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SENATE

{ REPORT
109-180

VET CENTER ENHANCEMENT ACT OF 2005

NOVEMBER 16, 2005.—Ordered to be printed

Mr. CRAIG, from the Committee on Veterans' Affairs,
submitted the following

R E P O R T

[To accompany S. 716]

The Committee on Veterans' Affairs (hereinafter, "the Committee"), to which was referred the bill (S. 716), to amend title 38, United States Code, to enhance services provided by vet centers, to clarify and improve the provision of bereavement counseling by the Department of Veterans Affairs and for other purposes, (hereinafter "VA"), having considered the same, reports favorably thereon, and recommends that the bill, do pass.

INTRODUCTION

On April 6, 2005, Committee Ranking Member Daniel K. Akaka introduced S. 716, the Vet Center Enhancement Act of 2005 on behalf of himself, Committee member John D. Rockefeller, IV, and Senator Kent Conrad. The bill as introduced and ordered reported: authorizes the employment of as many as 50 veterans of Operation Enduring Freedom (hereinafter "OEF") and Operation Iraqi Freedom (hereinafter "OIF") as additional outreach workers for readjustment counseling and related mental health services for veterans; clarifies the immediate family members eligible for bereavement counseling to include parents of an Armed Forces member who dies in active service duty; provides that bereavement counseling may be provided through the facilities and personnel of Vet Centers; and authorizes expenditures in Fiscal Year 2006 for the provision of readjustment counseling and related mental health services at veterans' facilities. The bill was referred to the Committee on Veterans' Affairs.

COMMITTEE HEARINGS

On June 9, 2005 the Committee held hearings on, among other bills, S. 716, S. 1177, S. 1180, S. 1189, and S. 1190. Testimony was heard from: The Honorable R. James Nicholson, Secretary of Veterans Affairs, The Honorable Jonathan B. Perlin, VA's Under Secretary for Health, and The Honorable Tim McClain, VA's General Counsel; Mr. Donald Mooney, Assistant Director, The American Legion; Mr. Dennis Cullinan, Director of National Legislative Service, Disabled American Veterans; Mr. Adrian Atizado, Assistant National Legislative Director, Disabled American Veterans; Mr. Carl Blake, Associate National Legislative Director, Paralyzed Veterans of America; and Mr. Richard Jones, AMVETS.

COMMITTEE MEETING

After carefully reviewing the testimony from the foregoing hearing, the Committee met in open session on September 15, 2005, and voted by unanimous voice vote to report S. 716, without amendment, favorably to the Senate.

SUMMARY OF THE COMMITTEE BILL AS REPORTED

S. 716, as reported (hereinafter the "Committee bill"), consists of changes to current law as summarized below:

1. Authorize the employment of up to 50 veterans of Operation Enduring Freedom and Operation Iraqi Freedom to provide outreach to veterans regarding availability of readjustment counseling and related mental health services, and to terminate the employment duration limitation that currently applies to these employees under section 1712A of title 38, United States Code (section 2);
2. Clarify the immediate family members eligible for bereavement counseling to include parents of an Armed Forces member who dies in active service duty (section 3);
3. Authorize the appropriation of \$180,000,000 for Fiscal Year 2006 for readjustment counseling and related mental health services in Vet Centers (section 4).

BACKGROUND AND DISCUSSION

Section 2.—Expansion of Outreach Activities of Vet Centers

The Department of Veterans Affairs administers many programs and services aimed at addressing the transitional and readjustment needs of veterans returning from combat or theaters of war. Congress authorized VA to provide readjustment counseling services to veterans in 1979. VA then developed Vet Centers to meet the recognized needs of Vietnam era veterans experiencing readjustment problems. These community-based Vet Centers have continued since that time to provide various counseling, outreach, and referral services to eligible veterans. Most recently, in April 2003, eligibility for care was extended to veterans of OEF, OIF, and subsequent operations within the Global War on Terrorism (hereinafter "GWOT").

