

111TH CONGRESS
1ST SESSION

H. R. 3368

To enhance benefits for survivors of certain former members of the Armed Forces with a history of post-traumatic stress disorder or traumatic brain injury, to enhance availability and access to mental health counseling for members of the Armed Forces and veterans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2009

Ms. MARKEY of Colorado introduced the following bill; which was referred to the Committee on Veterans' Affairs, and in addition to the Committees on Armed Services and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To enhance benefits for survivors of certain former members of the Armed Forces with a history of post-traumatic stress disorder or traumatic brain injury, to enhance availability and access to mental health counseling for 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. SHORT TITLE.**

4 This Act may be cited as the "Honor Act of 2009".

1 **SEC. 2. SCHOLARSHIP PROGRAM FOR VETERANS FOR PUR-**
2 **SUIT OF GRADUATE AND POST-GRADUATE**
3 **DEGREES IN BEHAVIORAL HEALTH**
4 **SCIENCES.**

5 (a) SCHOLARSHIP PROGRAM.—

6 (1) PROGRAM.—The Secretary of Veterans Af-
7 fairs shall carry out a program to provide scholar-
8 ships to qualifying veterans for pursuit of a grad-
9 uate or post-graduate degree in behavioral health
10 sciences.

11 (2) DESIGNATION.—The program carried out
12 under this section shall be known as the “Depart-
13 ment of Veterans Affairs HONOR Scholarship Pro-
14 gram” (in this section referred to as the “scholar-
15 ship program”).

16 (b) QUALIFYING VETERANS.—For purposes of this
17 section, a qualifying veteran is any veteran who—

18 (1) during service on active duty in the Armed
19 Forces, participated for such period as the Secretary
20 of Veterans Affairs, in consultation with the Sec-
21 retary of Defense, shall specify for purposes of the
22 scholarship program in a theater of combat or dur-
23 ing a contingency operation overseas;

24 (2) was retired, discharged, separated, or re-
25 leased from service in the Armed Forces on or after
26 a date (not earlier than August 2, 1990) specified

1 by the Secretary of Defense for purposes of the
2 scholarship program;

3 (3) at the time of the submittal of an applica-
4 tion to participate in the scholarship program, holds
5 an undergraduate or graduate degree, as applicable,
6 from an institution of higher education that qualifies
7 the veteran for pursuit of a graduate or post-grad-
8 uate degree in behavioral sciences; and

9 (4) meets such other qualifications as the Sec-
10 retary of Veterans Affairs may establish for pur-
11 poses of the scholarship program.

12 (c) APPLICATION.—Each qualifying veteran seeking
13 to participate in the scholarship program shall submit to
14 the Secretary of Veterans Affairs an application therefor
15 setting forth such information as the Secretary shall speci-
16 fy for purposes of the scholarship program.

17 (d) AGREEMENT.—Each qualifying veteran selected
18 by the Secretary of Veterans Affairs for participation in
19 the scholarship program shall enter into an agreement
20 with the Secretary regarding participation in the scholar-
21 ship program. The agreement shall contain such terms
22 and conditions as the Secretary shall specify for purposes
23 of the scholarship program.

24 (e) SCHOLARSHIPS.—

1 (1) IN GENERAL.—The Secretary of Veterans
2 Affairs shall provide to each qualifying veteran who
3 enters into an agreement under subsection (d) a
4 scholarship for such number of academic years as
5 the Secretary shall specify in the agreement for pur-
6 suit of a graduate or post-graduate degree in behav-
7 ioral health sciences at an institution of higher edu-
8 cation offering such degree that is approved by the
9 Secretary for purposes of the scholarship program.

10 (2) ELEMENTS.—The scholarship provided a
11 qualifying veteran for an academic year shall consist
12 of payment of the following:

13 (A) Tuition of the qualifying veteran for
14 pursuit of the graduate or post-graduate degree
15 concerned in the academic year.

16 (B) Reasonable educational expenses of the
17 qualifying veteran (including fees, books, and
18 laboratory expenses) in pursuit of such degree
19 in the academic year.

20 (C) A stipend in connection with the pur-
21 suit of such degree in the academic year in such
22 amount as the Secretary shall specify in the
23 agreement of the qualifying veteran under sub-
24 section (d).

1 (f) OBLIGATED SERVICE.—Each qualifying veteran
2 who participates in the scholarship program shall, after
3 completion of the graduate or post-graduate degree con-
4 cerned and as jointly provided by the Secretary of Vet-
5 erans Affairs and the Secretary of Defense in the agree-
6 ment of such qualifying veteran under subsection (d), per-
7 form service as follows:

8 (1) Such service for the Department of Vet-
9 erans Affairs in connection with the furnishing of
10 mental health services to veterans, and for such pe-
11 riod, as the Secretary of Veterans Affairs shall
12 specify in the agreement.

