

103^D CONGRESS
1ST SESSION

H. R. 3096

To amend title 38, United States Code, to provide for the organization and administration of the Readjustment Counseling Service, to improve eligibility for readjustment counseling and related counseling, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 1993

Mr. EVANS introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to provide for the organization and administration of the Readjustment Counseling Service, to improve eligibility for readjustment counseling and related counseling, 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 "Readjustment Counsel-
5 ing Service Amendments of 1993".

1 **SEC. 2. ORGANIZATION OF THE READJUSTMENT COUNSEL-**
2 **ING SERVICE IN THE DEPARTMENT OF VET-**
3 **ERANS AFFAIRS.**

4 (a) IN GENERAL.—Section 7305 of title 38, United
5 States Code, is amended—

6 (1) by redesignating paragraph (7) as para-
7 graph (8); and

8 (2) by inserting after paragraph (6) the follow-
9 ing new paragraph (7):

10 “(7) A Readjustment Counseling Service.”.

11 (b) ORGANIZATION.—The Readjustment Counseling
12 Service shall have the organizational structure and admin-
13 istrative structure of that service as such structures were
14 in existence on January 1, 1993.

15 (c) REVISION OF ORGANIZATIONAL STRUCTURE.—

16 (1) The Secretary of Veterans Affairs may not alter or
17 revise the organizational structure or the administrative
18 structure of the Readjustment Counseling Service until—

19 (A) the Secretary has submitted to the Commit-
20 tees on Veterans’ Affairs of the Senate and House
21 of Representatives a report containing a full and
22 complete statement of the proposed alteration or re-
23 vision; and

24 (B) a period of 60 days has elapsed after the
25 date on which the report is received by the commit-
26 tees.

1 (2) In the computation of the 60-day period under
2 paragraph (1)(B), there shall be excluded any day on
3 which either House of Congress is not in session because
4 of an adjournment of more than 3 calendar days to a day
5 certain.

6 (d) BUDGET INFORMATION RELATING TO THE SERV-
7 ICE.—Each budget submitted to the Congress by the
8 President under section 1105 of title 31, United States
9 Code, shall set forth the amount requested in the budget
10 for the operation of the Readjustment Counseling Service
11 in the fiscal year covered by the budget and shall set forth
12 separately the amount requested for administrative over-
13 sight of the activities of the service (including the amount
14 requested for funding of the Advisory Committee on Vet-
15 eran Readjustment Counseling).

16 **SEC. 3. DIRECTOR OF THE READJUSTMENT COUNSELING**
17 **SERVICE.**

18 (a) DIRECTOR.—Section 7306(b) of title 38, United
19 States Code, is amended—

20 (1) by striking out “and” at the end of para-
21 graph (2);

22 (2) by striking out the period at the end of
23 paragraph (3) and inserting in lieu thereof “; and”;
24 and

25 (3) by adding at the end the following:

1 “(4) one shall be a person who (A)(i) is a quali-
2 fied psychiatrist, (ii) is a qualified psychologist hold-
3 ing a diploma as a doctorate in clinical or counseling
4 psychology from an authority approved by the Amer-
5 ican Psychological Association and has successfully
6 undergone an internship approved by that associa-
7 tion, (iii) is a qualified holder of a master in social
8 work degree, or (iv) is a registered nurse holding a
9 master of science in nursing degree in psychiatric
10 nursing or any other mental-health related degree
11 approved by the Secretary, and (B) has at least 3
12 years of clinical experience and 2 years of adminis-
13 trative experience in the Readjustment Counseling
14 Service or other comparable mental health care
15 counseling service (as determined by the Secretary),
16 who shall be the director of the Readjustment Coun-
17 seling Service.”.

18 (b) ORGANIZATIONAL REQUIREMENT.—The Director
19 of the Readjustment Counseling Service shall report to the
20 Under Secretary for Health through the Associate Deputy
21 Under Secretary for Health for Clinical Programs.

