

104TH CONGRESS
1ST SESSION

H. R. 1429

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 1995

Mr. EVANS (for himself, Mr. GUTIERREZ, Mr. KENNEDY of Massachusetts, Mr. WILLIAMS, and Mr. DOYLE) 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 of the Department of Veterans Affairs, to improve eligibility for veterans' 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 "Veterans' Readjust-
5 ment Counseling Service Amendments of 1995".

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 of the Department of Veterans Affairs shall have
13 the organizational structure and administrative structure
14 of that service as such structures were in existence on Jan-
15 uary 1, 1993.

16 (c) REVISION OF ORGANIZATIONAL STRUCTURE.—

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

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

1 (B) a period of 60 days has elapsed after the
2 date on which the report is received by the commit-
3 tees.

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

9 (d) BUDGET INFORMATION RELATING TO THE SERV-
10 ICE.—Each budget submitted to Congress by the Presi-
11 dent under section 1105 of title 31, United States Code,
12 shall set forth the amount requested in the budget for the
13 operation of the Readjustment Counseling Service in the
14 fiscal year covered by the budget and shall set forth sepa-
15 rately the amount requested for administrative oversight
16 of the activities of the service (including the amount re-
17 quested for funding of the Advisory Committee on Read-
18 justment of Veterans).

19 **SEC. 3. DIRECTOR OF THE READJUSTMENT COUNSELING**
20 **SERVICE.**

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

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

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

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

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

1 (b) STATUS OF DIRECTOR.—Section 7306(a)(3) of
2 such title is amended by striking out “eight” and inserting
3 in lieu thereof “nine”.

4 (c) ORGANIZATIONAL REQUIREMENT.—The Director
5 of the Readjustment Counseling Service shall report to the
6 Under Secretary for Health of the Department of Veter-
7 ans Affairs through the Associate Deputy Under Secretary
8 for Health for Clinical Programs.

9 **SEC. 4. EXPANSION OF ELIGIBILITY FOR READJUSTMENT**
10 **COUNSELING AND CERTAIN RELATED COUN-**
11 **SELING SERVICES.**

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

15 “(a)(1)(A) Upon the request of any veteran referred
16 to in subparagraph (B), the Secretary shall furnish coun-
17 seling to the veteran to assist the veteran in readjusting
18 to civilian life.

19 “(B) A veteran referred to in subparagraph (A) is
20 any veteran who—

21 “(i) served on active duty during the Vietnam
22 era; or

23 “(ii) served on active military, naval, or air
24 service in a theater of combat operations (as deter-
25 mined by the Secretary, in consultation with the

1 Secretary of Defense) during a period of war or in
2 any other area during a period in which hostilities
3 (as defined in subparagraph (D)) occurred in such
4 area.

5 “(C) Upon the request of any veteran other than a
6 veteran referred to in subparagraph (A), the Secretary
7 may furnish counseling to the veteran to assist the veteran
8 in readjusting to civilian life.

9 “(D) For the purposes of subparagraph (A), the term
10 ‘hostilities’ means an armed conflict in which the members
11 of the Armed Forces are subjected to danger comparable
12 to the danger or stress to which members of the Armed
13 Forces have been subjected in combat with enemy armed
14 forces during a period of war, as determined by the Sec-
15 retary in consultation with the Secretary of Defense.

16 “(2) The counseling referred to in paragraph (1)
17 shall include a general mental and psychological assess-
18 ment of a covered veteran to ascertain whether such vet-
19 eran has mental or psychological problems associated with
20 readjustment to civilian life.”.

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

22 (b) OTHER COUNSELING.—Such section is further
23 amended by inserting after subsection (b) the following
24 new subsection (c):

1 “(c)(1) The Secretary shall provide the counseling
2 services described in section 1701(6)(B)(ii) of this title to
3 the surviving parents, spouse, and children of any member
4 of the Armed Forces who is killed during service on active
5 military, naval, or air service in a theater of combat oper-
6 ations (as determined by the Secretary, in consultation
7 with the Secretary of Defense) during a period of war or
8 in any other area during a period in which hostilities (as
9 defined in subsection (a)(1)(D)) occurred in such area.

10 “(2) The Secretary may provide the counseling serv-
11 ices referred to in paragraph (1) to the surviving parents,
12 spouse, and children of any member of the Armed Forces
13 who dies while serving on active duty or from a condition
14 (as determined by the Secretary) incurred in or aggra-
15 vated by such service.”.

16 (c) AUTHORITY TO CONTRACT FOR COUNSELING
17 SERVICES.—Subsection (e) of such section is amended by
18 striking out “subsections (a) and (b)” each place it ap-
19 pears and inserting in lieu thereof “subsections (a), (b),
20 and (c)”.