13 (2) Such service for the Department of Defense
14 in connection with the furnishing of mental health
15 services to members of the Armed Forces, and for
16 such period, as the Secretary of Veterans Affairs
17 shall, in consultation with the Secretary of Defense,
18 specify in the agreement.

19 (3) Such combination of service described by
20 paragraphs (1) and (2), and for such period, as the
21 Secretary of Veterans Affairs shall, in consultation
22 with the Secretary of Defense, specify in the agree-
23 ment.

24 (g) BREACH OF AGREEMENT.—Each qualifying vet-
25 eran participating in the scholarship who fails to complete

1 satisfactorily the terms of the agreement of such quali-
2 fying veteran under subsection (d), whether through fail-
3 ure to obtain the graduate or post-graduate degree con-
4 cerned or failure to perform service required of the quali-
5 fying veteran under subsection (f), shall be liable to the
6 United States in such form and manner as the Secretary
7 of Veterans Affairs shall, in consultation with the Sec-
8 retary of Defense, specify in the agreement.

9 (h) CONTINGENCY OPERATION DEFINED.—In this
10 section, the term “contingency operation” has the mean-
11 ing given that term in section 101(a)(13) of title 10,
12 United States Code.

13 **SEC. 3. PROGRAM OF EMPLOYMENT, TRAINING, AND DE-**
14 **PLOYMENT OF FORMER MEMBERS OF THE**
15 **ARMED FORCES WITH COMBAT EXPERIENCE**
16 **AS PSYCHIATRIC TECHNICIANS AND NURSES**
17 **FOR MEMBERS OF THE ARMED FORCES IN**
18 **DEPLOYMENT.**

19 (a) PROGRAM REQUIRED.—The Secretary of Defense
20 shall carry out a program to employ and train qualifying
21 former members of the Armed Forces as psychiatric tech-
22 nicians and nurses of the Department of Defense for the
23 provision of mental health counseling and services to mem-
24 bers of the Armed Forces who are deployed to a combat
25 zone.

1 (b) QUALIFYING FORMER MEMBERS OF THE ARMED
2 FORCES.—For purposes of this section, a qualifying
3 former member of the Armed Forces is any member
4 who—

5 (1) during service on active duty in the Armed
6 Forces, participated for such period as the Secretary
7 shall specify for purposes of the program in a the-
8 ater of combat or during a contingency operation
9 overseas;

10 (2) was retired, discharged, separated, or re-
11 leased from service in the Armed Forces on or after
12 a date (not earlier than August 2, 1990) specified
13 by the Secretary for purposes of the program; and

14 (3) meets such other qualifications as the Sec-
15 retary may establish for purposes of the program.

16 (c) EMPLOYMENT AND TRAINING.—

17 (1) EMPLOYMENT.—Each qualifying former
18 member of the Armed Forces selected by the Sec-
19 retary for participation in the program may be em-
20 ployed by the Secretary as a civilian employee of the
21 Department of Defense for such minimum period as
22 the Secretary considers appropriate for purposes of
23 the program.

24 (2) TRAINING.—Each qualifying former mem-
25 ber of the Armed Forces employed by the Secretary

1 under paragraph (1) shall be provided such training
2 in the provision of mental health counseling and
3 services to members of the Armed Forces deployed
4 to a combat zone as the Secretary determines appro-
5 priate in order to qualify such former member to
6 serve as a psychiatric technician or nurse, as appli-
7 cable, of the Department of Defense for the provi-
8 sion of such counseling and services to such mem-
9 bers of the Armed Forces.

10 (3) SERVICE.—Upon the successful completion
11 by a qualifying former member of the Armed Forces
12 of training provided under paragraph (2), the Sec-
13 retary shall require the former member, as a psy-
14 chiatric technician or nurse (as applicable) of the
15 Department of Defense, to provide such mental
16 health counseling and services to members of the
17 Armed Forces deployed to a combat zone as the Sec-
18 retary considers appropriate.

19 (4) DEPLOYMENT TO COMBAT ZONE.—Each
20 qualifying former member of the Armed Forces serv-
21 ing as a psychiatric technician or nurse of the De-
22 partment of Defense under paragraph (3) shall
23 agree, as a condition of participation in the pro-
24 gram, to deploy to a combat zone to perform service
25 as a psychiatric technician or nurse, as the case may

1 be, for members of the Armed Forces deployed to
2 the combat zone for such period (if any), and under
3 such terms and conditions, as the Secretary deter-
4 mines appropriate.

5 (d) CONTINGENCY OPERATION DEFINED.—In this
6 section, the term “contingency operation” has the mean-
7 ing given that term in section 101(a)(13) of title 10,
8 United States Code.

