

retary. No additional funds are authorized to be appropriated by reason of such paragraph.”

**COLLABORATION ON SUICIDE PREVENTION EFFORTS BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND NON-PROFIT MENTAL HEALTH ORGANIZATIONS**

Pub. L. 114-2, § 6, Feb. 12, 2015, 129 Stat. 36, provided that:

“(a) **COLLABORATION.**—The Secretary of Veterans Affairs may collaborate with non-profit mental health organizations to prevent suicide among veterans as follows:

“(1) To improve the efficiency and effectiveness of suicide prevention efforts carried out by the Secretary and non-profit mental health organizations.

“(2) To assist non-profit mental health organizations with the suicide prevention efforts of such organizations through the use of the expertise of employees of the Department of Veterans Affairs.

“(3) To jointly carry out suicide prevention efforts.

“(b) **EXCHANGE OF RESOURCES.**—In carrying out any collaboration under subsection (a), the Secretary and any non-profit mental health organization with which the Secretary is collaborating under such subsection shall exchange training sessions and best practices to help with the suicide prevention efforts of the Department and such organization.

“(c) **DIRECTOR OF SUICIDE PREVENTION COORDINATION.**—The Secretary shall select within the Department a Director of Suicide Prevention Coordination to undertake any collaboration with non-profit mental health organizations under this section or any other provision of law.”

**DEADLINE FOR COMMENCEMENT OF PROGRAM**

Pub. L. 112-239, div. A, title VII, § 730(a)(4), Jan. 2, 2013, 126 Stat. 1814, provided that: “The Secretary of Veterans Affairs shall ensure that the peer support counseling program required by section 1720F(j) of title 38, United States Code, as amended by this subsection, commences at each Department of Veterans Affairs medical center not later than 270 days after the date of the enactment of this Act [Jan. 2, 2013].”

**SENSE OF CONGRESS**

Pub. L. 110-110, § 2, Nov. 5, 2007, 121 Stat. 1031, provided that: “It is the sense of Congress that—

“(1) suicide among veterans suffering from post-traumatic stress disorder (in this section referred to as ‘PTSD’) is a serious problem; and

“(2) the Secretary of Veterans Affairs should take into consideration the special needs of veterans suffering from PTSD and the special needs of elderly veterans who are at high risk for depression and experience high rates of suicide in developing and implementing the comprehensive program under this Act [enacting this section and provisions set out as a note under section 101 of this title].”

**§ 1720G. Assistance and support services for caregivers**

(a) **PROGRAM OF COMPREHENSIVE ASSISTANCE FOR FAMILY CAREGIVERS.**—(1)(A) The Secretary shall establish a program of comprehensive assistance for family caregivers of eligible veterans.

(B) The Secretary shall only provide support under the program required by subparagraph (A) to a family caregiver of an eligible veteran if the Secretary determines it is in the best interest of the eligible veteran to do so.

(2) For purposes of this subsection, an eligible veteran is any individual who—

(A) is a veteran or member of the Armed Forces undergoing medical discharge from the Armed Forces;

(B) for assistance provided under this subsection—

(i) before the date on which the Secretary submits to Congress a certification that the Department has fully implemented the information technology system required by section 162(a) of the Caring for Our Veterans Act of 2018, has 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 on or after September 11, 2001;

(ii) during the 2-year period beginning on the date on which the Secretary submitted to Congress the certification described in clause (i), has 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—

(I) on or before May 7, 1975; or

(II) on or after September 11, 2001; or

(iii) after the date that is 2 years after the date on which the Secretary submits to Congress the certification described in clause (i), has 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; and

(C) is in need of personal care services because of—

(i) an inability to perform one or more activities of daily living;

(ii) a need for supervision or protection based on symptoms or residuals of neurological or other impairment or injury;

(iii) a need for regular or extensive instruction or supervision without which the ability of the veteran to function in daily life would be seriously impaired; or

(iv) such other matters as the Secretary considers appropriate.

(3)(A) As part of the program required by paragraph (1), the Secretary shall provide to family caregivers of eligible veterans the following assistance:

(i) To each family caregiver who is approved as a provider of personal care services for an eligible veteran under paragraph (6)—

(I) such instruction, preparation, and training as the Secretary considers appropriate for the family caregiver to provide personal care services to the eligible veteran;

(II) ongoing technical support consisting of information and assistance to address, in a timely manner, the routine, emergency, and specialized caregiving needs of the family caregiver in providing personal care services to the eligible veteran;

(III) counseling; and

(IV) lodging and subsistence under section 111(e) of this title.

