

quirement under section 1074(a) of title 10, United States Code, as added by paragraph (1), shall apply beginning 60 days after the date of the enactment of this Act [Jan. 28, 2008].”

**§ 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 120 days before the date of the deployment.

(B) Once during each 180-day period during which a member is deployed.

(C) Subject to paragraph (3) and subsection (d), once during the period beginning on the date of redeployment from the contingency operation and ending on the date that is 21 days after the date on which the post-deployment leave of the member terminates.

(D) Subject to subsection (d), not less than once annually—

(i) beginning 21 days after the date on which the post-deployment leave of the member terminates; or

(ii) if the assessment required by subparagraph (C) is performed during the period specified in paragraph (3), beginning 180 days after the date of redeployment from the contingency operation.

(2) A mental health assessment is not required for a member of the armed forces under subparagraphs (C) and (D) of paragraph (1) (including an assessment performed pursuant to paragraph (3)) if the Secretary determines that 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.

(3) A mental health assessment required under subparagraph (C) of paragraph (1) may be provided during the period beginning 90 days after the date of redeployment from the contingency operation and ending 180 days after such redeployment date if the Secretary determines that—

(A) an insufficient number of personnel are available to perform the assessment during the time period under such subparagraph; or

(B) an administrative processing issue exists upon the return of the member to the home unit or duty station that would prohibit the effective performance of the assessment during such time period.

(b) PURPOSE.—The purpose of the mental health assessments provided pursuant to this section shall be to identify post-traumatic stress disorder, suicidal tendencies, and other behavioral health conditions identified among members 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;

(ii) by personnel in deployed units whose responsibilities include providing unit health care services if such personnel are available and the use of such personnel for the assessments would not impair the capacity of such personnel to perform higher priority tasks; and

(iii) by personnel at private facilities in accordance with section 1074(c) of this title;

(B) include a person-to-person dialogue between members described in subsection (a) and the professionals or personnel described by subparagraph (A), 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 of this title, 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 individual under subparagraph (C) or (D) of subsection (a)(1) after the individual’s discharge or release from the armed forces.

(e) 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 section 1074n of this title 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 U.S.C. 1071 note), including section 1614 of such Act (122 Stat. 443; 10 U.S.C. 1071 note).

(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 is notified of the sharing of information with the Secretary of Veterans Affairs under this subsection.

(f) REGULATIONS.—(1) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

(2) Not later than 270 days after the date of the issuance of the regulations prescribed under paragraph (1), the Secretary shall notify the congressional defense committees of the implementation of the regulations by the military departments.

(Added Pub. L. 112-81, div. A, title VII, §702(a)(1), Dec. 31, 2011, 125 Stat. 1469; amended Pub. L. 112-239, div. A, title VII, §703, Jan. 2, 2013, 126 Stat. 1800; Pub. L. 113-291, div. A, title VII, §701(a)(5), (b), title X, §1071(f)(13), Dec. 19, 2014, 128 Stat. 3409, 3510; Pub. L. 115-232, div. A, title VII, §701, Aug. 13, 2018, 132 Stat. 1804; Pub. L. 116-92, div. A, title VII, §706(a)-(c), Dec. 20, 2019, 133 Stat. 1440, 1441.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (e)(1), is the date of enactment of Pub. L. 112-81, which was approved Dec. 31, 2011.

##### AMENDMENTS

2019—Subsec. (a)(1)(B). Pub. L. 116-92, §706(c), substituted “Once” for “Until January 1, 2019, once”.

Subsec. (a)(1)(C), (D). Pub. L. 116-92, §706(a), added subpars. (C) and (D) and struck out former subpars. (C) and (D) which read as follows:

“(C) Subject to subsection (d), 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 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.”

Subsec. (a)(2), (3). Pub. L. 116-92, §706(b), added pars. (2) and (3) and struck out former par. (2) which read as follows: “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.”

2018—Subsec. (a)(1)(C). Pub. L. 115-232, §701(1), substituted “Subject to subsection (d), once” for “Once”.

Subsec. (d). Pub. L. 115-232, §701(2), which directed substitution of “subparagraph (C) or (D) of subsection (a)(1)” for “subsection (a)(1)(D)”, was executed by making the substitution for “subsection (a)(1)(C)” to reflect the probable intent of Congress.

2014—Subsec. (a)(1)(B) to (D). Pub. L. 113-291, §701(b)(1)(A), added subpar. (B) and redesignated former subpars. (B) and (C) as (C) and (D), respectively.

Subsec. (a)(2). Pub. L. 113-291, §1071(f)(13), which directed substitution of “subparagraphs” for “subparagraph” in introductory provisions, could not be executed because of the prior amendment by Pub. L. 113-291, §701(b)(2). See below.

Pub. L. 113-291, §701(b)(2), substituted “subparagraphs (C) and (D)” for “subparagraph (B) and (C)” in introductory provisions.

Subsec. (c)(1)(A)(ii), (iii). Pub. L. 113-291, §701(b)(1)(B), added cl. (ii) and redesignated former cl. (ii) as (iii).

Subsec. (e)(1). Pub. L. 113-291, §701(a)(5), inserted “and section 1074n of this title” after “pursuant to this section”.

2013—Subsec. (a)(1)(C)(i). Pub. L. 112-239 substituted “18 months” for “one year”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2019 AMENDMENT

Pub. L. 116-92, div. A, title VII, §706(d), Dec. 20, 2019, 133 Stat. 1441, provided that: “The amendments made by subsections (a) and (b) [amending this section] shall apply with respect to a date of redeployment that is on or after January 1, 2020.”

##### REGULATIONS

Pub. L. 112-81, div. A, title VII, §702(a)(3), Dec. 31, 2011, 125 Stat. 1471, provided that: “The Secretary of Defense shall prescribe an interim final rule with respect to the amendment made by paragraph (1) [enacting this section], effective not later than 90 days after the date of the enactment of this Act [Dec. 31, 2011].”

#### § 1074n. Annual mental health assessments for members of the armed forces

(a) MENTAL HEALTH ASSESSMENTS.—Subject to subsection (c), not less frequently than once each calendar year (and before separation from active duty pursuant to section 1145(a)(5)(A) of this title), the Secretary of Defense shall provide a person-to-person mental health assessment for—

(1) each member of a regular component of the armed forces; and

(2) each member of the Selected Reserve of an armed force.

(b) ELEMENTS.—The mental health assessments provided pursuant to this section shall—

(1) be conducted in accordance with the requirements of subsection (c)(1) of section 1074m of this title with respect to a mental health assessment provided pursuant to such section; and

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

(c) SUFFICIENCY OF OTHER MENTAL HEALTH ASSESSMENTS.—(1) The Secretary is not required to provide a mental health assessment pursuant to this section to an individual in a calendar year in which the individual has received a mental health assessment pursuant to section 1074m of this title.

(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 of this title, as meeting the require-