

110TH CONGRESS
2D SESSION

S. 2939

To expand and improve mental health care and reintegration programs for members of the National Guard and Reserve, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 2008

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To expand and improve mental health care and reintegration programs for members of the National Guard and Reserve, 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 “National Guard and
5 Reserve Mental Health Access Act of 2008”.

6 **SEC. 2. IMPLEMENTATION OF YELLOW RIBBON RE-**
7 **INTEGRATION PROGRAM FOR MEMBERS OF**
8 **THE NATIONAL GUARD AND RESERVE.**

9 (a) DEADLINE FOR IMPLEMENTATION.—The Sec-
10 retary of Defense shall establish the Yellow Ribbon Re-

1 integration Program for members of the National Guard
2 and Reserve and their families required by section 582 of
3 the National Defense Authorization Act for Fiscal Year
4 2008 (Public Law 110–181; 122 Stat. 122; 10 U.S.C.
5 10101 note) by not later than 180 days after the date
6 of the enactment of this Act.

7 (b) REPORT ON IMPLEMENTATION OF PROGRAM.—

8 (1) REPORT REQUIRED.—Not later than 180
9 days after the date of the enactment of this Act, the
10 Under Secretary of Defense for Personnel and Read-
11 iness shall submit to the Committee on Armed Serv-
12 ices of the Senate and the Committee on Armed
13 Services of the House of Representatives a report on
14 the implementation of the Yellow Ribbon Reintegra-
15 tion Program.

16 (2) ELEMENTS.—The report required by para-
17 graph (1) shall include the following:

18 (A) A description and assessment of the
19 implementation of the Yellow Ribbon Reintegra-
20 tion Program as of the date of the report.

21 (B) Such recommendations as the Under
22 Secretary considers appropriate for legislative
23 or administration action to improve the Yellow
24 Ribbon Reintegration Program.

1 (C) A description of any additional re-
2 sources required to assure the full implementa-
3 tion of the Yellow Ribbon Reintegration Pro-
4 gram.

5 **SEC. 3. JOINT PSYCHOLOGICAL HEALTH PROGRAM.**

6 (a) PROGRAM REQUIRED.—

7 (1) IN GENERAL.—The Secretary of Defense
8 shall, acting through the Chief of the National
9 Guard Bureau, carry out a program for the pur-
10 poses as follows:

11 (A) To improve access to psychological
12 health care and services for members of the Na-
13 tional Guard and their families.

14 (B) To improve coordination among the
15 components of the Department of Defense in
16 the provision of psychological health care to
17 members of the National Guard during their
18 transition from active duty in the Armed Forces
19 to civilian life.

20 (C) To coordinate and oversee efforts of
21 the Department of Defense to assist members
22 of the National Guard with mental illness and
23 members of the National Guard with Traumatic
24 Brain Injury (TBI) post-deployment.

1 (2) DESIGNATION OF PROGRAM.—The program
2 under this section shall be known as the “Joint Psy-
3 chological Health Program” (in this section referred
4 to as the “Program”).

5 (b) DIRECTORS OF PSYCHOLOGICAL HEALTH.—

6 (1) IN GENERAL.—In carrying out the Pro-
7 gram, the Chief of the National Guard Bureau shall
8 assign within the National Guard Bureau two indi-
9 viduals to positions as follows:

10 (A) Director of Psychological Health of the
11 Army National Guard of the United States.

12 (B) Director of Psychological Health of the
13 Air National Guard of the United States.

14 (2) QUALIFICATIONS.—Each individual as-
15 signed to a position under paragraph (1) shall have
16 such qualifications and expertise as the Chief of the
17 National Guard Bureau considers appropriate for
18 such position.

19 (3) DUTIES.—A Director of Psychological
20 Health under paragraph (1) shall carry out such du-
21 ties with respect to the component of the National
22 Guard concerned as are provided by law or by the
23 Chief of the National Guard Bureau.

24 (c) PROGRAM ELEMENTS.—

1 (1) STATE NETWORKS OF PSYCHOLOGICAL
2 HEALTH PROFESSIONALS.—The Program shall con-
3 sist of a network of psychological health profes-
4 sionals in each State and Territory, the District of
5 Columbia, and the Commonwealth of Puerto Rico in
6 order to carry out programs and activities for the
7 purposes of the Program.

8 (2) DIRECTORS.—

9 (A) IN GENERAL.—Each network of psy-
10 chological health professionals established pur-
11 suant to paragraph (1) for a State or Territory,
12 the District of Columbia, or the Commonwealth
13 of Puerto Rico shall be overseen and coordi-
14 nated for the purposes of the Program by a Di-
15 rector who shall be selected by the Chief of the
16 National Guard Bureau from among individuals
17 who meet such psychology licensure or certifi-
18 cation requirements as the Chief of the Na-
19 tional Guard Bureau considers appropriate.

20 (B) CONTRACT POSITION.—An individual
21 selected to serve as a Director under paragraph
22 (1) shall serve as a Director pursuant to a con-
23 tract entered into by such individual for pur-
24 poses of the Program.