(ii) To each family caregiver who is designated as the primary provider of personal care services for an eligible veteran under paragraph (7)—

- (I) the assistance described in clause (i);
  - (II) such mental health services as the Secretary determines appropriate;
  - (III) respite care of not less than 30 days annually, including 24-hour per day care of the veteran commensurate with the care provided by the family caregiver to permit extended respite;
  - (IV) medical care under section 1781 of this title;
  - (V) a monthly personal caregiver stipend; and
  - (VI) through the use of contracts with, or the provision of grants to, public or private entities—
    - (aa) financial planning services relating to the needs of injured veterans and their caregivers; and
    - (bb) legal services, including legal advice and consultation, relating to the needs of injured veterans and their caregivers.
- (B) Respite care provided under subparagraph (A)(ii)(III) shall be medically and age-appropriate and include in-home care.
- (C)(i) The amount of the monthly personal caregiver stipend provided under subparagraph (A)(ii)(V) shall be determined in accordance with a schedule established by the Secretary that specifies stipends based upon the amount and degree of personal care services provided.
- (ii) The Secretary shall ensure, to the extent practicable, that the schedule required by clause (i) specifies that the amount of the monthly personal caregiver stipend provided to a primary provider of personal care services for the provision of personal care services to an eligible veteran is not less than the monthly amount a commercial home health care entity would pay an individual in the geographic area of the eligible veteran to provide equivalent personal care services to the eligible veteran.
- (iii) In determining the amount and degree of personal care services provided under clause (i) with respect to an eligible veteran whose need for personal care services is based in whole or in part on a need for supervision or protection under paragraph (2)(C)(ii) or regular instruction or supervision under paragraph (2)(C)(iii), the Secretary shall take into account the following:
- (I) The assessment by the family caregiver of the needs and limitations of the veteran.
  - (II) The extent to which the veteran can function safely and independently in the absence of such supervision, protection, or instruction.
  - (III) The amount of time required for the family caregiver to provide such supervision, protection, or instruction to the veteran.
- (iv) If personal care services are not available from a commercial home health entity in the geographic area of an eligible veteran, the amount of the monthly personal caregiver stipend payable under the schedule required by clause (i) with respect to the eligible veteran shall be determined by taking into consideration the costs of commercial providers of personal care services in providing personal care services in geographic areas other than the geographic area of the eligible veteran with similar costs of living.
- (D) In providing instruction, preparation, and training under subparagraph (A)(i)(I) and technical support under subparagraph (A)(i)(II) to each family caregiver who is approved as a provider of personal care services for an eligible veteran under paragraph (6), the Secretary shall periodically evaluate the needs of the eligible veteran and the skills of the family caregiver of such veteran to determine if additional instruction, preparation, training, or technical support under those subparagraphs is necessary.
- (4) An eligible veteran and a family member of the eligible veteran seeking to participate in the program required by paragraph (1) shall jointly submit to the Secretary an application therefor in such form and in such manner as the Secretary considers appropriate.
- (5) For each application submitted jointly by an eligible veteran and family member, the Secretary shall evaluate (in collaboration with the primary care team for the eligible veteran to the maximum extent practicable)—
- (A) the eligible veteran—
    - (i) to identify the personal care services required by the eligible veteran; and
    - (ii) to determine whether such requirements could be significantly or substantially satisfied through the provision of personal care services from a family member; and
  - (B) the family member to determine the amount of instruction, preparation, and training, if any, the family member requires to provide the personal care services required by the eligible veteran—
    - (i) as a provider of personal care services for the eligible veteran; and
    - (ii) as the primary provider of personal care services for the eligible veteran.
- (6)(A) The Secretary shall provide each family member of an eligible veteran who makes a joint application under paragraph (4) the instruction, preparation, and training determined to be required by such family member under paragraph (5)(B).
- (B) Upon the successful completion by a family member of an eligible veteran of instruction, preparation, and training under subparagraph (A), the Secretary shall approve the family member as a provider of personal care services for the eligible veteran.
- (C) The Secretary shall, subject to regulations the Secretary shall prescribe, provide for necessary travel, lodging, and per diem expenses incurred by a family member of an eligible veteran in undergoing instruction, preparation, and training under subparagraph (A).
- (D) If the participation of a family member of an eligible veteran in instruction, preparation, and training under subparagraph (A) would interfere with the provision of personal care services to the eligible veteran, the Secretary shall, subject to regulations as the Secretary shall prescribe and in consultation with the veteran, provide respite care to the eligible veteran during the provision of such instruction, preparation, and training to the family member so that the family member can participate in such instruction, preparation, and training without interfering with the provision of such services to the eligible veteran.

