

110TH CONGRESS  
2D SESSION

# S. 2772

To amend title 10, United States Code, to provide for the investigation of suicides committed by members of the Armed Forces, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 13, 2008

Mr. LIEBERMAN (for himself and Mrs. BOXER) 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 provide for the investigation of suicides committed by members of the Armed Forces, and for other purposes.

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. INVESTIGATIONS OF SUICIDES COMMITTED BY**  
4 **MEMBERS OF THE ARMED FORCES.**

5 (a) INVESTIGATIONS REQUIRED.—

6 (1) IN GENERAL.—Chapter 80 of title 10,  
7 United States Code, is amended by adding at the  
8 end the following new section:

1   **“§ 1567. Investigations of suicides committed by mem-**  
2                   **bers of the Armed Forces**

3           “(a) IN GENERAL.—In the event of a suicide by a  
4 member of the Armed Forces on active duty, the Secretary  
5 concerned shall provide for the conduct of an investigation  
6 into the suicide in accordance with this section.

7           “(b) SUICIDE INVESTIGATION BOARD.—(1) Each in-  
8 vestigation into a suicide under this section shall be con-  
9 ducted by a board (to be known as a ‘suicide investigation  
10 board’) established by the Secretary concerned for pur-  
11 poses of the investigation.

12          “(2) The head of a suicide investigation board under  
13 this subsection shall be a commissioned officer of the  
14 Armed Forces concerned on active duty in the grade of  
15 brigadier general or higher, or rear admiral (lower half)  
16 or higher in the case of the Navy, who is assigned for  
17 that purpose by the Secretary concerned.

18          “(3) Each suicide investigation board under this sub-  
19 section shall consist of four additional commissioned offi-  
20 cers on active duty, who are outside the chain of command  
21 of the member of the Armed Forces who committed sui-  
22 cide, who are assigned for that purpose by the Secretary  
23 concerned.

24          “(c) INVESTIGATIONS.—(1) The suicide investigation  
25 board established under subsection (b) shall conduct a  
26 thorough investigation of the causes contributing to the

1 suicide, including an examination and assessment of ac-  
2 tions that could have been taken to prevent the suicide.

3 “(2)(A) Each investigation under this subsection  
4 shall be conducted in accordance with such procedures as  
5 the Secretary concerned shall prescribe in regulations. The  
6 Secretary of Defense shall ensure, to the extent prac-  
7 ticable, that the procedures prescribed for purposes of this  
8 paragraph are uniform across the military departments.

9 “(B) The procedures under subparagraph (A) shall  
10 include mechanisms to preserve and protect the privacy  
11 and confidentiality of individuals concerned with or par-  
12 ticipating in investigations under this section, and shall  
13 be separate from any criminal investigation.

14 “(C) The Secretary concerned shall take appropriate  
15 actions to ensure that members of the Armed Forces as-  
16 signed to a board under this section are proficient with  
17 the procedures applicable to the board under this para-  
18 graph before their participation in a suicide investigation  
19 board.

20 “(3)(A) No person or authority may censure, rep-  
21 rimand, or admonish a board conducting an investigation  
22 under this section, or the head or any member of the  
23 board, with respect to the actions of the board in con-  
24 ducting the investigation or with the findings or rec-  
25 ommendations of the board as a result of the investigation.

1       “(B) No person or authority may attempt to coerce,  
2 or by any unauthorized means, influence the action of a  
3 board conducting an investigation under this section, or  
4 the head or any member of the board, in reaching the find-  
5 ings or recommendations of the board as a result of the  
6 investigation.

7       “(4) A board’s investigation of a suicide under this  
8 section shall, to the extent practicable, be completed not  
9 later than 30 days after the date of the suicide.

10       “(d) CONSTRUCTION WITH OTHER INVESTIGA-  
11 TIONS.—The investigation of a suicide under this section  
12 is in addition to any other investigation, including any in-  
13 vestigation for criminal purposes, otherwise authorized or  
14 required by law.

15       “(e) REPORTS ON INVESTIGATIONS.—(1) Each board  
16 conducting an investigation under this section into the sui-  
17 cide of a member of the Armed Forces shall submit to  
18 the Secretary concerned reports as follows:

19               “(A) An interim report, not later than 30 days  
20 after the date of the suicide of the member, setting  
21 forth the preliminary findings of the board as a re-  
22 sult of the investigation as of the date of such re-  
23 port.