21 **SEC. 5. ADVISORY COMMITTEE ON THE READJUSTMENT OF**
22 **VETERANS.**

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

1 **“§ 1712C. Advisory Committee on the Readjustment**
2 **of Veterans**

3 “(a)(1) There is in the Department the Advisory
4 Committee on the Readjustment of Veterans (hereinafter
5 in this section referred to as the ‘Committee’).

6 “(2) The Committee shall consist of not more than
7 18 members appointed by the Secretary from among vet-
8 erans who—

9 “(A) have demonstrated significant civic or pro-
10 fessional achievement; and

11 “(B) have experience with, or knowledge of, the
12 provision of veterans benefits and services by the
13 Department.

14 “(3) The Secretary shall seek to ensure that members
15 appointed to the Committee include persons from a wide
16 variety of geographic areas and ethnic backgrounds, per-
17 sons from veterans service organizations, and women.

18 “(4) The Secretary shall determine the terms of serv-
19 ice and pay and allowances of the members of the Commit-
20 tee, except that a term of service may not exceed two
21 years. The Secretary may reappoint any member for addi-
22 tional terms of service.

23 “(b)(1) The Secretary shall, on a regular basis, con-
24 sult with and seek the advice of the Committee with re-
25 spect to the provision by the Department of benefits and

1 services to veterans in order to assist veterans in the read-
2 justment to civilian life.

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

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

7 “(ii) provide information relating to the nature
8 and character of psychological problems arising from
9 service in the Armed Forces;

10 “(iii) provide an on-going assessment of the ef-
11 fectiveness of the policies, organizational structures,
12 and services of the Department in assisting veterans
13 in readjusting to civilian life; and

14 “(iv) provide on-going advice on the most ap-
15 propriate means of responding to the readjustment
16 needs of veterans in the future.

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

21 “(c)(1) Not later than March 31 of each year, the
22 Committee shall submit to the Secretary a report on the
23 programs and activities of the Department that relate to
24 the readjustment of veterans to civilian life. Each such
25 report shall include—

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

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

5 “(C) such recommendations (including rec-
6 ommendations for administrative and legislative ac-
7 tion) as the Committee considers appropriate.

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

14 “(3) The Committee may also submit to the Sec-
15 retary such other reports and recommendations as the
16 Committee considers appropriate.

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

23 “(d)(1) Except as provided in paragraph (2), the pro-
24 visions of the Federal Advisory Committee Act (5 U.S.C.

1 App.) shall apply to the activities of the Committee under
2 this section.

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

5 (2) The table of sections at the beginning of chapter
6 17 of such title is amended by inserting after the item
7 relating to section 1712B the following:

“1712C. Advisory Committee on the Readjustment of Veterans.”.

8 (b) ORIGINAL MEMBERS.—(1) Notwithstanding sub-
9 section (a)(2) of section 1712C of title 38, United States
10 Code (as added by subsection (a)), the members of the
11 Advisory Committee on the Readjustment of Vietnam and
12 Other War Veterans on the date of the enactment of this
13 Act shall be the original members of the advisory commit-
14 tee recognized under such section.

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

21 **SEC. 6. PLAN FOR EXPANSION OF VIETNAM VETERAN RE-**
22 **SOURCE CENTER PILOT PROGRAM.**

23 (a) REQUIREMENT.—(1) The Secretary of Veterans
24 Affairs shall submit to the Committees on Veterans’ Af-
25 fairs of the Senate and House of Representatives a plan

1 for the expansion of the Vietnam Veteran Resource Center
2 program established pursuant to the amendment made by
3 section 105 of the Veterans' Administration Health-Care
4 Amendments of 1985 (Public Law 99-166; 99 Stat. 944).
5 The plan shall include a schedule for, and an assessment
6 of the cost of, the implementation of the program at or
7 through all Department of Veterans Affairs readjustment
8 counseling centers.

9 (2) The plan shall be submitted not later than four
10 months after the date of the enactment of this Act.

11 (b) DEFINITION.—For the purposes of this section,
12 the term “Department of Veterans Affairs readjustment
13 counseling centers” has the same meaning given the term
14 “center” in section 1712A(i)(1) of title 38, United States
15 Code.

16 **SEC. 7. REPORT ON COLLOCATION OF VET CENTERS AND**
17 **DEPARTMENT OF VETERANS AFFAIRS OUT-**
18 **PATIENT CLINICS.**

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 report
22 on the feasibility and desirability of the collocation of Vet
23 Centers and outpatient clinics (including rural mobile clin-
24 ics) of the Department of Veterans Affairs as current
25 leases for such centers and clinics expire.