(7)(A) For each eligible veteran with at least one family member who is described by subparagraph (B), the Secretary shall designate one family member of such eligible veteran as the primary provider of personal care services for such eligible veteran.

(B) A primary provider of personal care services designated for an eligible veteran under subparagraph (A) shall be selected from among family members of the eligible veteran who—

(i) are approved under paragraph (6) as a provider of personal care services for the eligible veteran;

(ii) elect to provide the personal care services to the eligible veteran that the Secretary determines the eligible veteran requires under paragraph (5)(A)(i);

(iii) have the consent of the eligible veteran to be the primary provider of personal care services for the eligible veteran; and

(iv) are considered by the Secretary as competent to be the primary provider of personal care services for the eligible veteran.

(C) An eligible veteran receiving personal care services from a family member designated as the primary provider of personal care services for the eligible veteran under subparagraph (A) may, in accordance with procedures the Secretary shall establish for such purposes, revoke consent with respect to such family member under subparagraph (B)(iii).

(D) If a family member designated as the primary provider of personal care services for an eligible veteran under subparagraph (A) subsequently fails to meet any requirement set forth in subparagraph (B), the Secretary—

(i) shall immediately revoke the family member's designation under subparagraph (A); and

(ii) may designate, in consultation with the eligible veteran, a new primary provider of personal care services for the eligible veteran under such subparagraph.

(E) The Secretary shall take such actions as may be necessary to ensure that the revocation of a designation under subparagraph (A) with respect to an eligible veteran does not interfere with the provision of personal care services required by the eligible veteran.

(8) If an eligible veteran lacks the capacity to make a decision under this subsection, the Secretary may, in accordance with regulations and policies of the Department regarding appointment of guardians or the use of powers of attorney, appoint a surrogate for the eligible veteran who may make decisions and take action under this subsection on behalf of the eligible veteran.

(9)(A) The Secretary shall monitor the well-being of each eligible veteran receiving personal care services under the program required by paragraph (1).

(B) The Secretary shall document each finding the Secretary considers pertinent to the appropriate delivery of personal care services to an eligible veteran under the program.

(C) The Secretary shall establish procedures to ensure appropriate follow-up regarding findings described in subparagraph (B). Such procedures may include the following:

(i) Visiting an eligible veteran in the eligible veteran's home to review directly the quality

of personal care services provided to the eligible veteran.

(ii) Taking such corrective action with respect to the findings of any review of the quality of personal care services provided an eligible veteran as the Secretary considers appropriate, which may include—

(I) providing additional training to a family caregiver; and

(II) suspending or revoking the approval of a family caregiver under paragraph (6) or the designation of a family caregiver under paragraph (7).

(10) The Secretary shall carry out outreach to inform eligible veterans and family members of eligible veterans of the program required by paragraph (1) and the benefits of participating in the program.

(11)(A) In providing assistance under this subsection to family caregivers of eligible veterans, the Secretary may enter into contracts, provider agreements, and memoranda of understanding with Federal agencies, States, and private, nonprofit, and other entities to provide such assistance to such family caregivers.

(B) The Secretary may provide assistance under this paragraph only if such assistance is reasonably accessible to the family caregiver and is substantially equivalent or better in quality to similar services provided by the Department.

(C) The Secretary may provide fair compensation to Federal agencies, States, and other entities that provide assistance under this paragraph.

(b) PROGRAM OF GENERAL CAREGIVER SUPPORT SERVICES.—(1) The Secretary shall establish a program of support services for caregivers of covered veterans who are enrolled in the health care system established under section 1705(a) of this title (including caregivers who do not reside with such veterans).

(2) For purposes of this subsection, a covered veteran is any individual who needs personal care services because of—

(A) an inability to perform one or more activities of daily living;

(B) a need for supervision or protection based on symptoms or residuals of neurological or other impairment or injury; or

(C) such other matters as the Secretary shall specify.

(3)(A) The support services furnished to caregivers of covered veterans under the program required by paragraph (1) shall include the following:

(i) Services regarding the administering of personal care services, which, subject to subparagraph (B), shall include—

(I) educational sessions made available both in person and on an Internet website;

(II) use of telehealth and other available technologies; and

(III) teaching techniques, strategies, and skills for caring for a disabled veteran;

(ii) Counseling and other services under section 1782 of this title.

(iii) Respite care under section 1720B of this title that is medically and age appropriate for the veteran (including 24-hour per day in-home care).

