

Union Calendar No. 453

116TH CONGRESS
2^D SESSION

H. R. 1109

[Report No. 116–553]

To amend the Public Health Service Act to revise and extend projects relating to children and to provide access to school-based comprehensive mental health programs.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2019

Mrs. NAPOLITANO (for herself, Mr. KATKO, Mr. LOWENTHAL, Ms. DELBENE, Mr. TONKO, Mr. CICILLINE, Mr. PAYNE, Mr. LUJÁN, Mr. DOGGETT, Ms. MCCOLLUM, Mr. MOULTON, Mr. SCHIFF, Mr. WELCH, Mr. HECK, Mr. GRIJALVA, Ms. HILL of California, Ms. JUDY CHU of California, Mr. KILMER, Ms. WILSON of Florida, Ms. KELLY of Illinois, Miss RICE of New York, Mr. RYAN, Mr. KHANNA, Mr. REED, Mr. LARSEN of Washington, Ms. JACKSON LEE, Ms. MOORE, Mr. DESAULNIER, Ms. PINGREE, Mrs. LAWRENCE, Ms. SPEIER, Mr. PANETTA, Mr. SOTO, Ms. ROYBAL-ALLARD, Mrs. WATSON COLEMAN, Mr. RUPPERSBERGER, Mr. CÁRDENAS, Mr. AGUILAR, Mr. GOMEZ, Mr. DEFazio, Mr. MCGOVERN, Mr. BLUMENAUER, Ms. OMAR, Mrs. MURPHY of Florida, Mr. SABLAN, Mr. GALLEG0, Mr. SUOZZI, Mr. COHEN, Mr. CISNEROS, Ms. MATSUI, Ms. SÁNCHEZ, Ms. KUSTER of New Hampshire, Mrs. CAROLYN B. MALONEY of New York, Ms. JOHNSON of Texas, Mr. RASKIN, Mr. CARBAJAL, Ms. CASTOR of Florida, and Mr. MCNERNEY) introduced the following bill; which was referred to the Committee on Energy and Commerce

SEPTEMBER 29, 2020

Additional sponsors: Mr. POCAN, Mrs. DEMINGS, Mr. SAN NICOLAS, Mr. GONZALEZ of Texas, Mr. SERRANO, Mrs. DINGELL, Mr. DAVID SCOTT of Georgia, Mr. RICHMOND, Mr. GARCÍA of Illinois, Mr. RUSH, Ms. LOFGREN, Ms. BARRAGÁN, Ms. MUCARSEL-POWELL, Mr. VEASEY, Mr. HASTINGS, Mr. HARDER of California, Ms. CLARKE of New York, Ms. NORTON, Mr. KENNEDY, Mr. CUMMINGS, Mr. CLAY, Mr. YARMUTH, Ms. HOULAHAN, Mr. CROW, Mr. GOLDEN, Mr. MAST, Mr. PAPPAS, Mr. PRICE of North Carolina, Ms. SCANLON, Mr. ROUDA, Mr. FITZPATRICK, Mr. KIM, Ms. BASS, Mr. DELGADO, Mr. SHERMAN, Ms. WATERS, Ms. BROWNLEY of California, Mr. TED LIEU of California, Ms. TLAIB, Mr. HIMES, Mrs. TORRES of California, Ms. KENDRA S. HORN of Oklahoma, Ms. BLUNT ROCHESTER, Ms. KAPTUR, Mr. PHILLIPS, Mrs. LEE of Nevada, Mr. LIPINSKI, Ms. SLOTKIN, Mr. DEUTCH, Ms. GARCIA of Texas, Mr. CASTRO of Texas, Mr. CORREA, Mr. VARGAS, Ms. CRAIG, Mr. LEVIN of California, Mrs. AXNE, Mr. TRONE, Mr. SIRES, Ms. WILD, Mrs. HAYES, Ms. TITUS, Mr. MORELLE, Mr. LEVIN of Michigan, Ms. DEAN, Mr. COOPER, Mr. ENGEL, Mr. CASTEN of Illinois, Ms. TORRES SMALL of New Mexico, Ms. LEE of California, Ms. PORTER, Mr. VAN DREW, Ms. SHERRILL, Ms. SCHAKOWSKY, Mrs. BEATTY, Mr. CONNOLLY, Mr. O'HALLERAN, Ms. FINKENAUER, and Mrs. KIRKPATRICK

SEPTEMBER 29, 2020

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 February 8, 2019]

A BILL

To amend the Public Health Service Act to revise and extend projects relating to children and to provide access to school-based comprehensive mental health programs.

