

111TH CONGRESS
1ST SESSION

S. 1429

To establish a commission on veterans and members of the Armed Forces with post traumatic stress disorder, traumatic brain injury, or other mental health disorders, to enhance the capacity of mental health care providers to assist such veterans and members, to ensure such veterans are not discriminated against, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 9, 2009

Mr. WYDEN introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To establish a commission on veterans and members of the Armed Forces with post traumatic stress disorder, traumatic brain injury, or other mental health disorders, to enhance the capacity of mental health care providers to assist such veterans and members, to ensure such veterans are not discriminated against, and for other purposes.

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 “Servicemembers Men-
5 tal Health Care Commission Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Since October 2001, approximately
4 1,640,000 members of the Armed Forces have been
5 deployed as part of Operation Enduring Freedom or
6 Operation Iraqi Freedom.

7 (2) 300,000 members of the Armed Forces are
8 suffering from major depression or post traumatic
9 stress because of service in Operation Enduring
10 Freedom or Operation Iraqi Freedom.

11 (3) 320,000 of the members of the Armed
12 Forces who served in Operation Enduring Freedom
13 or Operation Iraqi Freedom, or 19 percent of such
14 members, have received brain injuries from such
15 service.

16 (4) Only 43 percent of members of the Armed
17 Forces with a probable traumatic brain injury have
18 reported receiving a medical evaluation for their
19 head injury.

20 (5) Records of the Department of Veterans Af-
21 fairs show that 120,000 members of the Armed
22 Forces who are no longer on active duty have been
23 diagnosed with mental health problems, approxi-
24 mately half of whom suffer from post traumatic
25 stress disorder (PTSD).

1 (6) In the last year, only 53 percent of those
2 members of the Armed Forces with post traumatic
3 stress disorder or depression have sought profes-
4 sional help from a mental health care provider.

5 (7) Rates of post traumatic stress disorder and
6 depression are highest among members of the
7 Armed Forces who are women or members of the
8 Reserves.

9 (8) Efforts to improve access to quality mental
10 health care are integral to supporting and treating
11 both active duty members of the Armed Forces and
12 veterans.

13 (9) Without quality mental health care, mem-
14 bers of the Armed Forces and veterans may experi-
15 ence lower work productivity, which negatively af-
16 fects their physical health, mental health, and family
17 and social relationships.

18 (10) Cultural and personal stigmas are factors
19 that contribute to low rates of veterans of Operation
20 Enduring Freedom and Operation Iraqi Freedom
21 who seek mental health care from qualified mental
22 health care providers.

23 (11) The capacity of mental health care pro-
24 viders and access to such providers must be im-
25 proved to meet the needs of members of the Armed

1 Forces who are returning from deployment in Oper-
 2 ation Enduring Freedom or Operation Iraqi Free-
 3 dom.

4 (12) Community-based providers of mental
 5 health care are invaluable assets in addressing the
 6 needs of such members and should not be over-
 7 looked.

8 (13) Coordination of care among government
 9 agencies as well as nongovernmental agencies is inte-
 10 gral to the successful treatment of members of the
 11 Armed Forces returning from deployment.

12 **SEC. 3. COMMISSION ON VETERANS AND MEMBERS OF THE**
 13 **ARMED FORCES WITH POST TRAUMATIC**
 14 **STRESS DISORDER, TRAUMATIC BRAIN IN-**
 15 **JURY, OR OTHER MENTAL HEALTH DIS-**
 16 **ORDERS CAUSED BY SERVICE IN THE ARMED**
 17 **FORCES.**

18 (a) ESTABLISHMENT OF COMMISSION.—There is es-
 19 tablished a commission on veterans and members of the
 20 Armed Forces with post traumatic stress disorder, trau-
 21 matic brain injury, or other mental health disorders
 22 caused by service in the Armed Forces.

23 (b) MEMBERSHIP.—

24 (1) IN GENERAL.—The commission shall be
 25 composed of a chair and 11 other members who

1 shall be appointed jointly by the Secretary of Vet-
2 erans Affairs and the Secretary of Defense.

3 (2) MEMBERSHIP.—The membership of the
4 commission under paragraph (1) shall include at
5 least one of each of the following:

6 (A) Members of the Armed Forces on ac-
7 tive duty.

8 (B) Veterans who are retired from the
9 Armed Forces.

10 (C) Employees of the Department of Vet-
11 erans Affairs.

12 (D) Employees of the Department of De-
13 fense.