The 207 Vet Centers across the country are staffed by small interdisciplinary service teams, with more than 65 percent of staff being veterans themselves. To increase outreach forces to the grow-

ing number of OEF/OIF veterans needing services, VA authorized the Vet Center program to hire 50 veterans in February of 2004 to provide outreach to fellow GWOT veterans. These coordinators are fully trained and briefed on the mission of the Vet Centers and on the readjustment services available to veterans. These coordinator positions were authorized by VA for a three year period to reach out to veterans and veteran family members in the community. In FY 2005, the cost to fully staff the 50 positions was \$2.5 million.

Committee bill

The Committee bill would authorize 50 additional veterans of OEF and OIF to perform outreach efforts for Vet Centers. Under the Committee bill, these veteran-employees may be assigned to any Vet Center deemed appropriate by the Secretary. Also under the Committee bill, outreach coordinators would not be subject to VA's stipulation that these positions be subject to only three years of hiring authority.

The need for additional outreach coordinators was also addressed by the Department of Veterans Affairs. Shortly after introduction of S. 716, VA announced that it would hire 50 additional outreach workers for Vet Centers. The intentions were echoed by VA at the Committee's legislative hearing on June 9, 2005, when Secretary Nicholson in his testimony stated, ". . . last year VA employed and trained an additional 50 veterans from the ranks of those recently separated from OEF/OIF to work in Vet Centers providing outreach, and we have committed to hiring an additional 50 veterans this year." Despite this, the Committee still finds a need to legislate in this area, to ensure that these positions will remain for some time.

The Committee bill received support from various veteran service organizations. In testimony given by the Veterans of Foreign Wars, Dennis Cullinan referred to these outreach workers and said, "Who better to explain service and help ease their transition than someone who served alongside them, can relate to their experiences, and has already navigated VA's many benefits programs?"

The number of returning OEF/OIF servicemembers continues to grow, therefore the number of outreach workers needed must be increased to provide veterans with the services they need.

Section 3.—Clarification and Enhancement of Bereavement Counseling

In August of 2003, the Secretary of Veterans Affairs enabled Vet Centers to provide bereavement counseling services to immediate family members of servicemembers who died while defending their country. Family members of servicemembers who die while on active duty, as well as federally activated Reserve and National Guard personnel, can seek comfort and help through Vet Centers. However, it is currently unclear whether or not a bereaved parent can receive such services, which is a significant problem as many of those who die on active service have surviving parents. Furthermore, while the Secretary allowed the Vet Centers to provide bereavement counseling to parents of servicemembers who die in combat, it is unclear if the law allows such counseling.

Through the Vet Centers' bereavement counseling services, family members dealing with the emotional and psychological stress of losing a loved one in combat are able to receive the assistance and support they need right in their community. Outreach efforts, referral services, and other transitional services are provided through the bereavement counseling program to these family members.

The first bereavement counseling case was initiated in December 2003 and the roster of cases has unfortunately grown since then. From briefing information on Vet Centers provided to the Committee, it was reported that Vet Centers served 342 family members. Recorded casualty cases seen through Vet Centers include a total of 233 cases, with 169 in-theater casualties. These cases are referred to Vet Centers through various sources, mainly self referrals, referral from Transition Assistance Programs, and also from Casualty Assistance Officers. The casualty type ranges from those killed in action to suicide and extends through various branches of service, with more than half from the Army.

In February 2005, the Washington Post printed an article that detailed a mother's experience after her son was killed in Iraq and how she finally felt relief at an unexpected place, a Vet Center. The author painted a clear picture of the distress that surviving family members endure as a result of the death of a beloved soldier and how some are able to find solace through the Vet Center bereavement counseling program. However, despite her loss and the difficulty of recovering from her son's death, the mother in this story is not currently guaranteed access to bereavement counseling services.

Committee bill

The Committee bill would provide express authority to Vet Centers to provide bereavement counseling to all immediate family members. The bill would also ensure the furnishing of bereavement counseling services to parents by defining them as members of the immediate family when a servicemember dies in active service.

