

Union Calendar No. 189

118TH CONGRESS
1ST SESSION

H. R. 2577

[Report No. 118-237]

To amend the Homeland Security Act of 2002 to establish the Law Enforcement Mental Health and Wellness Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2023

Mr. THOMPSON of Mississippi (for himself and Mr. GARBARINO) introduced the following bill; which was referred to the Committee on Homeland Security

OCTOBER 2, 2023

Additional sponsors: Mr. IVEY, Mr. FITZPATRICK, Ms. SCANLON, Ms. TITUS, Ms. TOKUDA, Mr. HIGGINS of New York, Ms. WASSERMAN SCHULTZ, Mr. KIM of New Jersey, Mr. THANEDAR, Mr. VASQUEZ, Mr. CASE, Mr. TRONE, Ms. ROSS, and Mr. MENENDEZ

OCTOBER 2, 2023

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on April 13, 2023]

A BILL

To amend the Homeland Security Act of 2002 to establish the Law Enforcement Mental Health and Wellness Program, 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 “DHS Suicide Prevention*
5 *and Resiliency for Law Enforcement Act”.*

6 **SEC. 2. DHS SUICIDE PREVENTION AND RESILIENCY FOR**
7 **LAW ENFORCEMENT.**

8 *(a) IN GENERAL.—The Homeland Security Act of*
9 *2002 is amended by inserting after section 710 the following*
10 *new section:*

11 **“SEC. 710A. SUICIDE PREVENTION AND RESILIENCY FOR**
12 **LAW ENFORCEMENT.**

13 *“(a) DEPARTMENT COMPONENTS DEFINED.—In this*
14 *section, the term ‘Department components’ means the fol-*
15 *lowing:*

16 *“(1) U.S. Customs and Border Protection.*

17 *“(2) U.S. Immigration and Customs Enforce-*
18 *ment.*

19 *“(3) The Office of the Inspector General of the*
20 *Department of Homeland Security.*

21 *“(4) The United States Secret Service.*

22 *“(5) The Transportation Security Administra-*
23 *tion.*

24 *“(6) Any other Department component with law*
25 *enforcement officers or agents.*

1 “(b) *LAW ENFORCEMENT MENTAL HEALTH AND*
2 *WELLNESS PROGRAM.*—

3 “(1) *ESTABLISHMENT.*—

4 “(A) *IN GENERAL.*—*The Secretary shall es-*
5 *tablish, within the office overseen by the Chief*
6 *Medical Officer of the Department, the Law En-*
7 *forcement Mental Health and Wellness Program*
8 *(in this section referred to as the ‘Program’).*

9 “(B) *PURPOSE.*—*The purpose of the Pro-*
10 *gram shall be to provide a comprehensive ap-*
11 *proach to address the mental health and wellness*
12 *of Department law enforcement officers and*
13 *agents.*

14 “(C) *ADMINISTRATION.*—*The Secretary,*
15 *working through the Program, shall—*

16 “(i) *establish and maintain policies*
17 *and standard operating procedures, con-*
18 *sistent with best evidence-based practices,*
19 *that detail the authority, roles, and respon-*
20 *sibilities of the Program;*

21 “(ii) *conduct data collection and re-*
22 *search on mental health, suicides, and, to*
23 *the extent possible, attempted suicides, of*
24 *Department law enforcement officers and*
25 *agents, in accordance with section 552a of*

1 *title 5, United States Code (commonly*
2 *known as the Privacy Act of 1974), section*
3 *501 of the Rehabilitation Act of 1973 (29*
4 *U.S.C. 791), the Department’s directives*
5 *and policies, and section 2(a) of the Law*
6 *Enforcement Suicide Data Collection Act*
7 *(Public Law 116–143);*

8 *“(iii) track current trends and leading*
9 *practices from other governmental and non-*
10 *governmental organizations for law enforce-*
11 *ment mental health and wellness;*

12 *“(iv) evaluate current mental health*
13 *and resiliency programs within the Depart-*
14 *ment components;*

15 *“(v) promote education and training*
16 *related to mental health, resilience, suicide*
17 *prevention, stigma, and mental health re-*
18 *sources to raise mental health awareness,*
19 *and provide support to others, inclusive of*
20 *the needs of supervisors, clinicians, care-*
21 *givers, peer support members, chaplains,*
22 *and those who have been exposed to trauma;*

23 *“(vi) establish a Peer-to-Peer Support*
24 *Program Advisory Council, which shall—*

1 “(I) include at least one licensed
2 clinician and at least one official with
3 requisite and relevant training and ex-
4 perience in peer support from each De-
5 partment component;

6 “(II) evaluate component peer
7 support programs;

8 “(III) identify and address any
9 potential deficiencies, limitations, and
10 gaps;