24               “(B) A final report, not later than 60 days  
25 after the date of the suicide of the member, setting

1       forth the final findings and recommendations of the  
2       board as a result of the investigation.

3       “(2) The recommendations of a board under para-  
4 graph (1)(B) may include such recommendations as the  
5 board considers appropriate for actions to be taken in  
6 order to reduce the incidence of suicide in members of the  
7 Armed Forces.

8       “(3) A board conducting an investigation may at any  
9 time submit to the Secretary concerned such other find-  
10 ings or recommendations as the board considers appro-  
11 priate in order to reduce the incidence of suicide in mem-  
12 bers of the Armed Forces.

13       “(4) A report under this subsection may not be treat-  
14 ed as a public document and, except as provided in sub-  
15 section (f), may not be released to the public.

16       “(f) PUBLIC SUMMARIES OF REPORTS ON INVES-  
17 TIGATIONS.—(1) Not later than 60 days after the receipt  
18 of a final report of a board under subsection (e)(1)(B)  
19 on an investigation under this section, the Secretary con-  
20 cerned shall make available to the public a summary of  
21 the report, including the findings and recommendation of  
22 the board as a result of the investigation. The summary  
23 shall, upon the request of any individual concerned with  
24 or participating in the investigation, redact any personal  
25 information of the individual, and shall redact such other

1 personal and other information as the Secretary concerned  
2 considers appropriate to preserve the privacy, confiden-  
3 tiality, and integrity of the proceedings of the investigation  
4 and of investigations generally under this section.

5 “(2) The Secretary concerned shall permit public  
6 comment on each summary made public under paragraph  
7 (1) during the 45-day period beginning on the date such  
8 summary is made public.

9 “(3) The Secretary concerned shall provide for the  
10 review of any public comments received on a summary  
11 under paragraph (2) by such independent party as the  
12 Secretary shall select for purposes of the review.

13 “(g) DEPARTMENT OF DEFENSE-WIDE ACTIONS.—  
14 (1) The Secretary concerned shall transmit each report  
15 submitted to such Secretary under subsection (e)(1)(B),  
16 and any report submitted to such Secretary under sub-  
17 section (e)(3), to the Assistant Secretary of Defense for  
18 Health Affairs.

19 “(2) The Assistant Secretary shall take appropriate  
20 actions to ensure the dissemination throughout the De-  
21 partment of Defense of any findings and recommendations  
22 in the reports submitted to the Assistant Secretary under  
23 paragraph (1) that the Assistant Secretary considers ap-  
24 propriate to reduce the incidence of suicide in members  
25 of the Armed Forces.

1       “(3) The Assistant Secretary shall take appropriate  
 2 actions to ensure the implementation of the findings and  
 3 recommendations disseminated under paragraph (2). Such  
 4 actions shall include the following:

5               “(A) The establishment and maintenance of an  
 6 electronic database for monitoring the implementa-  
 7 tion of such findings and recommendations.

8               “(B) A requirement that all officials responsible  
 9 for implementing such recommendations update the  
 10 Assistant Secretary, not less often than once every  
 11 six months, on the current status of the implementa-  
 12 tion of such recommendations.

13       “(4) Not less often than once every six months, each  
 14 Secretary concerned shall, in coordination with the Assist-  
 15 ant Secretary, update any programs and activities of the  
 16 department concerned relating to the prevention of suicide  
 17 in members of the Armed Forces in order to ensure that  
 18 such programs and activities incorporate the recommenda-  
 19 tions of investigations conducted under this section and  
 20 such other matters as are appropriate to reduce the inci-  
 21 dence of suicide in members of the Armed Forces.”.

22               (2) CLERICAL AMENDMENT.—The table of sec-  
 23 tions at the beginning of chapter 80 of such title is  
 24 amended by adding at the end the following new  
 25 item:

“1567. Investigations of suicides committed by members of the Armed Forces.”.

1       (b) REGULATIONS.—The regulations required under  
2 section 1567 of title 10, United States Code (as added  
3 by subsection (a)), shall be prescribed not later than 90  
4 days after the date of the enactment of this Act.

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