1 (C) DUTIES.—Each Director under this
2 paragraph shall have the duties as follows:

3 (i) To coordinate and oversee pro-
4 grams and activities under the Program in
5 the jurisdiction concerned.

6 (ii) To work with applicable Federal,
7 State, and community agencies to develop
8 and implement a comprehensive plan for
9 responding to the psychological needs of
10 members of the National Guard and their
11 families for the purposes of the Program.

12 (iii) To develop, coordinate, and over-
13 see programs and activities to inform
14 members of the National Guard and their
15 families on how to access behavioral health
16 services.

17 (iv) To develop, coordinate, and over-
18 see programs and activities of education
19 and training for leadership of the National
20 Guard on matters relating to the psycho-
21 logical health of members of the National
22 Guard.

23 (v) To develop, coordinate, and over-
24 see programs and activities to assist mem-
25 bers of the National Guard and their fami-

1 lies in building psychological fitness and
2 resilience while dispelling the stigma asso-
3 ciated with seeking and obtaining mental
4 health services.

5 (vi) To develop, coordinate, and over-
6 see programs and activities to coordinate
7 psychological care for members of the Na-
8 tional Guard during their transition from
9 Warrior Transitions Units (WTUs) to
10 their local communities.

11 (vii) To improve access of members of
12 the National Guard and their families to
13 psychological care through coordination
14 with appropriate State agencies and com-
15 munity-based behavioral health services
16 providers.

17 (viii) To develop and implement as-
18 sessments of the resource needs of commu-
19 nity-based behavior health service providers
20 in order to provide members of the Na-
21 tional Guard and their families with the
22 behavioral health services they require.

23 (ix) To coordinate with other psycho-
24 logical health components of and for the
25 reserve components of the Armed Forces.

1 (x) To coordinate and oversee imple-
2 mentation of other Department of Defense
3 initiatives to ensure that members of the
4 National Guard and their families are
5 aware of and informed about the psycho-
6 logical health initiatives of the Department
7 of Defense.

8 (xi) To participate in national and re-
9 gional work groups developing programs
10 and activities to address the psychological
11 needs of members of the National Guard
12 and their families.

13 (xii) To conduct outreach to and edu-
14 cation for families of members of the Na-
15 tional Guard on recognition of mental
16 health problems, including Post Traumatic
17 Stress Disorder (PTSD) and other mental
18 health problems, in members of the Na-
19 tional Guard.

20 (3) NATIONAL GUARD PSYCHOLOGICAL HEALTH
21 COUNCIL.—

22 (A) IN GENERAL.—The Chief of the Na-
23 tional Guard Bureau shall establish for the pur-
24 poses of the Program a council to be known as

1 the “National Guard Psychological Health
2 Council”.

3 (B) MEMBERSHIP.—The members of the
4 National Guard Psychological Health Council
5 shall be the Directors of Psychological Health
6 assigned under subsection (b) and the Directors
7 of Psychological Health under paragraph (2).

8 (C) ORGANIZATION.—The National Guard
9 Psychological Health Council may carry out its
10 duties on a national or regional basis as consid-
11 ered appropriate by the Council.

12 (D) DUTIES.—The National Guard Psy-
13 chological Health Council shall have the fol-
14 lowing duties:

15 (i) To oversee and coordinate the de-
16 velopment of the Program and any pro-
17 grams and activities to be carried out
18 under the Program.

19 (ii) To ensure consistency nationally
20 in the programs and activities to be carried
21 out under the Program.

22 (iii) To act as advisors to the Chief of
23 the National Guard Bureau for all matters
24 relating to the psychological needs of mem-

1 bers of the National Guard and their fami-
2 lies.

3 (iv) To ensure the dissemination of
4 best practices in behavioral health care
5 services to providers of behavioral health
6 care services to members of the National
7 Guard and their families.

8 (v) To develop uniform standards for
9 measuring success in the provision of be-
10 havioral health care services to members of
11 the National Guard and their families.

12 (4) COLLABORATION.—

13 (A) IN GENERAL.—The National Guard
14 Bureau and the Department of Defense shall
15 work collaboratively in implementing and car-
16 rying out the Program.

17 (B) OTHER COLLABORATION.—In carrying
18 out programs and activities under the Program,
19 the Directors of Psychological Health assigned
20 under subsection (b) and the Directors of Psy-
21 chological Health under paragraph (2) shall
22 work with the following:

23 (i) The Department of Veterans Af-
24 fairs.

1 (ii) The Substance Abuse and Mental
2 Health Services Administration of the De-
3 partment of Health and Human Services.

4 (iii) Appropriate State agencies, in-
5 cluding State mental health agencies and
6 State veterans agencies.

7 (d) TERRITORY DEFINED.—In this section, the term
8 “Territory” has the meaning given that term in section
9 101(1) of title 32, United States Code.

10 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
11 hereby authorized to be appropriated for the Department
12 of Defense for fiscal year 2009 for operation and mainte-
13 nance, \$8,035,000, which shall be available for the Joint
14 Psychological Health Program under this section in that
15 fiscal year.

