

115TH CONGRESS
1ST SESSION

S. 699

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish mental and behavioral health care to certain individuals discharged or released from the active military, naval, or air service under conditions other than honorable, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2017

Mr. MURPHY (for himself, Mr. TESTER, Mrs. MURRAY, Mr. MARKEY, Mr. BLUMENTHAL, Ms. BALDWIN, Mr. BENNET, Mr. SCHATZ, and Mr. FRANKEN) introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to furnish mental and behavioral health care to certain individuals discharged or released from the active military, naval, or air service under conditions other than honorable, 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 “Honor Our Commit-
5 ment Act of 2017”.

1 **SEC. 2. ACCESS TO DEPARTMENT OF VETERANS AFFAIRS**
 2 **MENTAL AND BEHAVIORAL HEALTH CARE**
 3 **FOR CERTAIN INDIVIDUALS DISCHARGED OR**
 4 **RELEASED FROM THE ACTIVE MILITARY,**
 5 **NAVAL, OR AIR SERVICE UNDER CONDITIONS**
 6 **OTHER THAN HONORABLE.**

7 (a) IN GENERAL.—Subchapter II of chapter 17 of
 8 title 38, United States Code, is amended by inserting after
 9 section 1712C the following new section:

10 **“§ 1712D. Mental and behavioral health care for cer-**
 11 **tain individuals discharged or released**
 12 **from the active military, naval, or air**
 13 **service under conditions other than hon-**
 14 **orable**

15 “(a) IN GENERAL.—Notwithstanding section 5303(a)
 16 of this title and subject to subsection (c), the Secretary
 17 shall furnish to an eligible individual covered mental and
 18 behavioral health care.

19 “(b) ELIGIBLE INDIVIDUALS.—For purposes of this
 20 section, an eligible individual is any of the following:

21 “(1) An individual who—

22 “(A) served in the active military, naval, or
 23 air service for a period of more than 180 days
 24 and was deployed in a theater of combat oper-
 25 ations, in support of a contingency operation, or
 26 in an area at a time during which hostilities are

1 occurring in that area, for a period of more
2 than 30 days during such service;

3 “(B) was discharged or released from such
4 service by reason of committing a covered of-
5 fense; and

6 “(C) was diagnosed by a qualified mental
7 health care provider with a mental or behavioral
8 health condition before committing the covered
9 offense.

10 “(2) An individual who—

11 “(A) served in the active military, naval, or
12 air service for a period of more than 180 days
13 and was deployed in a theater of combat oper-
14 ations, in support of a contingency operation, or
15 in an area at a time during which hostilities are
16 occurring in that area, for a period of more
17 than 30 days during such service;

18 “(B) was discharged or released from such
19 service by reason of committing a covered of-
20 fense;

21 “(C) is diagnosed with a mental or behav-
22 ioral health condition after committing such
23 covered offense but before the expiration of the
24 five-year period beginning on the later of—

1 “(i) the date of the enactment of the
 2 Honor Our Commitment Act of 2017; or

3 “(ii) the date on which the individual
 4 is discharged or released from such service;
 5 “(D) submits to the Secretary—

6 “(i) a certification from a qualified
 7 mental health care provider that the pro-
 8 vider believes such condition may have led
 9 the individual to commit such offense; and
 10 “(ii) the Certificate of Release or Dis-
 11 charge from Active Duty (DD Form 214)
 12 of the individual; and

13 “(E) is determined by the Secretary pursu-
 14 ant to subsection (c) to have had a mental or
 15 behavioral health condition at the time the indi-
 16 vidual committed the covered offense that con-
 17 tributed to the commission of the offense.

18 “(c) DETERMINATION BY SECRETARY.—(1) Not later
 19 than 90 days after receiving the information submitted
 20 under subsection (b)(2)(D) with respect to an individual,
 21 the Secretary shall determine whether, at the time of com-
 22 mitting the covered offense, the individual had a mental
 23 or behavioral health condition that contributed to the com-
 24 mission of the offense.

