

## Union Calendar No. 373

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 7780

[Report No. 117–484]

To support the behavioral needs of students and youth, invest in the school-based behavioral health workforce, and ensure access to mental health and substance use disorder benefits.

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### IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2022

Mr. DESAULNIER (for himself and Mr. SCOTT of Virginia) introduced the following bill; which was referred to the Committee on Education and Labor

SEPTEMBER 22, 2022

Additional sponsors: Mr. SABLAN and Mrs. CHERFILUS-McCORMICK

SEPTEMBER 22, 2022

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 *italie*]

[For text of introduced bill, see copy of bill as introduced on May 16, 2022]

# **A BILL**

To support the behavioral needs of students and youth, invest in the school-based behavioral health workforce, and ensure access to mental health and substance use disorder benefits.

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 Matters*  
 5 *Act”.*

6 **SEC. 2. TABLE OF CONTENTS.**

7 *The table of contents of this Act is as follows:*

*Sec. 1. Short title.*

*Sec. 2. Table of contents.*

**TITLE I—EARLY CHILDHOOD MENTAL HEALTH ACT**

*Sec. 101. Short title.*

*Sec. 102. Identification of effective interventions in Head Start programs.*

*Sec. 103. Implementing the interventions in Head Start programs.*

*Sec. 104. Evaluating implementation of interventions in Head Start programs.*

*Sec. 105. Implementing the evaluation framework for Head Start programs.*

*Sec. 106. Best Practice Centers.*

*Sec. 107. Funding.*

**TITLE II—BUILDING PIPELINE OF SCHOOL-BASED MENTAL  
HEALTH SERVICE PROVIDERS ACT**

*Sec. 201. Short title.*

*Sec. 202. Definitions.*

*Sec. 203. Grant program to increase the number of school-based mental health  
services providers serving in high-need local educational agen-  
cies.*

**TITLE III—ELEMENTARY AND SECONDARY SCHOOL COUNSELING  
ACT**

*Sec. 301. Short title.*

*Sec. 302. Definitions.*

*Sec. 303. Allotments to States and subgrants to local educational agencies.*

*Sec. 304. Authorization of appropriations.*

**TITLE IV—SUPPORTING TRAUMA-INFORMED EDUCATION  
PRACTICES ACT**

*Sec. 401. Short title.*

*Sec. 402. Amendment to the SUPPORT for Patients and Communities Act.*

**TITLE V—RESPOND, INNOVATE, SUCCEED, AND EMPOWER ACT**

*Sec. 501. Short title.*

*Sec. 502. Perfecting amendment to the definition of disability.*

*Sec. 503. Supporting students with disabilities to succeed once enrolled in college.*

*Sec. 504. Authorization of funds for the National Center for Information and Technical Support for Postsecondary Students With Disabilities.*  
*Sec. 505. Inclusion of information on students with disabilities.*  
*Sec. 506. Rule of construction.*

***TITLE VI—STRENGTHENING BEHAVIORAL HEALTH BENEFITS ACT***

*Sec. 601. Short title.*  
*Sec. 602. Enforcement of Mental Health and Substance Use Disorder Requirements.*

***TITLE VII—EMPLOYEE AND RETIREE ACCESS TO JUSTICE ACT***

*Sec. 701. Short title.*  
*Sec. 702. Unenforceable arbitration clauses, class action waivers, representation waivers, and discretionary clauses.*  
*Sec. 703. Prohibition on mandatory arbitration clauses, class action waivers, representation waivers, and discretionary clauses.*  
*Sec. 704. Effective date.*

1       ***TITLE I—EARLY CHILDHOOD***  
2               ***MENTAL HEALTH ACT***

3       ***SEC. 101. SHORT TITLE.***

4               *This title may be cited as the “Early Childhood Mental*  
5 *Health Support Act”.*

6       ***SEC. 102. IDENTIFICATION OF EFFECTIVE INTERVENTIONS***  
7               ***IN HEAD START PROGRAMS.***

8               *(a) INTERVENTIONS THAT IMPROVE SOCIAL-EMO-*  
9 *TIONAL AND BEHAVIORAL HEALTH OF CHILDREN.—*

10               *(1) IN GENERAL.—The Secretary of Health and*  
11 *Human Services acting through the Assistant Sec-*  
12 *retary for the Administration for Children and Fami-*  
13 *lies (in this section referred to as the “Secretary”)*  
14 *shall identify and review interventions, best practices,*  
15 *curricula, and staff trainings—*

16               *(A) that improve the behavioral health of*  
17 *children; and*

1                   (B) that are evidence based.

2                   (2) *FOCUS*.—In carrying out paragraph (1), the  
3                   Secretary shall focus on interventions, best practices,  
4                   curricula, and staff trainings that—

5                   (A) can be delivered by a provider or other  
6                   staff member in or associated with a Head Start  
7                   program or Early Head Start center;

8                   (B) are demonstrated to improve or support  
9                   healthy social, emotional, or cognitive develop-  
10                  ment for children in Head Start or Early Head  
11                  Start programs, with an empirical or theoretical  
12                  relationship to later mental health or substance  
13                  abuse outcomes;

14                  (C) involve changes to center-wide policies  
15                  or practices, or other services and supports of-  
16                  fered in conjunction with Head Start programs  
17                  or Early Head Start centers, including services  
18                  provided to adults or families (with or without  
19                  a child present) for the benefit of the children;

20                  (D) demonstrate effectiveness across racial,  
21                  ethnic, and geographic populations or dem-  
22                  onstrate the capacity to be adapted to be effective  
23                  across populations;

24                  (E) offer a tiered approach to addressing  
25                  need, including—

- 1                   (i) *universal interventions for all chil-*  
 2                   *dren;*  
 3                   (ii) *selected prevention for children*  
 4                   *demonstrating increased need; and*  
 5                   (iii) *indicated prevention for children*  
 6                   *demonstrating substantial need;*  
 7                   (F) *incorporate trauma-informed care ap-*  
 8                   *proaches; or*  
 9                   (G) *have a proven record of improving*  
 10                  *early childhood and social emotional develop-*  
 11                  *ment.*

12       (b) *INTERVENTIONS THAT SUPPORT STAFF*  
 13 *WELLNESS.—In carrying out subsection (a), the Secretary*  
 14 *shall identify and review interventions, best practices, cur-*  
 15 *ricula, and staff trainings that support staff wellness and*  
 16 *self-care.*

17       (c) *CREDENTIALS.—In carrying out subsections (a)*  
 18 *and (b), the Secretary, in consultation with relevant ex-*  
 19 *perts, shall determine the appropriate credentials for indi-*  
 20 *viduals who deliver the interventions, best practices, cur-*  
 21 *ricula, and staff trainings identified by the Secretary.*

22       (d) *CONSULTATION; PUBLIC INPUT.—In carrying out*  
 23 *this section, the Secretary shall—*

- 24                   (1) *consult with relevant agencies, experts, aca-*  
 25                   *demics, think tanks, and nonprofit organizations with*

1        *expertise in early childhood, mental health, and trauma-*  
2        *informed care, including the National Institute of*  
3        *Mental Health, the Administration for Children and*  
4        *Families, the Substance Abuse and Mental Health*  
5        *Services Administration, the Institute of Education*  
6        *Sciences, and the Centers for Disease Control and*  
7        *Prevention; and*

8                *(2) solicit public input on—*

9                        *(A) the design of the reviews under sub-*  
10                       *sections (a) and (b); and*

11                       *(B) the findings and conclusions resulting*  
12                       *from such reviews.*

13        *(e) TIMING.—The Secretary shall—*

14                       *(1) complete the initial reviews required by sub-*  
15                       *sections (a) and (b) not later than 2 years after the*  
16                       *date of enactment of this Act; and*

17                       *(2) update such reviews and the findings and*  
18                       *conclusions therefrom at least every 5 years.*

19        *(f) REPORTING.—Not later than 1 year after the date*  
20        *of enactment of this Act, and every 5 years thereafter, the*  
21        *Secretary shall submit a report to the Congress on the re-*  
22        *sults of implementing this section.*

1 **SEC. 103. IMPLEMENTING THE INTERVENTIONS IN HEAD**  
 2 **START PROGRAMS.**

3 (a) *IN GENERAL.*—*The Assistant Secretary for the Ad-*  
 4 *ministration for Children and Families shall award grants*  
 5 *to participating Head Start agencies to implement the*  
 6 *interventions, best practices, curricula, and staff trainings*  
 7 *that are identified pursuant to section 102.*

8 (b) *REQUIREMENTS.*—*The Assistant Secretary shall*  
 9 *ensure that grants awarded under this section are awarded*  
 10 *to grantees representing a diversity of geographic areas*  
 11 *across the United States, including urban, suburban, and*  
 12 *rural areas.*

13 **SEC. 104. EVALUATING IMPLEMENTATION OF INTERVEN-**  
 14 **TIONS IN HEAD START PROGRAMS.**

15 (a) *IN GENERAL.*—*The Secretary of Health and*  
 16 *Human Services, acting through the Assistant Secretary for*  
 17 *Planning and Evaluation and in coordination with the As-*  
 18 *stant Secretary for the Administration for Children and*  
 19 *Families, shall—*

20 (1) *determine whether the interventions, best*  
 21 *practices, curricula, and staff trainings implemented*  
 22 *pursuant to section 103—*

23 (A) *are effectively implemented pursuant to*  
 24 *section 103 and other relevant provisions of law*  
 25 *such that the anticipated effect sizes of the inter-*

1           ventions, best practices, curricula, and staff  
2           trainings are achieved; and

3                   (B) yield long-term savings;

4           (2) develop a method for making the determina-  
5           tion required by paragraph (1);

6           (3) ensure that such method includes competency  
7           and testing approaches, performance or outcome  
8           measures, or any other methods deemed appropriate  
9           by the Assistant Secretary, taking into consideration  
10          existing monitoring components of the Head Start  
11          and Early Head Start programs; and

12          (4) solicit public input on the design, findings,  
13          and conclusions of this process and shall consider  
14          whether updates are necessary at least every 5 years.

