

117TH CONGRESS 1ST SESSION

H.R.3942

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 16, 2021

Mr. Moulton (for himself, Mrs. Miller-Meeks, Mrs. Lesko, Mr. Morelle, Ms. Houlahan, Mr. Kahele, Ms. Moore of Wisconsin, Ms. Norton, Ms. Chu, and Ms. Strickland) 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.

- 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.
- This Act may be cited as the "Brandon Act".
- 5 SEC. 2. MANDATORY REFERRAL FOR MENTAL HEALTH
- 6 EVALUATION.
- 7 Section 1090a of title 10, United States Code, is
- 8 amended—

| 1 | (1) by redesignating subsection (e) as sub- |
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| 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 process protects the con- |
| 17 | fidentiality of the member in a manner similar to |
| 18 | the confidentiality provided for members making re- |
| 19 | stricted reports under section 1565b(b) of this |
| 20 | title.". |

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