

117TH CONGRESS  
1ST SESSION

# S. 2088

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 SENATE OF THE UNITED STATES

JUNE 16, 2021

Mr. KELLY (for himself, Mr. CRAMER, and Mr. DURBIN) introduced the following bill; which was read twice and 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 OF MEMBERS OF THE**  
6 **ARMED FORCES FOR MENTAL HEALTH EVAL-**  
7 **UATION.**

8 (a) IN GENERAL.—Section 1090a of title 10, United  
9 States Code, is 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 under this sub-  
17          section protects the confidentiality of the member in  
18          a manner similar to the confidentiality provided for  
19          members making restricted reports under section  
20          1565b(b) of this title.”.

21          (b) CONFORMING AMENDMENT.—Subsection (a) of  
22          such section is amended, in the second sentence, by strik-  
23          ing “subsections (b), (c), and (d)” and inserting “this sec-  
24          tion”.

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