

117TH CONGRESS
2^D SESSION

H. R. 8542

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27, 2022

Received; read twice and referred to the Committee on Health, Education,
Labor, and Pensions

AN ACT

To amend the Public Health Service Act to authorize grants to States, Indian Tribes, Tribal organizations, Urban Indian organizations, and political subdivisions thereof to hire, employ, train, and dispatch mental health professionals to respond in lieu of law enforcement officers in emergencies involving one or more persons with a mental illness or an intellectual or developmental disability, 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 “Mental Health Justice
5 Act of 2022”.

6 **SEC. 2. GRANTS FOR MENTAL HEALTH PROFESSIONALS TO**
7 **ACT AS FIRST RESPONDERS.**

8 Subpart 3 of part B of title V of the Public Health
9 Service Act (42 U.S.C. 290bb–31 et seq.) is amended by
10 adding at the end the following:

11 **“SEC. 520N. GRANTS FOR MENTAL HEALTH PROFES-**
12 **SIONALS TO ACT AS FIRST RESPONDERS.**

13 “(a) IN GENERAL.—The Secretary, acting through
14 the Assistant Secretary, and in consultation with the As-
15 sistant Attorney General for the Civil Rights Division of
16 the Department of Justice, shall award grants to States,
17 Indian Tribes, Tribal organizations, Urban Indian organi-
18 zations, and political subdivisions thereof to establish or
19 expand programs—

20 “(1) to hire, employ, train, and dispatch mental
21 health professionals to respond in lieu of law en-
22 forcement officers in emergencies in which—

23 “(A) an individual calling 911, 988, or an-
24 other emergency hotline states that a person—

25 “(i) is in a mental health crisis; or

1 “(ii) may have a mental illness or an
2 intellectual or developmental disability;

3 “(B) a law enforcement officer or other
4 first responder identifies a person as having (or
5 possibly having) a mental illness or an intellec-
6 tual or developmental disability; or

7 “(C) a law enforcement officer or other
8 first responder identifies a person as being (or
9 possibly being) under the influence of a legal or
10 illegal substance;

11 “(2) to include in the training for mental health
12 professionals pursuant to paragraph (1) training
13 in—

14 “(A) the principles of deescalation; and

15 “(B) developmentally appropriate tech-
16 niques;

17 “(3) to ensure that such mental health profes-
18 sionals link persons described in subparagraph (A),
19 (B), or (C) of paragraph (1) with voluntary commu-
20 nity-based services where appropriate;

21 “(4) to train the staff of dispatch centers re-
22 garding the proper handling of a report of an emer-
23 gency described in paragraph (1), including training
24 in the principles and techniques referred to in sub-
25 paragraphs (A) and (B) of paragraph (2); and

1 “(5) to coordinate with law enforcement agen-
2 cies, which may include operating independently
3 from but in collaboration with a law enforcement
4 agency, or operating within such an agency.

5 “(b) ADDITIONAL AWARDS.—The Secretary shall
6 make an additional award of funds under this section each
7 fiscal year to grantees that—

8 “(1) are in compliance with all conditions of
9 their awards under this section, including the condi-
10 tions specified in subsections (a) and (d); and

11 “(2) demonstrate that their programs under
12 this section resulted in—

13 “(A) a notable reduction in the incarcer-
14 ation and death of persons with mental illness
15 or an intellectual or developmental disability; or

16 “(B) a notable reduction in the use of
17 force by police and a notable increase in refer-
18 rals of persons with a mental illness or intellec-
19 tual disability to community-based, voluntary
20 support services (other than institutionalization
21 or carceral support services).

22 “(c) PRIORITY.—In awarding grants under this sec-
23 tion, the Secretary shall give priority to States, Indian
24 Tribes, Tribal organizations, Urban Indian organizations,
25 and political subdivisions thereof that—

1 “(1) have high rates of arrests and incarceration
2 ation of persons with a mental illness or an intellec-
3 tual or developmental disability;

4 “(2) commit to increasing resources for mental
5 health and community-based support services or so-
6 lutions for such persons; or

7 “(3) include peer support specialists in their
8 current first responder model.

9 “(d) REPORTING.—

10 “(1) BY GRANTEES.—A recipient of a grant
11 under this section shall submit to the Secretary—

12 “(A) a quarterly report on—

13 “(i) the number and percentage of
14 emergencies where mental health profes-
15 sionals were dispatched in lieu of law en-
16 forcement officers pursuant to assistance
17 under this section;

18 “(ii) such other matters as the Sec-
19 retary may require for determining wheth-
20 er the recipient should receive an addi-
21 tional award under subsection (b); and

22 “(iii) any increase or decrease, com-
23 pared to any previous quarter, in incarceration
24 or institutionalization as a result of
25 dispatching mental health professionals

1 pursuant to assistance under this section,
2 disaggregated to include data specific to
3 persons with intellectual and developmental
4 disabilities and mental illnesses where
5 available and permitted to be disclosed
6 under applicable privacy law, so as—

7 “(I) to provide a critical baseline
8 analysis; and

9 “(II) to ensure that mental
10 health practitioners are not simply
11 funneling individuals into other insti-
12 tutionalized settings; and

13 “(B) a final report on the use of such
14 grant.

