

116TH CONGRESS  
2D SESSION

# H. R. 7368

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2020

Mr. MOULTON 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 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 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-  
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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