

VETERAN URGENT ACCESS TO MENTAL HEALTHCARE  
 ACT

NOVEMBER 6, 2017.—Committed to the Committee of the Whole House on the State  
 of the Union and ordered to be printed

Mr. ROE of Tennessee, from the Committee on Veterans' Affairs,  
 submitted the following

R E P O R T

[To accompany H.R. 918]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 918) 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, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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The amendment is as follows:  
Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Veteran Urgent Access to Mental Healthcare Act”.

**SEC. 2. EXPANSION OF MENTAL HEALTH CARE FOR CERTAIN FORMER MEMBERS OF THE ARMED FORCES.**

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

**“§ 1720I. Expansion of mental 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 health care services authorized under this chapter that the Secretary determines are required to treat the mental health care needs of the former member, including risk of suicide or harming others.

“(b) FORMER MEMBERS OF THE ARMED FORCES DESCRIBED.—A former member of the Armed Forces described in this subsection is an individual who meets the following criteria:

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

“(A) served in the active military, naval, or air service, and was discharged or released therefrom under a condition that is not honorable except—

“(i) dishonorable; or

“(ii) bad conduct discharge;

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

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

“(2) While serving in the Armed Forces—

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

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

“(C) was the victim of a physical assault of a sexual nature, 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 health care services to an individual under this section, the Secretary may provide such mental 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 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 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 health care services to an individual under this section, the Secretary shall—

“(1) seek to ensure that such mental health care services are furnished in a setting that is therapeutically appropriate, taking into account the circumstances that resulted in the need for such mental health care 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 health care services available under this section. Efforts by the Secretary to provide such information—

“(1) shall include availability of a toll-free telephone number (commonly referred to as an 800 number);

“(2) shall ensure that information about the mental health care services available under this section—

“(A) is revised and updated as appropriate;

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

“(C) is made available to State veteran agencies and through appropriate public information services; and

“(3) shall include coordination with the Secretary of Defense seeking to ensure that members of the Armed Forces and individuals who are being separated from active military, naval, or air service are provided appropriate information about programs, requirements, and procedures for applying for mental health care services under this section.

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

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

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

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

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

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

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

(1) in subparagraph (A)—

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

(B) in clause (iv), by striking “September 30, 2024” and inserting “September 30, 2025”;

(2) in subparagraph (B)—

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

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

(3) in subparagraph (C)—

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

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

(4) in subparagraph (D)—

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

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

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

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

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

“(a) DETERMINATION.—The Secretary shall establish a process by which an individual who served in the Armed Forces and was discharged or dismissed therefrom may seek a determination from the Secretary with respect to whether such discharge or release was under a condition that bars the right of such individual to a benefit under the laws administered by the Secretary based upon the period of service from which discharged or dismissed.

“(b) PROVISION OF INFORMATION.—If the Secretary determines under subsection (a) that an individual is barred to a benefit under the laws administered by the Secretary, the Secretary shall provide to such individual information regarding the ability of the individual to address such condition, including pursuant to section 5303 of this title and chapter 79 of title 10.”.

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

“5303B. Character of service determinations.”.

## PURPOSE AND SUMMARY

Representative Mike Coffman of Colorado introduced H.R. 918, the Veteran Urgent Access to Mental Healthcare Act, on February 7, 2017.

H.R. 918, as amended, would: (1) require the Department of Veterans Affairs (VA) to provide mental health care to certain former servicemembers who would otherwise be ineligible for such care because they were discharged from military service under conditions that were other than honorable (OTH); (2) extend the requirement to collect fees for certain housing loans made, insured, or guaranteed by VA; and, (3) require VA to establish a character of service determination process.

