

118TH CONGRESS  
1ST SESSION

# H. R. 4954

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.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2023

Mrs. NAPOLITANO (for herself, Ms. NORTON, Ms. BONAMICI, Mr. GRIJALVA, Ms. SALINAS, Mr. VARGAS, and Ms. GARCIA of Texas) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## 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 2023”.

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 2025, 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) 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 the Judiciary of the House of Representa-  
17 tives and the Committees on Appropriations,  
18 Health, Education, Labor, and Pensions, and  
19 Homeland Security and Governmental Affairs  
20 of the Senate.

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

23 (1) for fiscal year 2024, \$50,000 to develop the  
24 training under subsections (a) and (b); and

1           (2) for each of fiscal years 2025 through  
2           2029—

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 2024 through 2028.

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.

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