

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 1137

To establish the Law Enforcement Mental Health and Wellness Program, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mr. PETERS

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “DHS Suicide Prevention and Resiliency for Law Enforcement Act”.

6 **SEC. 2. DEPARTMENT OF HOMELAND SECURITY SUICIDE**

7 **PREVENTION AND RESILIENCY FOR LAW EN-**

8 **FORCEMENT.**

9 (a) IN GENERAL.—Title VII of the Homeland Security Act of 2002 (6 U.S.C. 341 et seq.) is amended by
10 inserting after section 710 the following:
11

1 **“SEC. 710A. SUICIDE PREVENTION AND RESILIENCY FOR**
2 **LAW ENFORCEMENT.**

3 “(a) DEFINITIONS.—

4 “(1) DEPARTMENT OF HOMELAND SECURITY
5 COMPONENT.—The term ‘Department of Homeland
6 Security component’ means—

7 “(A) U.S. Customs and Border Protection;

8 “(B) U.S. Immigration and Customs En-
9 forcement;

10 “(C) the Office of the Inspector General of
11 the Department of Homeland Security;

12 “(D) the United States Coast Guard;

13 “(E) the United States Secret Service;

14 “(F) the Transportation Security Adminis-
15 tration; and

16 “(G) any other Department of Homeland
17 Security component or office with law enforce-
18 ment officers or agents.

19 “(2) PROGRAM.—The term ‘Program’ means
20 the Law Enforcement Mental Health and Wellness
21 Program established pursuant to subsection (b).

22 “(b) LAW ENFORCEMENT MENTAL HEALTH AND
23 WELLNESS PROGRAM.—

24 “(1) ESTABLISHMENT.—

25 “(A) IN GENERAL.—The Secretary shall
26 establish, within the office overseen by the

1 Chief Medical Officer, the Law Enforcement
2 Mental Health and Wellness Program.

3 “(B) PURPOSE.—The purpose of the Pro-
4 gram shall be to provide a comprehensive ap-
5 proach to address the mental health and
6 wellness of Department of Homeland Security
7 law enforcement agents and officers.

8 “(C) ADMINISTRATION.—The Secretary,
9 working through the Program, shall—

10 “(i) establish and maintain policies
11 and standard operating procedures, con-
12 sistent with best evidence-based practices,
13 that detail the authority, roles, and respon-
14 sibilities of the Program;

15 “(ii) conduct data collection and re-
16 search on mental health, suicides, and, to
17 the extent possible, attempted suicides, of
18 law enforcement personnel within the De-
19 partment of Homeland Security, in accord-
20 ance with section 552a of title 5, United
21 States Code (commonly known as the Pri-
22 vacy Act of 1974), section 501 of the Re-
23 habilitation Act of 1973 (29 U.S.C. 791),
24 the Department of Homeland Security’s di-
25 rectives and policies, section 1128E of the

1 Social Security Act (42 U.S.C. 1320a–7e),
2 and section 2(a) of the Law Enforcement
3 Suicide Data Collection Act (Public Law
4 116–143);

5 “(iii) track current trends and leading
6 practices from other governmental and
7 nongovernmental organizations for law en-
8 forcement mental health and wellness;

9 “(iv) evaluate current mental health
10 and resiliency programs within Depart-
11 ment of Homeland Security components;

12 “(v) promote education and training
13 related to mental health, resilience, suicide
14 prevention, stigma, and mental health re-
15 sources to raise mental health awareness
16 and to support the needs of supervisors,
17 clinicians, care-givers, peer support mem-
18 bers, chaplains, and those who have been
19 exposed to trauma;

20 “(vi) establish partnerships with faith-
21 based organizations, community-based or-
22 ganizations, counseling programs, or other
23 social service programs that provide mental
24 health and suicide prevention support serv-
25 ices;

1 “(vii) establish the Peer-to-Peer Sup-
2 port Program Advisory Council, which
3 shall—

4 “(I) include at least 1 licensed
5 clinician and at least 1 official with
6 requisite and relevant training and ex-
7 perience in peer support for law en-
8 forcement personnel from each De-
9 partment of Homeland Security com-
10 ponent;

11 “(II) evaluate component peer
12 support programs;

13 “(III) identify and address any
14 potential deficiencies, limitations, and
15 gaps;

16 “(IV) provide for sharing of lead-
17 ing practices or best practices, includ-
18 ing internationally recognized peer
19 support standards of care protocols;

20 “(V) create a peer support net-
21 work that enables the sharing of
22 trained peer support personnel, chap-
23 lains, and other peer-to-peer personnel
24 across Department of Homeland Se-
25 curity components, and may also in-

1 “(ix) work with law enforcement men-
2 tal health and wellness program officials of
3 Department of Homeland Security compo-
4 nents (which shall include peer support-
5 trained personnel, agency mental health
6 professionals, chaplains, and, for compo-
7 nents with employees having an exclusive
8 representative, the exclusive representative
9 with respect to such program) to imple-
10 ment new policies, procedures, and pro-
11 grams that may be necessary based on
12 findings from data collection, research, and
13 evaluation efforts; and

14 “(x) conduct regular outreach and
15 messaging, across Department of Home-
16 land Security components, of available
17 training opportunities and resources.

