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.
“(C) Once during the period beginning 90 days after the date of redeployment from the contingency operation and ending 180 days after such redeployment date.

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

“(i) the period beginning 180 days after the date of redeployment from the contingency operation and ending one year after such redeployment date;

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

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

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

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

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

“(b) PURPOSE.—The purpose of the mental health assessments provided pursuant to this section shall be to identify post-traumatic stress disorder, traumatic brain injury, suicidal tendencies, and other behavioral health conditions identified among members of the armed forces described in subsection (a) in order to determine which such members are in need of additional care and treatment for such health conditions.

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

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

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

“(ii) by personnel at private facilities in accordance with section 1074(e) of this title.

“(B) include a person-to-person dialogue between members of the armed forces described in subsection (a) and the professionals or personnel de-
scribed by paragraph (1), as applicable, on such matters as the Secretary shall specify in order that the assessments achieve the purpose specified in subsection (b) for such assessments;

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

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

“(E) include a review of the health records of the member that are related to each previous deployment of the member or other relevant activities of the member while serving in the armed forces, as determined by the Secretary.

“(2) The Secretary may treat periodic health assessments and other person-to-person assessments that are provided to members of the armed forces, including examinations under section 1074f, as meeting the requirements for mental health assessments required under this section if the Secretary determines that such assessments and person-to-person assessments meet the requirements for mental health assessments established by this section.

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

“(e) DIAGNOSES DURING DEPLOYMENT.—(1) In order to prevent suicide, self-harm, harm to others, and under-performance of members of the armed forces, the Secretary shall, with respect to a member described in paragraph (2)—

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

“(B) redeploy such member from the contingency operation to a location where the member may receive appropriate medical treatment.

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

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

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

“(i) require care or monitoring that the Secretary determines cannot be provided while the member is deployed in support of a contingency operation;
“(ii) be at risk of self-harm or harming other members of the armed forces; or
“(iii) be unable to perform duties assigned during such deployment.

“(f) SHARING OF INFORMATION.—(1) The Secretary of Defense shall share with the Secretary of Veterans Affairs such information on members of the armed forces that is derived from confidential mental health assessments, including mental health assessments provided pursuant to this section and health assessments and other person-to-person assessments provided before the date of the enactment of this section as the Secretary of Defense and the Secretary of Veterans Affairs jointly consider appropriate to ensure continuity of mental health care and treatment of members of the armed forces during the transition from health care and treatment provided by the Department of Defense to health care and treatment provided by the Department of Veterans Affairs.

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

“(A) Applicable provisions of the Wounded Warrior Act (title XVI of Public Law 110–181; 10

"(B) Section 1720F of title 38.

"(3) Before each mental health assessment is conducted under subsection (a), the Secretary of Defense shall ensure that the member of the armed forces is notified of the sharing of information with the Secretary of Veterans Affairs under this subsection.

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

"(h) REPORTS.—(1) Upon the issuance of the regulations prescribed under subsection (g), the Secretary of Defense shall submit to Congress a report describing such regulations.

"(2)(A) Not later than 270 days after the date of the issuance of the regulations prescribed under subsection (g), the Secretary shall submit to Congress an initial report on the implementation of the regulations by the military departments.

"(B) Not later than two years after the date of the issuance of the regulations prescribed under subsection (g), the Secretary shall submit to Congress a report on the implementation of the regulations by the military de-
partments. The report shall include an evidence-based assessment of the effectiveness of the mental health assessments provided pursuant to the regulations in achieving the purpose specified in subsection (b) for such assessments.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1074l the following new item:

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

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

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