

VET CENTER ELIGIBILITY EXPANSION ACT

MAY 20, 2019.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

R E P O R T

[To accompany H.R. 1812]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 1812) to amend title 38, United States Code, to furnish Vet Center readjustment counseling and related mental health services to certain individuals, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

CONTENTS

	Page
Amendment .....	2
Purpose and Summary .....	2
Background and Need for Legislation .....	2
Hearings .....	3
Subcommittee Consideration .....	3
Committee Consideration .....	3
Committee Votes .....	4
Committee Oversight Findings .....	4
Statement of General Performance Goals and Objectives .....	4
New Budget Authority, Entitlement Authority, and Tax Expenditures .....	4
Earmarks and Tax and Tariff Benefits .....	4
Committee Cost Estimate .....	4
Congressional Budget Office Estimate .....	4
Federal Mandates Statement .....	6
Advisory Committee Statement .....	6
Constitutional Authority Statement .....	6
Applicability to Legislative Branch .....	6
Statement on Duplication of Federal Programs .....	6
Section-by-Section Analysis of the Legislation .....	6
Changes in Existing Law Made by the Bill as Reported .....	7

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Vet Center Eligibility Expansion Act”.

**SEC. 2. EXPANSION OF VET CENTER SERVICES.**

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

(1) by striking “clauses (i) through (iv)” both places it appears and inserting “clauses (i) through (vi)”;

(2) by striking “in clause (v)” both places it appears and inserting “in clause (vii)”;

(3) in subsection (a)(1)(C)—

(A) by redesignating clauses (iv) and (v) as clauses (vi) and (vii), respectively; and

(B) by inserting after clause (iii) the following new clauses:

“(iv) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who served—

“(I) on active service in response to a national emergency or major disaster declared by the President; or

“(II) in the National Guard of a State under orders of the chief executive of that State in response to a disaster or civil disorder in such State.

“(v) Any individual who participated in a drug interdiction operation as a member of the Coast Guard, regardless of the location of that operation.”; and

(4) in subsection (h), by adding at the end the following new paragraphs:

“(4) The term ‘active service’ has the meaning given that term in section 101 of title 10.

“(5) The term ‘civil disorder’ has the meaning given that term in section 232 of title 18.”.

**SEC. 3. PLAN TO PROVIDE VET CENTER SERVICES TO VETERANS LIVING IN AREAS WHERE NO VET CENTER IS LOCATED.**

The Secretary of Veterans Affairs shall submit to the Committees on Veterans’ Affairs of the Senate and House of Representatives a plan to provide Vet Center services to veterans living in geographic areas where no Vet Center is located, including in the United States insular areas.

PURPOSE AND SUMMARY

H.R. 1812, as amended, would expand eligibility for the provision of readjustment counseling and other mental healthcare from Vet Centers to certain members of the Coast Guard and members of the National Guard and Reservists that served in the United States but never deployed. H.R. 1812, as amended, would also require the U.S. Department of Veterans Affairs (VA) to submit to the Committees on Veterans’ Affairs of both the House and Senate a plan to provide Vet Center services to those geographical areas in which no Vet Centers are located, including the insular areas of the United States.

Representative David P. Roe of Tennessee introduced H.R. 1812 on March 18, 2019.

BACKGROUND AND NEED FOR LEGISLATION

According to VA, approximately 20 servicemembers and veterans take their lives every day. However, statistics show that on average, only 6 out of those 20 sought care from VA in the two years preceding their death. Of the remaining 14 who did not seek VA care, as many as 4 of those suicides occur among never-deployed National Guard or Reserve members.<sup>1</sup>

<sup>1</sup> VA National Suicide Data Report 2005–2016, Office of Mental Health and Suicide Prevention, U.S. Department of Veterans Affairs.

VA is authorized to provide counseling through Vet Centers to veterans, servicemembers, and National Guard and Reserve members who served on active military duty in any combat theater or area of hostility, experienced military sexual trauma, provided direct emergent medical care or mortuary services to casualties of war, served as a member of an unmanned aerial vehicle crew that provided direct support to operations in a combat zone or area of hostility, or served in other capacities.<sup>2</sup> However, members of the National Guard, Reserve, or Coast Guard who participated in a drug interdiction, or who served in response to a President or state chief executive declared national emergency, major disaster, or civil disorder are not currently eligible to receive Vet Center care despite the serious consequences such service can have on mental health. The Vet Center Eligibility Expansion Act would correct this oversight by extending eligibility for Vet Center care to these individuals.