Section 4.—Funding for Vet Center Program

For more than two decades, Vet Centers have provided counseling and referral services to an expanded veteran population. All care is conducted in a safe and confidential environment and in a manner respectful of the culture of veterans.

Vet Centers are staffed by a total of 943 full time employees, of which over 65 percent are veterans. Having these community-based centers staffed by veterans, who understand and have themselves had similar experiences with the difficulties of post-war transition, supports the statement of purpose for the Vet Centers.

Staff workload through January 2005 included a total of 14,692 OEF/OIF veterans and families served by Vet Center staff. Of these, 2,590 veterans were seeking treatment for post-traumatic stress disorder (hereinafter "PTSD"), with projections of OEF/OIF PTSD clients estimated to increase to 4,752 in FY 2005 from 1,569 in FY 2004. The number of visits from OEF/OIF returning servicemembers increased from 2,450 in FY 2003 to 18,819 in FY 2004 and is projected to further increase to 31,068 this year. Vet Center staff has also provided vital services to over 7,000

servicemembers exclusively at demobilization sites and transitional assistance program (hereinafter “TAP”) briefings.

The workload demonstrates that Vet Centers have provided added services to a growing number of servicemembers and families but have not seen a corresponding increase in funding. Indeed, funding levels have remained relatively stagnate with increases reflecting solely cost of living adjustments (with the exception of a small funding increase in FY 2005). Vet Centers received \$83.1 million in FY 2003; \$87.4 million in FY 2004; and \$94 million in FY 2005. Funding levels for FY 2005 were increased specifically to fund particular initiatives and not to compensate for the growing number of services delivered subsequently over the years.

Committee Bill

Considering that Vet Centers have provided services to an increasing population of returning servicemembers during the past three years, the Committee bill would address the need for additional resources.

These additional funds would also augment Vet Centers in underserved rural communities and would expand the capacity for these centers to provide readjustment services to those veterans who may struggle to obtain access because they live in a remote area. Surviving immediate family members of those servicemen who paid the ultimate price will be able to find solace through the Vet Centers’ bereavement counseling program. Vet Centers would be able to hire more bereavement counselors to provide services for those who must endure the pain of losing a family member in combat.

In addition, Vet Centers could more readily participate in the transition efforts of the Department of Defense (hereinafter DoD”). The Vet Centers’ twenty five year history of working with combat veterans to overcome the stigma associated with seeking professional assistance, plus the Vet Centers’ understanding of military culture and experience, means that the Centers are a perfect fit to assist DoD with its counseling programs.

The Committee Bill would authorize \$180 million for the Department of Veterans Affairs in fiscal year 2006 for the sole purpose of increased funding for Vet Centers.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the Committee, based on information supplied by the CBO, estimates that enactment of the Committee bill would, relative to current law, increase spending by \$102 million in 2006 and by about \$185 million over the 2006–2010 period. Enactment of the Committee bill would not affect direct spending or receipts, and would not affect the budget of state, local or tribal governments.

The cost estimate provided by CBO, setting forth a detailed breakdown of costs, follows:

SEPTEMBER 28, 2005.

Hon. LARRY E. CRAIG,
Chairman, Committee on Veterans' Affairs,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN. The Congressional Budget Office has prepared the enclosed cost estimate for S. 716 the Vet Center Enhancement Act of 2005.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Michelle S. Patterson.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

S. 716—Vet Center Enhancement Act of 2005

S. 716 would authorize the appropriation of \$180 million in 2006 for veterans' readjustment counseling and related mental health services and to carry out the specific requirements of this bill. The bill also would require the Secretary of the Department of Veterans Affairs (VA) to hire up to 50 additional veterans of Operation Enduring Freedom or Operation Iraqi Freedom to provide outreach on the availability of counseling services. Finally, the bill would clarify that parents of a member of the Armed Forces are eligible for bereavement counseling.