14 (E) Recognized medical or scientific au-
15 thorities in fields relevant to the commission,
16 including psychiatry and medical care.

17 (F) Mental health professionals who are
18 not physicians.

19 (G) Veterans who have undergone treat-
20 ment for post traumatic stress disorder, trau-
21 matic brain injury, or other mental health dis-
22 orders.

23 (3) CONSIDERATION OF RECOMMENDATIONS.—

24 In appointing members of the commission, the Sec-
25 retary of Veterans Affairs and the Secretary of De-

1 fense shall consult with nongovernmental organiza-
2 tions that represent veterans, members of the Armed
3 Forces, and families of such veterans and members.

4 (c) DUTIES.—

5 (1) IN GENERAL.—The commission shall—

6 (A) oversee the monitoring and treatment
7 of veterans and members of the Armed Forces
8 with post traumatic stress disorder, traumatic
9 brain injury, and other mental health disorders
10 caused by service in the Armed Forces; and

11 (B) conduct a thorough study of all mat-
12 ters relating to the long-term adverse con-
13 sequences of such disorders for such veterans
14 and members, including an analysis of—

15 (i) the information gathered from re-
16 screening data obtained from post deploy-
17 ment interviews;

18 (ii) treatments that have been shown
19 to be effective in the treatment of post
20 traumatic stress disorder, traumatic brain
21 injury, or other mental health disorders
22 caused by service in the Armed Forces;

23 (iii) the effects on the military career
24 of members of the Armed Forces of seek-
25 ing mental health counseling or care, in-

cluding effects on duty assignments and
promotion potential; and

(iv) the continuity and effectiveness of
mental health care provided individuals
during their transition from receipt of care
and services through the Department of
Defense to receipt of care and services
through the Department of Veterans Af-
fairs.

(2) RECOMMENDATIONS.—The commission
shall develop recommendations on the development
of initiatives—

(A) to mitigate the adverse consequences
studied under paragraph (1)(B); and

(B) to reduce cultural and professional
stigmas associated with treatment of post trau-
matic stress disorder, traumatic brain injury, or
other mental health disorders of veterans and
members of the Armed Forces.

(3) ANNUAL REPORTS.—Not later than Sep-
tember 30 each year, the commission shall submit to
the appropriate committees of Congress a report
containing the following:

1 (A) A detailed statement of the findings
2 and conclusions of the commission as a result
3 of its activities under paragraph (1).

4 (B) The recommendations of the commis-
5 sion developed under paragraph (2).

6 (d) POWERS OF THE COMMISSION.—

7 (1) SITE VISITS.—The commission may visit lo-
8 cations where veterans and members of the Armed
9 Forces with post traumatic stress disorder, trau-
10 matic brain injury, or other mental health disorders
11 caused by service in the Armed Forces receive treat-
12 ment for such disorders to carry out the oversight
13 and monitoring required by subsection (c)(1)(A).

14 (2) INFORMATION FROM FEDERAL AGENCIES.—
15 The commission may secure directly from any Fed-
16 eral department or agency such information as the
17 commission considers necessary to carry out the pro-
18 visions of this Act. Upon request of the chair of the
19 commission, the head of such department or agency
20 shall furnish such information to the commission.

21 (3) SOLICITATION OF TESTIMONY.—The com-
22 mission may request testimony from members of the
23 Armed Forces, veterans, caregivers, and other
24 sources in a manner intended not to interfere with

1 the career development of the individual providing
 2 such testimony.

3 (e) TERMINATION.—The commission shall be termi-
 4 nated jointly by the Secretary of Veterans Affairs and the
 5 Secretary of Defense, at the joint discretion of the Secre-
 6 taries.

7 (f) AUTHORIZATION OF APPROPRIATIONS.—

8 (1) FISCAL YEAR 2010.—There is authorized to
 9 be appropriated for fiscal year 2010 to carry out
 10 this section, \$1,000,000.

11 (2) SUBSEQUENT FISCAL YEARS.—There is au-
 12 thorized to be appropriated for each fiscal year after
 13 fiscal year 2010 such sums as may be necessary to
 14 carry out this section in such fiscal year.

15 (g) APPROPRIATE COMMITTEES OF CONGRESS DE-
 16 FINED.—In this section, the term “appropriate commit-
 17 tees of Congress” means—

18 (1) the Committee on Armed Services and the
 19 Committee on Veterans’ Affairs of the Senate; and

20 (2) the Committee on Armed Services and the
 21 Committee on Veterans’ Affairs of the House of
 22 Representatives.

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