

112TH CONGRESS
1ST SESSION

H. R. 1942

To amend title 10, United States Code, to improve the mental health assessments provided to members of the Armed Forces deployed in support of a contingency operation.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2011

Mr. CARSON of Indiana (for himself, Mr. GRIJALVA, Mr. BACA, Mr. MCGOVERN, and Mr. STARK) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to improve the mental health assessments provided to members of the Armed Forces deployed in support of a contingency operation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Service Members Men-
5 tal Health Screening Act”.

1 **SEC. 2. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF**
2 **THE ARMED FORCES DEPLOYED IN SUPPORT**
3 **OF A CONTINGENCY OPERATION.**

4 (a) MENTAL HEALTH EXAMINATIONS DURING A DE-
5 PLOYMENT.—

6 (1) IN GENERAL.—Chapter 55 of title 10,
7 United States Code, is amended by inserting after
8 section 1074l the following new section:

9 **“§ 1074m. Mental health assessments for members of**
10 **the armed forces deployed in support of a**
11 **contingency operation**

12 “(a) MENTAL HEALTH ASSESSMENTS.—(1) The Sec-
13 retary of Defense shall provide a person-to-person mental
14 health assessment for each member of the armed forces
15 who is deployed in support of a contingency operation as
16 follows:

17 “(A) Once during the period beginning 60 days
18 before the date of the deployment.

19 “(B) Once during each 180-day period in which
20 the member is so deployed.

21 “(C) Once during the period beginning 90 days
22 after the date of redeployment from the contingency
23 operation and ending 180 days after such redeploy-
24 ment date.

25 “(D) Subject to subsection (d), not later than
26 once during each of—

1 “(i) the period beginning 180 days after
2 the date of redeployment from the contingency
3 operation and ending one year after such rede-
4 ployment date;

5 “(ii) the period beginning one year after
6 such redeployment date and ending two years
7 after such redeployment date; and

8 “(iii) the period beginning two years after
9 such redeployment date and ending three years
10 after such redeployment date.

11 “(2) A mental health assessment is not required for
12 a member of the armed forces under subparagraphs (C)
13 and (D) of paragraph (1) if the Secretary determines
14 that—

15 “(A) the member was not subjected or exposed
16 to operational risk factors during deployment in the
17 contingency operation concerned; or

18 “(B) providing such assessment to the member
19 during the time periods under such subparagraphs
20 would remove the member from forward deployment
21 or put members or operational objectives at risk.

22 “(b) PURPOSE.—The purpose of the mental health
23 assessments provided pursuant to this section shall be to
24 identify post-traumatic stress disorder, traumatic brain in-
25 jury, suicidal tendencies, and other behavioral health con-

1 ditions identified among members of the armed forces de-
2 scribed in subsection (a) in order to determine which such
3 members are in need of additional care and treatment for
4 such health conditions.

5 “(c) ELEMENTS.—(1) The mental health assessments
6 provided pursuant to this section shall—

7 “(A) be performed by personnel trained and
8 certified to perform such assessments and may be
9 performed—

10 “(i) by licensed mental health professionals
11 if such professionals are available and the use
12 of such professionals for the assessments would
13 not impair the capacity of such professionals to
14 perform higher priority tasks; and

15 “(ii) by personnel at private facilities in ac-
16 cordance with section 1074(c) of this title.

17 “(B) include a person-to-person dialogue be-
18 tween members of the armed forces described in sub-
19 section (a) and the professionals or personnel de-
20 scribed by paragraph (1), as applicable, on such
21 matters as the Secretary shall specify in order that
22 the assessments achieve the purpose specified in sub-
23 section (b) for such assessments;

1 “(C) be conducted in a private setting to foster
2 trust and openness in discussing sensitive health
3 concerns;

4 “(D) be provided in a consistent manner across
5 the military departments; and

6 “(E) include a review of the health records of
7 the member that are related to each previous deploy-
8 ment of the member or other relevant activities of
9 the member while serving in the armed forces, as de-
10 termined by the Secretary.

11 “(2) The Secretary may treat periodic health assess-
12 ments and other person-to-person assessments that are
13 provided to members of the armed forces, including exami-
14 nations under section 1074f, as meeting the requirements
15 for mental health assessments required under this section
16 if the Secretary determines that such assessments and
17 person-to-person assessments meet the requirements for
18 mental health assessments established by this section.

