

**AMENDMENT TO H.R. 4310, AS REPORTED  
OFFERED BY MR. CARSON OF INDIANA**

At the end of subtitle C of title V, add the following  
new section:

1 **SEC. 5\_\_\_ . PROHIBITION ON USE OF MENTAL HEALTH**  
2 **RECORDS, ADDICTION SERVICE RECORDS,**  
3 **COUNSELING RECORDS, OR OTHER DOCU-**  
4 **MENTS REGARDING SEEKING ASSISTANCE**  
5 **WITH MENTAL HEALTH ISSUES WHEN MAK-**  
6 **ING DETERMINATIONS ABOUT PROMOTIONS.**

7 (a) PROHIBITION.—Except as provided in subsection  
8 (b), when making determinations about promotions or sep-  
9 arations, a promotion board may not request, review, or  
10 consider—

11 (1) the mental health records, addiction service  
12 records, counseling records, or any other documents  
13 concerning the pursuit of assistance with mental  
14 health issues, ongoing or past, of a member of the  
15 Armed Forces; or

16 (2) information contained in any of these  
17 records or documents whether provided by word of  
18 mouth or in writing from commanding officers, non-  
19 commissioned officers, or any other individual.

1 (b) LIMITED EXCEPTION.—The Secretary of Defense  
2 shall establish a process by which a member of the Armed  
3 Forces can be excluded from the prohibition and the  
4 records and information described in subsection (a) con-  
5 sidered, if—

6 (1) the member is being considered for a dis-  
7 charge from the Armed Forces based on a severe or  
8 untreatable mental health disorder;

9 (2) a physician determines that the member  
10 could be a danger to himself or herself or other per-  
11 sons as a result of a mental health issue that is un-  
12 resolved or untreated before the board meets;

13 (3) a physician determines that the member will  
14 be unable to complete the duties and responsibilities  
15 associated with the advancement in rank being con-  
16 sidered by a promotion board as a result of a mental  
17 health issue that is unresolved or untreated before  
18 the board meets; or

19 (4) the member consents to consideration of the  
20 records or information, such as to explain negative  
21 actions considered by a promotion board connected  
22 with a mental health issue that has been treated.

23 (c) NOTIFICATION.—The Secretary of Defense shall  
24 ensure that notification of the prohibition imposed by sub-  
25 section (a), and the limited exception provided by sub-

1 section (b), is made available to members of the Armed  
2 Forces not later than 90 days after the date of the enact-  
3 ment of this Act.