## BACKGROUND AND NEED FOR LEGISLATION

*Section 2. Expansion of mental health care for certain former members of the Armed Forces*

Veteran status and eligibility for VA benefits and services generally require an individual to be discharged or released under conditions other than dishonorable.<sup>1</sup> Individuals with OTH discharges may or may not be eligible to enroll in the VA healthcare system and/or to receive care through the Veterans Health Administration for conditions other than those incurred in or aggravated in service in the Armed Forces depending on the outcome of a character of service review by the Veterans Benefits Administration.<sup>2</sup>

According to the Vietnam Veterans of America, “the use of less-than-honorable administrative discharges has grown significantly for recent generations of veterans.”<sup>3</sup> VA currently estimates that there are approximately 505,000 former servicemembers with OTH discharges.<sup>4</sup> Recently, stakeholders—including many veterans service organizations—began noting a connection between combat stress and conditions prevalent among servicemembers and OTH discharges. For example, the Wounded Warrior Project testified that, “in our experience, many veterans suffering from post-traumatic stress disorder, traumatic brain injury, or military sexual trauma have received [OTH] discharges for behavioral problems rooted in the same circumstances that led to those [discharges].”<sup>5</sup> The Wounded Warrior Project also noted that veterans with OTH discharges are at a greater risk for homelessness, substance use disorder, incarceration, untreated physical and mental conditions.<sup>6</sup> Furthermore, VA data has shown that the rate of death by suicide among those who do not use VA care—like those with OTH dis-

<sup>1</sup> *Other Than Honorable Discharges—Impact on Eligibility for VA Health Care Benefits*. Health Benefits Resources. [https://www.va.gov/healthbenefits/resources/publications/IB10-448 other than honorable discharges5 17.pdf](https://www.va.gov/healthbenefits/resources/publications/IB10-448%20other%20than%20honorable%20discharges%2017.pdf) Accessed July 20, 2017.

<sup>2</sup> United States Cong. House Committee on Veterans’ Affairs Subcommittee on Health. Legislative Hearing. March 29, 2017. 115th Cong. 1st sess. Washington: GPO, 2017 (statement from Jennifer S. Lee, Deputy Under Secretary for Health for Policy and Services, Veterans Health Administration, U.S. Department of Veterans Affairs).

<sup>3</sup> United States Cong. House Committee on Veterans’ Affairs Subcommittee on Health. Legislative Hearing. March 29, 2017. 115th Cong. 1st sess. Washington: GPO, 2017 (statement from Kristofer Goldsmith, Assistant Director for Policy and Government Affairs, Vietnam Veterans of America).

<sup>4</sup> *Emergent Mental Health Care for Former Service Members*. VA Fact Sheet. June 2017.

<sup>5</sup> United States Cong. House Committee on Veterans’ Affairs Subcommittee on Health. Legislative Hearing. March 29, 2017. 115th Cong. 1st sess. Washington: GPO, 2017 (statement from Michael S. Linnington, LTG (ret), U.S. Army, Chief Executive Officer, Wounded Warrior Project).

<sup>6</sup> *Ibid.*

charges who may be barred from such care—is increasing at a significantly greater rate than that among veterans who use VA care.<sup>7</sup>

Section 2 of the bill would require VA to provide an initial mental health assessment and subsequent mental health services that are required to meet the mental healthcare needs of former servicemembers who would otherwise be ineligible for such services because they were discharged from military service under OTH conditions. Individuals would be eligible for such care if they have applied for a character of service determination, deployed or participated in a theater of combat operations, or were the victim of military sexual assault. These services could be provided at either VA medical facilities or at community facilities at VA's expense. Section 2 of the bill would further require VA to submit an annual report to Congress on the mental healthcare services provided pursuant to this authority.

*Section 3. Extension of requirement for collection of fees for housing loans guaranteed by Secretary of Veterans Affairs*

Under VA's home loan guaranty program, VA may guarantee a loan made to eligible servicemembers, veterans, reservists, and certain un-remarried surviving spouses for the purchase or refinancing of a house, condominium, or manufactured home. Section 3729(b)(2) of title 38, U.S.C., sets forth a loan fee table that lists funding fees associated with such loans. These funding fees are expressed as a percentage of the loan amount for different types of loans. Under current law, the higher rates will expire on September 30, 2024.

Section 3 of the bill would extend through September 30, 2025, VA's authority to collect certain funding fees by amending the fee schedule set forth in section 3729(b)(2) of title 38, U.S.C.

*Section 4. Character of service determinations*

Under current procedures, an individual's character of service is only adjudicated if he/she applies for a specific VA benefit, like disability compensation.<sup>8</sup> Therefore, the majority of those with OTH discharges do not know whether or not they are eligible to receive VA healthcare services because their eligibility for such services has never been adjudicated by VA.<sup>9</sup>

Section 4 of the bill would require VA to establish a character of service determination process to determine whether or not an individual's discharge or release from military service was under a condition that bars such an individual from accessing VA benefits and services.

