

NDAA 2013 Authorizes Suicide Prevention Program for National Guard and Reserve

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9.0—Miscellaneous

On January 2, 2013, President Obama signed into law the National Defense Authorization Act for Fiscal Year 2013 (NDAA 2013). Section 581 of this new law adds a new section 10219 to title 10 of the United States Code. This new section authorizes the creation of a suicide prevention program for members of the National Guard and Reserve. Here is the new section in its entirety:

“§ 10219. Suicide prevention and resilience program

“(a) PROGRAM REQUIREMENT.—The Secretary of Defense shall establish and carry out a program to provide members of the National Guard and Reserves and their families with training in suicide prevention, resilience, and community healing and response to suicide,

¹I invite the reader’s attention to <https://www.roa.org/page/LawCenter>. You will find more than 2000 “Law Review” articles about the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Servicemembers Civil Relief Act (SCRA), the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), the Uniformed Services Former Spouse Protection Act (USFSPA), and other laws that are especially pertinent to those who serve our country in uniform. You will also find a detailed Subject Index, to facilitate finding articles about specific topics. The Reserve Officers Association, now doing business as the Reserve Organization of America (ROA), initiated this column in 1997.

²BA 1973 Northwestern University, JD (law degree) 1976 University of Houston, LLM (advanced law degree) 1980 Georgetown University. I served in the Navy and Navy Reserve as a Judge Advocate General’s Corps officer and retired in 2007. I am a life member of ROA. For 43 years, I have worked with volunteers around the country to reform absentee voting laws and procedures to facilitate the enfranchisement of the brave young men and women who serve our country in uniform. I have also dealt with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Veterans’ Reemployment Rights Act (VRRA—the 1940 version of the federal reemployment statute) for 36 years. I developed the interest and expertise in this law during the decade (1982-92) that I worked for the United States Department of Labor (DOL) as an attorney. Together with one other DOL attorney (Susan M. Webman), I largely drafted the proposed VRRA rewrite that President George H.W. Bush presented to Congress, as his proposal, in February 1991. On 10/13/1994, President Bill Clinton signed into law USERRA, Public Law 103-353, 108 Stat. 3162. The version of USERRA that President Clinton signed in 1994 was 85% the same as the Webman-Wright draft. USERRA is codified in title 38 of the United States Code at sections 4301 through 4335 (38 U.S.C. 4301-35). I have also dealt with the VRRA and USERRA as a judge advocate in the Navy and Navy Reserve, as an attorney for the Department of Defense (DOD) organization called Employer Support of the Guard and Reserve (ESGR), as an attorney for the United States Office of Special Counsel (OSC), as an attorney in private practice, and as the Director of the Service Members Law Center (SMLC), as a full-time employee of ROA, for six years (2009-15). Please see Law Review 15052 (June 2015), concerning the accomplishments of the SMLC. My paid employment with ROA ended 5/31/2015, but I have continued the work of the SMLC as a volunteer. You can reach me by e-mail at SWright@roa.org.

including provision of such training at Yellow Ribbon Reintegration Program events and activities authorized under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note).

“(b) SUICIDE PREVENTION TRAINING.—Under the program, the Secretary shall provide members of the National Guard and Reserves with training in suicide prevention. Such training may include—

“(1) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

“(2) examining the influence of military culture on risk and protective factors for suicide; and

“(3) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

“(c) COMMUNITY RESPONSE TRAINING.—Under the program, the Secretary shall provide the families and communities of members of the National Guard and Reserves with training in responses to suicide that promote individual and community healing. Such training may include—

“(1) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

“(2) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

“(3) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

“(4) managing resources to assist key community and military service providers in helping the families, friends, and fellow servicemembers of a suicide victim through the processes of grieving and healing.

“(d) COMMUNITY TRAINING ASSISTANCE.—The program shall include the provision of assistance with such training to the local communities of those servicemembers and families, to be provided in coordination with local community programs.

“(e) COLLABORATION.—In carrying out the program, the Secretary shall collect and analyze ‘lessons learned’ and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.

“(f) TERMINATION.—The program under this section shall terminate on October 1, 2017.”.

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10 U.S.C. § 10219 has been amended several times such that the program has not been terminated. The termination provision now reads as follows:

(g) **Triennial evaluation.** — The Secretary shall evaluate the program every third year beginning in 2022 until the program terminates to determine whether the program effectively—

- (1) provides training and assistance under subsection s(b), (c), and (d); and
- (2) implements subsection (e).

10 U.S.C. § 10219(g)

Additionally, 10 U.S.C. § 10219 added a section discussing outreach for certain members of the reserve components. The section reads as follows:

(f) **Outreach for certain members of the reserve components.** — (1) Upon the request of an adjutant general of a State, the Secretary may share with the adjutant general the contact information of members described in paragraph (2) who reside in such State in order for the adjutant general to include such members in suicide prevention efforts conducted under this section.

(2) Members described in this paragraph are—

- (A) members of the Individual Ready Reserve; and
- (B) members of a reserve component who are individual mobilization augmentees.

10 U.S.C. § 10219(f)

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