15          (b) *PROCESS*.—In carrying out subsection (a), the Sec-  
16          retary of Health and Human Services shall—

17                  (1) conduct any research and evaluation studies  
18                  needed; and

19                  (2) solicit public input on—

20                          (A) the design of the method developed pur-  
21                          suant to subsection (a)(2); and

22                          (B) the resulting findings and conclusions.

23          (c) *TIMING*.—The Secretary of Health and Human  
24          Services shall—

- 1           (1) *develop the method required by subsection*  
 2           *(a)(2) and make the initial determination required by*  
 3           *subsection (a)(1) not later than 2 years after the date*  
 4           *of enactment of this Act; and*
- 5           (2) *update such method and determination at*  
 6           *least every 5 years.*

7   **SEC. 105. IMPLEMENTING THE EVALUATION FRAMEWORK**  
 8           **FOR HEAD START PROGRAMS.**

9           (a) *EVALUATION METHOD.*—*The Assistant Secretary*  
 10          *for the Administration for Children and Families shall im-*  
 11          *plement the evaluation method developed pursuant to sec-*  
 12          *tion 104(a) in the Head Start program as a voluntary*  
 13          *mechanism for interested Head Start programs or Early*  
 14          *Head Start centers to evaluate the extent to which such pro-*  
 15          *grams or centers have effectively implemented the interven-*  
 16          *tions, best practices, curricula, and staff trainings identi-*  
 17          *fied pursuant to section 102, with minimal burden or dis-*  
 18          *ruption to programs and centers interested in partici-*  
 19          *pating.*

20          (b) *TECHNICAL ASSISTANCE.*—*The Assistant Secretary*  
 21          *for the Administration for Children and Families shall pro-*  
 22          *vide guidance, tools, resources, and technical assistance to*  
 23          *grantees for implementing and evaluating interventions,*  
 24          *best practices, curricula, and staff trainings identified pur-*

1 *suant to section 102 and optimizing the performance of*  
 2 *such grantees on the annual evaluations.*

3 **SEC. 106. BEST PRACTICE CENTERS.**

4 *The Assistant Secretary for the Administration for*  
 5 *Children and Families may fund up to 5 Best Practice Cen-*  
 6 *ters in Early Childhood Training in universities and col-*  
 7 *leges to prepare future Head Start agencies and staff able*  
 8 *to deliver the interventions, best practices, curricula, and*  
 9 *staff trainings identified pursuant to section 102.*

10 **SEC. 107. FUNDING.**

11 *(a) AUTHORIZATION OF APPROPRIATIONS.—There is*  
 12 *authorized to be appropriated \$100,000,000 for the period*  
 13 *of fiscal years 2023 through 2032 for carrying out sections*  
 14 *103(b), 104, and 106.*

15 *(b) AVAILABILITY OF APPROPRIATIONS.—Amounts au-*  
 16 *thorized to be appropriated by subsection (a) are authorized*  
 17 *to remain available until expended.*

18 **TITLE II—BUILDING PIPELINE**  
 19 **OF SCHOOL-BASED MENTAL**  
 20 **HEALTH SERVICE PROVIDERS**  
 21 **ACT**

22 **SEC. 201. SHORT TITLE.**

23 *This title may be cited as the “Building Pipeline of*  
 24 *School-Based Mental Health Service Providers Act”.*

1 **SEC. 202. DEFINITIONS.**

2 *In this title:*

3 (1) *BEST PRACTICES.*—*The term “best practices”*  
4 *means a technique or methodology that, through expe-*  
5 *rience and research related to professional practice in*  
6 *a school-based mental health field, has proven to reli-*  
7 *ably lead to a desired result.*

8 (2) *ELIGIBLE INSTITUTION.*—*The term “eligible*  
9 *institution” means an institution of higher education*  
10 *that offers a program of study that leads to a master’s*  
11 *or other graduate degree—*

12 (A) *in school psychology that prepares stu-*  
13 *dents in such program for the State licensing or*  
14 *certification examination in school psychology;*

15 (B) *in school counseling that prepares stu-*  
16 *dents in such program for the State licensing or*  
17 *certification examination in school counseling;*

18 (C) *in school social work that prepares stu-*  
19 *dents in such program for the State licensing or*  
20 *certification examination in school social work;*

21 (D) *in another school-based mental health*  
22 *field that prepares students in such program for*  
23 *the State licensing or certification examination*  
24 *in such field, if applicable; or*

25 (E) *in any combination of study described*  
26 *in subparagraphs (A) through (D).*

1           (3) *ELIGIBLE PARTNERSHIP*.—The term “eligible  
2       partnership” means—

3                   (A) a partnership between 1 or more high-  
4       need local educational agencies and 1 or more el-  
5       igible institutions; or

6                   (B) in any region in which local edu-  
7       cational agencies may not have a sufficient ele-  
8       mentary school and secondary school student  
9       population to support the placement of all par-  
10      ticipating graduate students, a partnership be-  
11      tween a State educational agency, on behalf of 1  
12      or more high-need local educational agencies,  
13      and 1 or more eligible institutions.

14           (4) *HIGH-NEED LOCAL EDUCATIONAL AGENCY*.—  
15      The term “high-need local educational agency” means  
16      a local educational agency that—

17                   (A) is described in section 200(10) of the  
18      Higher Education Act of 1965 (20 U.S.C.  
19      1021(10)); and

20                   (B) as of the date of application for a grant  
21      under this title, has ratios of school counselors,  
22      school social workers, and school psychologists to  
23      students served by the agency that are not more  
24      than 1 school counselor per 250 students, not  
25      more than 1 school psychologist per 500 students,

1           *and not more than 1 school social worker per*  
2           *250 students.*

3           (5) *HISTORICALLY BLACK COLLEGE OR UNIVER-*  
4           *SITY.—The term “historically Black college or univer-*  
5           *sity” has the meaning given the term “part B institu-*  
6           *tion” in section 322 of the Higher Education Act of*  
7           *1965 (20 U.S.C. 1061).*

8           (6) *HOMELESS CHILDREN AND YOUTHS.—The*  
9           *term “homeless children and youths” has the meaning*  
10          *given such term in section 725 of the McKinney-Vento*  
11          *Homeless Assistance Act (42 U.S.C. 11434a).*

12          (7) *INDIAN TRIBE; TRIBAL ORGANIZATION.—In*  
13          *this section the terms “Indian tribe” and “tribal or-*  
14          *ganization” have the meanings given those terms in*  
15          *section 4 of the Indian Self-Determination and Edu-*  
16          *cation Assistance Act (25 U.S.C. 5304)).*

17          (8) *INSTITUTION OF HIGHER EDUCATION.—The*  
18          *term “institution of higher education” has the mean-*  
19          *ing given such term in section 101(a) of the Higher*  
20          *Education Act of 1965 (20 U.S.C. 1001(a)).*

21          (9) *LOCAL EDUCATIONAL AGENCY.—The term*  
22          *“local educational agency” has the meaning given*  
23          *such term in section 8101 of the Elementary and Sec-*  
24          *ondary Education Act of 1965 (20 U.S.C. 7801).*

1           (10) *MINORITY-SERVING INSTITUTION.*—*The*  
 2           *term “minority-serving institution” means, as defined*  
 3           *in section 371(a) of the Higher Education Act of 1965*  
 4           *(20 U.S.C. 1067q(a)), a Hispanic-serving institution,*  
 5           *an Alaska Native-serving institution or a Native Ha-*  
 6           *waiian-serving institution, a Predominantly Black*  
 7           *Institution, an Asian American and Native American*  
 8           *Pacific Islander-serving institution, or a Native*  
 9           *American-serving nontribal institution.*

10          (11) *OUTLYING AREA.*—*The term “outlying*  
 11          *area” has the meaning given the term in section*  
 12          *8101(36)(A) of the Elementary and Secondary Edu-*  
 13          *cation Act of 1965 (20 U.S.C. 7801(36)(A)).*