## HEARINGS

There were no full Committee hearings held on H.R. 918, as amended.

On March 29, 2017, the Subcommittee on Health conducted a legislative hearing on a number of bills, including H.R. 918.

<sup>7</sup> *Emergent Mental Health Care for Former Service Members*. VA Fact Sheet. June 2017.

<sup>8</sup> *Ibid.*

<sup>9</sup> United States Cong. House Committee on Veterans' Affairs Subcommittee on Health. Legislative Hearing. March 29, 2017. 115th Cong. 1st sess. Washington: GPO, 2017 (statement from Swords to Plowshares, a Veteran Rights Organization, with the assistance of the Veterans Legal Clinic at Harvard Law School).

The following witnesses testified:

The Honorable David P. Roe M.D. of Tennessee; The Honorable Jackie Walorski of Indiana; The Honorable Doug Collins of Georgia; The Honorable Mike Coffman of Colorado; The Honorable Stephen Knight of California; The Honorable Ann M. Kuster of New Hampshire; Jennifer S. Lee, M.D., the Deputy Under Secretary for Health for Policy and Services for the Veterans Health Administration of the U.S. Department of Veterans Affairs who was accompanied by Susan Blauert, the Chief Counsel for the Health Care Law Group of the Office of the General Counsel for the U.S. Department of Veterans Affairs; Kayda Keleher, Legislative Associate for the National Legislative Service of the Veterans of Foreign Wars of the United States; Shurhonda Y. Love, the Assistant National Legislative Director for the Disabled American Veterans; and, Sarah S. Dean, the Associate Legislative Director for the Paralyzed Veterans of America.

Statements for the record were submitted by:

The Honorable Lee Zeldin of New York; The American Legion; the National Association of State Veteran Homes; Swords to Plowshares; and, the Wounded Warrior Project.

#### SUBCOMMITTEE CONSIDERATION

On April 6, 2017, the Subcommittee on Health met in an open markup session, a quorum being present, and ordered H.R. 918 to be reported favorably to the Full Committee by voice vote.

#### COMMITTEE CONSIDERATION

On July 19, 2017, the Full Committee met in open markup session, a quorum being present, and ordered H.R. 918, as amended, to be reported favorably to the House of Representatives by voice vote. During consideration of the bill, the following amendments were considered and agreed to by voice vote:

An Amendment in the Nature of a Substitute to H.R. 918 offered by Representative Mike Coffman of Colorado.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 918 offered by Representative Beto O'Rourke of Texas.

An Amendment to the Amendment in the Nature of a Substitute to H.R. 918 offered by Representative Jennifer González-Colón of Puerto Rico.

#### COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, there were no recorded votes taken on amendments or in connection with ordering H.R. 918, as amended, reported to the House. A motion by Representative Tim Walz of Minnesota—the Ranking Member of the Committee on Veterans' Affairs—to report H.R. 918, as amended, favorably to the House of Representatives was agreed to by voice vote.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee's performance goals and objectives are to provide mental health care to certain former servicemembers who would otherwise be ineligible for such care because they were discharged from military service under conditions that were OTH.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

EARMARKS AND TAX AND TARIFF BENEFITS

H.R. 918, as amended, does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the House of Representatives.

COMMITTEE COST ESTIMATE

The Committee adopts as its own the cost estimate on H.R. 918, as amended, prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the following is the cost estimate for H.R. 918, as amended, provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, September 28, 2017.*

Hon. PHIL ROE, M.D.,  
*Chairman, Committee on Veterans' Affairs,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 918, the Veteran Urgent Access to Mental Healthcare Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Ann E. Futrell.

Sincerely,

KEITH HALL,  
*Director.*

Enclosure.

*H.R. 918—Veteran Urgent Access to Mental Healthcare Act*

Summary: H.R. 918 would change the fees charged to veterans who obtain loans guaranteed by the Department of Veterans Affairs (VA). CBO estimates that enacting the bill would increase direct spending by \$688 million over the 2026–2027 period. Because enacting the bill would affect direct spending, pay-as-you-go procedures apply. Enacting the bill would not affect revenues.

