEMENT TO SERVE AS BEHAVIORAL
23 HEALTH CARE SPECIALIST IN VET CENTERS.—As a con-
24 dition of receipt of a scholarship under the program under
25 this section, an individual receiving a scholarship shall

1 enter into an agreement with the Secretary to serve as
2 an employee of a Vet Center in the behavioral health care
3 specialty of the individual for such period as the Secretary
4 shall specify in the agreement.

5 (e) REPAYMENT.—Each agreement under subsection
6 (c) shall contain such provisions as the Under Secretary
7 shall establish for purposes of the program under this sec-
8 tion relating to repayment of the amount of a scholarship
9 provided under this section in the event the individual en-
10 tering into such agreement does not fulfill the service re-
11 quirements in such agreement. Such provisions shall, to
12 the maximum extent practicable, apply uniformly to all re-
13 cipients of scholarships provided under this section.

14 (f) FUNDING.—(1) Amounts for scholarships under
15 the program under this section shall be derived from
16 amounts available to the Secretary of Veterans Affairs for
17 readjustment benefits.

18 (2) The total amount available for scholarships under
19 the program under this section in any fiscal year may not
20 exceed \$2,000,000.

21 (g) VET CENTERS DEFINED.—In this section, the
22 term “Vet Centers” means the centers for readjustment
23 counseling and related mental health services for veterans
24 under section 1712A of title 38, United States Code.

1 **SEC. 2. ELIGIBILITY OF MEMBERS OF THE ARMED FORCES**
2 **WHO SERVE IN OPERATION IRAQI FREEDOM**
3 **OR OPERATION ENDURING FREEDOM FOR**
4 **COUNSELING AND SERVICES THROUGH VETS**
5 **CENTERS.**

6 (a) IN GENERAL.—Any member of the Armed
7 Forces, including a member of the National Guard or Re-
8 serve, who serves on active duty in the Armed Forces in
9 Operation Iraqi Freedom or Operation Enduring Freedom
10 is eligible for readjustment counseling and related mental
11 health services under section 1712A of title 38, United
12 States Code, through the centers for readjustment coun-
13 seling and related mental health services (commonly re-
14 ferred to as “Vet Centers”) operated under that section.

15 (b) NO REQUIREMENT FOR CURRENT ACTIVE DUTY
16 SERVICE.—A member of the Armed Forces who meets the
17 requirements for eligibility for counseling and services
18 under subsection (a) is entitled to counseling and services
19 under that subsection regardless of whether or not the
20 member is currently on active duty in the Armed Forces
21 at the time of receipt of counseling and services under that
22 subsection.

23 (c) REGULATIONS.—The eligibility of members of the
24 Armed Forces for counseling and services under sub-
25 section (a) shall be subject to such regulations as the Sec-

1 retary of Defense and the Secretary of Veterans Affairs
2 shall jointly prescribe for purposes of this section.

3 **SEC. 3. RESTORATION OF AUTHORITY OF VETS CENTERS**
4 **TO PROVIDE REFERRAL AND OTHER ASSIST-**
5 **ANCE UPON REQUEST TO FORMER MEMBERS**
6 **OF THE ARMED FORCES NOT AUTHORIZED**
7 **COUNSELING.**

8 Section 1712A of title 38, United States Code, is
9 amended by inserting after subsection (b) the following
10 new subsection (c):

11 “(c) Upon receipt of a request for counseling under
12 this section from any individual who has been discharged
13 or released from active military, naval, or air service but
14 who is not otherwise eligible for such counseling, the Sec-
15 retary shall—

16 “(1) provide referral services to assist such in-
17 dividual, to the maximum extent practicable, in ob-
18 taining mental health care and services from sources
19 outside the Department; and

20 “(2) if pertinent, advise such individual of such
21 individual’s rights to apply to the appropriate mili-
22 tary, naval, or air service, and to the Department,
23 for review of such individual’s discharge or release
24 from such service.”.

1 **SEC. 4. TREATMENT OF SUICIDES OF CERTAIN FORMER**
2 **MEMBERS OF THE ARMED FORCES AS**
3 **DEATHS IN LINE OF DUTY FOR PURPOSES OF**
4 **ELIGIBILITY OF SURVIVORS FOR CERTAIN**
5 **BENEFITS.**

6 (a) TREATMENT AS DEATH IN LINE OF DUTY OF
7 SUICIDES OF CERTAIN FORMER MEMBERS OF THE
8 ARMED FORCES.—The suicide of a former member of the
9 Armed Forces described in subsection (b) that occurs dur-
10 ing the two-year period beginning on the date of the sepa-
11 ration or retirement of the former member from the
12 Armed Forces shall be treated as a death in line of duty
13 of a member of the Armed Forces on active duty in the
14 Armed Forces for purposes of the eligibility of the sur-
15 vivors of the former member for the benefits described in
16 subsection (c).

