

Calendar No. 538

116TH CONGRESS
2D SESSION

S. 711

To amend title 38, United States Code, to expand eligibility for mental health services from the Department of Veterans Affairs to include members of the reserve components of the Armed Forces, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 7, 2019

Mr. TESTER (for himself, Mr. MORAN, Ms. BALDWIN, Mr. SULLIVAN, Ms. HASSAN, Mr. CASSIDY, Mr. MANCHIN, Mr. TILLIS, Mr. SANDERS, Mr. BENNET, and Mr. GARDNER) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

SEPTEMBER 15, 2020

Reported by Mr. MORAN, without amendment

A BILL

To amend title 38, United States Code, to expand eligibility for mental health services from the Department of Veterans Affairs to include members of the reserve components of the Armed Forces, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Care and Readiness
3 Enhancement for Reservists Act of 2019” or the “CARE
4 for Reservists Act of 2019”.

5 **SEC. 2. EXPANSION OF ELIGIBILITY FOR READJUSTMENT**
6 **COUNSELING AND RELATED OUTPATIENT**
7 **SERVICES FROM THE DEPARTMENT OF VET-**
8 **ERANS AFFAIRS TO INCLUDE MEMBERS OF**
9 **THE RESERVE COMPONENTS OF THE ARMED**
10 **FORCES.**

11 (a) **READJUSTMENT COUNSELING.**—Subsection
12 (a)(1) of section 1712A of title 38, United States Code,
13 is amended by adding at the end the following new sub-
14 paragraph:

15 “(D)(i) The Secretary, in consultation with the Sec-
16 retary of Defense, may furnish to any member of the re-
17 serve components of the Armed Forces who has a behav-
18 ioral health condition or psychological trauma, counseling
19 under subparagraph (A)(i), which may include a com-
20 prehensive individual assessment under subparagraph
21 (B)(i).

22 “(ii) A member of the reserve components of the
23 Armed Forces described in clause (i) shall not be required
24 to obtain a referral before being furnished counseling or
25 an assessment under this subparagraph.”.

1 (b) OUTPATIENT SERVICES.—Subsection (b) of such
2 section is amended—

3 (1) in paragraph (1)—

4 (A) by inserting “to an individual” after
5 “If, on the basis of the assessment furnished”;
6 and

7 (B) by striking “veteran” each place it ap-
8 pears and inserting “individual”; and

9 (2) in paragraph (2), by striking “veteran” and
10 inserting “individual”.

11 (c) EFFECTIVE DATE.—The amendments made by
12 this section shall take effect on the date that is one year
13 after the date of the enactment of this Act.

14 **SEC. 3. PROVISION OF MENTAL HEALTH SERVICES FROM**
15 **THE DEPARTMENT OF VETERANS AFFAIRS**
16 **TO MEMBERS OF THE RESERVE COMPO-**
17 **NENTS OF THE ARMED FORCES.**

18 (a) IN GENERAL.—Subchapter VIII of chapter 17 of
19 title 38, United States Code, is amended by adding at the
20 end the following new section:

21 **“§ 1789. Mental health services for members of the re-**
22 **serve components of the Armed Forces**

23 “The Secretary, in consultation with the Secretary of
24 Defense, may furnish mental health services to members
25 of the reserve components of the Armed Forces.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of chapter 17 of such title is amended
 3 by inserting after the item relating to section 1788 the
 4 following new item:

“1789. Mental health services for members of the reserve components of the
 Armed Forces.”.

5 **SEC. 4. INCLUSION OF MEMBERS OF RESERVE COMPO-**
 6 **NENTS IN MENTAL HEALTH PROGRAMS OF**
 7 **THE DEPARTMENT OF VETERANS AFFAIRS.**

8 (a) SUICIDE PREVENTION PROGRAM.—

9 (1) IN GENERAL.—Section 1720F of title 38,
 10 United States Code, is amended by adding at the
 11 end the following new subsection:

12 “(1)(1) COVERED INDIVIDUAL DEFINED.—In this
 13 section, the term ‘covered individual’ means a veteran or
 14 a member of the reserve components of the Armed Forces.

15 “(2) In determining coverage of members of the re-
 16 serve components of the Armed Forces under the com-
 17 prehensive program, the Secretary shall consult with the
 18 Secretary of Defense.”.

19 (2) CONFORMING AMENDMENTS.—Such section
 20 is further amended—

21 (A) in subsection (a), by striking “vet-
 22 erans” and inserting “covered individuals”;

1 (B) in subsection (b), by striking “vet-
2 erans” each place it appears and inserting “cov-
3 ered individuals”;

4 (C) in subsection (c)—

5 (i) in the subsection heading, by strik-
6 ing “OF VETERANS”;

7 (ii) by striking “veterans” each place
8 it appears and inserting “covered individ-
9 uals”; and

10 (iii) by striking “veteran” and insert-
11 ing “individual”;

12 (D) in subsection (d), by striking “to vet-
13 erans” each place it appears and inserting “to
14 covered individuals”;

15 (E) in subsection (e), in the matter pre-
16 ceding paragraph (1), by striking “veterans”
17 and inserting “covered individuals”;

18 (F) in subsection (f)—

19 (i) in the first sentence, by striking
20 “veterans” and inserting “covered individ-
21 uals”; and

22 (ii) in the second sentence, by insert-
23 ing “or members” after “veterans”;

24 (G) in subsection (g), by striking “vet-
25 erans” and inserting “covered individuals”;

1 (H) in subsection (h), by striking “vet-
2 erans” and inserting “covered individuals”;

3 (I) in subsection (i)—

4 (i) in the subsection heading, by strik-
5 ing “FOR VETERANS AND FAMILIES”;