The bill also would require VA to provide an initial mental health assessment and subsequent mental health care to certain former service members who are currently not eligible for such care. CBO estimates that implementing that provision would cost \$15 million over the 2017–2022 period, assuming appropriation of the necessary amounts.

CBO estimates that enacting H.R. 918 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 918 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary effects of H.R. 918 are shown in the following table. The costs of this legislation fall within budget function 700 (veterans benefits and services).

	By fiscal year, in millions of dollars—												
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2017– 2022	2017– 2027
INCREASES IN DIRECT SPENDING													
Estimated Budget Authority	0	0	0	0	0	0	0	0	0	340	348	0	688
Estimated Outlays	0	0	0	0	0	0	0	0	0	340	348	0	688
INCREASES IN SPENDING SUBJECT TO APPROPRIATION													
Estimated Authorization Level .....	0	4	3	3	3	3	n.a.	n.a.	n.a.	n.a.	n.a.	16	n.a.
Estimated Outlays	0	3	3	3	3	3	n.a.	n.a.	n.a.	n.a.	n.a.	15	n.a.

Note: n.a. = not applicable.

Basis of estimate: For this estimate, CBO assumes that H.R. 918 will be enacted near the beginning of fiscal year 2018 and that the estimated amounts will be appropriated each year. Estimated outlays are based on historical spending patterns for the affected programs.



*Direct spending*

Under its Home Loan program, VA guarantees mortgages made to veterans. Those guarantees enable veterans to get better loan terms, such as lower interest rates or smaller down payments. The loan guarantee provides lenders a payment of up to 25 percent of the outstanding balances (subject to some limitations on the original loan amounts) in the event that a veteran defaults on a guaranteed loan. Section 3 would decrease some of the fees that VA charges veterans for providing those guarantees. Those fees lower the subsidy cost of the guarantees by partially offsetting the costs of subsequent defaults.<sup>1</sup> The subsidy cost of VA loan guarantees are paid from mandatory appropriations. Hence, by increasing the subsidy cost, lowering those fees would increase direct spending.

Under current law, the up-front fee varies on the basis of the size of the down payment and whether the veteran has previously used the loan-guarantee benefit. Borrowers who are members of the reserve component pay an additional fee of 0.25 percent of the loan amount. Veterans who receive compensation for service-connected disabilities are exempt from paying the fee. The fees that would be affected by section 3 are currently set as follows:

- 2.15 percent of the loan amount for loans with no down payment on the first use of the guarantee benefit,
- 3.30 percent of the loan amount for loans with no down payment on subsequent uses of the guarantee benefit,
- 1.50 percent of the loan amount for loans with a 5 percent down payment, and
- 0.75 percent of the loan amount for loans with a 10 percent down payment.

Those fees are scheduled to decline on October 1, 2027, to 1.40 percent, 1.25 percent, 0.75 percent, and 0.50 percent, respectively.

Under section 3, that scheduled fee reduction would occur two years earlier, on September 30, 2025. Reducing the fees from their current level would decrease collections by VA, thereby increasing the subsidy cost of the loan guarantees. Based on data from VA regarding the number and initial principal value of the loans it guarantees each year, CBO estimates that enacting section 3 would increase direct spending by \$688 million over the 2026–2027 period.

*Spending subject to appropriation*

Under current law, former service members are eligible for VA health care benefits if they separated from military service with an honorable discharge or a discharge characterized as “General, Under Honorable Conditions.” Individuals whose discharges are characterized as “Under Other Than Honorable Conditions (OTH),” Bad Conduct, or Dishonorable are generally not eligible for those benefits. Section 2 would require VA to provide an initial health assessment and any necessary mental health services to former service members who received an OTH discharge and have requested an upgrade of that status, if they were deployed to a theater of

<sup>1</sup>Under the Federal Credit Reform Act of 1990, the subsidy cost of a loan guarantee is the net present value of estimated payments by the government to cover defaults and delinquencies, interest subsidies, or other expenses, offset by any payments to the government, including origination fees, other fees, penalties, and recoveries on defaulted loans. Such subsidy costs are calculated by discounting those expected cash flows using the rate on Treasury securities of comparable maturity. The resulting estimated subsidy costs are recorded in the budget when the loans are disbursed.

combat operations, participated in combat operations or hostilities, or experienced sexual trauma. That period of special eligibility would end once the Department of Defense (DoD) has made a determination on the veteran's request to have the character of their discharge changed.