11 “(IV) provide for sharing of lead-
12 ing practices or best practices, includ-
13 ing internationally recognized peer
14 support standards of care protocols;

15 “(V) create a peer support net-
16 work that enables the sharing of
17 trained peer support personnel, chap-
18 lains, and other peer-to-peer personnel
19 across Department components; and

20 “(VI) sustain peer support pro-
21 grams through ongoing funding of an-
22 nual and refresher training and re-
23 sources for peer support programing in
24 the workplace to—

1 “(aa) ensure minimum
2 standards for peer support serv-
3 ices; and

4 “(bb) provide appropriate
5 care for peer support personnel
6 across Department components;

7 “(vii) assist Department components
8 in developing a program to provide suicide
9 prevention and resiliency support and
10 training for—

11 “(I) families of Department law
12 enforcement officers and agents; and

13 “(II) surviving families of officers
14 and agents who have been lost to sui-
15 cide;

16 “(viii) work with law enforcement
17 mental health and wellness program offi-
18 cials of Department components (including
19 peer support-trained personnel, agency
20 mental health professionals, chaplains, and,
21 for components with employees having an
22 exclusive representative, the exclusive rep-
23 resentative with respect to such program) to
24 implement new policies, procedures, and
25 programs that may be necessary based on

1 *findings from data collection, research, and*
2 *evaluation efforts; and*

3 *“(ix) conduct regular outreach and*
4 *messaging, across Department components,*
5 *of available training opportunities and re-*
6 *sources.*

7 *“(D) CONFIDENTIALITY; LIMITATION.—*

8 *“(i) CONFIDENTIALITY.—Activities de-*
9 *scribed in subparagraph (C) may not in-*
10 *clude the publication of any personally*
11 *identifiable information.*

12 *“(ii) LIMITATION.—Personally identifi-*
13 *able information collected pursuant to sub-*
14 *paragraph (C) may not be maintained or*
15 *used for any purpose other than implemen-*
16 *tation of this section, unless otherwise per-*
17 *mitted under applicable law. Any such per-*
18 *sonally identifiable information that is so*
19 *collected, maintained, or used pursuant to*
20 *this section is subject to applicable public*
21 *nondisclosure requirements, including sec-*
22 *tions 552 and 552a of title 5, United States*
23 *Code.*

24 *“(E) PERSONNEL.—*

1 “(i) *MANAGEMENT.*—*The Workplace*
2 *Health and Wellness Coordinator of the De-*
3 *partment, under the direction of the Chief*
4 *Medical Officer of the Department, shall be*
5 *responsible for the ongoing management of*
6 *the Program.*

7 “(ii) *MINIMUM CORE PERSONNEL RE-*
8 *QUIREMENTS.*—*Subject to appropriations,*
9 *the Secretary shall ensure the Program is*
10 *staffed with the number of employees the*
11 *Chief Medical Officer of the Department de-*
12 *termines necessary to carry out the duties*
13 *described in subparagraph (C), including*
14 *representatives from each Department com-*
15 *ponent and the Office of the Chief Privacy*
16 *Officer.*

17 “(2) *DIRECTIVE.*—*Not later than 180 days after*
18 *the date of the enactment of this section, the Chief*
19 *Medical Officer of the Department shall—*

20 “(A) *issue a directive or policy that outlines*
21 *the roles and responsibilities of the Program; and*

22 “(B) *distribute such directive or policy*
23 *among all Department personnel.*

24 “(c) *COORDINATION.*—*The Chief Medical Officer of the*
25 *Department shall require the Program to regularly coordi-*

1 *nate with the Department components by assigning at least*
2 *one official from each such component to the Program for*
3 *the purpose of coordinating with field points of contact who*
4 *are responsible for carrying out duties within Department*
5 *mental health and wellness programs.*

6 “(d) *DEPARTMENT COMPONENTS.—The Secretary*
7 *shall require the head of each Department component to*
8 *prioritize and improve mental health and wellness pro-*
9 *grams that—*

10 “(1) *provide adequate resources for law enforce-*
11 *ment mental health, well-being, resilience, and suicide*
12 *prevention programs and research;*

13 “(2) *promote a culture that reduces the stigma of*
14 *seeking mental health assistance through regular mes-*
15 *saging, training, and raising mental health aware-*
16 *ness;*

17 “(3) *offer several avenues of seeking mental*
18 *health or counseling assistance, both within the com-*
19 *ponent and through private sources that provide for*
20 *anonymity and include access to external mental*
21 *health clinicians, service animals, and any other ap-*
22 *propriate, data-driven resources that improve mental*
23 *health;*

24 “(4) *review and revise relevant policies of De-*
25 *partment components that inadvertently deter per-*