19 “(d) CESSATION OF ASSESSMENTS.—No mental
20 health assessment is required to be provided to an indi-
21 vidual under subsection (a)(1)(D) after the individual’s
22 discharge or release from the armed forces.

23 “(e) DIAGNOSES DURING DEPLOYMENT.—(1) In
24 order to prevent suicide, self-harm, harm to others, and
25 under-performance of members of the armed forces, the

1 Secretary shall, with respect to a member described in
2 paragraph (2)—

3 “(A) retire the member pursuant to section
4 1201 of this title if such member is otherwise
5 qualified for such retirement; or

6 “(B) redeploy such member from the con-
7 tingency operation to a location where the mem-
8 ber may receive appropriate medical treatment.

9 “(2) A member described in this paragraph is a mem-
10 ber of the armed forces who, as a result of a mental health
11 assessment conducted under subsection (a)(1)(B)—

12 “(A) is diagnosed with post-traumatic stress
13 disorder, traumatic brain injury, suicidal tendencies,
14 or other behavioral health condition; and

15 “(B) as part of such diagnosis, is determined
16 to—

17 “(i) require care or monitoring that the
18 Secretary determines cannot be provided while
19 the member is deployed in support of a contin-
20 gency operation;

21 “(ii) be at risk of self-harm or harming
22 other members of the armed forces; or

23 “(iii) be unable to perform duties assigned
24 during such deployment.

1 “(f) SHARING OF INFORMATION.—(1) The Secretary
2 of Defense shall share with the Secretary of Veterans Af-
3 fairs such information on members of the armed forces
4 that is derived from confidential mental health assess-
5 ments, including mental health assessments provided pur-
6 suant to this section and health assessments and other
7 person-to-person assessments provided before the date of
8 the enactment of this section as the Secretary of Defense
9 and the Secretary of Veterans Affairs jointly consider ap-
10 propriate to ensure continuity of mental health care and
11 treatment of members of the armed forces during the
12 transition from health care and treatment provided by the
13 Department of Defense to health care and treatment pro-
14 vided by the Department of Veterans Affairs.

15 “(2) Any sharing of information under paragraph (1)
16 shall occur pursuant to a protocol jointly established by
17 the Secretary of Defense and the Secretary of Veterans
18 Affairs for purposes of this subsection. Any such protocol
19 shall be consistent with the following:

20 “(A) Applicable provisions of the Wounded
21 Warrior Act (title XVI of Public Law 110–181; 10
22 U.S.C. 1071 note), including section 1614 of that
23 Act (122 Stat. 443; 10 U.S.C. 1071 note).

24 “(B) Section 1720F of title 38.

1 “(3) Before each mental health assessment is con-
2 ducted under subsection (a), the Secretary of Defense
3 shall ensure that the member of the armed forces is noti-
4 fied of the sharing of information with the Secretary of
5 Veterans Affairs under this subsection.

6 “(g) REGULATIONS.—The Secretary of Defense, in
7 consultation with the other administering Secretaries,
8 shall prescribe regulations for the administration of this
9 section.

10 “(h) REPORTS.—(1) Upon the issuance of the regula-
11 tions prescribed under subsection (g), the Secretary of De-
12 fense shall submit to Congress a report describing such
13 regulations.

14 “(2)(A) Not later than 270 days after the date of
15 the issuance of the regulations prescribed under sub-
16 section (g), the Secretary shall submit to Congress an ini-
17 tial report on the implementation of the regulations by the
18 military departments.

19 “(B) Not later than two years after the date of the
20 issuance of the regulations prescribed under subsection
21 (g), the Secretary shall submit to Congress a report on
22 the implementation of the regulations by the military de-
23 partments. The report shall include an evidence-based as-
24 sessment of the effectiveness of the mental health assess-
25 ments provided pursuant to the regulations in achieving

1 the purpose specified in subsection (b) for such assess-
2 ments.”.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of chapter 55 of such title is
5 amended by inserting after the item relating to sec-
6 tion 1074l the following new item:

“1074m. Mental health assessments for members of the armed forces deployed
in support of a contingency operation.”.

7 (3) REGULATIONS.—The Secretary of Defense
8 shall prescribe an interim final rule with respect to
9 the amendment made by paragraph (1), effective not
10 later than 90 days after the date of the enactment
11 of this Act.

12 (b) CONFORMING REPEAL.—Section 708 of the Na-
13 tional Defense Authorization Act for Fiscal Year 2010
14 (Public Law 111–84; 123 Stat. 2376; 10 U.S.C. 1074f
15 note) is repealed.

○