16 **SEC. 4. PILOT PROGRAMS ON PRE-DEPLOYMENT AND POST-**
17 **DEPLOYMENT TELEMENTAL HEALTH SERV-**
18 **ICES FOR MEMBERS OF THE NATIONAL**
19 **GUARD AND RESERVE.**

20 (a) PILOT PROGRAMS REQUIRED.—

21 (1) IN GENERAL.—The Secretary of Defense
22 and the Secretary of Veterans Affairs shall jointly
23 carry out one or more pilot programs on the provi-
24 sion of mental health services to members of the Na-
25 tional Guard and Reserve, both before and after de-

1 ployment, through telemental health technologies in
2 order to assess the feasibility and advisability of uti-
3 lizing of such technologies for the provision of men-
4 tal health services to members of the National
5 Guard and Reserve both before and after deploy-
6 ment.

7 (2) DISCHARGE WITH RESPECT TO NATIONAL
8 GUARD.—Each pilot program carried out under this
9 section with respect to members of the National
10 Guard shall be carried out in consultation with the
11 Chief of the National Guard Bureau.

12 (3) COORDINATION.—The Secretary of Defense
13 and the Secretary of Veterans Affairs shall carry out
14 the pilot programs in coordination with the Sub-
15 stance Abuse and Mental Health Services Adminis-
16 tration of the Department of Health and Human
17 Services and such other departments and agencies of
18 the Federal Government as the Secretaries consider
19 appropriate to assure quality in the provision of
20 mental health services to members of the National
21 Guard and Reserve under the pilot programs.

22 (b) PROGRAM REQUIREMENTS.—

23 (1) LOCATIONS.—

24 (A) IN GENERAL.—The pilot programs
25 under this section shall be carried out in such

1 location or locations as the Secretary of De-
2 fense and the Secretary of Veterans Affairs
3 shall jointly select.

4 (B) EMPHASIS ON SERVICES TO MEMBERS
5 IN RURAL AREAS.—In selecting locations for
6 pilot programs, the Secretary of Defense and
7 the Secretary of Veterans Affairs shall afford
8 an emphasis to locations in which services
9 under the pilot programs are provided to mem-
10 bers of the National Guard and Reserve resid-
11 ing in a rural area.

12 (2) UTILIZATION OF EVIDENCE-BASED PRAC-
13 TICES.—Each pilot program under this section shall
14 utilize telemental health technologies that have prov-
15 en effective in the provision of mental health services
16 to members of the Armed Forces.

17 (c) REPORT.—

18 (1) IN GENERAL.—Not later than one year
19 after the date of the enactment of this Act, the Sec-
20 retary of Defense and the Secretary of Veterans Af-
21 fairs shall jointly submit to Congress a report on the
22 pilot programs carried out under this section.

23 (2) ELEMENTS.—The report under paragraph
24 (1) shall including a description of each pilot pro-
25 gram carried out under this section, including—

1 (A) the types of mental health services pro-
2 vided;

3 (B) the types of telemental health tech-
4 nologies utilized in providing such services;

5 (C) the number of members of the Na-
6 tional Guard and Reserve provided such serv-
7 ices; and

8 (D) the outcomes for members of the Na-
9 tional Guard and Reserve in receiving such
10 services.

11 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
12 hereby authorized to be appropriated for the Department
13 of Defense for fiscal year 2009 for operation and mainte-
14 nance, \$2,005,000, to carry out pilot programs under this
15 section in such fiscal year.

16 **SEC. 5. ANTI-STIGMA CAMPAIGN REGARDING MENTAL**
17 **HEALTH SERVICES AMONG MEMBERS OF THE**
18 **NATIONAL GUARD AND RESERVE RETURNING**
19 **FROM DEPLOYMENT AND THEIR FAMILIES.**

20 (a) CAMPAIGN REQUIRED.—

21 (1) IN GENERAL.—The Secretary of Defense
22 and the Secretary of Veterans Affairs shall jointly
23 carry out a program of outreach intended to reduce
24 the stigma among members of the National Guard
25 and Reserve returning from deployment, and their

1 families, associated with seeking and obtaining men-
2 tal health services.

3 (2) DISCHARGE WITH RESPECT TO NATIONAL
4 GUARD.—The campaign carried out under this sec-
5 tion with respect to members of the National Guard
6 shall be carried out in consultation with the Chief of
7 the National Guard Bureau.

8 (3) COORDINATION.—The Secretary of Defense
9 and the Secretary of Veterans Affairs shall carry out
10 the campaign in coordination with the Substance
11 Abuse and Mental Health Services Administration of
12 the Department of Health and Human Services.

13 (b) ELEMENTS.—In carrying out the campaign re-
14 quired by this section, the Secretary of Defense and the
15 Secretary of Veterans Affairs shall carry out such pro-
16 grams and activities (including the award of contracts,
17 grants, and cooperative agreements with appropriate enti-
18 ties) as the Secretaries consider appropriate to reduce the
19 stigma among members of the National Guard and Re-
20 serve returning from deployment, and their families, asso-
21 ciated with seeking and obtaining mental health services.

22 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
23 hereby authorized to be appropriated for fiscal year 2009,
24 \$2,000,000, to carry out this section.

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