1 “(2) If the Secretary does not make a determination
2 under paragraph (1) with respect to a mental or behav-
3 ioral health condition of an individual before the end of
4 the 90-day period beginning on the date of the submittal
5 of the information described in subsection (b)(2)(D), the
6 condition is deemed to be a mental or behavioral health
7 condition that contributed to the commission of the of-
8 fense until such time as the Secretary makes the deter-
9 mination.

10 “(d) INITIAL MENTAL HEALTH SCREENING.—(1)
11 The Secretary may furnish to each individual described
12 in paragraph (2) an initial mental health screening not
13 later than the later of—

14 “(A) five years after the date of the enactment
15 of the Honor Our Commitment Act of 2017; or

16 “(B) five years after the date on which the indi-
17 vidual was discharged or released from the active
18 military, naval, or air service.

19 “(2) Individuals described in this paragraph are the
20 following:

21 “(A) Eligible individuals described in subsection
22 (b)(1).

23 “(B) Individuals described in subparagraphs
24 (A), (B), and (C) of subsection (b)(2).

1 “(3) The mental health screening provided to an indi-
2 vidual under paragraph (1) shall be at no cost to the indi-
3 vidual.

4 “(e) NOTIFICATION OF ELIGIBILITY.—The Secretary
5 shall notify each eligible individual described in subsection
6 (b)(1) about the eligibility of the individual for covered
7 mental and behavioral health care under this section not
8 later than the later of—

9 “(1) 180 days after the date of the enactment
10 of the Honor Our Commitment Act of 2017; or

11 “(2) 180 days after the date on which the indi-
12 vidual was discharged or released from the active
13 military, naval, or air service.

14 “(f) ANNUAL REPORT.—Not less frequently than an-
15 nually, the Secretary shall submit to the Committee on
16 Veterans’ Affairs of the Senate and the Committee on Vet-
17 erans’ Affairs of the House of Representatives a report
18 that includes, with respect to the year preceding the sub-
19 mittal of the report, the following:

20 “(1) The number of eligible individuals who
21 were furnished covered mental and behavioral health
22 care under this section.

23 “(2) The number of individuals who the Sec-
24 retary determined under subsection (c) did not have
25 a mental or behavioral health condition at the time

1 of committing a covered offense that contributed to
 2 the commission of the offense.

3 “(3) The number of individuals who requested
 4 an initial mental health screening under subsection
 5 (d).

6 “(4) The number of individuals who were fur-
 7 nished an initial mental health screening under sub-
 8 section (d).

9 “(g) DEFINITIONS.—In this section:

10 “(1) The term ‘covered mental and behavioral
 11 health care’ means the same types of medical serv-
 12 ices furnished by the Department to individuals with
 13 service-connected mental or behavioral health condi-
 14 tions to treat such conditions.

15 “(2) The term ‘covered offense’ means an of-
 16 fense for which an individual is discharged or sepa-
 17 rated from the active military, naval, or air service
 18 under conditions other than honorable but not a dis-
 19 honorable discharge or a discharge by court-martial.

20 “(3) The term ‘qualified mental health care
 21 provider’ means a licensed or certified health care
 22 provider whose scope of practice includes diagnosing
 23 mental or behavioral health conditions and includes
 24 physicians, psychologists, psychiatric nurse practi-

1 tioners, physician assistants, clinical social workers,
2 and licensed professional counselors.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of chapter 17 of such title is amended
5 by inserting after the item relating to section 1712C the
6 following new item:

 “1712D. Mental and behavioral health care for certain individuals discharged
 or released from the active military, naval, or air service under
 conditions other than honorable.”.

7 (c) EFFECTIVE DATE.—Section 1712D of title 38,
8 United States Code, as added by subsection (a), shall take
9 effect on the date that is 120 days after the date of the
10 enactment of this Act.

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