

116TH CONGRESS
2D SESSION

S. 3807

To enhance the prevention of mental health discrimination against individuals during accession into the Armed Forces, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2020

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

A BILL

To enhance the prevention of mental health discrimination against individuals during accession into 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 “Prevention of Mental
5 Health Discrimination During Military Accession Act”.

1 **SEC. 2. MEDICAL WAIVERS FOR INDIVIDUALS WITH MEN-**
2 **TAL HEALTH CONDITIONS AS MINORS UNDER**
3 **STANDARDS FOR APPOINTMENT, ENLIST-**
4 **MENT, OR INDUCTION IN THE ARMED**
5 **FORCES.**

6 (a) MEDICAL WAIVERS.—Department of Defense In-
7 struction 6130.03, relating to standards for appointment,
8 enlistment, or induction in the Armed Forces, shall be
9 modified to eliminate, to the extent practicable, undue dis-
10 crimination against individuals with covered mental health
11 conditions (including, in particular, individuals with a
12 temporary or adolescent diagnosis of a mental health con-
13 dition and showing demonstrable improvement) through
14 such modifications to medical waiver standards and proc-
15 esses under that Instruction as the Under Secretary of
16 Defense for Personnel and Readiness, in consultation with
17 appropriate mental health practitioners, considers appro-
18 priate.

19 (b) LIBERAL CONSIDERATION OF MILITARY FAMILY
20 LIFE IN ISSUANCE OF MEDICAL WAIVER FOR MENTAL
21 HEALTH CONDITIONS.—

22 (1) IN GENERAL.—In determining whether to
23 issue a waiver of the standards for appointment, en-
24 listment, or induction in the Armed Forces for an
25 individual with a prior covered mental health condi-
26 tion who was raised (in whole or in part) in a mili-

1 tary family for purposes of authorization of the ap-
2 pointment, enlistment, or induction of such indi-
3 vidual in the Armed Forces, the Surgeon General of
4 the military department concerned shall give liberal
5 consideration in such individual's favor to the poten-
6 tial role of the challenges of military family life in
7 such condition.

8 (2) REVIEW IN CASE OF DENIAL.—

9 (A) IN GENERAL.—If an individual de-
10 scribed in paragraph (1) is denied appointment,
11 enlistment, or induction in the Armed Forces
12 based in whole or in part on a covered mental
13 health condition notwithstanding the liberal
14 consideration required by that paragraph, the
15 Secretary of the military department concerned
16 shall—

17 (i) provide for the review of the denial
18 on such basis by a qualified mental health
19 care provider; and

20 (ii) if the provider determines that the
21 denial was unwarranted, authorize the ap-
22 pointment, enlistment, or induction of the
23 individual in the Armed Forces (unless ap-
24 pointment, enlistment, or induction of the

1 individual remains unwarranted on some
2 other basis).

3 (B) MENTAL HEALTH CARE PROVIDER.—

4 For purposes of this paragraph, a mental
5 health care provider is any psychiatrist, psy-
6 chologist, mental health nurse practitioner, li-
7 censed social worker, or other licensed mental
8 health care provider in the military health sys-
9 tem.

10 (3) GUIDANCE.—Each military department
11 shall carry out this subsection in accordance with
12 guidance issued by the Secretary of such military de-
13 partment for purposes of this subsection.

14 (c) ASSESSMENTS OF FREQUENCY OF DENIAL OF
15 MEDICAL WAIVERS FOR MENTAL HEALTH CONDI-
16 TIONS.—

17 (1) IN GENERAL.—The Secretary of Defense
18 shall conduct an assessment of the medical waivers
19 of standards for appointment, enlistment, or induc-
20 tion in the Armed Forces that have been requested
21 and issued under section 5.28 of Department of De-
22 fense Instruction 6103.03 during the five-year pe-
23 riod ending on the date of the enactment of this Act
24 in order to determine whether, and the extent to
25 which, individuals with a covered mental health con-

1 dition are disproportionately denied enlistment or in-
2 duction into the Armed Forces due to such condi-
3 tion.

4 (2) ELEMENTS.—Each assessment under para-
5 graph (1) shall include the following:

6 (A) A description of the number of minor
7 military dependents whose medical records were
8 accessed in connection with requests for and
9 issuance of medical waivers as described in
10 paragraph (1).

11 (B) A description of the number of mili-
12 tary dependents who were denied appointment,
13 enlistment, or induction in the Armed Forces
14 based on information in their medical records
15 as minors.

16 (C) A description of the number of military
17 dependents enlisted or inducted into the Armed
18 Forces who have been separated or released
19 from the Armed Forces following the merger of
20 their dependent and member medical records.

21 (D) An assessment whether the policies on
22 medical waivers of the standards referred to in
23 paragraph (1) in connection with psychiatric
24 disorders deter military family members from
25 seeking mental health care.

1 (d) COVERED MENTAL HEALTH CONDITION DE-
2 FINED.—In this section, the term “covered mental health
3 condition” means a mental health condition appearing or
4 diagnosed while the individual concerned was a minor.

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