

113TH CONGRESS  
1ST SESSION

# H. R. 3045

To amend title 10, United States Code, to ensure that the Secretary of Defense provides each member of the Armed Forces, before the member separates from the Armed Forces, with an electronic copy of the medical records of the member and a physical examination.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 2, 2013

Mr. O'ROURKE (for himself, Mr. COFFMAN, Mr. WALZ, Mr. STEWART, Ms. GABBARD, Mr. RUIZ, Mr. BLUMENAUER, Mr. CONYERS, Mr. SABLAN, Mr. GALLEGO, Mr. ROONEY, Mr. ENYART, and Mr. MICHAUD) introduced the following bill; which was referred to the Committee on Armed Services

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## A BILL

To amend title 10, United States Code, to ensure that the Secretary of Defense provides each member of the Armed Forces, before the member separates from the Armed Forces, with an electronic copy of the medical records of the member and a physical examination.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. TRANSMITTAL OF ELECTRONIC MEDICAL**  
2 **RECORDS TO SEPARATING MEMBERS OF THE**  
3 **ARMED FORCES.**

4 (a) IN GENERAL.—Section 1142 of title 10, United  
5 States Code, is amended—

6 (1) in subsection (c)—

7 (A) by striking “In the case” and inserting  
8 “(1) In the case”;

9 (B) by adding at the end the following new  
10 paragraph:

11 “(2)(A) The Secretary concerned shall provide to  
12 each member of the armed forces who is scheduled to be  
13 separated from the armed forces a copy of the medical  
14 records of the member (including the results of a Physical  
15 Evaluation Board or any other physical examination) in  
16 an electronic format.

17 “(B) To the extent practicable, the Secretary con-  
18 cerned shall ensure that medical records provided to a  
19 member of the National Guard under subparagraph (A)  
20 include medical records that are—

21 “(i) in connection with the service of the mem-  
22 ber in the National Guard, maintained by the Gov-  
23 ernor of the State, Commonwealth, territory, or pos-  
24 session of the United States, or in the case of the  
25 District of Columbia, the Commanding General of  
26 the National Guard of the District of Columbia; and

1           “(ii) provided to the Secretary for purposes of  
2 such subparagraph.”; and

3           (C) in the heading by striking “TO DE-  
4 PARTMENT OF VETERANS AFFAIRS”; and

5           (2) in the heading by striking “**to Depart-**  
6 **ment of Veterans Affairs**”.

7           (b) CLERICAL AMENDMENT.—The table of sections  
8 at the beginning of chapter 58 of such title is amended  
9 by striking the item relating to section 1142 and inserting  
10 the following:

“1142. Preseparation counseling; transmittal of medical records”.

11 **SEC. 2. MANDATORY PHYSICAL EXAMINATIONS OF SEPA-**  
12 **RATING MEMBERS OF THE ARMED FORCES.**

13           Section 1145 of title 10, United States Code, is  
14 amended—

15           (1) in subsection (a)(5)—

16           (A) by striking “(A) The Secretary” and  
17 inserting “The Secretary”;

18           (B) by inserting “comprehensive” after  
19 “undergo a”; and

20           (C) by striking subparagraph (B); and

21           (2) by adding at the end the following new sub-  
22 section:

23           “(f) MANDATORY PHYSICAL EXAMINATIONS FOR  
24 MEMBERS NOT OTHERWISE COVERED BY THIS SEC-  
25 TION.—(1) The Secretary concerned shall provide a com-

1 prehensive physical examination pursuant to subsection  
2 (a)(5) to each member of the armed forces who is sched-  
3 uled to be separated from the armed forces and does not  
4 otherwise receive such an examination under such sub-  
5 section.

6 “(2) A member may not be entitled to health care  
7 benefits pursuant to subsection (a), (b), or (c) solely by  
8 reason of being provided a physical examination under  
9 paragraph (1).”.

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