19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CARSON OF INDIANA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

AMENDMENT TO H.R. 1540, AS REPORTED

OFFERED BY MR. CARSON OF INDIANA

Page 325, after line 9, insert the following:

SEC. 705. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) MENTAL HEALTH EXAMINATIONS DURING A DEPLOYMENT.—

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

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

"(a) MENTAL HEALTH ASSESSMENTS.—(1) The Secretary of Defense shall provide a person-to-person mental health assessment for each member of the armed forces who is deployed in support of a contingency operation as follows:

"(A) Once during the period beginning 60 days before the date of the deployment.

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

1 "(C) Once during the period beginning 90 days
2 after the date of redeployment from the contingency
3 operation and ending 180 days after such redeploy-
4 ment date.
5 "(D) Subject to subsection (d), not later than
6 once during each of—
7 "(i) the period beginning 180 days after
8 the date of redeployment from the contingency
9 operation and ending one year after such rede-
10 ployment date;
11 "(ii) the period beginning one year after
12 such redeployment date and ending two years
13 after such redeployment date; and
14 "(iii) the period beginning two years after
15 such redeployment date and ending three years
16 after such redeployment date.
17 "(2) A mental health assessment is not required for
18 a member of the armed forces under subparagraphs (C)
19 and (D) of paragraph (1) if the Secretary determines
20 that—
21 "(A) the member was not subjected or exposed
22 to operational risk factors during deployment in the
23 contingency operation concerned; or
24 "(B) providing such assessment to the member
25 during the time periods under such subparagraphs

1 would remove the member from forward deployment
2 or put members or operational objectives at risk.
3 "(b) PURPOSE.—The purpose of the mental health
4 assessments provided pursuant to this section shall be to
5 identify post-traumatic stress disorder, traumatic brain in-
6 jury, suicidal tendencies, and other behavioral health con-
7 ditions identified among members of the armed forces de-
8 scribed in subsection (a) in order to determine which such
9 members are in need of additional care and treatment for
10 such health conditions.
11 "(c) ELEMENTS.—(1) The mental health assessments
12 provided pursuant to this section shall—
13 "(A) be performed by personnel trained and
14 certified to perform such assessments and may be
15 performed—
16 "(i) by licensed mental health professionals
17 if such professionals are available and the use
18 of such professionals for the assessments would
19 not impair the capacity of such professionals to
20 perform higher priority tasks; and
21 "(ii) by personnel at private facilities in ac-
22 cordance with section 1074(c) of this title.
23 "(B) include a person-to-person dialogue be-
24 tween members of the armed forces described in sub-
25 section (a) and the professionals or personnel de-

1 scribed by paragraph (1), as applicable, on such
2 matters as the Secretary shall specify in order that
3 the assessments achieve the purpose specified in sub-
4 section (b) for such assessments;
5 "(C) be conducted in a private setting to foster
6 trust and openness in discussing sensitive health
7 concerns;
8 "(D) be provided in a consistent manner across
9 the military departments; and
10 "(E) include a review of the health records of
11 the member that are related to each previous deploy-
12 ment of the member or other relevant activities of
13 the member while serving in the armed forces, as de-
14 termined by the Secretary.
15 "(2) The Secretary may treat periodic health assess-
16 ments and other person-to-person assessments that are
17 provided to members of the armed forces, including exami-
18 nations under section 1074f, as meeting the requirements
19 for mental health assessments required under this section
20 if the Secretary determines that such assessments and
21 person-to-person assessments meet the requirements for
22 mental health assessments established by this section.
23 "(d) CESSATION OF ASSESSMENTS.—No mental
24 health assessment is required to be provided to an indi-

1 vidual under subsection (a)(1)(D) after the individual's
2 discharge or release from the armed forces.
3 "(e) DIAGNOSES DURING DEPLOYMENT.—(1) In
4 order to prevent suicide, self-harm, harm to others, and
5 under-performance of members of the armed forces, the
6 Secretary shall, with respect to a member described in
7 paragraph (2)—
8 "(A) retire the member pursuant to section
9 1201 of this title if such member is otherwise
10 qualified for such retirement; or
11 "(B) redeploy such member from the con-
12 tingency operation to a location where the mem-
13 ber may receive appropriate medical treatment.
14 "(2) A member described in this paragraph is a mem-
15 ber of the armed forces who, as a result of a mental health
16 assessment conducted under subsection (a)(1)(B)—
17 "(A) is diagnosed with post-traumatic stress
18 disorder, traumatic brain injury, suicidal tendencies,
19 or other behavioral health condition; and
20 "(B) as part of such diagnosis, is determined
21 to—
22 "(i) require care or monitoring that the
23 Secretary determines cannot be provided while
24 the member is deployed in support of a contin-
25 gency operation;

1 "(ii) be at risk of self-harm or harming
2 other members of the armed forces; or
3 "(iii) be unable to perform duties assigned
4 during such deployment.
5 "(f) SHARING OF INFORMATION.—(1) The Secretary
6 of Defense shall share with the Secretary of Veterans Af-
7 fairs such information on members of the armed forces
8 that is derived from confidential mental health assess-
9 ments, including mental health assessments provided pur-
10 suant to this section and health assessments and other
11 person-to-person assessments provided before the date of
12 the enactment of this section as the Secretary of Defense
13 and the Secretary of Veterans Affairs jointly consider ap-
14 propriate to ensure continuity of mental health care and
15 treatment of members of the armed forces during the
16 transition from health care and treatment provided by the
17 Department of Defense to health care and treatment pro-
18 vided by the Department of Veterans Affairs.
19 "(2) Any sharing of information under paragraph (1)
20 shall occur pursuant to a protocol jointly established by
21 the Secretary of Defense and the Secretary of Veterans
22 Affairs for purposes of this subsection. Any such protocol
23 shall be consistent with the following:
24 "(A) Applicable provisions of the Wounded
25 Warrior Act (title XVI of Public Law 110–181; 10

1 U.S.C. 1071 note), including section 1614 of that
2 Act (122 Stat. 443; 10 U.S.C. 1071 note).
3 "(B) Section 1720F of title 38.
4 "(3) Before each mental health assessment is con-
5 ducted under subsection (a), the Secretary of Defense
6 shall ensure that the member of the armed forces is noti-
7 fied of the sharing of information with the Secretary of
8 Veterans Affairs under this subsection.
9 "(g) REGULATIONS.—The Secretary of Defense, in
10 consultation with the other administering Secretaries,
11 shall prescribe regulations for the administration of this
12 section.
13 "(h) REPORTS.—(1) Upon the issuance of the regula-
14 tions prescribed under subsection (g), the Secretary of De-
15 fense shall submit to Congress a report describing such
16 regulations.
17 "(2)(A) Not later than 270 days after the date of
18 the issuance of the regulations prescribed under sub-
19 section (g), the Secretary shall submit to Congress an ini-
20 tial report on the implementation of the regulations by the
21 military departments.
22 "(B) Not later than two years after the date of the
23 issuance of the regulations prescribed under subsection
24 (g), the Secretary shall submit to Congress a report on
25 the implementation of the regulations by the military de-

1 partments. The report shall include an evidence-based as-
2 sessment of the effectiveness of the mental health assess-
3 ments provided pursuant to the regulations in achieving
4 the purpose specified in subsection (b) for such assess-
5 ments.".

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

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

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

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