1 **SEC. 4. EXPANSION OF ELIGIBILITY FOR READJUSTMENT**
2 **COUNSELING AND CERTAIN RELATED COUN-**
3 **SELING SERVICES.**

4 (a) READJUSTMENT COUNSELING.—(1) Subsection
5 (a) of section 1712A of title 38, United States Code, is
6 amended to read as follows:

7 “(a) Upon the request of any veteran, the Secretary
8 shall, within the limits of Department facilities, furnish
9 counseling to such veteran to assist such veteran in re-
10 adjusting to civilian life. Such counseling shall include a
11 general mental and psychological assessment to ascertain
12 whether such veteran has mental or psychological prob-
13 lems associated with readjustment to civilian life.”.

14 (2) Subsection (c) of such section is repealed.

15 (b) OTHER COUNSELING.—Such section is further
16 amended by inserting after subsection (b) the following
17 new subsection (c):

18 “(c) The Secretary may provide the counseling serv-
19 ices described in section 1701(6)(B)(ii) of this title to the
20 surviving parents, spouse, and children of any member of
21 the Armed Forces who dies while serving on active duty
22 or from a condition (as determined by the Secretary) in-
23 curred in or aggravated by such service.”.

24 (c) AUTHORITY TO CONTRACT FOR COUNSELING
25 SERVICES.—Subsection (e) of such section is amended by
26 striking out “subsections (a) and (b)” each place it ap-

1 pears and inserting in lieu thereof “subsections (a), (b),
2 and (c)”.

3 **SEC. 5. CONFIDENTIALITY OF PATIENT RECORDS IN THE**
4 **READJUSTMENT COUNSELING SERVICE.**

5 (a) IN GENERAL.—Notwithstanding any other provi-
6 sion of law, the records of the identity, diagnosis, prognos-
7 sis, or treatment of any patient or subject of the Readjust-
8 ment Counseling Service of the Department of Veterans
9 Affairs, or of any patient or subject provided readjustment
10 counseling services under a contract with the Department,
11 may be disclosed only as follows:

12 (1) By written consent of the patient or subject,
13 only for the purpose for which such consent is
14 granted.

15 (2) To medical personnel to the extent nec-
16 essary to meet a bona fide medical emergency.

17 (3) To personnel of the Department other than
18 personnel of the service, if such disclosure is deter-
19 mined by an appropriate member of the service to be
20 necessary to avert an imminent danger to the pa-
21 tient or subject, or to another person.

22 (4) If authorized by an appropriate order of a
23 court of competent jurisdiction granted after appli-
24 cation showing good cause therefor (with such cause
25 to be determined according to the elements set forth

1 in section 7332(b)(2)(D) of title 38, United States
2 Code).

3 (b) FINES.—Any person who violates a provision of
4 subsection (a) shall be fined in accordance with sub-
5 sections (f) and (g) of section 7332 of title 38, United
6 States Code.

7 **SEC. 6. ADVISORY COMMITTEE ON THE READJUSTMENT OF**
8 **VETERANS.**

9 (a) IN GENERAL.—(1) Subchapter II of chapter 17
10 of title 38, United States Code, is amended by inserting
11 after section 1712B the following:

12 **“§ 1712C. Advisory Committee on Veteran Readjust-**
13 **ment Counseling**

14 “(a)(1) There is in the Department the Advisory
15 Committee on Veteran Readjustment Counseling (herein-
16 after in this section referred to as the ‘Committee’).

17 “(2) The Committee shall consist of 18 members—

18 “(A) the members of the Committee shall be
19 appointed by the Secretary and shall include individ-
20 uals who are recognized authorities in fields perti-
21 nent to the social, psychological, economic, or edu-
22 cational readjustment of veterans. An officer or em-
23 ployee of the United States may not be appointed as
24 a member of the Committee under this paragraph;

1 “(B) at least 12 of whom are veterans of the
2 Vietnam era or other period of war; and

3 “(C) who have experience with the provision of
4 veterans benefits and services by the Department.

5 “(3) The Secretary shall seek to ensure that members
6 appointed to the Committee include persons from a wide
7 variety of geographic areas and ethnic backgrounds, per-
8 sons from veterans service organizations, minorities, and
9 women.

10 “(4) The Secretary shall determine the terms of serv-
11 ice and pay and allowances of the members of the Commit-
12 tee, except that a term of service may not exceed two
13 years. The Secretary may reappoint any member for addi-
14 tional terms of service.