(iv) Information concerning the supportive services available to caregivers under this subsection and other public, private, and non-profit agencies that offer support to caregivers.

(B) If the Secretary certifies to the Committees on Veterans' Affairs of the Senate and the House of Representatives that funding available for a fiscal year is insufficient to fund the provision of services specified in one or more subclauses of subparagraph (A)(i), the Secretary shall not be required under subparagraph (A) to provide the services so specified in the certification during the period beginning on the date that is 180 days after the date the certification is received by the Committees and ending on the last day of the fiscal year.

(4) In providing information under paragraph (3)(A)(iv), the Secretary shall collaborate with the Assistant Secretary for Aging of the Department of Health and Human Services in order to provide caregivers access to aging and disability resource centers under the Administration on Aging of the Department of Health and Human Services.

(5) In carrying out the program required by paragraph (1), the Secretary shall conduct outreach to inform covered veterans and caregivers of covered veterans about the program. The outreach shall include an emphasis on covered veterans and caregivers of covered veterans living in rural areas.

(c) CONSTRUCTION.—(1) A decision by the Secretary under this section affecting the furnishing of assistance or support shall be considered a medical determination.

(2) Nothing in this section shall be construed to create—

(A) an employment relationship between the Secretary and an individual in receipt of assistance or support under this section; or

(B) any entitlement to any assistance or support provided under this section.

(d) DEFINITIONS.—In this section:

(1) The term “caregiver”, with respect to an eligible veteran under subsection (a) or a covered veteran under subsection (b), means an individual who provides personal care services to the veteran.

(2) The term “family caregiver”, with respect to an eligible veteran under subsection (a), means a family member who is a caregiver of the veteran.

(3) The term “family member”, with respect to an eligible veteran under subsection (a), means an individual who—

(A) is a member of the family of the veteran, including—

- (i) a parent;
- (ii) a spouse;
- (iii) a child;
- (iv) a step-family member; and
- (v) an extended family member; or

(B) lives with the veteran but is not a member of the family of the veteran.

(4) The term “personal care services”, with respect to an eligible veteran under subsection (a) or a covered veteran under subsection (b), means services that provide the veteran the following:

(A) Assistance with one or more activities of daily living.

(B) Supervision or protection based on symptoms or residuals of neurological or other impairment or injury.

(C) Regular or extensive instruction or supervision without which the ability of the veteran to function in daily life would be seriously impaired.

(D) Any other non-institutional extended care (as such term is used in section 1701(6)(E) of this title).

(Added Pub. L. 111–163, title I, §101(a)(1), May 5, 2010, 124 Stat. 1132; amended Pub. L. 114–58, title I, §103, title VI, §601(6), Sept. 30, 2015, 129 Stat. 532, 538; Pub. L. 114–228, title I, §103, Sept. 29, 2016, 130 Stat. 937; Pub. L. 115–62, title I, §103, Sept. 29, 2017, 131 Stat. 1161; Pub. L. 115–182, title I, §161(a)(1)(A), (2)–(b), June 6, 2018, 132 Stat. 1438–1440; Pub. L. 115–251, title I, §103, Sept. 29, 2018, 132 Stat. 3168.)

#### REFERENCES IN TEXT

Section 162(a) of the Caring for Our Veterans Act of 2018, referred to in subsec. (a)(2)(B)(i), is section 162(a) of Pub. L. 115–182, June 6, 2018, 132 Stat. 1440, which is set out as a note under this section.

#### AMENDMENTS

2018—Subsec. (a)(2)(B). Pub. L. 115–182, §161(a)(1)(A), amended subpar. (B) generally. Prior to amendment, text read as follows: “has 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 on or after September 11, 2001; and”.

Subsec. (a)(2)(C)(iii), (iv). Pub. L. 115–182, §161(a)(2), added cl. (iii) and redesignated former cl. (iii) as (iv).

Subsec. (a)(3)(A)(ii)(VI). Pub. L. 115–182, §161(a)(3), added subcl. (VI).

Subsec. (a)(3)(C)(iii), (iv). Pub. L. 115–182, §161(a)(4), added cl. (iii) and redesignated former cl. (iii) as (iv).

Subsec. (a)(3)(D). Pub. L. 115–182, §161(a)(5), added subpar. (D).

Subsec. (a)(5). Pub. L. 115–182, §161(a)(6), inserted “(in collaboration with the primary care team for the eligible veteran to the maximum extent practicable)” after “evaluate” in introductory provisions.

Subsec. (a)(11). Pub. L. 115–182, §161(a)(7), added par. (11).

