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(Original Signature of Member)

116TH CONGRESS
1ST SESSION

H. R. _____

To expand and improve access to trauma-informed mental health interventions for newly arriving immigrants at the border, to alleviate the stress of and provide education for border agents, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. NAPOLITANO introduced the following bill; which was referred to the Committee on _____

A BILL

To expand and improve access to trauma-informed mental health interventions for newly arriving immigrants at the border, to alleviate the stress of and provide education for border agents, 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. SHORT TITLE.**

4 This Act may be cited as the “Immigrants’ Mental
5 Health Act of 2020”.

1 **SEC. 2. TRAINING FOR CERTAIN CBP PERSONNEL IN MEN-**
2 **TAL HEALTH ISSUES.**

3 (a) TRAINING TO IDENTIFY RISK FACTORS AND
4 WARNING SIGNS IN IMMIGRANTS AND REFUGEES.—

5 (1) IN GENERAL.—The Commissioner of U.S.
6 Customs and Border Protection, in consultation with
7 the Assistant Secretary for Mental Health and Sub-
8 stance Use, the Administrator of the Health Re-
9 sources and Services Administration, and nongovern-
10 mental experts in the delivery of health care in hu-
11 manitarian crises and in the delivery of health care
12 to children, shall develop and implement a training
13 curriculum for U.S. Customs and Border Protection
14 agents and officers assigned to U.S. Customs and
15 Border Protection facilities to enable such agents
16 and officers to identify the risk factors and warning
17 signs in immigrants and refugees of mental health
18 issues relating to trauma.

19 (2) REQUIREMENTS.—The training curriculum
20 described in paragraph (1) shall—

21 (A) apply to all U.S. Customs and Border
22 Protection agents and officers working at U.S.
23 Customs and Border Protection facilities;

24 (B) provide for crisis intervention using a
25 trauma-informed approach; and

1 (C) provide for mental health screenings
2 for immigrants and refugees arriving at the
3 border in their preferred language or with ap-
4 propriate language assistance.

5 (b) TRAINING TO ADDRESS MENTAL HEALTH AND
6 WELLNESS OF CBP AGENTS AND OFFICERS.—

7 (1) IN GENERAL.—The Commissioner of U.S.
8 Customs and Border Protection, in consultation with
9 the Assistant Secretary for Mental Health and Sub-
10 stance Use, the Administrator of the Health Re-
11 sources and Services Administration, and nongovern-
12 mental experts in the delivery of mental health care,
13 shall develop and implement a training curriculum
14 for U.S. Customs and Border Protection agents and
15 officers assigned to U.S. Customs and Border Pro-
16 tection facilities to address the mental health and
17 wellness of individuals working at such facilities.

18 (2) REQUIREMENT.—The training curriculum
19 described in paragraph (1) shall be designed to help
20 U.S. Customs and Border Protection agents and of-
21 ficers working at U.S. Customs and Border Protec-
22 tion facilities to—

23 (A) better manage their own stress and the
24 stress of their coworkers; and

1 (B) be more aware of the psychological
2 pressures experienced during their jobs.

3 (c) ANNUAL REVIEW OF TRAINING.—Beginning with
4 respect to fiscal year 2022, the Assistant Secretary for
5 Mental Health and Substance Use shall—

6 (1) conduct an annual review of the training
7 implemented pursuant to subsections (a) and (b);
8 and

9 (2) submit the results of each such review, in-
10 cluding any recommendations for improvement of
11 such training, to—

12 (A) to the Commissioner of U.S. Customs
13 and Border Protection; and

14 (B) the Committees on Appropriations,
15 Energy and Commerce, Homeland Security,
16 and Judiciary of the House of Representatives
17 and the Committees on Appropriations, Health,
18 Education, Labor, and Pensions, and Homeland
19 Security and Governmental Affairs of the Sen-
20 ate.

21 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
22 out this section, there is authorized to be appropriated—

23 (1) for fiscal year 2021, \$50,000 to develop the
24 training under subsections and (a) and (b); and

1 (2) for each of fiscal years 2022 through
2 2026—

3 (A) \$20,000 to implement such training
4 pursuant to subsections (a) and (b); and

5 (B) such sums as may be necessary to re-
6 view and make recommendations for such train-
7 ing pursuant to subsection (c).

8 **SEC. 3. STAFFING BORDER FACILITIES AND DETENTION**
9 **CENTERS.**

10 (a) **IN GENERAL.**—To adequately evaluate the men-
11 tal health needs of immigrants, refugees, border patrol
12 agents, and staff, the Commissioner of U.S. Customs and
13 Border Protection shall assign at least one qualified men-
14 tal or behavioral health expert to each U.S. Customs and
15 Border Protection facility.

16 (b) **QUALIFICATIONS.**—To be qualified for purposes
17 of subsection (a), a mental or behavioral health expert
18 shall be—

19 (1) bilingual;

20 (2) well-versed in culturally appropriate and
21 trauma-informed interventions; and

22 (3) have particular expertise in child or adoles-
23 cent mental health or family mental health.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—To carry
2 out this section, there is authorized to be appropriated
3 \$3,000,000 for each of fiscal years 2021 through 2025.

4 **SEC. 4. NO SHARING OF DEPARTMENT OF HEALTH AND**
5 **HUMAN SERVICES MENTAL HEALTH INFOR-**
6 **MATION FOR ASYLUM DETERMINATIONS, IM-**
7 **MIGRATION HEARINGS, OR DEPORTATION**
8 **PROCEEDINGS.**

9 The officers, employees, and agents of the Depart-
10 ment of Health and Human Services, including the Office
11 of Refugee Resettlement, may not share with the Depart-
12 ment of Homeland Security, and the officers, employees,
13 and agents of the Department of Homeland Security may
14 not request or receive from the Department of Health and
15 Human Services, for the purposes of an asylum deter-
16 mination, immigration hearing, or deportation proceeding,
17 any information or record that—

18 (1) concerns the mental health of an alien; and

19 (2) was obtained or produced by a mental or
20 behavioral health professional while the alien was in
21 a shelter or otherwise in the custody of the Federal
22 Government.

23 **SEC. 5. DEFINITIONS.**

24 In this Act:

1 (1) The term “U.S. Customs and Border Pro-
2 tection facility” means any of the following facilities
3 that typically detain migrants on behalf of U.S. Cus-
4 toms and Border Protection:

5 (A) U.S. Border Patrol stations.

6 (B) Ports of entry.

7 (C) Checkpoints.

8 (D) Forward operating bases.

9 (E) Secondary inspection areas.

10 (F) Short-term custody facilities.

11 (2) The term “forward operating base” means
12 a permanent facility established by U.S. Customs
13 and Border Protection in forward or remote loca-
14 tions, and designated as such by U.S. Customs and
15 Border Protection.