On the basis of data from DoD and VA, CBO estimates that roughly 340 additional former service members would use medical services through VA each year under this provision. On average, costs at VA for the first year of treatment for mental health conditions is about \$10,000 (including costs for the initial mental health assessments). In total, CBO estimates that implementing this section would cost \$15 million over the 2017–2022 period.

**Pay-As-You-Go considerations:** The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays that are subject to those pay-as-you-go procedures are shown in the following table.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 918, THE VETERAN URGENT ACCESS TO MENTAL HEALTHCARE ACT, AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON VETERANS' AFFAIRS ON JULY 19, 2017

	By fiscal year, in millions of dollars—												
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2017– 2022	2017– 2027
	NET INCREASE OR DECREASE (–) IN THE DEFICIT												
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	340	348	0	688

**Increase in long-term direct spending and deficits:** CBO estimates that enacting the legislation would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

**Intergovernmental and private-sector impact:** H.R. 918 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

**Previous CBO estimates:** The language in H.R. 918, the Veteran Urgent Access to Mental Healthcare Act that affects loan guarantee fees is similar to language in the following bills that were ordered reported by the House Committee on Veterans' Affairs on July 19, 2017:

- H.R. 95, the Veterans' Access to Child Care Act, and
- H.R. 3262, the Grow Our Own Directive: Physician Assistant Employment and Education Act of 2017.

However, CBO's estimate of the loan guarantee fees in H.R. 918 differs from those in the above mentioned bills because of different proposed extension periods and the enactment of S. 114, the VA Choice and Quality Employment Act of 2017, on August 12, 2017.

When H.R. 918 was ordered reported on July 19, 2017, the loan fees were scheduled to decline on September 30, 2024. S. 114, the VA Choice and Quality Employment Act of 2017 (Public Law 115–46), which was enacted on August 12, 2017, postponed the date on which those fees would decline to September 30, 2027. Compared with the law prior to enactment of that act, section 3 would have postponed the date on which the fees would have declined by one

year. Thus, absent the enactment of S. 114, section 3 would have reduced direct spending by \$332 million in 2025, CBO estimates.

Estimate prepared by: Federal Costs: Ann E. Futrell and David Newman; Impact on State, Local, and Tribal Governments: Jon Sperl; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

#### FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates regarding H.R. 918, as amended, prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act would be created by H.R. 918, as amended.

#### STATEMENT OF CONSTITUTIONAL AUTHORITY

Pursuant to Article I, section 8 of the United States Constitution, H.R. 918, as amended, is authorized by Congress' power to "provide for the common Defense and general Welfare of the United States."

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that H.R. 918, as amended, does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

#### STATEMENT ON DUPLICATION OF FEDERAL PROGRAMS

Pursuant to section 3(g) of H. Res. 5, 114th Cong. (2015), the Committee finds that no provision of H.R. 918, as amended, establishes or reauthorizes a program of the Federal Government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### DISCLOSURE OF DIRECTED RULEMAKING

Pursuant to section 3(i) of H. Res. 5, 114th Cong. (2015), the Committee estimates that H.R. 918, as amended, contains no directed rulemaking that would require the Secretary to prescribe regulations.

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Short title*

Section 1 of the bill would provide a short title of H.R. 918, as amended, as the "Veteran Urgent Access to Mental Healthcare Act."

*Section 2. Expansion of mental health care for certain former members of the Armed Forces*

Section 2(a) of the bill would amend subchapter II of chapter 17 of title 38 to of title 38 U.S.C. to add at the end the new section, § 1720I. Expansion of mental health care for certain former members of the Armed Forces.”

The new subsection 1720I(a) would require that the Secretary furnish to former members of the Armed Forces described in subsection (b): (1) an initial mental health assessment; and, (2) any subsequent mental health services that are required to meet their mental health care needs, including services that address risk of suicide or harming others.