14          (12) *PARTICIPATING ELIGIBLE INSTITUTION.*—  
 15          *The term “participating eligible institution” means*  
 16          *an eligible institution that is part of an eligible part-*  
 17          *nership awarded a grant under section 203.*

18          (13) *PARTICIPATING GRADUATE.*—*The term*  
 19          *“participating graduate” means an individual who—*  
 20                 *(A) has received a master’s or other grad-*  
 21                 *uate degree in a school-based mental health field*  
 22                 *from a participating eligible institution and has*  
 23                 *obtained a State license or credential in the*  
 24                 *school-based mental health field; and*

1           *(B) as a graduate student pursuing a career*  
 2           *in a school-based mental health field, was placed*  
 3           *in a school served by a participating high-need*  
 4           *local educational agency to complete required*  
 5           *field work, credit hours, internships, or related*  
 6           *training as applicable.*

7           *(14) PARTICIPATING HIGH-NEED LOCAL EDU-*  
 8           *CATIONAL AGENCY.—The term “participating high-*  
 9           *need local educational agency” means a high-need*  
 10           *local educational agency that is part of an eligible*  
 11           *partnership awarded a grant under section 203.*

12           *(15) SCHOOL-BASED MENTAL HEALTH FIELD.—*  
 13           *The term “school-based mental health field” means*  
 14           *each of the following fields:*

15                     *(A) School counseling.*

16                     *(B) School social work.*

17                     *(C) School psychology.*

18                     *(D) Any other field of study that leads to*  
 19           *employment as a school-based mental health*  
 20           *services provider.*

21           *(16) SCHOOL-BASED MENTAL HEALTH SERVICES*  
 22           *PROVIDER.—The term “school-based mental health*  
 23           *services provider” has the meaning given the term in*  
 24           *section 4102 of the Elementary and Secondary Edu-*  
 25           *cation Act of 1965 (20 U.S.C. 7112).*

1           (17) *SECRETARY*.—The term “Secretary” means  
2           the Secretary of Education.

3           (18) *STATE EDUCATIONAL AGENCY*.—The term  
4           “State educational agency” has the meaning given the  
5           term in section 8101 of the Elementary and Sec-  
6           ondary Education Act of 1965 (20 U.S.C. 7801).

7           (19) *STUDENT SUPPORT PERSONNEL TARGET RA-*  
8           *TIOS*.—The term “student support personnel target  
9           ratios” means the ratios of school-based mental health  
10          services providers to students recommended to enable  
11          such personnel to effectively address the needs of stu-  
12          dents, including—

13               (A) at least 1 school counselor for every 250  
14               students (as recommended by the American  
15               School Counselor Association and American  
16               Counseling Association);

17               (B) at least 1 school psychologist for every  
18               500 students (as recommended by the National  
19               Association of School Psychologists); and

20               (C) at least 1 school social worker for every  
21               250 students (as recommended by the School So-  
22               cial Work Association of America).

23          (20) *TRIBALLY CONTROLLED COLLEGE OR UNI-*  
24          *VERSITY*.—The term “tribally controlled college or  
25          university” has the meaning given such term in sec-

tion 2 of the Tribally Controlled Colleges and Universities Assistance Act of 1978 (25 U.S.C. 1801).

(21) *UNACCOMPANIED YOUTH*.—The term “unaccompanied youth” has the meaning given such term in section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

**SEC. 203. GRANT PROGRAM TO INCREASE THE NUMBER OF  
SCHOOL-BASED MENTAL HEALTH SERVICES  
PROVIDERS SERVING IN HIGH-NEED LOCAL  
EDUCATIONAL AGENCIES.**

(a) *AUTHORIZATION OF GRANTS*.—

(1) *GRANT PROGRAM AUTHORIZED*.—From amounts made available to carry out this section, the Secretary shall award grants, on a competitive basis, to eligible partnerships, to enable the eligible partnerships to carry out pipeline programs to increase the number of school-based mental health services providers employed by high-need local educational agencies by carrying out any of the activities described in subsection (e).

(2) *RESERVATIONS*.—From the total amount appropriated under subsection (j) for a fiscal year, the Secretary shall reserve—

(A) one-half of 1 percent for the Secretary of the Interior to carry out programs under this

1           *title in schools operated or funded by the Bureau*  
2           *of Indian Education, Indian tribes and tribal*  
3           *organizations, or a consortium of Indian tribes*  
4           *and tribal organizations;*

5                 *(B) one-half of 1 percent for allotments to*  
6                 *outlying areas based on the relative need of each*  
7                 *such area with respect to mental health services*  
8                 *in schools, as determined by the Secretary in ac-*  
9                 *cordance with the purpose of this title;*

10                *(C) not more than 3 percent to conduct the*  
11                *evaluations under subsection (h); and*

12                *(D) not more than 2 percent for the admin-*  
13                *istration of the program under this title and to*  
14                *provide technical assistance relating to such pro-*  
15                *gram.*

16           ***(b) GRANT PERIOD.***—*A grant awarded under this sec-*  
17           *tion shall be for a 5-year period and may be renewed for*  
18           *additional 5-year periods upon a showing of adequate*  
19           *progress, as determined by the Secretary.*

20           ***(c) APPLICATION.***—*To be eligible to receive a grant*  
21           *under this section, an eligible partnership shall submit to*  
22           *the Secretary a grant application at such time, in such*  
23           *manner, and containing such information as the Secretary*  
24           *may require. At a minimum, such application shall in-*  
25           *clude—*

1           (1) *an assessment of the existing (as of the date*  
2           *of application) ratios of school-based mental health*  
3           *services providers (in the aggregate and disaggregated*  
4           *by profession) to students enrolled in schools in each*  
5           *high-need local educational agency that is part of the*  
6           *eligible partnership; and*

7           (2) *a detailed description of—*

8                   (A) *a plan to carry out a pipeline program*  
9                   *to train, place, and retain school-based mental*  
10                  *health services providers in high-need local edu-*  
11                  *cational agencies; and*

12                  (B) *the proposed allocation and use of grant*  
13                  *funds to carry out activities described in sub-*  
14                  *section (e).*

15       (d) *AWARD BASIS.—In awarding grants under this*  
16       *section, the Secretary shall—*

17           (1) *ensure that to the extent practicable, grants*  
18           *are distributed among eligible entities that will serve*  
19           *geographically diverse areas; and*

20           (2) *give priority to eligible partnerships that—*

21                   (A) *propose to use the grant funds to carry*  
22                   *out the activities described under paragraphs (1)*  
23                   *through (3) of subsection (e) in schools that have*  
24                   *higher numbers or percentages of low-income stu-*  
25                   *dents (determined using any of the measures of*

1 *poverty described in section 1113(a)(5) of the El-*  
2 *ementary and Secondary Education Act of 1965*  
3 *(20 U.S.C. 6313(a)(5))), in comparison to other*  
4 *schools that are served by the high-need local*  
5 *educational agency that is part of the eligible*  
6 *partnership;*

7 *(B) include 1 or more high-need local edu-*  
8 *cational agencies that have fewer school-based*  
9 *mental health services providers, in the aggregate*  
10 *or for a particular school-based mental health*  
11 *field, per student than other eligible partnerships*  
12 *that have submitted a grant application under*  
13 *subsection (c);*

14 *(C) include 1 or more eligible institutions of*  
15 *higher education which are a historically Black*  
16 *college or university, a minority-serving institu-*  
17 *tion, or a tribally controlled college or univer-*  
18 *sity;*

19 *(D) propose to collaborate with other insti-*  
20 *tutions of higher education with similar pro-*  
21 *grams, including sharing facilities, faculty mem-*  
22 *bers, and administrative costs; and*

23 *(E) propose to use grant funds to increase*  
24 *the diversity of school-based mental health serv-*  
25 *ices providers.*

1       (e) *USE OF GRANT FUNDS.*—Grant funds awarded  
2   under this section may be used—

3           (1) *to pay the administrative costs (including*  
4       *supplies, office and classroom space, supervision,*  
5       *mentoring, and transportation stipends as necessary*  
6       *and appropriate) related to—*

7                   (A) *having graduate students of programs*  
8               *in school-based mental health fields placed in*  
9               *schools served by participating high-need local*  
10              *educational agencies to complete required field*  
11              *work, credit hours, internships, or related train-*  
12              *ing as applicable for the degree, license, or cre-*  
13              *dential program of each such student; and*

14                   (B) *offering required graduate coursework*  
15              *for students of a graduate program in a school-*  
16              *based mental health services field on the site of*  
17              *a participating high-need local educational agen-*  
18              *cy;*

19           (2) *for not more than the first 3 years after a*  
20       *participating graduate receives a master's or other*  
21       *graduate degree from a program in a school-based*  
22       *mental health field, or obtains a State license or cre-*  
23       *dential in a school-based mental health field, to hire*  
24       *and pay all or part of the salary of the participating*  
25       *graduates working as a school-based mental health*

1        *services provider in a school served by a participating*  
2        *high-need local educational agency;*