9 **SEC. 4. RESTORATION OF AUTHORITY OF VETS CENTERS**
10 **TO PROVIDE REFERRAL AND OTHER ASSIST-**
11 **ANCE UPON REQUEST TO FORMER MEMBERS**
12 **OF THE ARMED FORCES NOT AUTHORIZED**
13 **COUNSELING.**

14 Section 1712A of title 38, United States Code, is
15 amended—

16 (1) by redesignating subsections (c) through (f)
17 as subsections (d) through (g), respectively; and

18 (2) by inserting after subsection (b) the fol-
19 lowing new subsection (c):

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

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

5 “(2) if pertinent, advise such individual of such
6 individual’s rights to apply to the appropriate mili-
7 tary, naval, or air service, and to the Department,
8 for review of such individual’s discharge or release
9 from such service.”.

10 **SEC. 5. ELIGIBILITY OF MEMBERS OF THE ARMED FORCES**
11 **FOR COUNSELING AND RELATED MENTAL**
12 **HEALTH SERVICES THROUGH VET CENTERS.**

13 (a) **ELIGIBILITY.**—Section 1712A of title 38, United
14 States Code, as amended by section 4, is further amend-
15 ed—

16 (1) by redesignating subsections (f) and (g) as
17 subsections (g) and (h), respectively; and

18 (2) by inserting after subsection (e) the fol-
19 lowing new subsection (f):

20 “(f)(1) The Secretary shall, upon the request of a
21 member of the Armed Forces, furnish the member through
22 a center the following:

23 “(A) In the case of a member of a regular com-
24 ponent of the Armed Forces, mental health services
25 authorized to be provided under this section.

1 “(B) In the case of a member of a reserve com-
2 ponent of the Armed Forces, readjustment coun-
3 seling and related mental health services authorized
4 to be provided under this section, including readjust-
5 ment counseling to assist the member in reinte-
6 grating into civilian life after demobilization from
7 active duty in the Armed Forces.

8 “(2) Any general mental and psychological assess-
9 ment furnished a member under this subsection shall in-
10 clude such criteria, and be performed in such manner and
11 with such protections for the member, as the Secretary
12 and the Secretary of Defense shall jointly prescribe for
13 purposes of this subsection.

14 “(3)(A) In the event a physician, psychologist, or
15 other counselor furnishing counseling or mental health
16 services to a member under this subsection determines
17 that the member may be a danger to the member or oth-
18 ers, the physician, psychologist, or counselor, as the case
19 may be, shall notify an appropriate official of a military
20 medical treatment facility designated in the procedures
21 under subparagraph (C) of the determination.

22 “(B) An official receiving a notification under sub-
23 paragraph (A) with respect to a member shall transmit
24 the notification to an appropriate officer in the chain of

1 command of the member, as designated in the procedures
2 under subparagraph (C).

3 “(C) The Secretary and the Secretary of Defense
4 shall jointly prescribe procedures for notifications under
5 this paragraph. The procedures shall include the following:

6 “(i) A designation of the military medical treat-
7 ment facilities to which notice with respect to mem-
8 bers is to be submitted under subparagraph (A).

9 “(ii) A specification of the officers who shall
10 constitute appropriate officers in the chain of com-
11 mand of a member for purposes of the transmittal
12 of notice under subparagraph (B).

13 “(4) The Secretary shall carry out this subsection
14 pursuant to a memorandum of understanding jointly en-
15 tered into by the Secretary and the Secretary of De-
16 fense.”.

17 (b) OUTREACH ON ELIGIBILITY.—Subsection (g) of
18 such section 1712A, as redesignated by subsection (a)(1),
19 is further amended by inserting “and members of the
20 Armed Forces” after “veterans”.

1 **SEC. 6. 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. 7. ANNUAL REPORTS ON EFFECTIVENESS OF MENTAL**
8 **HEALTH TRAINING AND RELATED COUN-**
9 **SELING UNDER REINTEGRATION PROGRAMS**
10 **FOR MEMBERS OF THE ARMED FORCES AND**
11 **VETERANS.**

12 (a) ANNUAL ASSESSMENTS.—Not later than 18
13 months after the date of the enactment of this Act, and
14 annually thereafter, the Secretary of Defense and the Sec-
15 retary of Veterans Affairs shall jointly conduct a review
16 and assessment of the programs of the Department of De-
17 fense and the Department of Veterans Affairs for the re-
18 integration of members of the Armed Forces and veterans
19 into civilian life after retirement, discharge, or release
20 from the Armed Forces in order to assess the extent of
21 the effectiveness of the mental health resiliency training
22 and transition counseling provided to members of the
23 Armed Forces, veterans, and their families under such
24 programs both before and after retirement, discharge, or
25 release from the Armed Forces.

1 (b) REPORTS.—The Secretary of Defense and the
2 Secretary of Veterans Affairs shall jointly submit to Con-
3 gress a report on each review and assessment conducted
4 under subsection (a). Each report shall set forth the re-
5 sults of the review and assessment concerned and shall
6 include such recommendations for legislative or adminis-
7 trative action as the Secretary of Defense with respect to
8 Department of Defense programs, the Secretary of Vet-
9 erans Affairs with respect to Department of Veterans Af-
10 fairs programs, or the Secretary of Defense and the Sec-
11 retary of Veterans Affairs jointly consider appropriate.

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