

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.

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## 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

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## 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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