CBO estimates that implementing this bill would cost \$102 million in 2006 and about \$185 million over the 2006–2010 period, assuming appropriation of the authorized and estimated amounts. Enacting the bill would not affect direct spending or receipts.

S. 716 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

The estimated budgetary impact of S. 716 is shown in the following table. For this estimate, CBO assumes the bill will be enacted early in fiscal year 2006. The costs of this legislation fall within budget function 700 (veterans benefits and services).

TABLE 1.—ESTIMATED BUDGETARY IMPACT OF S. 716

	By fiscal year, in millions of dollars—					
	2005	2006	2007	2008	2009	2010
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law for Veterans' Readjustment Counseling Services:						
Budget Authority ¹	94	0	0	0	0	0
Estimated Outlays	85	8	0	0	0	0
Proposed Changes:						
Estimated Authorization Level	0	180	3	3	3	3
Estimated Outlays	0	102	30	47	3	3
Spending Under S. 716 for Veterans' Readjustment Counseling Services:						
Estimated Authorization Level ¹	94	180	3	3	3	3
Estimated Outlays	85	110	30	47	3	3

¹ The 2005 level is the amount appropriated for that year.

Section 4 would authorize the appropriation of \$180 million for fiscal year 2006 for veterans' readjustment counseling and related mental health services provided through VA's Vet Centers and to

carry out the specific requirements in this bill. Because the authorized amount is almost twice the current budget amount for these programs, CBO expects that it would take VA about three years to increase the size and scope of these counseling programs to the level authorized for 2006. Thus, CBO estimates that implementing this provision would cost \$102 million in 2006 and about \$180 million over the 2006–2008 period, assuming appropriation of the authorized amount.

Section 2 would require VA to hire up to 50 additional veterans of Operation Enduring Freedom or Operation Iraqi Freedom to provide outreach on the availability of counseling services. The provision would remove any current limits on the duration of the employment for such hires, and would direct VA to employ these veterans in a career conditional status. According to VA, most of the veterans currently employed in this program are hired as general schedule (GS) grade 7 employees. Assuming that these veterans would all be hired by the end of 2006, CBO estimates that employing these additional veterans would cost about \$1 million in 2006 and \$3 million annually thereafter.

Section 3 would clarify that parents of members of the Armed Forces who die while on active duty are eligible for bereavement counseling from VA. According to VA, it already provides such counseling through existing resources. In fact, VA has counseled about 600 family members, including parents, since the program to provide bereavement counseling to family members of active-duty servicemembers began about two years ago. Thus, CBO estimates that implementing this provision would have no additional cost.

S. 716 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for federal costs is Michelle Patterson. For impact on state, local, and tribal government, the CBO staff contact is Melissa Merrell. The CBO staff contact for private sector impact is Joshua Lee. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs has made an evaluation of the regulatory impact that would be incurred in carrying out the Committee bill. The Committee finds that the Committee bill would not entail any regulation of individuals or businesses or result in any impact on the personal privacy of any individuals and that the paperwork resulting from enactment would be minimal.

TABULATION OF VOTES CAST IN COMMITTEE

In compliance with paragraph 7 of rule XXVI of the Standing Rules of the Senate, the following is a tabulation of votes cast in person or by proxy by members of the Committee on Veterans' Affairs at its September 15, 2005 meeting. On that date, the Committee, by unanimous voice vote, ordered S. 716 reported favorably to the Senate.

AGENCY REPORT

On June 9, 2005, Secretary of Veterans' Affairs, the Honorable James Nicholson, appeared before the Committee on Veterans' Affairs and submitted, testimony on, among other things, S. 716. Excerpts from this statement are reprinted below:

STATEMENT OF THE VIEWS OF THE
ADMINISTRATIONSTATEMENT OF THE HONORABLE JAMES NICHOLSON
SECRETARY OF VETERANS' AFFAIRS

Good Afternoon Mr. Chairman and Members of the Committee:

I am pleased to be here this morning to present the Department's views on several different bills being considered by the Committee. They cover a wide range of subjects related to VA's provision of health care services to veterans.