The new subsection 1720I(b) would define former members of the Armed Services to mean individuals who: (1) served in the active duty military, naval, or air service, as well as the reserve component, and were discharged or released under a less-than-honorable condition, but not dishonorable or a bad conduct discharge, who have applied for a character of service determination that has not yet been made, and, are not otherwise eligible to enroll in the VHA health care system; (2) were deployed or participated in a theater of combat operations; or, (3) were the victims of military sexual assault.

The new subsection 1720I(c) would allow the Secretary to furnish such care at a non-VA facility if the VA provider determines that furnishing the care within VA would be clinically inadvisable or a VA facility is not capable of providing the services. This subsection would also require the Secretary to enter into any necessary contracts or agreements to furnish this care at non-VA facilities.

The new subsection 1720I (d) would require the Secretary to: (1) seek to ensure that such mental health care services are furnished in a setting that is 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 VA.

The new subsection 1720I (e) would require that the Secretary provide information on the mental health care services available under this section, to include ensuring: (1) the availability of a toll-free phone number; (2) that the information available is revised and updated as needed, visible at VA facilities, and is made available to State veteran agencies; and, (3) produced in coordination with DOD to ensure that separating servicemembers receive it.

The new subsection 1720I (f) would require that the Secretary submit to Congress an annual report on the mental health care services provided pursuant to this section, to include: (1) the number of men and the number of women, respectively, who received services; and, (2) any other information the Secretary considers appropriate.

Section 2(b) of the bill would amend the table of sections at the beginning of chapter 17 of title 38 by inserting “1720I. Expansion of mental health care for certain former members of the Armed Forces” following the item relating to section 1720H.

*Section 3. Extension of requirement for collection of fees for housing loans guaranteed by Secretary of Veterans Affairs*

Section 3 of the bill would amend section 3729(b)(2) of title 38, U.S.C. clause (iii) in subparagraph (A) by striking “September 30, 2024” and inserting “September 30, 2025;” clause (iv) in subparagraph (A) by striking “September 30, 2024” and inserting “September 30, 2025;” clause (i) in subparagraph (B) by striking “September 30, 2024” and inserting “September 30, 2025;” clause (ii) in subparagraph (B) by striking “September 30, 2024” and inserting “September 30, 2025;” clause (i) in subparagraph (C) by striking “September 30, 2024” and inserting “September 30, 2025;” clause (ii) in subparagraph (C) by striking “September 30, 2024” and inserting “September 30, 2025;” clause (i) in subparagraph (D) by striking “September 30, 2024” and inserting “September 30, 2025;” and, clause (ii) in subparagraph (D) by striking “September 30, 2024” and inserting “September 30, 2025.”

*Section 4. Character of service determination*

Section 4(a) of the bill would amend chapter 53 of title 38, U.S.C., by inserting after section 5303A the new section, “§ 5303B. Character of service determinations.”

The new subsection 5303B(a) would require that the Secretary establish a process by which an individual who was discharged from the Armed Services can seek a determination from the Secretary with respect to whether that discharge was under a condition that bars him or her from receiving a benefit under the laws administered by the Secretary.

The new section 5303B(a) would require that if the Secretary determines under subsection 5303B(a) that an individual is barred from receiving a benefit, the Secretary shall provide to such individual information regarding the ability of the individual to address such condition, including pursuant to section 5303 of this title and chapter 79 of title 10.

Section 4(b) of the bill would amend the table of sections at the beginning of chapter 53 of title 38 by inserting “5303B. Character of service determinations.”

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**TITLE 38, UNITED STATES CODE**

\* \* \* \* \*

**PART II—GENERAL BENEFITS**

\* \* \* \* \*

**CHAPTER 17—HOSPITAL, NURSING HOME,  
DOMICILIARY, AND MEDICAL CARE**

SUBCHAPTER I—GENERAL

Sec.  
1701. Definitions.