3            *(3) to increase the number of school-based mental*  
4        *health services providers per student in schools served*  
5        *by participating high-need local educational agencies,*  
6        *in order to meet the student support personnel target*  
7        *ratios;*

8            *(4) to recruit, hire, and retain culturally or lin-*  
9        *guistically under-represented graduate students of*  
10       *programs in school-based mental health fields for*  
11       *placement in schools served by participating high-*  
12       *need local educational agencies;*

13           *(5) to develop coursework that will—*

14                *(A) encourage a commitment by graduate*  
15        *students in school-based mental health fields to*  
16        *work for high-need local educational agencies;*

17                *(B) give participating graduates the knowl-*  
18        *edge and skill sets necessary to meet the needs*  
19        *of—*

20                        *(i) students and families served by*  
21        *high-need local educational agencies;*

22                        *(ii) students at risk of not meeting*  
23        *State academic standards;*

24                        *(iii) students who—*

1           (I) are English learners (as de-  
2           fined in section 8101 of the Elemen-  
3           tary and Secondary Education Act of  
4           1965 (20 U.S.C. 7801));

5           (II) are migratory children (as  
6           defined in section 1309 of such Act (20  
7           U.S.C. 6399));

8           (III) have a parent or caregiver  
9           who is a member of the armed forces,  
10          including the National Guard, who has  
11          been deployed or returned from deploy-  
12          ment;

13          (IV) are LGBTQ+, including stu-  
14          dents who are lesbian, gay, bisexual,  
15          transgender, queer or questioning, non-  
16          binary, or Two-Spirit;

17          (V) are homeless children and  
18          youth, including unaccompanied  
19          youth;

20          (VI) have come into contact with  
21          the juvenile justice system or adult  
22          criminal justice system, including stu-  
23          dents currently or previously held in  
24          juvenile detention facilities or adult  
25          jails and students currently or pre-

1 *viously held in juvenile correctional fa-*  
2 *cilities or adult prisons;*

3 *(VII) are a child with a disability*  
4 *(as defined in section 8101 of the Ele-*  
5 *mentary and Secondary Education Act*  
6 *of 1965 (20 U.S.C. 7801));*

7 *(VIII) have been a victim to, or*  
8 *witnessed, domestic violence or violence*  
9 *in their community;*

10 *(IX) have been exposed to sub-*  
11 *stance misuse at home or in the com-*  
12 *munity;*

13 *(X) are in foster care, are aging*  
14 *out of foster care, or were formerly in*  
15 *foster care; or*

16 *(XI) have been a victim to or wit-*  
17 *nessed trafficking in persons; and*

18 *(iv) teachers, administrators, and other*  
19 *staff who work for high-need local edu-*  
20 *cational agencies; and*

21 *(C) utilize best practices determined by the*  
22 *American School Counselor Association, Na-*  
23 *tional Association of Social Workers, School So-*  
24 *cial Work Association of America, and National*

1           *Association of School Psychologists and other rel-*  
 2           *evant organizations;*

3           *(6) to provide tuition credits to graduate stu-*  
 4           *dents participating in the pipeline program sup-*  
 5           *ported under the grant;*

6           *(7) to fund high-quality “Grow Your Own”*  
 7           *teacher preparation programs that provide pathways*  
 8           *to State licensure or certification as a school psychol-*  
 9           *ogist, school counselor, school social worker, or other*  
 10          *school-based mental services provider to recruit and*  
 11          *prepare local community members, career changers,*  
 12          *paraprofessionals, after-school program staff, and oth-*  
 13          *ers currently working in schools to become school-*  
 14          *based mental health services providers;*

15          *(8) to cover the costs of licensure and prepara-*  
 16          *tion for required licensure exams; and*

17          *(9) for similar activities to fulfill the purpose of*  
 18          *this title, as the Secretary determines appropriate.*

19          *(f) SUPPLEMENT NOT SUPPLANT.—Funds made avail-*  
 20          *able under this section shall be used to supplement, not sup-*  
 21          *plant, other Federal, State, or local funds available for the*  
 22          *activities described in subsection (e).*

23          *(g) REPORTING REQUIREMENTS.—*

24                 *(1) IN GENERAL.—Each eligible partnership that*  
 25                 *receives a grant under this section shall prepare and*

1       submit to the Secretary an annual report on the  
2       progress of the eligible partnership in carrying out  
3       the grant. Such report shall contain such information  
4       as the Secretary may require, including, at a min-  
5       imum, a description of—

6               (A) actual service delivery provided through  
7       the grant funds, including—

8                   (i) descriptive information on the par-  
9       ticipating eligible institution, the edu-  
10      cational model used, and the actual aca-  
11      demic program performance;

12                  (ii) characteristics of graduate students  
13      participating in the pipeline program sup-  
14      ported under the grant, including—

15                   (I) performance on any examina-  
16      tions required by the State for  
17      credentialing or licensing;

18                   (II) demographic characteristics;  
19      and

20                   (III) graduate student retention  
21      rates;

22                  (iii) characteristics of students of the  
23      participating high-need local educational  
24      agency, including performance on any tests  
25      required by the State educational agency,

1           *demographic characteristics, and gradua-*  
2           *tion rates, as appropriate;*

3           *(iv) an estimate of the annual imple-*  
4           *mentation costs of the pipeline program*  
5           *supported under the grant; and*

6           *(v) the number of public elementary*  
7           *and secondary school students, public ele-*  
8           *mentary and secondary schools, graduate*  
9           *students, and institutions of higher edu-*  
10          *cation participating in the pipeline pro-*  
11          *gram supported under the grant;*

12          *(B) outcomes that are consistent with the*  
13          *purpose of the grant program under this title,*  
14          *including—*

15           *(i) internship and post-graduation*  
16           *placement of the participating graduate stu-*  
17           *dents;*

18           *(ii) graduation and professional career*  
19           *readiness indicators; and*

20           *(iii) characteristics of the partici-*  
21           *pating high-need local educational agency,*  
22           *including with respect to fully certified and*  
23           *effective teachers and school-based mental*  
24           *health services providers employed by such*  
25           *agency—*

1                   (I) changes in the rate of hiring  
2                   and retention of such teachers and pro-  
3                   viders (in the aggregate and  
4                   disaggregated by each such profession);  
5                   and

6                   (II) the demographics, including  
7                   the race, ethnicity, and gender, of such  
8                   teachers and providers.

9                   (C) the instruction, materials, and activi-  
10                  ties being funded under the grant; and

11                  (D) the effectiveness of any training and  
12                  ongoing professional development provided—

13                   (i) to students and faculty in the ap-  
14                   propriate departments or schools of the par-  
15                   ticipating eligible institution; and

16                   (ii) to the teachers, paraprofessionals,  
17                   school leaders, school-based mental health  
18                   services providers, and other specialized in-  
19                   structional support personnel of the partici-  
20                   pating high-need local educational agency.

21                  (2) *PUBLICATION.*—The Secretary shall publish  
22                  the annual reports submitted under paragraph (1) on  
23                  the website of the Department of Education.

24                  (h) *EVALUATION.*—

1           (1) *INTERIM EVALUATIONS.*—*The Secretary may*  
 2           *conduct interim evaluations to determine whether*  
 3           *each eligible partnership receiving a grant under this*  
 4           *section is making adequate progress as the Secretary*  
 5           *considers appropriate. The contents of the annual re-*  
 6           *port submitted to the Secretary under subsection (g)*  
 7           *may be used by the Secretary to determine whether an*  
 8           *eligible partnership receiving a grant is dem-*  
 9           *onstrating adequate progress.*

10           (2) *FINAL EVALUATION.*—*The Secretary shall*  
 11           *conduct a final evaluation to—*

12                   (A) *determine the effectiveness of the grant*  
 13                   *program in carrying out the purpose of this title;*  
 14                   *and*

15                   (B) *compare the relative effectiveness of*  
 16                   *each of the various activities described in sub-*  
 17                   *section (e) for which grant funds may be used.*

18           (i) *REPORT.*—*Not earlier than 5 years, nor later than*  
 19           *6 years, after the date of enactment of this Act, the Sec-*  
 20           *retary shall submit to the Congress a report containing—*

21                   (1) *the findings of the final evaluation conducted*  
 22                   *under subsection (h)(2); and*

23                   (2) *such recommendations as the Secretary con-*  
 24                   *siders appropriate.*

1       (j) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
 2 *authorized to be appropriated to carry out this section*  
 3 *\$200,000,000 for fiscal year 2023 and each succeeding fiscal*  
 4 *year.*

5       ***TITLE III—ELEMENTARY AND***  
 6       ***SECONDARY SCHOOL COUN-***  
 7       ***SELING ACT***

8       ***SEC. 301. SHORT TITLE.***

9       *This title may be cited as the “Elementary and Sec-*  
 10 *ondary School Counseling Act”.*

11       ***SEC. 302. DEFINITIONS.***

12       *In this title:*

13               (1) *ESEA DEFINITIONS.*—*The terms “elementary*  
 14 *school”, “local educational agency”, and “secondary*  
 15 *school” have the meanings given the terms in section*  
 16 *8101 of the Elementary and Secondary Education*  
 17 *Act of 1965 (20 U.S.C. 7801).*