S. 716

I next turn to S. 716, which deals with VA's outreach to veterans returning from OEF and OIF regarding services they can receive from VA's Readjustment Counseling Program and other VA mental health programs. The bill would specify that VA may provide bereavement counseling to the families of those who die in the active military service. We fully support the intent of S. 716, and in fact are currently carrying out most of its requirements. That being the case, enactment of the bill is unnecessary.

Specifically, S. 716 would require that VA employ 50 new individuals, all of whom must be veterans of either OEF or OIF, to provide outreach to other veterans when they return from service in those operations. As we have previously advised the Committee, last year VA employed and trained an additional 50 veterans from the ranks of those recently separated from OEF/OIF to work in Vet Centers providing outreach, and we have committed to hiring an additional 50 veterans this year. The 50 persons hired last year were all given career-conditional appointments. That means that these veterans can expect to retain their employment. This bill further provides that any limitation on the duration of employment for these employees is terminated, and it would require that the additional 50 appointments that we make this year also receive career-conditional appointments. The latter provision is imprudent.

We do not intend to terminate any of the positions in question, but at the same time we do not expect that the conflicts in Central Asia will continue indefinitely. We hope the day will come when we will no longer have to undertake the outreach contemplated by this bill. If the need for these positions ends at some point in the future, the employees would likely move into other positions in VA, or be eliminated by attrition. However, to permit wise and efficient stewardship of the Department, we urge amend-

ment of this legislation so as not to restrict the nature and duration of the appointments we make.

S. 716 would also more explicitly provide that VA has authority to provide bereavement counseling for the families of deceased active duty servicepersons, including parents, and that VA can provide the counseling in Vet Centers. In August 2003, former Secretary Principi directed that Vet Centers develop a program to provide such bereavement counseling, and we are now actively providing that service. In the operation of that program, we have permitted counseling various members of the family, including the parents of the deceased. Since the inception of the program, the families of over 365 servicepersons who have died on active duty have been referred to the Vet Centers for counseling assistance, and the Centers have provided services to over 555 family members. The average number of counseling sessions provided to each family member has been six. Program clinical experience has been that most families need a supportive therapeutic environment to assist them in processing the immediate stages of grief and to stabilize their situation sufficient to mobilize their own coping resources.

Finally, S. 716 would authorize \$180 million to be appropriated for the provision of readjustment counseling and related mental health services through Vet Centers. In the current fiscal year VHA allocated a total of \$94 million for all Readjustment Counseling Service activities. We estimate that the additional services that this bill would direct, and that we are in fact already implementing, will require only about \$8 million. There is no necessity or justification for nearly doubling the amount we spend on Readjustment Counseling Service.

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CHANGES IN EXISTING LAW MADE BY THE COMMITTEE BILL, AS REPORTED

In compliance with rule XXVI paragraph 12 of the Standing Rules of the Senate, changes in existing law made by the Committee bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 38, UNITED STATES CODE

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**CHAPTER 17—HOSPITAL, NURSING HOME,
DOMICILIARY, AND MEDICAL CARE**

* * * * *

Subchapter VIII—Health Care of Persons Other Than Veterans

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§ 1783. Bereavement counseling

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(b) DEATHS IN ACTIVE SERVICE. (1) The Secretary may provide bereavement counseling to an individual who is a member of the immediate family of a member of the Armed Forces who dies in the active military, naval, or air service in the line of duty and under circumstances not due to the person's own misconduct.

(2) For purposes of this subsection, the members of the immediate family of a member of the Armed Forces described in paragraph (1) include the parents of such member.

(c) Provision of Counseling Through Vet Centers. Bereavement counseling may be provided under this section through the facilities and personnel of centers for the provision of readjustment counseling and related mental health services under section 1712A of this title.

[(c)] (d) Bereavement counseling defined. For purposes of this section, the term "bereavement counseling" means such counseling services, for a limited period, as the Secretary determines to be reasonable and necessary to assist an individual with the emotional and psychological stress accompanying the death of another individual.

