

113TH CONGRESS
2D SESSION

S. 2231

To amend title 10, United States Code, to provide an individual with a mental health assessment before the individual enlists in the Armed Forces or is commissioned as an officer in the Armed Forces, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 9, 2014

Mr. PORTMAN (for himself and Mr. ROCKEFELLER) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to provide an individual with a mental health assessment before the individual enlists in the Armed Forces or is commissioned as an officer in the Armed Forces, 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 “Medical Evaluation
5 Parity for Servicemembers Act of 2014” or the “MEPS
6 Act”.

1 **SEC. 2. PRELIMINARY MENTAL HEALTH ASSESSMENTS FOR**
2 **INDIVIDUALS BECOMING MEMBERS OF THE**
3 **ARMED FORCES.**

4 (a) IN GENERAL.—Chapter 31 of title 10, United
5 States Code, is amended by adding at the end the fol-
6 lowing new section:

7 **“§ 520d. Preliminary mental health assessments**

8 “(a) PROVISION OF MENTAL HEALTH ASSESS-
9 MENT.—Before any individual enlists in an armed force
10 or is commissioned as an officer in an armed force, the
11 Secretary concerned shall provide the individual with a
12 mental health assessment. The Secretary shall use such
13 results as a baseline for any subsequent mental health ex-
14 aminations, including such examinations provided under
15 sections 1074f and 1074m of this title.

16 “(b) USE OF ASSESSMENT.—The Secretary may not
17 consider the results of a mental health assessment con-
18 ducted under subsection (a) in determining the assign-
19 ment or promotion of a member of the armed forces.

20 “(c) APPLICATION OF PRIVACY LAWS.—With respect
21 to applicable laws and regulations relating to the privacy
22 of information, the Secretary shall treat a mental health
23 assessment conducted under subsection (a) in the same
24 manner as the medical records of a member of the armed
25 forces.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of such chapter is amended by adding
 3 after the item relating to section 520c the following new
 4 item:

“520d. Preliminary mental health assessments.”.

5 (c) REPORT.—

6 (1) IN GENERAL.—Not later than 180 days
 7 after the date of the enactment of this Act, the Na-
 8 tional Institute of Mental Health of the National In-
 9 stitutes of Health shall submit to Congress and the
 10 Secretary of Defense a report on preliminary mental
 11 health assessments of members of the Armed
 12 Forces.

13 (2) MATTERS INCLUDED.—The report under
 14 paragraph (1) shall include the following:

15 (A) Recommendations with respect to es-
 16 tablishing a preliminary mental health assess-
 17 ment of members of the Armed Forces to bring
 18 mental health screenings to parity with physical
 19 screenings of members.

20 (B) Recommendations with respect to the
 21 composition of the mental health assessment,
 22 best practices, and how to track assessment
 23 changes relating to traumatic brain injuries,
 24 post-traumatic stress disorder, and other condi-
 25 tions.

1 (3) COORDINATION.—The National Institute of
 2 Mental Health shall carry out paragraph (1) in co-
 3 ordination with the Secretary of Veterans Affairs,
 4 the Secretary of Health and Human Services, the
 5 Director of the Centers for Disease Control and Pre-
 6 vention, the surgeons general of the military depart-
 7 ments, and other relevant experts.

8 **SEC. 3. PHYSICAL EXAMINATIONS AND MENTAL HEALTH**
 9 **SCREENINGS FOR CERTAIN MEMBERS UN-**
 10 **DERGOING SEPARATION FROM THE ARMED**
 11 **FORCES WHO ARE NOT OTHERWISE ELIGIBLE**
 12 **FOR SUCH EXAMINATIONS.**

13 (a) IN GENERAL.—The Secretary of the military de-
 14 partment concerned shall provide a comprehensive phys-
 15 ical examination (including a screening for Traumatic
 16 Brain Injury) and a mental health screening to each mem-
 17 ber of the Armed Forces who, after a period of active duty
 18 of more than 180 days, is undergoing separation from the
 19 Armed Forces and is not otherwise provided such an ex-
 20 amination or screening in connection with such separation
 21 from the Department of Defense or the Department of
 22 Veterans Affairs.

23 (b) NO RIGHT TO HEALTH CARE BENEFITS.—The
 24 provision of a physical examination or mental health
 25 screening to a member under subsection (a) shall not, by

1 itself, be used to determine the eligibility of the member
 2 for any health care benefits from the Department of De-
 3 fense or the Department of Veterans Affairs.

4 (c) FUNDING.—Funds for the provision of physical
 5 examinations and mental health screenings under this sec-
 6 tion shall be derived from funds otherwise authorized to
 7 be appropriated for the military department concerned for
 8 the provision of health care to members of the Armed
 9 Forces.

10 **SEC. 4. REPORT ON CAPACITY OF DEPARTMENT OF DE-**
 11 **FENSE TO PROVIDE ELECTRONIC COPY OF**
 12 **MEMBER SERVICE TREATMENT RECORDS TO**
 13 **MEMBERS SEPARATING FROM THE ARMED**
 14 **FORCES.**

15 (a) REPORT REQUIRED.—Not later than six months
 16 after the date of the enactment of this Act, the Secretary
 17 of Defense shall submit to Congress a report setting forth
 18 an assessment of the capacity of the Department of De-
 19 fense to provide each member of the Armed Forces who
 20 is undergoing separation from the Armed Forces an elec-
 21 tronic copy of the member's service treatment record at
 22 the time of separation.

23 (b) MATTERS RELATING TO THE NATIONAL
 24 GUARD.—The assessment under subsection (a) with re-
 25 gards to members of the National Guard shall include an

1 assessment of the capacity of the Department to ensure
2 that the electronic copy of a member's service treatment
3 record includes health records maintained by each State
4 or territory in which the member served.

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