18               (2) *HIGH-NEED SCHOOL.*—*The term “high-need*  
 19 *school” has the meaning given the term in section*  
 20 *2211(b) of the Elementary and Secondary Education*  
 21 *Act of 1965 (20 U.S.C. 6631(b)).*

22               (3) *INDIAN TRIBE; TRIBAL ORGANIZATION.*—*The*  
 23 *terms “Indian tribe” and “tribal organization” have*  
 24 *the meanings given those terms in section 4 of the In-*

1        *dian Self-Determination and Education Assistance*  
 2        *Act (25 U.S.C. 5304)).*

3            (4) *OUTLYING AREA.*—*The term “outlying area”*  
 4        *means an outlying area specified in section*  
 5        *8101(36)(A) of the Elementary and Secondary Edu-*  
 6        *cation Act of 1965 (20 U.S.C. 7801(36)(A)).*

7            (5) *SCHOOL-BASED MENTAL HEALTH SERVICES*  
 8        *PROVIDER.*—*The term “school-based mental health*  
 9        *services provider” has the meaning given the term in*  
 10        *section 4102 of the Elementary and Secondary Edu-*  
 11        *cation Act of 1965 (20 U.S.C. 7112).*

12            (6) *SECRETARY.*—*The term “Secretary” means*  
 13        *the Secretary of Education.*

14            (7) *STATE.*—*The term “State” means each of the*  
 15        *50 States, the District of Columbia, and Puerto Rico.*

16        **SEC. 303. ALLOTMENTS TO STATES AND SUBGRANTS TO**  
 17        **LOCAL EDUCATIONAL AGENCIES.**

18            (a) *PROGRAM AUTHORIZED.*—*The Secretary shall*  
 19        *carry out a program under which the Secretary makes allot-*  
 20        *ments to States, in accordance with subsection (c), to enable*  
 21        *the States to award subgrants to local educational agencies*  
 22        *in order to increase access to school-based mental health*  
 23        *services providers at high-need schools served by the local*  
 24        *educational agencies.*

1       (b) *RESERVATIONS.*—*From the total amount made*  
 2 *available under section 304 for a fiscal year, the Secretary*  
 3 *shall reserve—*

4           (1) *one-half of 1 percent for the Secretary of the*  
 5 *Interior for programs under this title in schools oper-*  
 6 *ated or funded by the Bureau of Indian Education,*  
 7 *Indian tribes and tribal organizations, or consortia of*  
 8 *Indian tribes and tribal organizations;*

9           (2) *one-half of 1 percent for allotments for the*  
 10 *outlying areas to be distributed among those outlying*  
 11 *areas on the basis of their relative need, as deter-*  
 12 *mined by the Secretary, in accordance with the pur-*  
 13 *pose of this title; and*

14           (3) *not more than 2 percent for the administra-*  
 15 *tion of the program under this title and to provide*  
 16 *technical assistance relating to such program.*

17       (c) *ALLOTMENTS TO STATES.*—

18           (1) *IN GENERAL.*—

19           (A) *FORMULA.*—*From the total amount*  
 20 *made available under section 304 for a fiscal*  
 21 *year and not reserved under subsection (b), the*  
 22 *Secretary shall allot to each State that submits*  
 23 *a true and complete application under para-*  
 24 *graph (3) (as determined by the Secretary) an*  
 25 *amount that bears the same relationship to such*

1           *total amount as the amount received under part*  
 2           *A of title I of the Elementary and Secondary*  
 3           *Education Act of 1965 (20 U.S.C. 6311 et seq.)*  
 4           *by such State for such fiscal year bears to the*  
 5           *amount received under such part for such fiscal*  
 6           *year by all States that submit such applications.*

7                   *(B) SMALL STATE MINIMUM.—No State re-*  
 8                   *ceiving an allotment under this paragraph shall*  
 9                   *receive less than one-half of 1 percent of the total*  
 10                  *amount allotted under this paragraph.*

11                  *(2) MATCHING REQUIREMENTS.—In order to re-*  
 12                  *ceive an allotment under paragraph (1), a State shall*  
 13                  *agree to provide matching funds, in an amount equal*  
 14                  *to 20 percent of the amount of the allotment, toward*  
 15                  *the costs of the activities carried out with the allot-*  
 16                  *ment.*

17                  *(3) APPLICATION.—A State desiring an allot-*  
 18                  *ment under paragraph (1) shall submit to the Sec-*  
 19                  *retary an application at such time, in such manner,*  
 20                  *and containing such information as the Secretary*  
 21                  *may require. Each application shall include, at a*  
 22                  *minimum—*

23                    *(A) an assurance that the State will use the*  
 24                    *allotment only for the purposes specified in sub-*  
 25                    *section (d)(1);*

1           (B) a description of how the State will  
2           award subgrants to local educational agencies  
3           under such subsection;

4           (C) a description of how the State will dis-  
5           seminate, in a timely manner, information re-  
6           garding the subgrants and the application proc-  
7           ess for such subgrants to local educational agen-  
8           cies; and

9           (D) the ratios, as of the date of application,  
10          of students to school-based mental health services  
11          providers in each public elementary school and  
12          secondary school in the State, in the aggregate  
13          and disaggregated to include—

14               (i) the ratios of students to school  
15               counselors, school psychologists, and school  
16               social workers; and

17               (ii) as applicable, the ratios of students  
18               to other school-based mental health services  
19               providers not described in clause (i), in the  
20               aggregate and disaggregated by type of pro-  
21               vider.

22          (4) DURATION.—An allotment to a State under  
23          paragraph (1) shall be for a 5-year period and may  
24          be renewed for additional 5-year periods upon a  
25          showing of adequate progress on meeting the goals of

1       *the program under this title, as determined by the*  
 2       *Secretary.*

3       *(d) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-*  
 4       *CIES.—*

5               *(1) IN GENERAL.—A State receiving an allot-*  
 6       *ment under subsection (c) shall use the allotment to*  
 7       *award subgrants, on a competitive basis, to local edu-*  
 8       *cational agencies in the State, to enable the local edu-*  
 9       *cational agencies to—*

10               *(A) recruit and retain school-based mental*  
 11       *health services providers to work at high-need*  
 12       *schools served by the local educational agency;*  
 13       *and*

14               *(B) work toward effectively staffing the*  
 15       *high-need schools of the local educational agency*  
 16       *with school-based mental health services pro-*  
 17       *viders, including by meeting the recommended*  
 18       *maximum ratios of—*

19                       *(i) 250 students per school counselor;*

20                       *(ii) 500 students per school psycholo-*  
 21       *gist; and*

22                       *(iii) 250 students per school social*  
 23       *worker.*

24               *(2) PRIORITY.—In awarding subgrants under*  
 25       *this subsection, the State shall give priority to local*

1        *educational agencies that serve a significant number*  
 2        *of high-need schools.*

3            (3) *APPLICATION.*—*A local educational agency*  
 4        *desiring a subgrant under this subsection shall submit*  
 5        *an application to the State at such time, in such*  
 6        *manner, and containing such information as the*  
 7        *State may require, including information on how the*  
 8        *local educational agency will prioritize assisting*  
 9        *high-need schools with the largest numbers or percent-*  
 10       *ages of students from low-income families (as counted*  
 11       *under section 1124(c) of the Elementary and Sec-*  
 12       *ondary Education Act of 1965 (20 U.S.C. 6333(c)).*

13        (e) *ALLOTMENT AND SUBGRANT REQUIREMENTS.*—

14            (1) *SUPPLEMENT, NOT SUPPLANT.*—*Amounts re-*  
 15        *ceived from an allotment under subsection (c) or a*  
 16        *subgrant under subsection (d) shall supplement, and*  
 17        *not supplant, any other funds available to a State or*  
 18        *local educational agency for school-based mental*  
 19        *health services.*

20            (2) *COMBINING FUNDS ALLOWED.*—*A local edu-*  
 21        *cational agency receiving a subgrant under subsection*  
 22        *(d) may combine such subgrant with State or local*  
 23        *funds to carry out the activities described in sub-*  
 24        *section (d)(1).*

25        (f) *REPORTS.*—

1           (1) *LOCAL EDUCATIONAL AGENCIES.*—A local  
 2           educational agency that receives a subgrant under  
 3           subsection (d) shall submit an annual report to the  
 4           State on the activities carried out with the subgrant  
 5           funds. Each such report shall—

6                     (A) describe the activities carried out using  
 7                     subgrant funds;

8                     (B) enumerate the number of school-based  
 9                     mental health services providers (in the aggregate  
 10                    and disaggregated by profession) who—

11                       (i) were employed by or otherwise  
 12                       served in high-need public elementary and  
 13                       secondary schools under the jurisdiction of  
 14                       the local educational agency over the year  
 15                       covered by the report; and

16                       (ii) were supported with funds from  
 17                       the subgrant or matching funds during such  
 18                       year; and

19                     (C) include the most recent student to pro-  
 20                     vider ratios, in the aggregate and disaggregated  
 21                     as provided in subsection (c)(3)(D), for high-need  
 22                     schools under the jurisdiction of the local edu-  
 23                     cational agency that were supported with the  
 24                     subgrant or matching funds.