1 (2) The report shall be submitted not later than six
2 months after the date of the enactment of this Act.

3 (b) COVERED MATTERS.—The report under this sec-
4 tion shall include an assessment of the following:

5 (1) The results of any collocation of Vet Cen-
6 ters and outpatient clinics carried out by the Sec-
7 retary before the date of the enactment of this Act,
8 including the effects of such collocation on the qual-
9 ity of care provided at such centers and clinics.

10 (2) The effect of such collocation on the capac-
11 ity of such centers to carry out their primary mis-
12 sion.

13 (3) The extent to which such collocation will
14 impair the operational independence or administra-
15 tive integrity of such centers.

16 (4) The feasibility of combining the services
17 provided by such centers and clinics in the course of
18 the collocation of such centers and clinics.

19 (5) The advisability of the collocation of centers
20 and clinics of significantly different size.

21 (6) The effect of the locations (including urban
22 and rural locations) of the centers and clinics on the
23 feasibility and desirability of such collocation.

1 (7) The amount of any costs savings to be
2 achieved by Department as a result of such colloca-
3 tion.

4 (8) The desirability of such collocation in light
5 of plans for the provision of health care services by
6 the Department under national health care reform.

7 (9) Any other matters that the Secretary deter-
8 mines appropriate.

9 **SEC. 8. VET CENTER HEALTH CARE PILOT PROGRAM.**

10 (a) IN GENERAL.—The Secretary of Veterans Affairs
11 shall carry out a pilot program for the provision of health-
12 related services to eligible veterans at readjustment coun-
13 seling centers. The Secretary shall carry out the pilot pro-
14 gram in accordance with this section.

15 (b) SERVICES.—(1) In carrying out the pilot pro-
16 gram, the Secretary shall provide the services referred to
17 in paragraph (2) at not less than 10 readjustment counsel-
18 ing centers in existence on the date of the enactment of
19 this Act.

20 (2) The Secretary shall provide basic ambulatory
21 services and health care screening services by such person-
22 nel as the Secretary considers appropriate at each read-
23 justment counseling center under the pilot program. The
24 Secretary shall assign not less than one-half of a full-time

1 employee equivalent at each such center in order to pro-
2 vide such services under the pilot program.

3 (3) In determining the location of the readjustment
4 counseling centers at which to provide services under the
5 pilot program, the Secretary shall select centers that are
6 located in a variety of geographic areas and that serve vet-
7 erans of a variety of economic, social, and ethnic back-
8 grounds.

9 (c) PERIOD OF OPERATION.—(1) The Secretary shall
10 commence the provision of health-related services at read-
11 justment counseling centers under the pilot program not
12 later than four months after the date of the enactment
13 of this Act.

14 (2) The pilot program shall terminate two years after
15 the date on which the Secretary commences the provision
16 of services under paragraph (1).

17 (d) REPORT.—Not later than 18 months after the
18 date of the enactment of this Act, the Secretary shall sub-
19 mit to Congress a report on the pilot program established
20 under this section. The report shall include the following:

21 (1) A description of the program, including in-
22 formation on—

23 (A) the number of veterans provided basic
24 ambulatory services and health care screening
25 services under the pilot program;

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

5 (C) the cost to the Department of Veterans
6 Affairs of the pilot program.

7 (2) An analysis of the effectiveness of the serv-
8 ices provided to veterans under the pilot program.

9 (3) The recommendations of the Secretary for
10 means of improving the pilot program, and an esti-
11 mate of the cost to the Department of implementing
12 such recommendations.

13 (4) An assessment of the desirability of expand-
14 ing the type or nature of services provided under the
15 pilot program in light of plans for the provision of
16 health care services by the Department under na-
17 tional health care reform.

18 (5) An assessment of the extent to which the
19 provision of services under the pilot program impairs
20 the operational or administrative independence of
21 the readjustment counseling centers at which such
22 services are provided.

23 (6) An assessment of the effect of the location
24 of the centers on the effectiveness for the Depart-

1 ment and for veterans of the services provided under
2 the pilot program.

3 (7) Such other information as the Secretary
4 considers appropriate.

5 (e) DEFINITIONS.—For the purposes of this section:

6 (1) The term “Department of Veterans Affairs
7 general health-care facility” has the meaning given
8 such term in section 1712A(i)(2) of title 38, United
9 States Code.

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 such title.

13 (3) The term “readjustment counseling center”
14 has the meaning given the term “center” in section
15 1712A(i)(1) of such title.

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