To amend title 10, United States Code, to improve the process by which a member of the Armed Forces may be referred for a mental health evaluation.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2020

Mr. MOULTON introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To amend title 10, United States Code, to improve the process by which a member of the Armed Forces may be referred for a mental health evaluation.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Brandon Act”.

SEC. 2. MANDATORY REFERRAL FOR MENTAL HEALTH EVALUATION.

Section 1090a of title 10, United States Code, is amended—
(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection:

“(e) PROCESS APPLICABLE TO MEMBER DISCLOSURE.—The regulations required by subsection (a) shall—

“(1) establish a phrase that enables a member of the armed forces to trigger a referral of the member by a commanding officer or supervisor for a mental health evaluation;

“(2) require a commanding officer or supervisor to make such referral as soon as practicable following disclosure by the member to the commanding officer or supervisor of the phrase established under paragraph (1); and

“(3) ensure that the process protects the confidentiality of the member in a manner similar to the confidentiality provided for members making restricted reports under section 1565b(b) of this title.”.