15 “(2) BY SECRETARY.—Not later than 1 year
16 after awarding the first grant under this section,
17 and annually thereafter, the Secretary shall submit
18 to the Congress a report on the grant program
19 under this section.

20 “(3) DISAGGREGATION OF DATA.—The report-
21 ing pursuant to paragraphs (1) and (2) shall, to the
22 extent determined by the Secretary to be applicable,
23 be disaggregated by age, sex, gender, race, and eth-
24 nicity.

1 “(e) REVOCATION OF GRANT.—If the Secretary
2 finds, based on reporting under subsection (d) or other
3 information, that activities funded through a grant under
4 this section are leading to a significant increase in incar-
5 ceration or institutionalization—

6 “(1) the Secretary shall revoke the grant; and

7 “(2) the grantee shall repay to the Federal
8 Government any amounts that the grantee—

9 “(A) received through the grant; and

10 “(B) has not obligated or expended.

11 “(f) TECHNICAL ASSISTANCE.—The Secretary, act-
12 ing through the Assistant Secretary, and in consultation
13 with the Assistant Attorney General for the Civil Rights
14 Division of the Department of Justice, shall provide tech-
15 nical assistance to grantees under this section (or other
16 Federal law), and to other States, Indian Tribes, Tribal
17 organizations, Urban Indian organizations, and political
18 subdivisions thereof to hire, employ, train, and dispatch
19 mental health professionals to respond in lieu of law en-
20 forcement officers, as described in subsection (a).

21 “(g) DEFINITIONS.—In this section, the terms ‘In-
22 dian Tribe’, ‘Tribal organization’, and ‘Urban Indian or-
23 ganization’ have the meanings given to the terms ‘Indian
24 tribe’, ‘tribal organization’, and ‘Urban Indian organiza-

1 tion’, respectively, in section 4 of the Indian Health Care
2 Improvement Act.

3 “(h) FUNDING.—To carry out this section, there is
4 authorized to be appropriated \$250,000,000 for the period
5 of fiscal years 2023 through 2027.”.

6 **SEC. 3. STUDY.**

7 (a) IN GENERAL.—The Secretary of Health and
8 Human Services and the Assistant Attorney General for
9 the Civil Rights Division of the Department of Justice
10 shall conduct a study on the effectiveness of programs and
11 activities under section 520N of the Public Health Service
12 Act, as added by section 2.

13 (b) QUALITATIVE AND LONGITUDINAL EXAMINA-
14 TION.—The study under subsection (a) shall include a
15 qualitative and longitudinal study of—

16 (1) the number of persons diverted from ar-
17 rests; and

18 (2) short- and long-term outcomes for those
19 persons, including reduced recidivism, reduced
20 incidences of use of force, and reduced utilization of
21 resources.

22 (c) COMPLETION; REPORT.—Not later than 3 years
23 after the date of enactment of this Act, the Secretary of
24 Health and Human Services and the Assistant Attorney

1 General for the Civil Rights Division of the Department
2 of Justice shall—

- 3 (1) complete the study under subsection (a);
- 4 (2) submit a report to the Congress on the re-
5 sults of such study; and
- 6 (3) publish such report.

7 **SEC. 4. RULE OF CONSTRUCTION.**

8 (a) **HIRING OF LAW ENFORCEMENT OFFICERS.—**
9 Nothing in this Act shall be construed to remove, sup-
10 plant, alter, or limit the authority of States, public agen-
11 cies, or municipalities from hiring or recruiting career law
12 enforcement officers (as defined in section 1709 of the
13 Omnibus Crime Control and Safe Streets Act of 1968 (34
14 U.S.C. 10389)) to engage in or supervise the prevention,
15 detection, or investigation of violations of criminal laws
16 when appropriate.

17 (b) **CIRCUMSTANCES OF IMMINENT OR IMMEDIATE**
18 **DANGER.—**Nothing in this Act shall be construed to im-
19 pede, supplant, alter, or limit the use of career law en-
20 forcement officers during emergencies which career law
21 enforcement officers may be best suited to handle, includ-
22 ing circumstances that are urgent, sudden, serious, or ne-