18 “(D) CONFIDENTIALITY; LIMITATION.—

19 “(i) CONFIDENTIALITY.—Actions de-
20 scribed in subparagraph (C) may not—

21 “(I) include the publication of
22 any personally identifiable informa-
23 tion; or

1 “(II) compel any employee to
2 provide any information for the pur-
3 poses of this subsection.

4 “(ii) LIMITATION.—Personally identi-
5 fiable information collected pursuant to
6 subparagraph (C) may not be used for any
7 purpose other than the implementation of
8 this section unless otherwise permitted
9 under applicable law. Any personally iden-
10 tifiable information that is collected, main-
11 tained, or used pursuant to this section is
12 subject to applicable public nondisclosure
13 requirements, including sections 552 and
14 552a of title 5, United States Code.

15 “(E) PERSONNEL.—

16 “(i) MANAGEMENT.—The Workplace
17 Health and Wellness Coordinator of the
18 Department, under the direction of the
19 Chief Medical Officer of the Department,
20 shall be responsible for the ongoing man-
21 agement of the Program.

22 “(ii) MINIMUM CORE PERSONNEL RE-
23 QUIREMENTS.—Subject to appropriations,
24 the Secretary shall ensure that the Pro-
25 gram is staffed with the number of em-

1 employees that the Chief Medical Officer de-
2 termines to be necessary to carry out the
3 duties described in subparagraph (C), in-
4 cluding representatives from each Depart-
5 ment of Homeland Security component
6 and the Office of the Chief Privacy Officer.

7 “(2) DIRECTIVE.—Not later than 180 days
8 after the date of the enactment of the DHS Suicide
9 Prevention and Resiliency for Law Enforcement Act,
10 the Chief Medical Officer of the Department shall—

11 “(A) issue a directive or policy that out-
12 lines the roles and responsibilities of the Pro-
13 gram; and

14 “(B) distribute such directive or policy
15 among all Department personnel.

16 “(c) COORDINATION.—The Chief Medical Officer of
17 the Department shall require the Program to regularly co-
18 ordinate with the Department of Homeland Security com-
19 ponents by assigning at least 1 official from each such
20 component to the Program for the purpose of coordinating
21 with field points of contact who are responsible for car-
22 rying out duties within Department mental health and
23 wellness programs.

24 “(d) DEPARTMENT OF HOMELAND SECURITY COM-
25 PONENTS.—The Secretary shall require the head of each

1 Department of Homeland Security component to prioritize
2 and improve mental health and wellness programs, which
3 may include other Department of Homeland Security com-
4 ponent personnel, that—

5 “(1) provide adequate resources for law enforce-
6 ment mental health, well-being, resilience, and sui-
7 cide prevention programs and research;

8 “(2) promote a culture that reduces the stigma
9 of seeking mental health assistance through regular
10 messaging, training, and raising mental health
11 awareness;

12 “(3) offer several avenues of seeking mental
13 health or counseling assistance, both within the De-
14 partment of Homeland Security component and
15 through private sources, which may include faith-
16 based organizations, community-based organizations,
17 counseling programs, and other social service pro-
18 grams, that provide for anonymity and include ac-
19 cess to external mental health clinicians;

20 “(4) review and revise relevant policies of De-
21 partment of Homeland Security components that in-
22 advertently deter personnel from seeking mental
23 health assistance;

24 “(5) ensure that such programs include safe-
25 guards against adverse action by such component

1 with respect to any employee solely because such em-
2 ployee self identifies a need for psychological health
3 counseling or assistance or receives such counseling
4 or assistance;

5 “(6) ensure that such programs include safe-
6 guards regarding automatic referrals for employ-
7 ment-related examinations or inquiries that are
8 based solely on an employee who self identifies a
9 need for psychological health counseling or assist-
10 ance or receives such counseling or assistance, ex-
11 cept that such safeguards shall not prevent a compo-
12 nent referral to evaluate an employee’s ability to
13 meet established medical or psychological standards
14 by such component or to evaluate an employee’s na-
15 tional security eligibility;