Subsec. (d)(4)(A). Pub. L. 115–182, §161(b)(1), struck out “independent” before “activities of daily living”.

Subsec. (d)(4)(B) to (D). Pub. L. 115–182, §161(b)(2), (3), added subpars. (B) and (C) and redesignated former subpar. (B) as (D).

Subsec. (e). Pub. L. 115–251 struck out subsec. (e) which authorized appropriations from fiscal years 2010 to 2019.

2017—Subsec. (e)(5). Pub. L. 115–62 added par. (5).

2016—Subsec. (e)(4). Pub. L. 114–228 added par. (4).

2015—Subsec. (a)(7)(B)(iii). Pub. L. 114–58, §601(6), substituted “have” for “has”.

Subsec. (e)(3). Pub. L. 114–58, §103, added par. (3).

#### EFFECTIVE DATE

Pub. L. 111–163, title I, §101(a)(3), May 5, 2010, 124 Stat. 1137, provided that:

“(A) IN GENERAL.—The amendments made by this subsection [enacting this section] shall take effect on the date that is 270 days after the date of the enactment of this Act [May 5, 2010].

“(B) IMPLEMENTATION.—The Secretary of Veterans Affairs shall commence the programs required by subsections (a) and (b) of section 1720G of title 38, United States Code, as added by paragraph (1) of this subsection, on the date on which the amendments made by this subsection take effect.”

## PUBLICATION IN FEDERAL REGISTER

Pub. L. 115-182, title I, §161(a)(1)(B), June 6, 2018, 132 Stat. 1439, as amended by Pub. L. 115-251, title II, §211(b)(5), Sept. 29, 2018, 132 Stat. 3176, provided that: "Not later than 30 days after the date on which the Secretary of Veterans Affairs submits to Congress the certification described in subsection (a)(2)(B)(i) of section 1720G of title 38, United States Code, as amended by subparagraph (A) of this paragraph, the Secretary shall publish the date specified in such subsection in the Federal Register."

## IMPLEMENTATION OF INFORMATION TECHNOLOGY SYSTEM OF DEPARTMENT OF VETERANS AFFAIRS TO ASSESS AND IMPROVE THE FAMILY CAREGIVER PROGRAM

Pub. L. 115-182, title I, §162, June 6, 2018, 132 Stat. 1440, provided that:

## "(a) IMPLEMENTATION OF NEW SYSTEM.—

"(1) IN GENERAL.—Not later than October 1, 2018, the Secretary of Veterans Affairs shall implement an information technology system that fully supports the Program and allows for data assessment and comprehensive monitoring of the Program.

"(2) ELEMENTS OF SYSTEM.—The information technology system required to be implemented under paragraph (1) shall include the following:

"(A) The ability to easily retrieve data that will allow all aspects of the Program (at the medical center and aggregate levels) and the workload trends for the Program to be assessed and comprehensively monitored.

"(B) The ability to manage data with respect to a number of caregivers that is more than the number of caregivers that the Secretary expects to apply for the Program.

"(C) The ability to integrate the system with other relevant information technology systems of the Veterans Health Administration.

"(b) ASSESSMENT OF PROGRAM.—Not later than 180 days after implementing the system described in subsection (a), the Secretary shall, through the Under Secretary for Health, use data from the system and other relevant data to conduct an assessment of how key aspects of the Program are structured and carried out.

"(c) ONGOING MONITORING OF AND MODIFICATIONS TO PROGRAM.—

"(1) MONITORING.—The Secretary shall use the system implemented under subsection (a) to monitor and assess the workload of the Program, including monitoring and assessment of data on—

"(A) the status of applications, appeals, and home visits in connection with the Program; and

"(B) the use by caregivers participating in the Program of other support services under the Program such as respite care.

"(2) MODIFICATIONS.—Based on the monitoring and assessment conducted under paragraph (1), the Secretary shall identify and implement such modifications to the Program as the Secretary considers necessary to ensure the Program is functioning as intended and providing veterans and caregivers participating in the Program with services in a timely manner.

"(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 who served in classified missions

(a) ESTABLISHMENT OF STANDARDS.—(1) The Secretary shall establish standards and procedures to ensure that each eligible veteran may access mental health care furnished by the Secretary in a manner that fully accommodates the obligation of the veteran 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 veterans during the course of mental health treatment with respect to classified information.

(b) IDENTIFICATION.—In carrying out this section, the Secretary shall ensure that a veteran may elect to identify as an eligible veteran 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 veteran” means a veteran 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 veteran 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.)

#### § 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, or air 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