1 *sonnel from seeking mental health or counseling as-*
2 *sistance;*

3 *“(5) ensure that such programs include safe-*
4 *guards against adverse or disciplinary action, includ-*
5 *ing retaliation or automatic referrals for a fitness for*
6 *duty examination, by such component with respect to*
7 *any employee solely because such employee self-identi-*
8 *fies a need for psychological health counseling or as-*
9 *sistance or receives such counseling or assistance;*

10 *“(6) implement policies that require in-person or*
11 *live and interactive virtual suicide awareness and*
12 *law enforcement resiliency trainings to be provided to*
13 *law enforcement officers and agents;*

14 *“(7) makes such trainings available, as appro-*
15 *priate, to other component personnel—*

16 *“(A) upon the commencement of such offi-*
17 *cers’, agents’, and other component’s personnel’s*
18 *employment;*

19 *“(B) on an annual basis during such em-*
20 *ployment;*

21 *“(C) during such officers’, agents’, or other*
22 *component’s personnel’s transition into super-*
23 *visory roles; and*

24 *“(D) if feasible, shortly before such officer,*
25 *agent, or other component’s personnel terminates*

1 *his or her employment with the Department, if*
2 *such officer, agent, or other component's per-*
3 *sonnel elects to participate; and*

4 *“(8) include prevention and awareness training*
5 *opportunities and support services for families of*
6 *agents, officers, and other component personnel.*

7 *“(e) DATA COLLECTION AND EVALUATION.—*

8 *“(1) ASSESSMENT OF EFFECTIVENESS OF LAW*
9 *ENFORCEMENT HEALTH AND WELLNESS PROGRAMS.—*

10 *The Workplace Health and Wellness Coordinator,*
11 *under the direction of the Chief Medical Officer of the*
12 *Department—*

13 *“(A) shall—*

14 *“(i) develop criteria to assess the effec-*
15 *tiveness of law enforcement health and*
16 *wellness programs carried out by the De-*
17 *partment;*

18 *“(ii) conduct annual confidential sur-*
19 *veys of law enforcement officers and agents*
20 *within Department components to assist in*
21 *evaluating the effectiveness of law enforce-*
22 *ment health and wellness programs in ac-*
23 *cordance with the criteria developed pursu-*
24 *ant to clause (i); and*

1 “(iii) ensure that the surveys conducted
2 pursuant to clause (i)—

3 “(I) incorporate leading practices
4 in questionnaire and survey design
5 and development; and

6 “(II) establish a baseline and sub-
7 sequently measure change over time;
8 and

9 “(B) may utilize contractor support in car-
10 rying out the duties described in subparagraph
11 (A).

12 “(2) *RECOMMENDATIONS.*—The Chief Medical
13 Officer of the Department shall provide recommenda-
14 tions to Department components based on the evalua-
15 tion of programs and the results of the surveys con-
16 ducted pursuant to paragraph (1).

17 “(3) *INCIDENT REPORTS.*—Each Department
18 component shall report to the Workplace Health and
19 Wellness Coordinator incidents of suicide involving
20 law enforcement officers and agents, together with any
21 data relating thereto consistent with data collected
22 under section 2(a) of the Law Enforcement Suicide
23 Data Collection Act (Public Law 116–143). The Coor-
24 dinator shall forward such information to the Law

1 *Enforcement Officers Suicide Data Collection Pro-*
2 *gram established pursuant to such section.*

3 “(4) *CONFIDENTIALITY; LIMITATION.*—

4 “(A) *CONFIDENTIALITY.*—*Activities de-*
5 *scribed in paragraph (1) or reporting described*
6 *under paragraph (3) may not include the publi-*
7 *cation of any personally identifiable informa-*
8 *tion.*

9 “(B) *LIMITATION.*—*Personally identifiable*
10 *information collected pursuant to paragraph (1)*
11 *may not be maintained or used for any purpose*
12 *other than implementation of this section, unless*
13 *otherwise permitted under applicable law. Any*
14 *such personally identifiable information that is*
15 *so collected, maintained, or used pursuant to this*
16 *section is subject to applicable public nondisclo-*
17 *sure requirements, including sections 552 and*
18 *552a of title 5, United States Code.*

19 “(f) *BRIEFING.*—*Not later than 180 days after the date*
20 *of the enactment of this section and annually thereafter*
21 *through fiscal year 2027, the Chief Medical Officer of the*
22 *Department shall provide to the Committee on Homeland*
23 *Security of the House of Representatives and the Committee*
24 *on Homeland Security and Governmental Affairs of the*

1 *Senate a briefing regarding the implementation of this sec-*
2 *tion.”.*

3 **(b) CLERICAL AMENDMENT.**—*The table of contents in*
4 *section 1(b) of the Homeland Security Act of 2002 is*
5 *amended by inserting after the item relating to section 710*
6 *the following new item:*

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

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