\* \* \* \* \*

SUBCHAPTER II—HOSPITAL, NURSING HOME, OR DOMICILIARY CARE AND  
MEDICAL TREATMENT

\* \* \* \* \*

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

\* \* \* \* \*

SUBCHAPTER II—HOSPITAL, NURSING HOME, OR  
DOMICILIARY CARE AND MEDICAL TREATMENT

\* \* \* \* \*

**§ 1720I. *Expansion of mental 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 health care services authorized under this chapter that the Secretary determines are required to treat the mental health care needs of the former member, including risk of suicide or harming others.*

(b) *FORMER MEMBERS OF THE ARMED FORCES DESCRIBED.*—*A former member of the Armed Forces described in this subsection is an individual who meets the following criteria:*

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

- (A) *served in the active military, naval, or air service, and was discharged or released therefrom under a condition that is not honorable except—*
  - (i) *dishonorable; or*
  - (ii) *bad conduct discharge;*
- (B) *has applied for a character of service determination and such determination has not been made; and*
- (C) *is not otherwise eligible to enroll in the health care system established by section 1705 of this title by reason of such discharge or release not meeting the requirements of section 101(2) of this title.*

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

- (A) *the former member was deployed in a theater of combat operations or an area at a time during which hostilities occurred in that area;*
- (B) *participated in or experienced such combat operations or hostilities, including by controlling an unmanned aerial vehicle from a location other than such theater or area; or*
- (C) *was the victim of a physical assault of a sexual nature, 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 health care services to an individual under this section, the Secretary may provide such mental 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 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 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 health care services to an individual under this section, the Secretary shall—*

(1) *seek to ensure that such mental health care services are furnished in a setting that is therapeutically appropriate, taking into account the circumstances that resulted in the need for such mental health care 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 health care services available under this section. Efforts by the Secretary to provide such information—*

(1) *shall include availability of a toll-free telephone number (commonly referred to as an 800 number);*

(2) *shall ensure that information about the mental health care services available under this section—*

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

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

(C) *is made available to State veteran agencies and through appropriate public information services; and*

(3) *shall include coordination with the Secretary of Defense seeking to ensure that members of the Armed Forces and individuals who are being separated from active military, naval, or air service are provided appropriate information about programs, requirements, and procedures for applying for mental health care services under this section.*

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

(1) *The number of individuals who received mental health care services under subsection (a), disaggregated by the number of men who received such services and the number of women who received such services.*

(2) *Such other information as the Secretary considers appropriate.*

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**PART III—READJUSTMENT AND RELATED BENEFITS**

\* \* \* \* \*

**CHAPTER 37—HOUSING AND SMALL BUSINESS LOANS**

\* \* \* \* \*

**§ 3729. Loan fee**

(a) REQUIREMENT OF FEE.—(1) Except as provided in subsection (c), a fee shall be collected from each person obtaining a housing loan guaranteed, insured, or made under this chapter, and each person assuming a loan to which section 3714 of this title applies. No such loan may be guaranteed, insured, made, or assumed until the fee payable under this section has been remitted to the Secretary.

(2) The fee may be included in the loan and paid from the proceeds thereof.

(b) DETERMINATION OF FEE.—(1) The amount of the fee shall be determined from the loan fee table in paragraph (2). The fee is expressed as a percentage of the total amount of the loan guaranteed, insured, or made, or, in the case of a loan assumption, the unpaid principal balance of the loan on the date of the transfer of the property.

(2) The loan fee table referred to in paragraph (1) is as follows:

**LOAN FEE TABLE**

Type of loan	Active duty veteran	Reservist	Other obligor
(A)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed before January 1, 2004)	2.00	2.75	NA
(A)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after January 1, 2004, and before October 1, 2004)	2.20	2.40	NA



## LOAN FEE TABLE—Continued

Type of loan	Active duty veteran	Reservist	Other obligor
(A)(iii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after October 1, 2004, and before September 30, <b>[2024] 2025</b> )	2.15	2.40	NA
(A)(iv) Initial loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other initial loan described in section 3710(a) other than with 5-down or 10-down (closed on or after September 30, <b>[2024] 2025</b> )	1.40	1.65	NA
(B)(i) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed before September 30, <b>[2024] 2025</b> )	3.30	3.30	NA
(B)(ii) Subsequent loan described in section 3710(a) to purchase or construct a dwelling with 0-down, or any other subsequent loan described in section 3710(a) (closed on or after September 30, <b>[2024] 2025</b> )	1.25	1.25	NA
(C)(i) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed before September 30, <b>[2024] 2025</b> )	1.50	1.75	NA
(C)(ii) Loan described in section 3710(a) to purchase or construct a dwelling with 5-down (closed on or after September 30, <b>[2024] 2025</b> )	0.75	1.00	NA
(D)(i) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed before September 30, <b>[2024] 2025</b> )	1.25	1.50	NA

