

“(d) REPORTS.—

“(1) INITIAL REPORT.—

“(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act [June 6, 2018], the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Comptroller General of the United States a report that includes—

“(i) the status of the planning, development, and deployment of the system required to be implemented under subsection (a), including any changes in the timeline for the implementation of the system; and

“(ii) an assessment of the needs of family caregivers of veterans described in subparagraph (B), the resources needed for the inclusion of such family caregivers in the Program, and such changes to the Program as the Secretary considers necessary to ensure the successful expansion of the Program to include such family caregivers.

“(B) VETERANS DESCRIBED.—Veterans described in this subparagraph are veterans who are eligible for the Program under clause (ii) or (iii) of section 1720G(a)(2)(B) of title 38, United States Code, as amended by section 161(a)(1) of this title, solely due to a serious injury (including traumatic brain injury, psychological trauma, or other mental disorder) incurred or aggravated in the line of duty in the active military, naval, or air service before September 11, 2001.

“(2) NOTIFICATION BY COMPTROLLER GENERAL.—The Comptroller General shall review the report submitted under paragraph (1) and notify the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives with respect to the progress of the Secretary in—

“(A) fully implementing the system required under subsection (a); and

“(B) implementing a process for using such system to monitor and assess the Program under subsection (c)(1) and modify the Program as considered necessary under subsection (c)(2).

“(3) FINAL REPORT.—

“(A) IN GENERAL.—Not later than October 1, 2019, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Comptroller General a report on the implementation of subsections (a) through (c).

“(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

“(i) A certification by the Secretary that the information technology system described in subsection (a) has been implemented.

“(ii) A description of how the Secretary has implemented such system.

“(iii) A description of the modifications to the Program, if any, that were identified and implemented under subsection (c)(2).

“(iv) A description of how the Secretary is using such system to monitor the workload of the Program.

“(e) DEFINITIONS.—In this section:

“(1) ACTIVE MILITARY, NAVAL, OR AIR SERVICE.—The term ‘active military, naval, or air service’ has the meaning given that term in section 101 of title 38, United States Code.

“(2) PROGRAM.—The term ‘Program’ means the program of comprehensive assistance for family caregivers under section 1720G(a) of title 38, United States Code, as amended by section 161 of this title.”

ANNUAL EVALUATION REPORT

Pub. L. 111–163, title I, §101(c), May 5, 2010, 124 Stat. 1138, as amended by Pub. L. 115–182, title I, §163, June 6, 2018, 132 Stat. 1442, provided that:

“(1) IN GENERAL.—Not later than 2 years after the date described in subsection (a)(3)(A) [see Effective

Date note above] and annually thereafter, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a comprehensive report on the implementation of section 1720G of title 38, United States Code, as added by subsection (a)(1).

“(2) CONTENTS.—The report required by paragraph (1) shall include the following:

“(A) With respect to the program of comprehensive assistance for family caregivers required by subsection (a)(1) of such section 1720G and the program of general caregiver support services required by subsection (b)(1) of such section—

“(i) the number of caregivers that received assistance under such programs;

“(ii) the cost to the Department of providing assistance under such programs;

“(iii) a description of the outcomes achieved by, and any measurable benefits of, carrying out such programs;

“(iv) an assessment of the effectiveness and the efficiency of the implementation of such programs, including a description of any barriers to accessing and receiving care and services under such programs; and

“(v) such recommendations, including recommendations for legislative or administrative action, as the Secretary considers appropriate in light of carrying out such programs.

“(B) With respect to the program of comprehensive assistance for family caregivers required by such subsection (a)(1)—

“(i) a description of the outreach activities carried out by the Secretary under such program;

“(ii) an assessment of the manner in which resources are expended by the Secretary under such program, particularly with respect to the provision of monthly personal caregiver stipends under paragraph (3)(A)(ii)(v) of such subsection (a); and

“(iii) an evaluation of the sufficiency and consistency of the training provided to family caregivers under such program in preparing family caregivers to provide care to veterans under such program.

“(C) With respect to the provision of general caregiver support services required by such subsection (b)(1)—

“(i) a summary of the support services made available under the program;

“(ii) the number of caregivers who received support services under the program;

“(iii) the cost to the Department of providing each support service provided under the program; and

“(iv) such other information as the Secretary considers appropriate.”

§ 1720H. Mental health treatment for veterans and members of the reserve components of the Armed Forces who served in classified missions

(a) ESTABLISHMENT OF STANDARDS.—(1) The Secretary shall establish standards and procedures to ensure that each eligible individual may access mental health care furnished by the Secretary in a manner that fully accommodates the obligation of the individual to not improperly disclose classified information.

(2) In establishing standards and procedures under paragraph (1), the Secretary shall consult with the Secretary of Defense to ensure that such standards and procedures are consistent with the policies on classified information of the Department of Defense.