In addition, the Vet Center Eligibility Expansion Act would require VA to submit to the Committees of jurisdiction a plan to expand access to services provided by Vet Centers to areas not currently served by a Vet Center. This plan should properly consider not only rural areas, but also territories and insular areas. By assessing the steps necessary to providing access to Vet Centers for veterans living in these underserved areas, the Vet Center Eligibility Expansion Act is ensuring veterans, servicemembers, Reservists and members of the Coast Guard and National Guard are allowed access to the lifesaving services Vet Centers provide.

#### HEARINGS

For the purposes of section 103(i) of H.Res. 6 of the 116th Congress—(1) the following hearing was used to develop or consider H.R. 1812:

H.R. 1812 was considered by the Committee on Veterans' Affairs on May 8, 2019.

#### SUBCOMMITTEE CONSIDERATION

H.R. 1812 was not considered before the Subcommittee on Health.

#### COMMITTEE CONSIDERATION

On May 8, 2019, the Committee on Veterans' Affairs met in an open markup session, a quorum being present, and favorably reported H.R. 1812, as amended, to the House of Representatives by voice vote. During consideration of the bill, the following amendment was considered and agreed to by voice vote:

An amendment offered by Representative Gregorio Sablan of Northern Mariana Islands that would require VA to submit a plan for expansion of Vet Center services to areas not currently serviced by a Vet Center, including insular areas of the U.S., to the Committees on Veterans' Affairs of the House and Senate.

<sup>2</sup> 38 USC § 1712A(a)(1)(C).

## COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, there were no recorded votes taken on amendments or in connection with reporting H.R. 1812, as amended, to the House. A motion by Ranking Member David P. Roe of Tennessee to report H.R. 1812, as amended, favorably to the House of Representatives was adopted by voice vote.

## COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

## STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are to expand access to high quality mental healthcare and related resources to curb the prevalence of suicide among veterans, servicemembers, Reservists, and members of the Coast Guard and National Guard.

## NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

## EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 1812 does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

## COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate on H.R. 1812 prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate for H.R. 1812 provided by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, May 17, 2019.

Hon. MARK TAKANO,  
*Chairman, Committee on Veterans' Affairs,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1812, the Vet Center Eligibility Expansion Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Ann E. Futrell.

Sincerely,

KEITH HALL,  
*Director.*

Enclosure.

<b>H.R. 1812, Vet Center Eligibility Expansion Act</b>			
As ordered reported by the House Committee on Veterans' Affairs on May 8, 2019			
By Fiscal Year, Millions of Dollars	2019	2019-2024	2019-2029
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Deficit Effect	0	0	0
Spending Subject to Appropriation (Outlays)	0	55	n.e.
Pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2030?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
n.e. = not estimated.			

H.R. 1812 would require the Department of Veterans Affairs (VA) to provide mental health counseling at Vet Centers for the following individuals:

- Veterans or members of the armed forces (including reservists) who respond to national emergencies or disasters declared by the President;
- Members of the National Guard who respond to disasters or civil disorders in a state; or
- Members of the Coast Guard who participate in drug interdiction operations.

Vet Centers are facilities where VA provides social and psychological counseling to help veterans and service members cope with the stress of military service and the difficulties of adjusting to civilian life after that service. VA provides that counseling to individuals who served on active duty in combat and in several other circumstances. In 2018, VA spent an average of \$1,900 per patient to provide such counseling to 134,000 veterans and active-duty service members at 300 Vet Centers nationwide. On the basis of information from VA and the Department of Defense, CBO estimates that roughly 5,000 individuals would receive counseling each year under the bill. Thus, CBO estimates that implementing H.R. 1812 would

cost \$55 million over the 2020–2024 period; subject to the availability of appropriated funds (see Table 1).