1           (2) *STATE*.—A State receiving an allotment  
 2           under subsection (c) shall annually prepare and sub-  
 3           mit a report to the Secretary that—

4                   (A) evaluates the progress made in achiev-  
 5                   ing the purposes of the program under this title;

6                   (B) includes the most recent student to pro-  
 7                   vider ratios, in the aggregate and disaggregated  
 8                   as provided in subsection (c)(3)(D), for high-need  
 9                   schools in the State that were assisted with sub-  
 10                  grants under subsection (d); and

11                  (C) describes any other resources needed to  
 12                  meet the required recommended maximum stu-  
 13                  dent to school-based mental health services pro-  
 14                  vider ratios.

15           (3) *PUBLIC AVAILABILITY*.—The Secretary shall  
 16           make all reports submitted under this subsection  
 17           available to the public, including through the website  
 18           of the Department.

19 **SEC. 304. AUTHORIZATION OF APPROPRIATIONS.**

20           There are authorized to be appropriated to carry out  
 21           this title—

22                   (1) \$5,000,000,000 for fiscal year 2023; and

23                   (2) such sums as may be necessary for each suc-  
 24                  ceeding fiscal year.

1 **TITLE IV—SUPPORTING TRAUMA-**  
 2 **INFORMED EDUCATION**  
 3 **PRACTICES ACT**

4 **SECTION 401. SHORT TITLE.**

5 *This title may be cited as the “Supporting Trauma-*  
 6 *Informed Education Practices Act”.*

7 **SEC. 402. AMENDMENT TO THE SUPPORT FOR PATIENTS**  
 8 **AND COMMUNITIES ACT.**

9 *Section 7134 of the SUPPORT for Patients and Com-*  
 10 *munities Act (42 U.S.C. 280h-7) is amended to read as fol-*  
 11 *lows:*

12 **“SEC. 7134. GRANTS TO IMPROVE TRAUMA SUPPORT SERV-**  
 13 **ICES AND MENTAL HEALTH CARE FOR CHIL-**  
 14 **DREN AND YOUTH IN EDUCATIONAL SET-**  
 15 **TINGS.**

16 *“(a) AUTHORIZATION OF GRANTS.—*

17 *“(1) GRANTS, CONTRACTS, AND COOPERATIVE*  
 18 *AGREEMENTS AUTHORIZED.—The Secretary, in co-*  
 19 *ordination with the Secretary of Health and Human*  
 20 *Services, is authorized to award grants to, or enter*  
 21 *into contracts or cooperative agreements with, an eli-*  
 22 *gible entity for the purpose of increasing student,*  
 23 *teacher, school leader, and other school personnel ac-*  
 24 *cess to evidence-based trauma support services and*  
 25 *mental health services by developing innovative ini-*

1        *tiatives, activities, or programs to connect schools and*  
2        *local educational agencies, or tribal educational agen-*  
3        *cies, as applicable, with community trauma-informed*  
4        *support and mental health systems, including such*  
5        *systems under the Indian Health Service.*

6                *“(2) RESERVATIONS.—From the total amount*  
7        *appropriated under subsection (l) for a fiscal year,*  
8        *the Secretary shall reserve—*

9                        *“(A) not more than 3 percent to conduct the*  
10                      *evaluation under subsection (f); and*

11                      *“(B) not more than 2 percent for technical*  
12                      *assistance and administration.*

13                *“(b) DURATION.—With respect to a grant, contract, or*  
14        *cooperative agreement awarded or entered into under this*  
15        *section, the period during which payments under such*  
16        *grant, contract or agreement are made to the recipient may*  
17        *not exceed 5 years.*

18                *“(c) USE OF FUNDS.—An eligible entity that receives*  
19        *or enters into a grant, contract, or cooperative agreement*  
20        *under this section shall use amounts made available*  
21        *through such grant, contract, or cooperative agreement for*  
22        *evidence-based initiatives, activities, or programs, which*  
23        *shall include at least 1 of the following:*

24                      *“(1) Enhancing, improving, or developing col-*  
25        *laborative efforts between schools, local educational*

1        *agencies or tribal educational agencies, as applicable,*  
2        *and community mental health and trauma-informed*  
3        *service delivery systems to provide, develop, or im-*  
4        *prove prevention, referral, treatment, and support*  
5        *services to students.*

6                *“(2) Implementing trauma-informed models of*  
7        *support, including trauma-informed, positive behav-*  
8        *ioral interventions and supports in schools served by*  
9        *the eligible entity.*

10               *“(3) Providing professional development to*  
11        *teachers, paraprofessionals, school leaders, school-*  
12        *based mental health services providers, and other spe-*  
13        *cialized instructional support personnel employed by*  
14        *local educational agencies or tribal educational agen-*  
15        *cies, as applicable or schools served by the eligible en-*  
16        *tity that—*

17                *“(A) fosters safe and stable learning envi-*  
18        *ronments that prevent and mitigate the effects of*  
19        *trauma, including through social and emotional*  
20        *learning;*

21                *“(B) improves school capacity to identify,*  
22        *refer, and provide services to students in need of*  
23        *trauma-informed support or mental health serv-*  
24        *ices, including by helping educators to identify*

1        *the unique personal and contextual variables*  
2        *that influence the manifestation of trauma; and*  
3            *“(C) reflects the best practices for trauma-*  
4        *informed identification, referral, and support de-*  
5        *veloped by the Interagency Task Force on Trau-*  
6        *ma-Informed Care (as established by section*  
7        *7132).*

8            *“(4) Providing trauma-informed support services*  
9        *and mental health services to students at full-service*  
10       *community schools served by the eligible entity.*

11           *“(5) Engaging families and communities to in-*  
12       *crease awareness of child trauma, which may include*  
13       *sharing best practices with law enforcement regarding*  
14       *trauma-informed services and working with mental*  
15       *health professionals to provide interventions and*  
16       *longer term coordinated care within the community*  
17       *for children and youth who have experienced trauma*  
18       *and the families of such children and youth.*

19           *“(6) Evaluating the effectiveness of the initia-*  
20       *tives, activities, or programs carried out under this*  
21       *section in increasing student access to evidence-based*  
22       *trauma support services and mental health services.*

23           *“(7) Establishing partnerships with or providing*  
24       *subgrants to early childhood education programs or*  
25       *other eligible entities, to include such entities in the*

1       *evidence-based trauma-informed or mental health ini-*  
2       *tiatives, activities, and support services established*  
3       *under this section in order to provide, develop, or im-*  
4       *prove prevention, referral, treatment, and support*  
5       *services to children and their families.*

6               “(8) *Establishing new, or enhancing existing,*  
7       *evidence-based educational, awareness, and prevention*  
8       *programs to improve mental health and resiliency*  
9       *among teachers, paraprofessionals, school leaders,*  
10       *school-based mental health services providers, and*  
11       *other specialized instructional support personnel em-*  
12       *ployed by local educational agencies or tribal edu-*  
13       *cational agencies, as applicable, or schools served by*  
14       *the eligible entity.*

15               “(d) *APPLICATIONS.—To be eligible to receive a grant,*  
16       *contract, or cooperative agreement under this section, an*  
17       *eligible entity shall submit an application to the Secretary*  
18       *at such time, in such manner, and containing such infor-*  
19       *mation as the Secretary may reasonably require, which*  
20       *shall include the following:*

21               “(1) *A description of the innovative initiatives,*  
22       *activities, or programs to be funded under the grant,*  
23       *contract, or cooperative agreement, including how*  
24       *such initiatives, activities, or programs will increase*  
25       *access to evidence-based trauma-informed support*

1        *services and mental health services for students, and,*  
2        *as applicable, the families of such students.*

3            *“(2) A description of how the initiatives, activi-*  
4        *ties, or programs will provide linguistically appro-*  
5        *priate and culturally competent services.*

6            *“(3) A description of how the initiatives, activi-*  
7        *ties, or programs will support schools served by the el-*  
8        *igible entity in improving school climate in order to*  
9        *support an environment conducive to learning.*

10          *“(4) An assurance that—*

11            *“(A) persons providing services under the*  
12        *initiative, activity, or program funded by the*  
13        *grant, contract, or cooperative agreement are*  
14        *fully licensed or certified to provide such services;*

15            *“(B) teachers, school leaders, administra-*  
16        *tors, school-based mental health services pro-*  
17        *viders and other specialized instructional sup-*  
18        *port personnel, representatives of local Indian*  
19        *Tribes or tribal organizations as appropriate,*  
20        *other school personnel, individuals who have ex-*  
21        *perience receiving mental health services as chil-*  
22        *dren, and parents of students participating in*  
23        *services under this section will be engaged and*  
24        *involved in the design and implementation of the*  
25        *services; and*

1           “(C) the eligible entity will comply with the  
2           evaluation required under subsection (f).