LOAN FEE TABLE—Continued

Type of loan	Active duty veteran	Reservist	Other obligor
(D)(ii) Initial loan described in section 3710(a) to purchase or construct a dwelling with 10-down (closed on or after September 30, <b>[2024]</b> <b>2025</b> )	0.50	0.75	NA
(E) Interest rate reduction refinancing loan	0.50	0.50	NA
(F) Direct loan under section 3711	1.00	1.00	NA
(G) Manufactured home loan under section 3712 (other than an interest rate reduction refinancing loan)	1.00	1.00	NA
(H) Loan to Native American veteran under section 3762 (other than an interest rate reduction refinancing loan)	1.25	1.25	NA
(I) Loan assumption under section 3714	0.50	0.50	0.50
(J) Loan under section 3733(a)	2.25	2.25	2.25

(3) Any reference to a section in the “Type of loan” column in the loan fee table in paragraph (2) refers to a section of this title.

(4) For the purposes of paragraph (2):

(A) The term “active duty veteran” means any veteran eligible for the benefits of this chapter other than a Reservist.

(B) The term “Reservist” means a veteran described in section 3701 (b)(5)(A) of this title who is eligible under section 3702(a)(2)(E) of this title.

(C) The term “other obligor” means a person who is not a veteran, as defined in section 101 of this title or other provision of this chapter.

(D) The term “initial loan” means a loan to a veteran guaranteed under section 3710 or made under section 3711 of this title if the veteran has never obtained a loan guaranteed under section 3710 or made under section 3711 of this title.

(E) The term “subsequent loan” means a loan to a veteran, other than an interest rate reduction refinancing loan, guaranteed under section 3710 or made under section 3711 of this title if the veteran has previously obtained a loan guaranteed under section 3710 or made under section 3711 of this title.

(F) The term “interest rate reduction refinancing loan” means a loan described in section 3710(a)(8), 3710(a)(9)(B)(i), 3710(a)(11), 3712(a)(1)(F), or 3762(h) of this title.

(G) The term “0-down” means a downpayment, if any, of less than 5 percent of the total purchase price or construction cost of the dwelling.

(H) The term “5-down” means a downpayment of at least 5 percent or more, but less than 10 percent, of the total purchase price or construction cost of the dwelling.

(I) The term “10-down” means a downpayment of 10 percent or more of the total purchase price or construction cost of the dwelling.

(c) WAIVER OF FEE.—(1) A fee may not be collected under this section from a veteran who is receiving compensation (or who, but for the receipt of retirement pay or active service pay, would be entitled to receive compensation) or from a surviving spouse of any veteran (including a person who died in the active military, naval, or air service) who died from a service-connected disability.

(2)(A) A veteran described in subparagraph (B) shall be treated as receiving compensation for purposes of this subsection as of the date of the rating described in such subparagraph without regard to whether an effective date of the award of compensation is established as of that date.

(B) A veteran described in this subparagraph is a veteran who is rated eligible to receive compensation—

- (i) as the result of a pre-discharge disability examination and rating; or
- (ii) based on a pre-discharge review of existing medical evidence (including service medical and treatment records) that results in the issuance of a memorandum rating.

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**PART IV—GENERAL ADMINISTRATIVE PROVISIONS**

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**CHAPTER 53—SPECIAL PROVISIONS RELATING TO BENEFITS**

Sec.  
5301. Nonassignability and exempt status of benefits.

\* \* \* \* \*

5303B. *Character of service determinations.*

\* \* \* \* \*

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

(a) DETERMINATION.—*The Secretary shall establish a process by which an individual who served in the Armed Forces and was discharged or dismissed therefrom may seek a determination from the Secretary with respect to whether such discharge or release was under a condition that bars the right of such individual to a benefit under the laws administered by the Secretary based upon the period of service from which discharged or dismissed.*

(b) PROVISION OF INFORMATION.—*If the Secretary determines under subsection (a) that an individual is barred to a benefit under the laws administered by the Secretary, the Secretary shall provide to such individual information regarding the ability of the indi-*

*vidual to address such condition, including pursuant to section 5303 of this title and chapter 79 of title 10.*

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