TABLE 1.—ESTIMATED INCREASES IN SPENDING SUBJECT TO APPROPRIATION UNDER H.R. 1812

	By fiscal year, millions of dollars—						
	2019	2020	2021	2022	2023	2024	2019–2024
Estimated Authorization .....	0	11	11	11	11	12	56
Estimated Outlays .....	0	10	11	11	11	12	55

The CBO staff contact for this estimate is Ann E. Futrell. The estimate was reviewed by Theresa Gullo, Assistant Director for Budget Analysis.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates regarding H.R. 1812 prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 1812, as amended.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to Article I, section 8 of the United States Constitution, H.R. 1812, as amended, is authorized by Congress’ power to provide for the common Defense and general Welfare of the United States.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that H.R. 1812, as amended, does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### STATEMENT ON DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 1812, as amended, establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Sec. 1. Short title*

Section 1 states H.R. 1812, as amended, may be cited as the “Vet Center Eligibility Expansion Act.”

*Sec. 2. Expansion of Vet Center services*

Section 2 expands eligibility for Vet Center services to certain members of the National Guard, members of the Coast Guard and Reservists. Those newly eligible for Vet Center services are: (1) members of a reserve component of the Armed Forces who served on active service, as defined in section 101 of title 10, in response to a national emergency or major disaster declared by the President; (2) members of the National Guard of a State activated in response to a disaster or civil disorder, as defined in section 232 of title 18; and (3) members of the Coast Guard who participated in a drug interdiction operation.

*Sec. 3. Plan to provide Vet Center services to veterans living in areas where no Vet Center is located*

Section 3 requires VA to submit to the Committees on Veterans' Affairs of the House and Senate a plan to provide Vet Center services to veterans living in areas with no access to a Vet Center including insular areas of the United States.

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

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the 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):

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

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

**TITLE 38, UNITED STATES CODE**

\* \* \* \* \*

**PART II—GENERAL BENEFITS**

\* \* \* \* \*

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

\* \* \* \* \*

**SUBCHAPTER II—HOSPITAL, NURSING HOME, OR  
DOMICILIARY CARE AND MEDICAL TREATMENT**

\* \* \* \* \*

**§ 1712A. Eligibility for readjustment counseling and related mental health services**

(a)(1)(A) Upon the request of any individual referred to in subparagraph (C), the Secretary shall furnish counseling, including by furnishing counseling through a Vet Center, to the individual—

(i) in the case of an individual referred to in [clauses (i) through (iv)] *clauses (i) through (vi)* of subparagraph (C), to assist the individual in readjusting to civilian life; and

(ii) in the case of an individual referred to [in clause (v)] *in clause (vii)* of such subparagraph who is a family member of a veteran or member described in such clause—

(I) in the case of a member who is deployed in a theater of combat operations or an area at a time during which hostilities are occurring in that area, during such deployment to assist such individual in coping with such deployment; and

(II) in the case of a veteran or member who is readjusting to civilian life, to the degree that counseling furnished to such individual is found to aid in the readjustment of such veteran or member to civilian life.

(B) Counseling furnished to an individual under subparagraph (A) may include a comprehensive individual assessment of the individual's psychological, social, and other characteristics to ascertain whether—

(i) in the case of an individual referred to in [clauses (i) through (iv)] *clauses (i) through (vi)* of subparagraph (C), such individual has difficulties associated with readjusting to civilian life; and

(ii) in the case of an individual referred to [in clause (v)] *in clause (vii)* of such subparagraph, such individual has difficulties associated with—

(I) coping with the deployment of a member described in subclause (I) of such clause; or

(II) readjustment to civilian life of a veteran or member described in subclause (II) of such clause.

(C) Subparagraph (A) applies to the following individuals:

(i) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who served on active duty in a theater of combat operations or an area at a time during which hostilities occurred in that area.

(ii) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who provided direct emergency medical or mental health care, or mortuary services to the casualties of combat operations or hostilities, but who at the time was located outside the theater of combat operations or area of hostilities.

(iii) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who engaged in combat with an enemy of the United States or against an opposing military force in a theater of combat operations or an area at a time during which hostilities occurred in that area by remotely controlling an unmanned aerial vehicle, notwithstanding whether the physical



location of such veteran or member during such combat was within such theater of combat operations or area.

*(iv) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who served—*

*(I) on active service in response to a national emergency or major disaster declared by the President; or*

*(II) in the National Guard of a State under orders of the chief executive of that State in response to a disaster or civil disorder in such State.*

*(v) Any individual who participated in a drug interdiction operation as a member of the Coast Guard, regardless of the location of that operation.*

**[(iv)]** *(vi) Any individual who received counseling under this section before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.*

**[(v)]** *(vii) Any individual who is a family member of any—*

*(I) member of the Armed Forces, including a member of a reserve component of the Armed Forces, who is serving on active duty in a theater of combat operations or in an area at a time during which hostilities are occurring in that area; or*

*(II) veteran or member of the Armed Forces described in this subparagraph.*

(2) Upon request of an individual described in paragraph (1)(C), the Secretary shall provide the individual a comprehensive individual assessment as described in paragraph (1)(B) as soon as practicable after receiving the request, but not later than 30 days after receiving the request.