3           “(5) A description of how the eligible entity will  
4           support and integrate existing school-based services at  
5           schools served by the eligible entity with the initia-  
6           tives, activities, or programs funded under this sec-  
7           tion in order to provide trauma-informed support  
8           services or mental health services for students, as ap-  
9           propriate.

10          “(6) A description of how the eligible entity will  
11          incorporate peer support services into the initiatives,  
12          activities, or programs to be funded under this sec-  
13          tion.

14          “(7) A description of how the eligible entity will  
15          ensure that initiatives, activities, or programs funded  
16          under this section are accessible to and include stu-  
17          dents with disabilities.

18          “(8) An assurance that the eligible entity will es-  
19          tablish a local interagency agreement under sub-  
20          section (e) and comply with such agreement.

21          “(e) INTERAGENCY AGREEMENTS.—

22          “(1) LOCAL INTERAGENCY AGREEMENTS.—In  
23          carrying out an evidence-based initiative, activity, or  
24          program described in subsection (c), an eligible entity  
25          that receives a grant, contract, or cooperative agree-

1        *ment under this section, or a designee of such entity,*  
2        *shall establish an interagency agreement between local*  
3        *educational agencies, agencies responsible for early*  
4        *childhood education programs, Head Start agencies*  
5        *(including Early Head Start agencies), juvenile jus-*  
6        *tice authorities, mental health agencies, child welfare*  
7        *agencies, and other relevant agencies, authorities, or*  
8        *entities in the community that will be involved in the*  
9        *provision of services under such initiative, activity, or*  
10       *program.*

11            *“(2) CONTENTS.—The local interagency agree-*  
12        *ment required under paragraph (1) shall specify, with*  
13        *respect to each agency, authority, or entity that is a*  
14        *party to such agreement—*

15            *“(A) the financial responsibility for any*  
16        *services provided by such entity;*

17            *“(B) the conditions and terms of responsi-*  
18        *bility for such any services, including quality,*  
19        *accountability, and coordination of the services;*  
20        *and*

21            *“(C) the conditions and terms of reimburse-*  
22        *ment of such agencies, authorities, or entities, in-*  
23        *cluding procedures for dispute resolution.*

24            *“(f) EVALUATION.—The Secretary shall conduct a rig-*  
25        *orous and independent evaluation of the initiatives, activi-*

1 *ties, and programs carried out by an eligible entity under*  
 2 *this section and disseminate evidence-based practices re-*  
 3 *garding trauma-informed support services and mental*  
 4 *health services.*

5       “(g) *DISTRIBUTION OF AWARDS.*—*The Secretary shall*  
 6 *ensure that grants, contracts, and cooperative agreements*  
 7 *awarded or entered into under this section are equitably*  
 8 *distributed among the geographical regions of the United*  
 9 *States and among tribal, urban, suburban, and rural popu-*  
 10 *lations.*

11       “(h) *RULE OF CONSTRUCTION.*—*Nothing in this sec-*  
 12 *tion shall be construed—*

13               “(1) *to prohibit an entity involved with an ini-*  
 14 *tiative, activity, or program carried out under this*  
 15 *section from reporting a crime that is committed by*  
 16 *a student to appropriate authorities; or*

17               “(2) *to prevent Federal, State, local, and tribal*  
 18 *law enforcement and judicial authorities from exer-*  
 19 *cising their responsibilities with regard to the appli-*  
 20 *cation of Federal, State, local, and tribal law to*  
 21 *crimes committed by a student.*

22       “(i) *SUPPLEMENT, NOT SUPPLANT.*—*Federal funds*  
 23 *provided under this section shall be used to supplement, and*  
 24 *not supplant, other Federal, State, or local funds available*

1 *to carry out the initiatives, activities, and programs de-*  
 2 *scribed in this section.*

3       “(j) *CONSULTATION REQUIRED.*—*In awarding or en-*  
 4 *tering into grants, contracts, and cooperative agreements*  
 5 *under this section, the Secretary shall, in a timely manner,*  
 6 *meaningfully consult with Indian Tribes, Regional Cor-*  
 7 *porations, Native Hawaiian Educational Organizations,*  
 8 *and their representatives to ensure notice of eligibility.*

9       “(k) *DEFINITIONS.*—*In this section:*

10           “(1) *EARLY CHILDHOOD EDUCATION PRO-*  
 11 *GRAM.*—*The term ‘early childhood education pro-*  
 12 *gram’ has the meaning given such term in section 103*  
 13 *of the Higher Education Act of 1965 (20 U.S.C.*  
 14 *1003).*

15           “(2) *ELIGIBLE ENTITY.*—*The term ‘eligible enti-*  
 16 *ty’ means—*

17                   “(A) *a State educational agency;*

18                   “(B) *a local educational agency;*

19                   “(C) *an Indian Tribe (as defined in section*  
 20 *4 of the Indian Self-Determination and Edu-*  
 21 *cation Assistance Act) or their tribal educational*  
 22 *agency;*

23                   “(D) *the Bureau of Indian Education;*

24                   “(E) *a Regional Corporation;*

1           “(F) a Native Hawaiian educational orga-  
2           nization; and

3           “(G) State, Territory, and Tribal Lead  
4           Agencies administering the Child Care and De-  
5           velopment Fund as described in section 658D(a)  
6           of the Child Care and Development Block Grant  
7           Act (42 U.S.C. 9858b(a)).

8           “(3) ESEA TERMS.—

9           “(A) The terms ‘elementary school’, ‘evi-  
10          dence-based’, ‘local educational agency’, ‘para-  
11          professional’, ‘parent’, ‘professional development’,  
12          ‘school leader’, ‘secondary school’, ‘Secretary’,  
13          ‘specialized instructional support personnel’, and  
14          ‘State educational agency’ have the meanings  
15          given such terms in section 8101 of the Elemen-  
16          tary and Secondary Education Act of 1965 (20  
17          U.S.C. 7801).

18          “(B) The term ‘full-service community  
19          school’ has the meaning given such term in sec-  
20          tion 4622 of the Elementary and Secondary  
21          Education Act of 1965 (20 U.S.C. 7272).

22          “(C) The term ‘Native Hawaiian edu-  
23          cational organization’ has the meaning given  
24          such term in section 6207 of the Elementary and

1           *Secondary Education Act of 1965 (20 U.S.C.*  
 2           *7517).*

3           “(D) *The term ‘school-based mental health*  
 4           *services provider’ has the meaning given the*  
 5           *term in section 4102 of the Elementary and Sec-*  
 6           *ondary Education Act of 1965 (20 U.S.C. 7112).*

7           “(4) *REGIONAL CORPORATION.—The term ‘Re-*  
 8           *gional Corporation’ has the meaning given the term*  
 9           *in section 3 of the Alaska Native Claims Settlement*  
 10          *Act (43 U.S.C. 1602)).*

11          “(5) *SCHOOL.—The term ‘school’ means a public*  
 12          *elementary school or public secondary school.*

13          “(l) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
 14          *authorized to be appropriated to carry out this section,*  
 15          *\$50,000,000 for each of fiscal years 2023 through 2027.”.*

16          ***TITLE V—RESPOND, INNOVATE,***  
 17          ***SUCCEED, AND EMPOWER ACT***

18          ***SEC. 501. SHORT TITLE.***

19          *This title may be cited as the “Respond, Innovate, Suc-*  
 20          *ceed, and Empower Act” or the “RISE Act”.*

21          ***SEC. 502. PERFECTING AMENDMENT TO THE DEFINITION***  
 22          ***OF DISABILITY.***

23          *Section 103(6) of the Higher Education Act of 1965*  
 24          *(20 U.S.C. 1003(6)) is amended by striking “section 3(2)”*  
 25          *and inserting “section 3”.*

1 **SEC. 503. SUPPORTING STUDENTS WITH DISABILITIES TO**  
2 **SUCCEED ONCE ENROLLED IN COLLEGE.**

3 *Section 487(a) of the Higher Education Act of 1965*  
4 *(20 U.S.C. 1094(a)) is amended by adding at the end the*  
5 *following:*

6 “(30)(A) *The institution will carry out the fol-*  
7 *lowing:*

8 “(i) *Adopt policies that make any of the fol-*  
9 *lowing documentation submitted by an indi-*  
10 *vidual sufficient to establish that such individual*  
11 *is an individual with a disability:*

12 “(I) *Documentation that the indi-*  
13 *vidual has had an individualized education*  
14 *program (IEP) in accordance with section*  
15 *614(d) of the Individuals with Disabilities*  
16 *Education Act (20 U.S.C. 1414(d)), includ-*  
17 *ing an IEP that may not be current on the*  
18 *date of the determination that the indi-*  
19 *vidual has a disability. The institution may*  
20 *ask for additional documentation from an*  
21 *individual who had an IEP but who was*  
22 *subsequently evaluated and determined to be*  
23 *ineligible for services under the Individuals*  
24 *with Disabilities Education Act, including*  
25 *an individual determined to be ineligible*  
26 *during elementary school.*

1           “(II) *Documentation describing serv-*  
2           *ices or accommodations provided to the in-*  
3           *dividual pursuant to section 504 of the Re-*  
4           *habilitation Act of 1973 (29 U.S.C. 794)*  
5           *(commonly referred to as a ‘Section 504*  
6           *plan’).*

7           “(III) *A plan or record of service for*  
8           *the individual from a private school, a local*  
9           *educational agency, a State educational*  
10           *agency, or an institution of higher edu-*  
11           *cation provided in accordance with the*  
12           *Americans with Disabilities Act of 1990 (42*  
13           *U.S.C. 12101 et seq.).*

14           “(IV) *A record or evaluation from a*  
15           *relevant licensed professional finding that*  
16           *the individual has a disability.*

17           “(V) *A plan or record of disability*  
18           *from another institution of higher edu-*  
19           *cation.*

20           “(VI) *Documentation of a disability*  
21           *due to service in the uniformed services, as*  
22           *defined in section 484C(a).*

23           “(ii) *Adopt policies that are transparent*  
24           *and explicit regarding information about the*

1           *process by which the institution determines eligi-*  
 2           *bility for accommodations.*

3           “(iii) Disseminate such information to stu-  
 4           dents, parents, and faculty in an accessible for-  
 5           mat, including during any student orientation  
 6           and making such information readily available  
 7           on a public website of the institution.