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 “Mental Health Services*
 5 *for Students Act of 2020”.*

6 **SEC. 2. AMENDMENTS TO THE PUBLIC HEALTH SERVICE**
 7 **ACT.**

8 (a) *TECHNICAL AMENDMENTS.*—*The second part G*
 9 *(relating to services provided through religious organiza-*
 10 *tions) of title V of the Public Health Service Act (42 U.S.C.*
 11 *290kk et seq.) is amended—*

12 (1) *by redesignating such part as part J; and*

13 (2) *by redesignating sections 581 through 584 as*
 14 *sections 596 through 596C, respectively.*

15 (b) *SCHOOL-BASED MENTAL HEALTH AND CHIL-*
 16 *DREN.*—*Section 581 of the Public Health Service Act (42*
 17 *U.S.C. 290hh) (relating to children and violence) is amend-*
 18 *ed to read as follows:*

19 **“SEC. 581. SCHOOL-BASED MENTAL HEALTH; CHILDREN**
 20 **AND ADOLESCENTS.**

21 *“(a) IN GENERAL.—The Secretary, in consultation*
 22 *with the Secretary of Education, shall, through grants, con-*
 23 *tracts, or cooperative agreements awarded to eligible entities*
 24 *described in subsection (c), provide comprehensive school-*
 25 *based mental health services and supports to assist children*

1 *in local communities and schools (including schools funded*
 2 *by the Bureau of Indian Education) dealing with trau-*
 3 *matic experiences, grief, bereavement, risk of suicide, and*
 4 *violence. Such services and supports shall be—*

5 “(1) *developmentally, linguistically, and cul-*
 6 *turally appropriate;*

7 “(2) *trauma-informed; and*

8 “(3) *incorporate positive behavioral interven-*
 9 *tions and supports.*

10 “(b) *ACTIVITIES.—Grants, contracts, or cooperative*
 11 *agreements awarded under subsection (a), shall, as appro-*
 12 *priate, be used for—*

13 “(1) *implementation of school and community-*
 14 *based mental health programs that—*

15 “(A) *build awareness of individual trauma*
 16 *and the intergenerational, continuum of impacts*
 17 *of trauma on populations;*

18 “(B) *train appropriate staff to identify,*
 19 *and screen for, signs of trauma exposure, mental*
 20 *health disorders, or risk of suicide; and*

21 “(C) *incorporate positive behavioral inter-*
 22 *ventions, family engagement, student treatment,*
 23 *and multigenerational supports to foster the*
 24 *health and development of children, prevent men-*

1 *tal health disorders, and ameliorate the impact*
2 *of trauma;*

3 “(2) *technical assistance to local communities*
4 *with respect to the development of programs described*
5 *in paragraph (1);*

6 “(3) *facilitating community partnerships among*
7 *families, students, law enforcement agencies, edu-*
8 *cation agencies, mental health and substance use dis-*
9 *order service systems, family-based mental health*
10 *service systems, child welfare agencies, health care*
11 *providers (including primary care physicians, mental*
12 *health professionals, and other professionals who spe-*
13 *cialize in children’s mental health such as child and*
14 *adolescent psychiatrists), institutions of higher edu-*
15 *cation, faith-based programs, trauma networks, and*
16 *other community-based systems to address child and*
17 *adolescent trauma, mental health issues, and violence;*
18 *and*

19 “(4) *establishing mechanisms for children and*
20 *adolescents to report incidents of violence or plans by*
21 *other children, adolescents, or adults to commit vio-*
22 *lence.*

23 “(c) *REQUIREMENTS.—*

1 “(1) *IN GENERAL.*—To be eligible for a grant,
2 *contract, or cooperative agreement under subsection*
3 *(a), an entity shall be a partnership that includes—*

4 “(A) *a State educational agency, as defined*
5 *in section 8101 of the Elementary and Sec-*
6 *ondary Education Act of 1965, in coordination*
7 *with one or more local educational agencies, as*
8 *defined in section 8101 of the Elementary and*
9 *Secondary Education Act of 1965, or a consor-*
10 *tium of any entities described in subparagraph*
11 *(B), (C), (D), or (E) of section 8101(30) of such*
12 *Act; and*

13 “(B) *at least 1 community-based mental*
14 *health provider, including a public or private*
15 *mental health entity, health care entity, family-*
16 *based mental health entity, trauma network, or*
17 *other community-based entity, as determined by*
18 *the Secretary (and which may include addi-*
19 *tional entities such as a human services agency,*
20 *law enforcement or juvenile justice entity, child*
21 *welfare agency, agency, an institution of higher*
22 *education, or another entity, as determined by*
23 *the Secretary).*

24 “(2) *COMPLIANCE WITH HIPAA.*—*Any patient*
25 *records developed by covered entities through activities*

1 *under the grant shall meet the regulations promul-*
 2 *gated under section 264(c) of the Health Insurance*
 3 *Portability and Accountability Act of 1996.*