6 (ii) in the matter preceding paragraph
7 (1), by striking “veterans and the families
8 of veterans” and inserting “covered indi-
9 viduals and the families of covered individ-
10 uals”;

11 (iii) in paragraph (2), by striking
12 “veterans” and inserting “covered individ-
13 uals”; and

14 (iv) in paragraph (4), by striking
15 “veterans” each place it appears and in-
16 serting “covered individuals”;

17 (J) in subsection (j)—

18 (i) in paragraph (1), by striking “vet-
19 erans” each place it appears and inserting
20 “covered individuals”; and

21 (ii) in paragraph (4)—

22 (I) in subparagraph (A), in the
23 matter preceding clause (i), by strik-
24 ing “women veterans” and inserting
25 “covered individuals who are women”;

1 (II) in subparagraph (B), by
 2 striking “women veterans who” and
 3 inserting “covered individuals who are
 4 women and”; and

5 (III) in subparagraph (C), by
 6 striking “women veterans” and insert-
 7 ing “covered individuals who are
 8 women”; and

9 (K) in subsection (k), by striking “vet-
 10 erans” and inserting “covered individuals”.

11 (3) CLERICAL AMENDMENTS.—

12 (A) IN GENERAL.—Such section is further
 13 amended, in the section heading, by inserting
 14 “**AND MEMBERS OF THE RESERVE COMPO-**
 15 **NENTS OF THE ARMED FORCES**” after
 16 “**VETERANS**”.

17 (B) TABLE OF SECTIONS.—The table of
 18 sections at the beginning of chapter 17 of such
 19 title is amended by striking the item relating to
 20 section 1720F and inserting the following new
 21 item:

“1720F. Comprehensive program for suicide prevention among veterans and
 members of the reserve components of the Armed Forces.”.

22 (b) MENTAL HEALTH TREATMENT FOR INDIVIDUALS
 23 WHO SERVED IN CLASSIFIED MISSIONS.—

1 (1) IN GENERAL.—Section 1720H of such title
2 is amended—

3 (A) in subsection (a)—

4 (i) in paragraph (1)—

5 (I) by striking “eligible veteran”

6 and inserting “eligible individual”;

7 and

8 (II) by striking “the veteran”

9 and inserting “the individual”; and

10 (ii) in paragraph (3), by striking “eli-

11 gible veterans” and inserting “eligible indi-

12 viduals”;

13 (B) in subsection (b)—

14 (i) by striking “a veteran” and insert-

15 ing “an individual”; and

16 (ii) by striking “eligible veteran” and

17 inserting “eligible individual”; and

18 (C) in subsection (c)—

19 (i) in paragraph (2), in the matter

20 preceding subparagraph (A), by striking

21 “The term ‘eligible veteran’ means a vet-

22 eran” and inserting “The term ‘eligible in-

23 dividual’ means a veteran or a member of

24 the reserve components of the Armed

25 Forces”; and

1 (ii) in paragraph (3), by striking “eli-
 2 gible veteran” and inserting “eligible indi-
 3 vidual”.

4 (2) CLERICAL AMENDMENTS.—

5 (A) IN GENERAL.—Such section is further
 6 amended, in the section heading, by inserting
 7 “**AND MEMBERS OF THE RESERVE COMPO-**
 8 **NENTS OF THE ARMED FORCES**” after
 9 “**VETERANS**”.

10 (B) TABLE OF SECTIONS.—The table of
 11 sections at the beginning of chapter 17 of such
 12 title is amended by striking the item relating to
 13 section 1720H and inserting the following new
 14 item:

“1720H. Mental health treatment for veterans and members of the reserve com-
 ponents of the Armed Forces who served in classified mis-
 sions.”.

15 **SEC. 5. REPORT ON MENTAL HEALTH AND RELATED SERV-**
 16 **ICES PROVIDED BY THE DEPARTMENT OF**
 17 **VETERANS AFFAIRS TO MEMBERS OF THE**
 18 **ARMED FORCES.**

19 (a) IN GENERAL.—Not later than one year after the
 20 date of the enactment of this Act, the Secretary of Vet-
 21 erans Affairs shall submit to the Committee on Veterans’
 22 Affairs and the Committee on Appropriations of the Sen-
 23 ate and the Committee on Veterans’ Affairs and the Com-

1 mittee on Appropriations of the House of Representatives
2 a report that includes an assessment of the following:

3 (1) The increase, as compared to the day before
4 the date of the enactment of this Act, of the number
5 of members of the Armed Forces that use readjust-
6 ment counseling or outpatient mental health care
7 from the Department of Veterans Affairs,
8 disaggregated by State, Vet Center location, and
9 clinical care site of the Department, as appropriate.

10 (2) The number of members of the reserve com-
11 ponents of the Armed Forces receiving telemental
12 health care from the Department.

13 (3) The increase, as compared to the day before
14 the date of the enactment of this Act, of the annual
15 cost associated with readjustment counseling and
16 outpatient mental health care provided by the De-
17 partment to members of the reserve components of
18 the Armed Forces.

19 (4) The changes, as compared to the day before
20 the date of the enactment of this Act, in staffing,
21 training, organization, and resources required for
22 the Department to offer readjustment counseling
23 and outpatient mental health care to members of the
24 reserve components of the Armed Forces.

1 (5) Any challenges the Department has encoun-
2 tered in providing readjustment counseling and out-
3 patient mental health care to members of the reserve
4 components of the Armed Forces.

5 (b) VET CENTER DEFINED.—In this section, the
6 term “Vet Center” has the meaning given that term in
7 section 1712A(h) of title 38, United States Code.

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