

JULY 25, 2022

RULES COMMITTEE PRINT 117-63
TEXT OF H.R. 1368, THE MENTAL HEALTH
JUSTICE ACT OF 2022

[Showing the text of H.R. 1368, as introduced, with
modifications.]

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Mental Health Justice
3 Act of 2022”.

4 **SEC. 2. GRANTS FOR MENTAL HEALTH PROFESSIONALS TO**
5 **ACT AS FIRST RESPONDERS.**

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

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

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

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

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

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

7 “(ii) may have a mental illness or an
8 intellectual or developmental disability;

9 “(B) a law enforcement officer or other
10 first responder identifies a person as having (or
11 possibly having) a mental illness or an intellec-
12 tual or developmental disability; or

13 “(C) a law enforcement officer or other
14 first responder identifies a person as being (or
15 possibly being) under the influence of a legal or
16 illegal substance;

17 “(2) to include in the training for mental health
18 professionals pursuant to paragraph (1) training
19 in—

20 “(A) the principles of deescalation and
21 antiracism; and

22 “(B) developmentally appropriate tech-
23 niques;

24 “(3) to ensure that such mental health profes-
25 sionals link persons described in subparagraph (A),

1 (B), or (C) of paragraph (1) with voluntary commu-
2 nity-based services where appropriate;

3 “(4) to train the staff of dispatch centers re-
4 garding the proper handling of a report of an emer-
5 gency described in paragraph (1), including training
6 in the principles of deescalation and antiracism re-
7 ferred to in paragraph (2)(A); and

8 “(5) to coordinate with law enforcement agen-
9 cies, which may include operating independently
10 from but in collaboration with a law enforcement
11 agency, or operating within such an agency.

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

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

18 “(2) demonstrate that their programs under
19 this section resulted in—

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

23 “(B) a notable reduction in the use of
24 force by police and a notable increase in refer-
25 rals of persons with a mental illness or intellec-

1 tual disability to community-based, voluntary
2 support services (other than institutionalization
3 or carceral support services).

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

8 “(1) have high rates of arrests and incarcer-
9 ation of persons with a mental illness or an intellec-
10 tual or developmental disability;

11 “(2) commit to increasing resources for mental
12 health and community-based support services or so-
13 lutions for such persons; or

14 “(3) include peer support specialists in their
15 current first responder model.

16 “(d) REPORTING.—

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

19 “(A) a quarterly report on—

20 “(i) the number and percentage of
21 emergencies where mental health profes-
22 sionals were dispatched in lieu of law en-
23 forcement officers pursuant to assistance
24 under this section;

1 “(ii) such other matters as the Sec-
2 retary may require for determining wheth-
3 er the recipient should receive an addi-
4 tional award under subsection (b); and

5 “(iii) any increase or decrease, com-
6 pared to any previous quarter, in incarceration
7 or institutionalization as a result of
8 dispatching mental health professionals
9 pursuant to assistance under this section,
10 disaggregated to include data specific to
11 persons with intellectual and developmental
12 disabilities and mental illnesses where
13 available and permitted to be disclosed
14 under applicable privacy law, so as—

15 “(I) to provide a critical baseline
16 analysis; and

17 “(II) to ensure that mental
18 health practitioners are not simply
19 funneling individuals into other insti-
20 tutionalized settings; and

21 “(B) a final report on the use of such
22 grant.

23 “(2) BY SECRETARY.—Not later than 1 year
24 after awarding the first grant under this section,
25 and annually thereafter, the Secretary shall submit

1 to the Congress a report on the grant program
2 under this section.

3 “(3) DISAGGREGATION OF DATA.—The report-
4 ing pursuant to paragraphs (1) and (2) shall, to the
5 extent determined by the Secretary to be applicable,
6 be disaggregated by age, sex, gender, race, and eth-
7 nicity.

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

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

14 “(2) the grantee shall repay to the Federal
15 Government any amounts that the grantee—

16 “(A) received through the grant; and

17 “(B) has not obligated or expended.

18 “(f) TECHNICAL ASSISTANCE.—The Secretary, act-
19 ing through the Assistant Secretary, and in consultation
20 with the Assistant Attorney General for the Civil Rights
21 Division of the Department of Justice, shall provide tech-
22 nical assistance to grantees under this section (or other
23 Federal law), and to other States, Indian Tribes, Tribal
24 organizations, Urban Indian organizations, and political
25 subdivisions thereof to hire, employ, train, and dispatch

1 mental health professionals to respond in lieu of law en-
2 forcement officers, as described in subsection (a).

3 “(g) DEFINITIONS.—In this section, the terms ‘In-
4 dian Tribe’, ‘Tribal organization’, and ‘Urban Indian or-
5 ganization’ have the meanings given to the terms ‘Indian
6 tribe’, ‘tribal organization’, and ‘Urban Indian organiza-
7 tion’, respectively, in section 4 of the Indian Health Care
8 Improvement Act.

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

12 **SEC. 3. STUDY.**

13 (a) IN GENERAL.—The Secretary of Health and
14 Human Services and the Assistant Attorney General for
15 the Civil Rights Division of the Department of Justice
16 shall conduct a study on the effectiveness of programs and
17 activities under section 520N of the Public Health Service
18 Act, as added by section 2.

19 (b) QUALITATIVE AND LONGITUDINAL EXAMINA-
20 TION.—The study under subsection (a) shall include a
21 qualitative and longitudinal study of—

22 (1) the number of persons diverted from ar-
23 rests; and

24 (2) short- and long-term outcomes for those
25 persons, including reduced recidivism, reduced

1 incidences of use of force, and reduced utilization of
2 resources.

3 (c) COMPLETION; REPORT.—Not later than 3 years
4 after the date of enactment of this Act, the Secretary of
5 Health and Human Services and the Assistant Attorney
6 General for the Civil Rights Division of the Department
7 of Justice shall—

- 8 (1) complete the study under subsection (a);
- 9 (2) submit a report to the Congress on the re-
10 sults of such study; and
- 11 (3) publish such report.