16 “(7) implement policies that require in-person
17 or live and interactive virtual suicide awareness and
18 law enforcement resiliency training for law enforce-
19 ment officers and agents;

20 “(8) make such training available, as appro-
21 priate, to other personnel—

22 “(A) upon the commencement of their em-
23 ployment with the Department of Homeland
24 Security;

1 “(B) on an annual basis during such em-
2 ployment;

3 “(C) during such employees’ transition
4 into a supervisory role; and

5 “(D) if feasible, shortly before the officer,
6 agent, or other Department of Homeland Secu-
7 rity component personnel terminates his or her
8 employment with the Department, if such indi-
9 vidual elects to participate; and

10 “(9) include prevention and awareness training
11 opportunities and support services for families of of-
12 ficers, agents, and other Department of Homeland
13 Security component personnel.

14 “(e) DATA COLLECTION AND EVALUATION.—

15 “(1) ASSESSMENT OF EFFECTIVENESS OF LAW
16 ENFORCEMENT HEALTH AND WELLNESS PRO-
17 GRAMS.—The Workplace Health and Wellness Coor-
18 dinator, under the direction of the Chief Medical Of-
19 ficer of the Department—

20 “(A) shall develop criteria to assess the ef-
21 fectiveness of law enforcement health and
22 wellness programs carried out by the Depart-
23 ment;

24 “(B) shall conduct annual confidential sur-
25 veys of law enforcement agents and officers

1 within Department of Homeland Security com-
2 ponents to assist in evaluating the effectiveness
3 of law enforcement health and wellness pro-
4 grams in accordance with the criteria developed
5 pursuant to subparagraph (A);

6 “(C) shall ensure that the surveys con-
7 ducted pursuant to subparagraph (B)—

8 “(i) incorporate leading practices in
9 questionnaire and survey design and devel-
10 opment; and

11 “(ii) establish a baseline and subse-
12 quently measure change over time; and

13 “(D) may utilize contractor support in car-
14 rying out the duties described in subparagraphs
15 (A) through (C).

16 “(2) RECOMMENDATIONS.—The Chief Medical
17 Officer of the Department shall provide rec-
18 ommendations to Department of Homeland Security
19 components based on the evaluation of programs
20 and the results of the surveys conducted pursuant to
21 paragraph (1)(B).

22 “(3) INCIDENT REPORTS.—Each Department of
23 Homeland Security component shall report to the
24 Workplace Health and Wellness Coordinator inci-
25 dents of suicide involving law enforcement officers

1 and agents and any data consistent with data col-
2 lected under section 2(a) of the Law Enforcement
3 Suicide Data Collection Act (Public Law 116–143).
4 The Workplace Health and Wellness Coordinator
5 shall forward such information to the Law Enforce-
6 ment Officers Suicide Data Collection Program es-
7 tablished pursuant to such section.

8 “(4) CONFIDENTIALITY; LIMITATION.—

9 “(A) CONFIDENTIALITY.—Activities de-
10 scribed in paragraph (1) or reporting described
11 under paragraph (3) may not include the publi-
12 cation of any personally identifiable informa-
13 tion.

14 “(B) LIMITATION.—Personally identifiable
15 information collected pursuant to paragraph (1)
16 may not be used for any purpose other than the
17 implementation of this section unless otherwise
18 permitted under applicable law. Any personally
19 identifiable information that is collected, main-
20 tained, or used pursuant to this section is sub-
21 ject to applicable public nondisclosure require-
22 ments, including sections 552 and 552a of title
23 5, United States Code.

24 “(f) BRIEFING.—Not later than 180 days after the
25 date of the enactment of the DHS Suicide Prevention and

1 Resiliency for Law Enforcement Act, and annually there-
2 after through fiscal year 2027, the Chief Medical Officer
3 of the Department shall provide a briefing to the Com-
4 mittee on Homeland Security and Governmental Affairs
5 of the Senate and the Committee on Homeland Security
6 of the House of Representatives regarding the implemen-
7 tation of the requirements described in this section.

8 “(g) VOLUNTARY PARTICIPATION; CLARIFICATION.—
9 Participation in any program, survey, or data collection
10 conducted under this section is voluntary.

11 “(h) RULE OF CONSTRUCTION.—Notwithstanding
12 any provision of this section, the Secretary may provide
13 services under the Program to any employee of the De-
14 partment.”.

15 (b) CLERICAL AMENDMENT.—The table of contents
16 in section 1(b) of the Homeland Security Act of 2002
17 (Public Law 107–296) is amended by inserting after the
18 item relating to section 710 the following:

“Sec. 710A. Suicide prevention and resiliency for law enforcement.”.