15 “(b)(1) The Secretary shall, on a regular basis, con-
16 sult with and seek the advice of the Committee with re-
17 spect to the provision by the Department of benefits and
18 services to veterans in order to assist veterans in the re-
19 adjustment to civilian life.

20 “(2)(A) In providing advice to the Secretary under
21 this subsection, the Committee shall—

22 “(i) assemble and review information relating to
23 the needs of veterans in readjusting to civilian life;

1 “(ii) provide information relating to the nature
2 and character of psychological problems arising from
3 military service;

4 “(iii) provide an on-going assessment of the ef-
5 fectiveness of the policies, organizational structures,
6 and services of the Department in assisting veterans
7 in readjusting to civilian life; and

8 “(iv) provide on-going advice on the most ap-
9 propriate means of responding to the readjustment
10 needs of future veterans.

11 “(B) In carrying out its duties under subparagraph
12 (A), the Committee shall take into special account veter-
13 ans of the Vietnam era, and the readjustment needs of
14 such veterans.

15 “(c)(1) Not later than March 31 of each year, the
16 Committee shall submit to the Secretary a report on the
17 programs and activities of the Department that relate to
18 the readjustment of veterans to civilian life. Each such
19 report shall include—

20 “(A) an assessment of the needs of veterans
21 with respect to readjustment to civilian life;

22 “(B) a review of the programs and activities of
23 the Department designed to meet such needs; and

1 “(C) such recommendations (including rec-
2 ommendations for administrative and legislative ac-
3 tion) as the Committee considers appropriate.

4 “(2) Not later than 90 days after the receipt of each
5 report under paragraph (1), the Secretary shall transmit
6 to the Committees on Veterans’ Affairs of the Senate and
7 House of Representatives a copy of the report, together
8 with any comments and recommendations concerning the
9 report that the Secretary considers appropriate.

10 “(3) The Committee may also submit to the Sec-
11 retary such other reports and recommendations as the
12 Committee considers appropriate.

13 “(4) The Secretary shall submit with each annual re-
14 port submitted to the Congress pursuant to section 529
15 of this title a summary of all reports and recommendations
16 of the Committee submitted to the Secretary since the pre-
17 vious annual report of the Secretary submitted pursuant
18 to that section.

19 “(d)(1) Except as provided in paragraph (2), the pro-
20 visions of the Federal Advisory Committee Act (5 U.S.C.
21 App.) shall apply to the activities of the Committee under
22 this section.

23 “(2) Section 14 of such Act shall not apply to the
24 Committee.”.

1 (2) The table of sections at the beginning of chapter
2 17 of such title is amended by inserting after the item
3 relating to section 1712B the following:

“1712C. Advisory Committee on Veteran Readjustment Counseling.”.

4 (b) ORIGINAL MEMBERS.—(1) Notwithstanding sub-
5 section (a)(2) of section 1712C(a)(2) of such title (as
6 added by subsection (a)), the members of the Advisory
7 Committee on the Readjustment of Vietnam and Other
8 War Veterans on the date of the enactment of this Act
9 shall be the original members of the advisory committee
10 recognized under such section.

11 (2) The original members shall so serve until the Sec-
12 retary of Veterans Affairs carries out appointments under
13 such subsection (a)(2). The Secretary shall carry out such
14 appointments as soon after such date as is practicable.
15 The Secretary may make such appointments from among
16 such original members.

17 **SEC. 7. PLAN FOR EXPANSION OF VIETNAM VETERAN RE-**
18 **SOURCE CENTER PILOT PROGRAM.**

19 (a) REQUIREMENT.—(1) The Secretary of Veterans
20 Affairs shall submit to the Committees on Veterans’ Af-
21 fairs of the Senate and House of Representatives a plan
22 for the expansion of the Vietnam Veteran Resource Center
23 program established pursuant to the amendment made by
24 section 105 of the Veterans’ Administration Health-Care
25 Amendments of 1985 (Public Law 99–166; 99 Stat. 944).

