

Union Calendar No. 287

115TH CONGRESS
1ST SESSION

H. R. 918

[Report No. 115–390]

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish mental health care to certain former members of the Armed Forces who are not otherwise eligible to receive such care, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2017

Mr. COFFMAN (for himself, Mr. KILMER, Miss RICE of New York, Mr. MEEHAN, Mr. JONES, Mr. BISHOP of Georgia, Mr. COSTELLO of Pennsylvania, Ms. JENKINS of Kansas, Mr. KING of New York, Mr. SWALWELL of California, Mr. HIMES, Mr. BERGMAN, Ms. KUSTER of New Hampshire, and Mrs. RADEWAGEN) introduced the following bill; which was referred to the Committee on Veterans' Affairs

NOVEMBER 6, 2017

Additional sponsors: Ms. SHEA-PORTER, Mr. ROYCE of California, Ms. GABBARD, Mr. COURTNEY, Mr. KENNEDY, Mr. BUCHANAN, Mr. RUTHERFORD, Mr. LOEBSACK, Mr. HIGGINS of Louisiana, Mr. RUSH, Ms. MOORE, Mr. BLUMENAUER, Ms. ROSEN, Mr. KIHUEN, Ms. TSONGAS, Mr. SOTO, Mr. CURBELO of Florida, Mr. O'ROURKE, Mr. MESSER, Ms. ESTY of Connecticut, Mr. TIPTON, Mr. MOULTON, Mr. DEFazio, Mr. COHEN, Mr. LAWSON of Florida, Mr. YOUNG of Iowa, and Ms. SINEMA

NOVEMBER 6, 2017

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on February 7, 2017]

A BILL

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish mental health care to certain former members of the Armed Forces who are not otherwise eligible to receive such care, 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 “Veteran Urgent Access*
 5 *to Mental Healthcare Act”.*

6 **SEC. 2. EXPANSION OF MENTAL HEALTH CARE FOR CER-**
 7 **TAIN FORMER MEMBERS OF THE ARMED**
 8 **FORCES.**

9 *(a) IN GENERAL.—Chapter 17 of title 38, United*
 10 *States Code, is amended by inserting after section 1720H*
 11 *the following new section:*

12 **“§ 1720I. Expansion of mental health care for certain**
 13 **former members of the Armed Forces**

14 *“(a) IN GENERAL.—The Secretary shall furnish to*
 15 *former members of the Armed Forces described in subsection*
 16 *(b)—*

17 *“(1) an initial mental health assessment; and*

18 *“(2) the mental health care services authorized*
 19 *under this chapter that the Secretary determines are*
 20 *required to treat the mental health care needs of the*
 21 *former member, including risk of suicide or harming*
 22 *others.*

23 *“(b) FORMER MEMBERS OF THE ARMED FORCES DE-*
 24 *SCRIBED.—A former member of the Armed Forces described*

1 *in this subsection is an individual who meets the following*
2 *criteria:*

3 “(1) *The individual is a former member of the*
4 *Armed Forces, including the reserve components,*
5 *who—*

6 “(A) *served in the active military, naval, or*
7 *air service, and was discharged or released there-*
8 *from under a condition that is not honorable ex-*
9 *cept—*

10 “(i) *dishonorable; or*

11 “(ii) *bad conduct discharge;*

12 “(B) *has applied for a character of service*
13 *determination and such determination has not*
14 *been made; and*

15 “(C) *is not otherwise eligible to enroll in the*
16 *health care system established by section 1705 of*
17 *this title by reason of such discharge or release*
18 *not meeting the requirements of section 101(2) of*
19 *this title.*

20 “(2) *While serving in the Armed Forces—*

21 “(A) *the former member was deployed in a*
22 *theater of combat operations or an area at a*
23 *time during which hostilities occurred in that*
24 *area;*

1 “(B) participated in or experienced such
2 combat operations or hostilities, including by
3 controlling an unmanned aerial vehicle from a
4 location other than such theater or area; or

5 “(C) was the victim of a physical assault of
6 a sexual nature, battery of a sexual nature, or
7 sexual harassment (as defined in section
8 1720D(f) of this title).

9 “(c) NON-DEPARTMENT CARE.—(1) In furnishing
10 mental health care services to an individual under this sec-
11 tion, the Secretary may provide such mental health care
12 services at a non-Department facility if—

13 “(A) in the judgment of a mental health profes-
14 sional employed by the Department, the receipt of
15 mental health care services by that individual in fa-
16 cilities of the Department would be clinically inadvis-
17 able; or

18 “(B) facilities of the Department are not capable
19 of furnishing such mental health care services to that
20 individual economically because of geographical inac-
21 cessibility.