17 (b) COVERED FORMER MEMBERS OF THE ARMED
18 FORCES.—A former member of the Armed Forces de-
19 scribed in this subsection is any former member of the
20 Armed Forces with a medical history of a combat-related
21 mental health condition or Post Traumatic Stress Dis-
22 order (PTSD) or Traumatic Brain Injury (TBI).

23 (c) COVERED BENEFITS.—The benefits described in
24 this subsection are the benefits as follows:

25 (1) Burial benefits.

1 (2) Benefits under the Survivor Benefit Plan
2 under subchapter II of chapter 73 of title 10, United
3 States Code.

4 (3) Benefits under the laws administered by the
5 Secretary of Veterans Affairs.

6 (4) Benefits under the Social Security Act.

7 (d) DATES FOR PURPOSES OF CERTAIN DETERMINA-
8 TIONS.—

9 (1) DATE OF DEATH.—Except as provided in
10 paragraph (2), for purposes of the benefits under
11 this section, the date of death of a former member
12 of the Armed Forces described by subsection (a)
13 shall be the date of the separation or retirement of
14 the former member from the Armed Forces.

15 (2) DATE FOR NATURE OF ELIGIBILITY.—In
16 determining the scope and nature of the entitlement
17 a survivor of a former member of the Armed Forces
18 described by subsection (a) to benefits under this
19 section, the date of death of the former member
20 shall be the date of the suicide of the former mem-
21 ber.

22 (e) REFUND OF REDUCTION IN RETIRED PAY
23 UNDER SBP.—Any reduction in the retired pay of a
24 former member of the Armed Forces described by sub-
25 section (a) under the Survivor Benefit Plan under sub-

1 chapter II of chapter 73 of title 10, United States Code,
2 during the period beginning on the date of the retirement
3 of the former member from the Armed Forces and ending
4 on the date of the suicide of the former member shall be
5 refunded to the surviving spouse or children, as applicable,
6 of the former member.

7 **SEC. 5. GRANTS FOR NON-PROFIT ORGANIZATIONS FOR**
8 **THE PROVISION OF EMOTIONAL SUPPORT**
9 **SERVICES TO SURVIVORS OF MEMBERS OF**
10 **THE ARMED FORCES AND VETERANS.**

11 (a) IN GENERAL.—The Secretary of Defense shall
12 carry out a program to award grants to non-profit organi-
13 zations that provide emotional support services for sur-
14 vivors of deceased members of the Armed Forces (includ-
15 ing members of the National Guard and Reserve) and de-
16 ceased veterans through peers of such survivors.

17 (b) AWARD OF GRANTS.—

18 (1) ELIGIBILITY.—To be eligible for a grant
19 under the program under this section a non-profit
20 organization shall meet such criteria as the Sec-
21 retary shall establish for purposes of the program.

22 (2) APPLICATION.—A non-profit organization
23 seeking a grant under the program shall submit to
24 the Secretary an application for the grant in such

1 form and manner as the Secretary shall specify for
2 purposes of the program.

3 (c) GRANTS.—

4 (1) AMOUNT.—The amount of each grant
5 awarded a non-profit organization under the pro-
6 gram under this section shall be such amount as the
7 Secretary determines appropriate for purposes of the
8 program.

9 (2) DURATION.—The duration of each grant
10 awarded a non-profit organization shall be such pe-
11 riod as the Secretary determines appropriate for
12 purposes of the program.

13 (d) USE OF GRANT FUNDS.—Each non-profit organi-
14 zation awarded a grant under the program under this sec-
15 tion shall utilize amounts under the grant to provide such
16 emotional support services for survivors of deceased mem-
17 bers of the Armed Forces (including members of the Na-
18 tional Guard and Reserve) and deceased veterans through
19 peers of such survivors as the Secretary shall specify in
20 the grant.

21 (e) FUNDING.—Amounts for grants under the pro-
22 gram under this section shall be derived from amounts au-
23 thorized to be appropriated for the Department of Defense
24 for military personnel.

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