

116TH CONGRESS
2D SESSION

S. 4334

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 SENATE OF THE UNITED STATES

JULY 28, 2020

Ms. MCSALLY introduced the following bill; which was read twice and 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.

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 “Brandon Act”.

5 **SEC. 2. MANDATORY REFERRAL OF MEMBERS OF THE**
6 **ARMED FORCES FOR MENTAL HEALTH EVAL-**
7 **UATION.**

8 Section 1090a of title 10, United States Code, is
9 amended—

1 (1) by redesignating subsection (e) as sub-
2 section (f); and

3 (2) by inserting after subsection (d) the fol-
4 lowing new subsection:

5 “(e) PROCESS APPLICABLE TO MEMBER DISCLO-
6 SURE.—The regulations required by subsection (a) shall—

7 “(1) establish a phrase that enables a member
8 of the armed forces to trigger a referral of the mem-
9 ber by a commanding officer or supervisor for a
10 mental health evaluation;

11 “(2) require a commanding officer or supervisor
12 to make such referral as soon as practicable fol-
13 lowing disclosure by the member to the commanding
14 officer or supervisor of the phrase established under
15 paragraph (1); and

16 “(3) ensure that the referral process protects
17 the confidentiality of the member in a manner simi-
18 lar to the confidentiality provided for members mak-
19 ing restricted reports under section 1565b(b) of this
20 title.”.

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