22 “(2) The Secretary shall carry out paragraph (1) pur-
23 suant to section 1703 of this title or any other provision
24 of law authorizing the Secretary to enter into contracts or

1 *agreements to furnish hospital care and medical services to*
2 *veterans at non-Department facilities.*

3 “(d) *SETTING AND REFERRALS.—In furnishing men-*
4 *tal health care services to an individual under this section,*
5 *the Secretary shall—*

6 “(1) *seek to ensure that such mental health care*
7 *services are furnished in a setting that is therapeuti-*
8 *cally appropriate, taking into account the cir-*
9 *cumstances that resulted in the need for such mental*
10 *health care services; and*

11 “(2) *provide referral services to assist former*
12 *members who are not eligible for services under this*
13 *chapter to obtain services from sources outside the De-*
14 *partment.*

15 “(e) *INFORMATION.—The Secretary shall provide in-*
16 *formation on the mental health care services available*
17 *under this section. Efforts by the Secretary to provide such*
18 *information—*

19 “(1) *shall include availability of a toll-free tele-*
20 *phone number (commonly referred to as an 800 num-*
21 *ber);*

22 “(2) *shall ensure that information about the*
23 *mental health care services available under this sec-*
24 *tion—*

25 “(A) *is revised and updated as appropriate;*

1 “(B) is made available and visibly posted
2 at appropriate facilities of the Department; and

3 “(C) is made available to State veteran
4 agencies and through appropriate public infor-
5 mation services; and

6 “(3) shall include coordination with the Sec-
7 retary of Defense seeking to ensure that members of
8 the Armed Forces and individuals who are being sep-
9 arated from active military, naval, or air service are
10 provided appropriate information about programs,
11 requirements, and procedures for applying for mental
12 health care services under this section.

13 “(f) ANNUAL REPORTS.—Each year, the Secretary
14 shall submit to Congress an annual report on the mental
15 health care services provided pursuant to this section. Each
16 report shall include data for the year covered by the report
17 with respect to each of the following:

18 “(1) The number of individuals who received
19 mental health care services under subsection (a),
20 disaggregated by the number of men who received
21 such services and the number of women who received
22 such services.

23 “(2) Such other information as the Secretary
24 considers appropriate.”.

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of chapter 17 of title 38, United States Code,*
 3 *is amended by inserting after the item relating to section*
 4 *1720H the following new item:*

“1720I. Expansion of mental health care for certain former members of the Armed Forces.”.

5 ***SEC. 3. EXTENSION OF REQUIREMENT FOR COLLECTION OF***
 6 ***FEES FOR HOUSING LOANS GUARANTEED BY***
 7 ***SECRETARY OF VETERANS AFFAIRS.***

8 Section 3729(b)(2) of title 38, United States Code, is
 9 amended—

10 (1) in subparagraph (A)—

11 (A) in clause (iii), by striking “September
 12 30, 2024” and inserting “September 30, 2025”;
 13 and

14 (B) in clause (iv), by striking “September
 15 30, 2024” and inserting “September 30, 2025”;
 16 (2) in subparagraph (B)—

17 (A) in clause (i), by striking “September
 18 30, 2024” and inserting “September 30, 2025”;
 19 and

20 (B) in clause (ii), by striking “September
 21 30, 2024” and inserting “September 30, 2025”;
 22 (3) in subparagraph (C)—

1 (A) in clause (i), by striking “September
2 30, 2024” and inserting “September 30, 2025”;
3 and

4 (B) in clause (ii), by striking “September
5 30, 2024” and inserting “September 30, 2025”;
6 and

7 (4) in subparagraph (D)—

8 (A) in clause (i), by striking “September
9 30, 2024” and inserting “September 30, 2025”;
10 and

11 (B) in clause (ii), by striking “September
12 30, 2024” and inserting “September 30, 2025”.

13 **SEC. 4. CHARACTER OF SERVICE DETERMINATIONS.**

14 (a) *IN GENERAL.*—Chapter 53 of title 38, United
15 States Code, is amended by inserting after section 5303A
16 the following new section:

17 **“§ 5303B. Character of service determinations**

18 “(a) *DETERMINATION.*—The Secretary shall establish
19 a process by which an individual who served in the Armed
20 Forces and was discharged or dismissed therefrom may seek
21 a determination from the Secretary with respect to whether
22 such discharge or release was under a condition that bars
23 the right of such individual to a benefit under the laws ad-
24 ministered by the Secretary based upon the period of service
25 from which discharged or dismissed.

1 “(b) *PROVISION OF INFORMATION.*—*If the Secretary*
2 *determines under subsection (a) that an individual is*
3 *barred to a benefit under the laws administered by the Sec-*
4 *retary, the Secretary shall provide to such individual infor-*
5 *mation regarding the ability of the individual to address*
6 *such condition, including pursuant to section 5303 of this*
7 *title and chapter 79 of title 10.*”.

8 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
9 *the beginning of such chapter is amended by inserting after*
10 *the item relating to section 5303A the following new item:*

“5303B. Character of service determinations.”.

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