4 *“(3) COMPLIANCE WITH FERPA.—Section 444 of*
 5 *the General Education Provisions Act (commonly*
 6 *known as the ‘Family Educational Rights and Pri-*
 7 *vacy Act of 1974’) shall apply to any entity that is*
 8 *a member of the partnership in the same manner that*
 9 *such section applies to an educational agency or in-*
 10 *stitution (as that term is defined in such section).*

11 *“(d) GEOGRAPHICAL DISTRIBUTION.—The Secretary*
 12 *shall ensure that grants, contracts, or cooperative agree-*
 13 *ments under subsection (a) will be distributed equitably*
 14 *among the regions of the country and among urban and*
 15 *rural areas.*

16 *“(e) DURATION OF AWARDS.—With respect to a grant,*
 17 *contract, or cooperative agreement under subsection (a), the*
 18 *period during which payments under such an award will*
 19 *be made to the recipient shall be 5 years, with options for*
 20 *renewal.*

21 *“(f) EVALUATION AND MEASURES OF OUTCOMES.—*

22 *“(1) DEVELOPMENT OF PROCESS.—The Assistant*
 23 *Secretary shall develop a fiscally appropriate process*
 24 *for evaluating activities carried out under this sec-*
 25 *tion. Such process shall include—*

1 “(A) the development of guidelines for the
2 submission of program data by grant, contract,
3 or cooperative agreement recipients;

4 “(B) the development of measures of out-
5 comes (in accordance with paragraph (2)) to be
6 applied by such recipients in evaluating pro-
7 grams carried out under this section; and

8 “(C) the submission of annual reports by
9 such recipients concerning the effectiveness of
10 programs carried out under this section.

11 “(2) MEASURES OF OUTCOMES.—The Assistant
12 Secretary shall develop measures of outcomes to be ap-
13 plied by recipients of assistance under this section to
14 evaluate the effectiveness of programs carried out
15 under this section, including outcomes related to the
16 student, family, and local educational systems sup-
17 ported by this Act.

18 “(3) SUBMISSION OF ANNUAL DATA.—An eligible
19 entity described in subsection (c) that receives a
20 grant, contract, or cooperative agreement under this
21 section shall annually submit to the Assistant Sec-
22 retary a report that includes data to evaluate the suc-
23 cess of the program carried out by the entity based on
24 whether such program is achieving the purposes of the
25 program. Such reports shall utilize the measures of

1 *outcomes under paragraph (2) in a reasonable man-*
2 *ner to demonstrate the progress of the program in*
3 *achieving such purposes.*

4 “(4) *EVALUATION BY ASSISTANT SECRETARY.—*
5 *Based on the data submitted under paragraph (3),*
6 *the Assistant Secretary shall annually submit to Con-*
7 *gress a report concerning the results and effectiveness*
8 *of the programs carried out with assistance received*
9 *under this section.*

10 “(5) *LIMITATION.—An eligible entity shall use*
11 *not more than 20 percent of amounts received under*
12 *a grant under this section to carry out evaluation ac-*
13 *tivities under this subsection.*

14 “(g) *INFORMATION AND EDUCATION.—The Secretary*
15 *shall disseminate best practices based on the findings of the*
16 *knowledge development and application under this section.*

17 “(h) *AMOUNT OF GRANTS AND AUTHORIZATION OF AP-*
18 *PROPRIATIONS.—*

19 “(1) *AMOUNT OF GRANTS.—A grant under this*
20 *section shall be in an amount that is not more than*
21 *\$2,000,000 for each of the first 5 fiscal years following*
22 *the date of enactment of the Mental Health Services*
23 *for Students Act of 2019. The Secretary shall deter-*
24 *mine the amount of each such grant based on the pop-*

1 *ulation of children up to age 21 of the area to be*
2 *served under the grant.*

3 “(2) *AUTHORIZATION OF APPROPRIATIONS.—*
4 *There is authorized to be appropriated to carry out*
5 *this section, \$130,000,000 for each of fiscal years 2021*
6 *through 2024.’’.*

7 *(c) CONFORMING AMENDMENT.—Part G of title V of*
8 *the Public Health Service Act (42 U.S.C. 290hh et seq.),*
9 *as amended by subsection (b), is further amended by strik-*
10 *ing the part designation and heading and inserting the fol-*
11 *lowing:*

12 **“PART G—SCHOOL-BASED MENTAL HEALTH”.**

Union Calendar No. 453

116TH CONGRESS
2D Session

H. R. 1109

[Report No. 116-553]

A BILL

To amend the Public Health Service Act to revise and extend projects relating to children and to provide access to school-based comprehensive mental health programs.

SEPTEMBER 29, 2020

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