(b)(1) If, on the basis of the assessment furnished under subsection (a) of this section, a licensed or certified mental health care provider employed by the Department (or, in areas where no such licensed or certified mental health care provider is available, a licensed or certified mental health care provider carrying out such function under a contract or fee arrangement with the Secretary) determines that the provision of mental health services to such veteran is necessary to facilitate the successful readjustment of the veteran to civilian life, such veteran shall, within the limits of Department facilities, be furnished such services on an outpatient basis. For the purposes of furnishing such mental health services, the counseling furnished under subsection (a) of this section shall be considered to have been furnished by the Department as a part of hospital care. Any hospital care and other medical services considered necessary on the basis of the assessment furnished under subsection (a) of this section shall be furnished only in accordance with the eligibility criteria otherwise set forth in this chapter (including the eligibility criteria set forth in section 1784 of this title).

(2) Mental health services furnished under paragraph (1) of this subsection may, if determined to be essential to the effective treatment and readjustment of the veteran, include such consultation, counseling, training, services, and expenses as are described in sections 1782 and 1783 of this title.

(c) Upon receipt of a request for counseling under this section from any individual who has been discharged or released from ac-

tive military, naval, or air service but who is not otherwise eligible for such counseling, the Secretary shall—

(1) provide referral services to assist such individual, to the maximum extent practicable, in obtaining mental health care and services from sources outside the Department; and

(2) if pertinent, advise such individual of such individual's rights to apply to the appropriate military, naval, or air service, and to the Department, for review of such individual's discharge or release from such service.

(d) The Under Secretary for Health may provide for such training of professional, paraprofessional, and lay personnel as is necessary to carry out this section effectively, and, in carrying out this section, may utilize the services of paraprofessionals, individuals who are volunteers working without compensation, and individuals who are veteran-students (as described in section 3485 of this title) in initial intake and screening activities.

(e)(1) In furnishing counseling and related mental health services under subsections (a) and (b) of this section, the Secretary shall have available the same authority to enter into contracts with private facilities that is available to the Secretary (under sections 1703(a)(2) and 1710(a)(1)(B) of this title) in furnishing medical services to veterans suffering from total service-connected disabilities.

(2) Before furnishing counseling or related mental health services described in subsections (a) and (b) of this section through a contract facility, as authorized by this subsection, the Secretary shall approve (in accordance with criteria which the Secretary shall prescribe by regulation) the quality and effectiveness of the program operated by such facility for the purpose for which the counseling or services are to be furnished.

(3) The authority of the Secretary to enter into contracts under this subsection shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(f) The Secretary, in cooperation with the Secretary of Defense, shall take such action as the Secretary considers appropriate to notify veterans who may be eligible for assistance under this section of such potential eligibility.

(g) In carrying out this section and in furtherance of the Secretary's responsibility to carry out outreach activities under chapter 63 of this title, the Secretary may provide for and facilitate the participation of personnel employed by the Secretary to provide services under this section in recreational programs that are—

(1) designed to encourage the readjustment of veterans described in subsection (a)(1)(C); and

(2) operated by any organization named in or approved under section 5902 of this title.

(h) For the purposes of this section:

(1) The term "Vet Center" means a facility which is operated by the Department for the provision of services under this section and which is situated apart from Department general health care facilities.

(2) The term "Department general health-care facility" means a health-care facility which is operated by the Department for the furnishing of health-care services under this chap-

ter, not limited to services provided through the program established under this section.

(3) The term “family member”, with respect to a veteran or member of the Armed Forces, means an individual who—

(A) is a member of the family of the veteran or member, including—

- (i) a parent;
- (ii) a spouse;
- (iii) a child;
- (iv) a step-family member; and
- (v) an extended family member; or

(B) lives with the veteran or member but is not a member of the family of the veteran or member.

(4) *The term “active service” has the meaning given that term in section 101 of title 10.*

(5) *The term “civil disorder” has the meaning given that term in section 232 of title 18.*

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