1 The plan shall include a schedule for the implementation
2 of the program at or through all Department of Veterans
3 Affairs readjustment counseling centers.

4 (2) The Secretary shall submit the plan not later
5 than 4 months after the date of the enactment of this Act.

6 (b) DEFINITION.—In this section, the term “Depart-
7 ment of Veterans Affairs readjustment counseling cen-
8 ters” has the same meaning given the term “center” in
9 section 1712A(i)(1) of title 38, United States Code.

10 **SEC. 8. VETERAN CENTER HEALTH-CARE PILOT PROGRAM.**

11 (a) PROGRAM.—(1) Subchapter II of chapter 17 of
12 title 38, United States Code, is amended by adding at the
13 end the following:

14 **“§ 1720E. Veteran center health-care pilot program**

15 “(a) The Secretary shall carry out a pilot program
16 for the provision of health-related services to eligible veter-
17 ans at readjustment counseling centers. The Secretary
18 shall carry out the pilot program in accordance with this
19 section.

20 “(b)(1) In carrying out the pilot program, the Sec-
21 retary shall—

22 “(A) identify not less than 12 or more than 15
23 readjustment counseling centers at which to provide
24 health-related services under the pilot program; and

1 “(B) provide such services to eligible veterans
2 at such centers in accordance with paragraph (2).

3 “(2)(A) The Secretary shall provide health-related
4 services under the pilot program as follows:

5 “(i) At five or more readjustment counseling
6 centers identified under paragraph (1)(A), by pro-
7 viding not less than 20 hours per week of basic am-
8 bulatory services and health-care screening through
9 qualified personnel.

10 “(ii) At five or more such centers, by providing
11 not less than 40 hours per week of full-range ambu-
12 latory services through qualified personnel.

13 “(iii) At two or more such centers, by providing
14 not less than 120 hours per week of physician serv-
15 ices through qualified personnel.

16 “(B) In determining the location of the readjustment
17 counseling centers at which to provide health-related serv-
18 ices under the pilot program, the Secretary shall select
19 centers that are located in a variety of geographic areas
20 and that serve veterans of a variety of economic, social,
21 and ethnic backgrounds.

22 “(c)(1) The Secretary shall commence the provision
23 of health-related services at readjustment counseling cen-
24 ters under this section not later than six months after the

1 date of the enactment of the Readjustment Counseling
2 Service Amendments of 1993.

3 “(2) The pilot program shall terminate two years
4 after the date on which the Secretary commences the pro-
5 vision of services under paragraph (1).

6 “(d) For the purposes of this section—

7 “(1) the term ‘Department general health-care
8 facility’ has the meaning given such term in section
9 1712A(i)(2) of this title;

10 “(2) the term ‘eligible veteran’ means any vet-
11 eran eligible for outpatient services under paragraph
12 (1), (2), or (3) of section 1712(a) of this title; and

13 “(3) the term ‘readjustment counseling center’
14 has the same meaning given the term ‘center’ in sec-
15 tion 1712A(i)(1) of this title.”.

16 (2) The table of sections at the beginning of such
17 chapter is amended by inserting after the item relating
18 to section 1720D the following:

“1720E. Veteran center health-care pilot program.”.

19 (b) REPORT.—(1) The Secretary of Veterans Affairs
20 shall submit to Congress a report on the veteran center
21 health-care pilot program established under section 1720E
22 of title 38, United States Code (as added by subsection
23 (a)). The report shall include the following:

24 (A) A description of the program, including in-
25 formation on—

1 (i) the number of veterans provided health-
2 related services under the program;

3 (ii) the number of such veterans referred
4 to Department of Veterans Affairs general
5 health-care facilities in order to provide health
6 care services to such veterans; and

7 (iii) the cost to the Department of the pro-
8 gram.

9 (B) An analysis of the effectiveness of the
10 health-related services provided to veterans under
11 the program.

12 (C) The recommendations of the Secretary for
13 means of improving the program, and an estimate of
14 the cost to the Department of implementing such
15 recommendations.

16 (D) Such other information as the Secretary
17 considers appropriate.

18 (2) The Secretary shall submit the report not later
19 than three months after the termination of the pilot pro-
20 gram.

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