SEC. 707. MODIFICATIONS TO REQUIREMENT FOR SECRETARY OF DEFENSE TO CONDUCT MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN CONNECTION WITH A CONTINGENCY OPERATION.

(a) TIMING OF MENTAL HEALTH ASSESSMENTS.—Subsection (a)(1) of section 1074m of title 10, United States Code, is amended in subparagraph (C)(i) by striking "one year" and inserting "18 months".

(b) EXCLUSION OF CERTAIN MEMBERS.—Subsection (a)(2) of such section is amended—

(1) by striking "subparagraphs (B) and (C) of"; and

(2) by striking "determines that—" and all that follows and inserting "determines—

"(A) in the case of an assessment otherwise required under subparagraph (A) of that paragraph, that the member will not be subjected or exposed to operational risk factors during deployment in the contingency operation concerned;

"(B) in the case of an assessment otherwise required under subparagraph (B) or (C) of that paragraph, that the member was not subjected or exposed to operational risk factors during deployment in the contingency operation concerned; or

"(C) in the case of any assessment otherwise required under that paragraph, that providing such assessment to the member during the otherwise applicable time period under such paragraph would remove the member from forward deployment or would put members or operational objectives at risk.".

Section-by-Section Analysis

This proposal would amend the existing statutory requirement to conduct pre- and post-deployment mental health assessments for members deployed in connection with a contingency operation. This proposal will align required mental health assessments with other existing health assessments to improve efficiency and ensure comprehensive health surveillance and enhanced force readiness. As the Services developed plans and begun implementation of the requirements contained in section 708 of the National Defense Authorization Act of Fiscal Year 2010, which section 702 of the National Defense Authorization Act of Fiscal Year 2012 supersedes, the Department has discovered that some mandatory mental health assessment requirements do not align with other existing pre- and post-deployment health assessments and periodic medical examinations. This misalignment will result in a piecemeal and redundant approach to readiness assessments of members of the Armed Forces as well as a failure to assess comprehensively and proactively for changes in both physical and mental health.

Expanding the second required post-deployment mental health assessment timeframe to 18 months after return from deployment, vice 12 months, will enable the Department to align mental health assessments with the member's annual Periodic Health Assessment (PHA) within this window of time. This change is in keeping with the apparent intent of section 1074m(c)(2) to allow for current periodic health assessments to provide mental health assessments if they meet the requirements for mental health assessments otherwise specified. Conducting the mental health assessments concurrently with the member's periodic (i.e., annual) health assessment will allow for a more comprehensive health review of systems, including review of medical as well as mental health data, resulting in an enhanced deployment health assessment process for the member.

Section 1074m(a)(2) currently gives the Secretary the flexibility to limit post-deployment mental health assessments to those individuals who have been exposed to operational risk factors. Subsection (b) of this proposal would give the Secretary needed flexibility to determine who will receive a pre-deployment mental health assessment based on operational risk factors and mission requirements. Any individual found to be exposed to operational risk factors will still receive post-deployment mental health assessments regardless of any pre-deployment determinations.

Budget Implications: This proposal does not does incur any additional cost to the Department of Defense budget.

Cost Methodology: This proposal does not incur more additional mental health assessment procedures than those already mandated by the Fiscal Year 2012 National Defense Authorization Act. This proposal does not negatively affect any individual or take away any mental health assessment procedures administered prior to passage of the Fiscal Year 2012 National Defense Authorization Act.

Changes to Existing Law: This proposal would make the following changes to section 1074m of title 10, United States Code:

§ 1074m. Mental health assessments for members of the armed forces deployed in connection with 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 120 days before the date of the deployment.

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

(C) 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~~ 18 months after such redeployment date; and

(ii) the period beginning 18 months after such redeployment date and ending 30 months after such redeployment date.

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

(A) in the case of an assessment otherwise required under subparagraph (A) of that paragraph, that the member will not be subjected or exposed to operational risk factors during deployment in the contingency operation concerned;

(~~A~~B) in the case of an assessment otherwise required under subparagraph (B) or (C) of that paragraph, that the member was not subjected or exposed to operational risk factors during deployment in the contingency operation concerned; or

(~~B~~C) in the case of any assessment otherwise required under that paragraph, that providing such assessment to the member during the time periods under such subparagraphs would remove the member from forward deployment or would put members or operational objectives at risk.

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