(3) The Secretary shall disseminate guidance to employees of the Veterans Health Administration, including mental health professionals, on the standards and procedures established

under paragraph (1) and how to best engage eligible individuals during the course of mental health treatment with respect to classified information.

(b) IDENTIFICATION.—In carrying out this section, the Secretary shall ensure that an individual may elect to identify as an eligible individual on an appropriate form.

(c) DEFINITIONS.—In this section:

(1) The term “classified information” means any information or material that has been determined by an official of the United States pursuant to law to require protection against unauthorized disclosure for reasons of national security.

(2) The term “eligible individual” means a veteran or a member of the reserve components of the Armed Forces who—

(A) is eligible to receive health care furnished by the Department under this title;

(B) is seeking mental health treatment; and

(C) in the course of serving in the Armed Forces, participated in a sensitive mission or served in a sensitive unit.

(3) The term “sensitive mission” means a mission of the Armed Forces that, at the time at which an eligible individual seeks treatment, is classified.

(4) The term “sensitive unit” has the meaning given that term in section 130b(c)(4) of title 10.

(Added Pub. L. 114-315, title VI, §605(b), Dec. 16, 2016, 130 Stat. 1571; amended Pub. L. 116-283, div. A, title VII, §764(b)(1), (2)(A), Jan. 1, 2021, 134 Stat. 3727.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, §764(b)(2)(A), inserted “and members of the reserve components of the Armed Forces” after “veterans” in section catchline.

Subsec. (a)(1). Pub. L. 116-283, §764(b)(1)(A)(i), substituted “eligible individual” for “eligible veteran” and “the individual” for “the veteran”.

Subsec. (a)(3). Pub. L. 116-283, §764(b)(1)(A)(ii), substituted “eligible individuals” for “eligible veterans”.

Subsec. (b). Pub. L. 116-283, §764(b)(1)(B), substituted “an individual” for “a veteran” and “eligible individual” for “eligible veteran”.

Subsec. (c)(2). Pub. L. 116-283, §764(b)(1)(C)(i), substituted “The term ‘eligible individual’ means a veteran or a member of the reserve components of the Armed Forces” for “The term ‘eligible veteran’ means a veteran” in introductory provisions.

Subsec. (c)(3). Pub. L. 116-283, §764(b)(1)(C)(ii), substituted “eligible individual” for “eligible veteran”.

§ 1720I. Mental and behavioral health care for certain former members of the Armed Forces

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

(1) an initial mental health assessment; and

(2) the mental healthcare or behavioral healthcare services authorized under this chapter that are required to treat the mental or behavioral health care needs of the former service members, including risk of suicide or harming others.

(b) ELIGIBLE INDIVIDUALS.—A former member of the Armed Forces described in this subsection is an individual who—

(1) is a former member of the Armed Forces, including the reserve components;

(2) while serving in the active military, naval, air, or space service, was discharged or released therefrom under a condition that is not honorable but not—

(A) a dishonorable discharge; or

(B) a discharge by court-martial;

(3) is not enrolled in the health care system established by section 1705 of this title; and

(4)(A)(i) served in the Armed Forces for a period of more than 100 cumulative days; and

(ii) was deployed in a theater of combat operations, in support of a contingency operation, or in an area at a time during which hostilities are occurring in that area during such service, including by controlling an unmanned aerial vehicle from a location other than such theater or area; or

(B) while serving in the Armed Forces, was the victim of a physical assault of a sexual nature, a battery of a sexual nature, or sexual harassment (as defined in section 1720D(f) of this title).

(c) NON-DEPARTMENT CARE.—(1) In furnishing mental or behavioral health care services to an individual under this section, the Secretary may provide such mental or behavioral health care services at a non-Department facility if—

(A) in the judgment of a mental health professional employed by the Department, the receipt of mental or behavioral health care services by that individual in facilities of the Department would be clinically inadvisable; or

(B) facilities of the Department are not capable of furnishing such mental or behavioral health care services to that individual economically because of geographical inaccessibility.

(2) The Secretary shall carry out paragraph (1) pursuant to section 1703 of this title or any other provision of law authorizing the Secretary to enter into contracts or agreements to furnish hospital care and medical services to veterans at non-Department facilities.

(d) SETTING AND REFERRALS.—In furnishing mental and behavioral health care services to individuals under this section, the Secretary shall—

(1) seek to ensure that such services are furnished in settings that are therapeutically appropriate, taking into account the circumstances that resulted in the need for such services; and

(2) provide referral services to assist former members who are not eligible for services under this chapter to obtain services from sources outside the Department.

(e) INFORMATION.—The Secretary shall provide information on the mental and behavioral health care services available under this section. Efforts by the Secretary to provide such information—

(1) shall include notification of each eligible individual described in subsection (b) about the eligibility of the individual for covered mental and behavioral health care under this section not later than the later of—

(A) 180 days after the date of the enactment of the Military Construction, Veterans