

110TH CONGRESS  
1ST SESSION

# H. R. 542

To require the Department of Veterans Affairs to provide mental health services in languages other than English, as needed, for veterans with limited English proficiency, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 17, 2007

Ms. SOLIS introduced the following bill; which was referred to the Committee on Veterans' Affairs

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## A BILL

To require the Department of Veterans Affairs to provide mental health services in languages other than English, as needed, for veterans with limited English proficiency, 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. PROVISION OF MENTAL HEALTH SERVICES BY**  
4                       **DEPARTMENT OF VETERANS AFFAIRS FOR**  
5                       **VETERANS WITH LIMITED ENGLISH PRO-**  
6                       **FICIENCY.**

7       (a) IN GENERAL.—

1           (1) REQUIREMENT.—Chapter 17 of title 38,  
2       United States Code, is amended by inserting after  
3       section 1712B the following new section:

4   **“§ 1713. Mental health services; languages other than**  
5               **English**

6       “(a) AVAILABILITY OF COUNSELING IN LANGUAGES  
7   OTHER THAN ENGLISH.—In providing counseling and  
8   other mental health services authorized by law to a veteran  
9   with limited English proficiency, the Secretary shall en-  
10   sure that such counseling and services are available to that  
11   veteran in both English and a language other than English  
12   in which the veteran is proficient, if requested by the vet-  
13   eran.

14       “(b) IDENTIFICATION OF VETERANS WITH LIMITED  
15   ENGLISH PROFICIENCY.—For purposes of this section,  
16   the Secretary shall develop procedures for identifying vet-  
17   erans with limited English proficiency and of informing  
18   those veterans of the provisions of subsection (a).”.

19           (2) CLERICAL AMENDMENT.—The table of sec-  
20       tions at the beginning of such chapter is amended  
21       by inserting after the item relating to section 1712B  
22       the following new item:

      “1713. Mental health services; languages other than English.”.

23       (b) EFFECTIVE DATE.—Section 1713 of title 38,  
24   United States Code, as added by subsection (a) shall take

1 effect at the end of the 120-day period beginning on the  
2 date of the enactment of this Act.

3 **SEC. 2. CODIFICATION FOR DEPARTMENT OF VETERANS**  
4 **AFFAIRS OF REQUIREMENTS OF EXECUTIVE**  
5 **ORDER 13166.**

6 (a) SYSTEM FOR ACCESS TO SERVICES.—The Sec-  
7 retary of Veterans Affairs shall implement a system by  
8 which persons with limited English proficiency can mean-  
9 ingfully access the services provided by the Department  
10 of Veterans Affairs consistent with, and without unduly  
11 burdening, the fundamental mission of that Department.  
12 The Secretary shall work to ensure that recipients of fi-  
13 nancial assistance under programs of the Department pro-  
14 vide meaningful access to applicants and beneficiaries with  
15 limited English proficiency.

16 (b) PLAN.—The Secretary shall implement a plan to  
17 improve access to programs and activities of the Depart-  
18 ment of Veterans Affairs by eligible persons with limited  
19 English proficiency. The plan shall be consistent with the  
20 standards set forth in the guidance document issued by  
21 the Attorney General in conjunction with Executive Order  
22 13166, issued August 11, 2000, and shall include the  
23 steps the Secretary will take to ensure that eligible persons  
24 with limited English proficiency can meaningfully access  
25 the programs and activities of the Department.

1 **SEC. 3. IMPLEMENTATION.**

2 In developing and implementing the plan under sec-  
3 tion 2(b), the Secretary shall, at a minimum, carry out  
4 the following:

5 (1) The Secretary shall conduct a thorough as-  
6 sessment of the language needs of the population  
7 served by the Department of Veterans Affairs, in-  
8 cluding identifying the non-English languages that  
9 are likely to be encountered.

10 (2) The Secretary shall develop and implement  
11 a comprehensive language assistance program, which  
12 shall include—

13 (A) hiring bilingual staff and interpreters  
14 for patient and client contact positions; and

15 (B) translating written materials (such as  
16 consent forms, notice of free language assist-  
17 ance, and outreach materials) into languages  
18 other than English.

19 (3) The Secretary shall train staff of the De-  
20 partment on the access policy of the Department  
21 with respect to persons with limited English pro-  
22 ficiency and on carrying out that policy.

23 (4) The Secretary shall establish vigilant moni-  
24 toring and oversight to ensure that persons with lim-  
25 ited English proficiency have meaningful access to  
26 health care and services.

1           (5) The Secretary shall establish a task force to  
2       evaluate implementation and to prioritize needed ac-  
3       tions to implement the access plan for persons with  
4       limited English proficiency.

5           (6) The Secretary shall develop a specific plan  
6       to ensure seamless transition of veterans and their  
7       families from benefits and services provided by the  
8       Department of Defense to benefits and services pro-  
9       vided by the Department of Veterans Affairs, includ-  
10      ing bilingual readjustment and bereavement coun-  
11      seling.

12          (7) The Secretary shall establish a process to  
13      translate vital documents and other materials, in-  
14      cluding materials on the World Wide Web, brochures  
15      distributed as part of outreach efforts to  
16      servicemembers transitioning into civilian life, and  
17      the post-deployment health reassessment program.

18          (8) The Secretary shall conduct outreach to vet-  
19      erans and their families in communities which may  
20      have higher proportions of populations with limited  
21      English proficiency to ensure they are aware of eligi-  
22      bility for benefits and services from the Department  
23      of Veterans Affairs.

1 **SEC. 4. REPORT ON IMPLEMENTATION BY VETERANS**  
2 **HEALTH ADMINISTRATION OF DIRECTIVE ON**  
3 **IMPROVING ACCESS TO SERVICES FOR PER-**  
4 **SONS WITH LIMITED ENGLISH PROFICIENCY.**

5 (a) **REPORT REQUIRED.**—Not later than 180 days  
6 after the date of the enactment of this Act, the Secretary  
7 of Veterans Affairs shall submit to the Committees on  
8 Veterans’ Affairs of the Senate and House of Representa-  
9 tives a report on the implementation by the Veterans  
10 Health Administration of the Department of Veterans Af-  
11 fairs of the directive of the Veterans Health Administra-  
12 tion designated “VHA Directive 2002–006” that was  
13 issued by the Under Secretary for Health of the Depart-  
14 ment of Veterans Affairs on January 31, 2002, and that  
15 issued policy to implement prohibitions on discrimination  
16 on the basis of national origin for persons with limited  
17 English proficiency in Federally-conducted programs and  
18 activities and in Federal financial assisted programs.

19 (b) **CAPACITY TO PROVIDE SERVICES TO**  
20 **SERVICEMEMBERS WITH LIMITED ENGLISH PRO-**  
21 **FICIENCY.**—The Secretary shall include in the report an  
22 analysis of the capacity of the Department of Veterans  
23 Affairs to provide services to members of the Armed  
24 Forces with limited English proficiency.

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