8           “(B) Nothing in this paragraph shall be con-  
 9           strued to preclude an institution from establishing  
 10          less burdensome criteria than that described in sub-  
 11          paragraph (A) to establish an individual as an indi-  
 12          vidual with a disability and therefore eligible for ac-  
 13          commodations.”.

14   **SEC. 504. AUTHORIZATION OF FUNDS FOR THE NATIONAL**  
 15                   **CENTER FOR INFORMATION AND TECHNICAL**  
 16                   **SUPPORT FOR POSTSECONDARY STUDENTS**  
 17                   **WITH DISABILITIES.**

18          *Section 777(a) of the Higher Education Act of 1965*  
 19    *(20 U.S.C. 1140q(a)) is amended—*

20           (1) *in paragraph (1), by striking “From*  
 21           *amounts appropriated under section 778,” and in-*  
 22           *serting “From amounts appropriated under para-*  
 23           *graph (5),”; and*

24           (2) *by adding at the end the following:*

1 “(5) *AUTHORIZATION OF APPROPRIATIONS.—*

2 *There is authorized to be appropriated to carry out*  
 3 *this subsection \$2,000,000 for each of fiscal years*  
 4 *2023 through 2027.”.*

5 **SEC. 505. INCLUSION OF INFORMATION ON STUDENTS**  
 6 **WITH DISABILITIES.**

7 *Section 487(a) of the Higher Education Act of 1965*  
 8 *(20 U.S.C. 1094(a)), as amended by section 503, is further*  
 9 *amended by adding at the end the following:*

10 “(31) *The institution will submit, for inclusion*  
 11 *in the Integrated Postsecondary Education Data Sys-*  
 12 *tem (IPEDS) or any other Federal postsecondary in-*  
 13 *stitution data collection effort, key data related to un-*  
 14 *dergraduate students enrolled at the institution who*  
 15 *are formally registered as students with disabilities*  
 16 *with the institution’s office of disability services (or*  
 17 *the equivalent office), including the total number of*  
 18 *students with disabilities enrolled, the number of stu-*  
 19 *dents accessing or receiving accommodations, the per-*  
 20 *centage of students with disabilities of all under-*  
 21 *graduate students, and the total number of under-*  
 22 *graduate certificates or degrees awarded to students*  
 23 *with disabilities. An institution shall not be required*  
 24 *to submit the information described in the preceding*  
 25 *sentence if the number of such students would reveal*

1        *personally identifiable information about an indi-*  
 2        *vidual student.”.*

3        **SEC. 506. RULE OF CONSTRUCTION.**

4        *None of the amendments made by this title shall be*  
 5        *construed to affect the meaning of the terms “reasonable ac-*  
 6        *commodation” or “record of impairment” under the Ameri-*  
 7        *cans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.)*  
 8        *or the rights or remedies provided under such Act.*

9        **TITLE VI—STRENGTHENING BE-**  
 10        **HAVIORAL HEALTH BENEFITS**  
 11        **ACT**

12        **SECTION 601. SHORT TITLE.**

13        *This title may be cited as the “Strengthening Behav-*  
 14        *ioral Health Benefits Act”.*

15        **SEC. 602. ENFORCEMENT OF MENTAL HEALTH AND SUB-**  
 16        **STANCE USE DISORDER REQUIREMENTS.**

17        *(a) IN GENERAL.—Section 502(a) of the Employee Re-*  
 18        *tirement Income Security Act of 1974 (29 U.S.C. 1132(a))*  
 19        *is amended—*

20                *(1) in paragraph (10), by striking “or” at the*  
 21        *end;*

22                *(2) in paragraph (11), by striking the period at*  
 23        *the end and inserting “; or”; and*

24                *(3) by adding at the end the following:*

1           “(12) in any case relating to the provision of  
2           mental health benefits and substance use disorder ben-  
3           efits under a group health plan or under group health  
4           insurance coverage offered by a health insurance  
5           issuer in connection with a group health plan (as  
6           such terms are defined in section 733), by the Sec-  
7           retary, or by a participant, beneficiary, or fiduciary,  
8           to enforce any provision of this title or the terms of  
9           the plan or coverage relating to such benefits against  
10          a group health plan, a health insurance issuer, a fi-  
11          diciary of a plan, or any other person that contracts  
12          with a group health plan to provide group health in-  
13          surance coverage or assistance in the administration  
14          of a group health plan (including a third party ad-  
15          ministrator, managed behavioral health organization,  
16          and a pharmacy benefit manager), if such person  
17          participates in or conceals a violation of any require-  
18          ment of part 7 relating to such benefits or a wrongful  
19          denial of a claim for mental health benefits or sub-  
20          stance use disorder benefits under the terms of the  
21          plan or coverage, to obtain appropriate relief, in ad-  
22          dition to any other relief otherwise available under  
23          this section, including—

24               “(A) to recover all losses to participants  
25               and beneficiaries;

“(B) to reform impermissible plan or coverage terms and policies (as written or in operation) in accordance with the requirements of this title and its implementing regulations; or

“(C) to ensure the readjudication of claims and payment of benefits in accordance with the plan or coverage terms without any impermissible limitation, plan or coverage term, or policy.”.

(b) CLARIFICATION OF GENERAL ENFORCEMENT AUTHORITIES.—

(1) ACTIONS BROUGHT BY A PARTICIPANT, BENEFICIARY, OR FIDUCIARY.—Section 502(a)(3) of such Act (29 U.S.C. 1132(a)(3)) is amended—

(A) by striking “or (B)” and inserting “(B)”; and

(B) by inserting before the semicolon at the end the following: “, or (C) to require re-adjudication and payment of benefits to remedy violations of this title notwithstanding the availability of relief under other provisions of this title”.

(2) ACTIONS BROUGHT BY THE SECRETARY.—Section 502(a)(5) of such Act (29 U.S.C. 1132(a)(5)) is amended—

1           (A) by striking “or (B)” and inserting  
2           “(B)”; and

3           (B) by inserting before the semicolon at the  
4           end the following: “, or (C) to require re-adju-  
5           dication and payment of benefits to remedy vio-  
6           lations of this title notwithstanding the avail-  
7           ability of relief under other provisions of this  
8           title”.

9           (c) *EXCEPTION TO THE GENERAL PROHIBITION ON*  
10          *ENFORCEMENT.*—Section 502(b)(3) of such Act (29 U.S.C.  
11          1132(b)(3)) is amended—

12           (1) by inserting “, and except with respect to en-  
13           forcement by the Secretary of section 712 or any other  
14           provision of part 7 in any case relating to mental  
15           health benefits and substance use disorder benefits”  
16           after “under subsection (c)(9)”; and

17           (2) by striking “706(a)(1)” and inserting  
18           “733(a)(1)”.

19           (d) *DEFINITIONS.*—Part 7 of title I of such Act (29  
20          U.S.C. 1181 et seq.) is amended—

21           (1) in section 712(e), in the matter preceding  
22           paragraph (1), by inserting “and section 502(a)(12)”  
23           after “this section”; and

24           (2) in section 733—

1           (A) in subsection (a), in the matter pre-  
2           ceding paragraph (1), by inserting “and section  
3           502(a)(12)” after “this part”; and

4           (B) in subsection (b), in the matter pre-  
5           ceding paragraph (1), by inserting “and section  
6           502(a)(12)” after “this part”.

7       (e) *FUNDING*.—

8           (1) *IN GENERAL*.—In addition to amounts other-  
9           wise available, there are appropriated (out of any  
10          money in the Treasury not otherwise appropriated) to  
11          the Department of Labor for fiscal year 2023, to re-  
12          main available until September 30, 2032,  
13          \$275,000,000, of which—

14           (A) \$240,000,000 shall be for the Employee  
15          Benefits Security Administration; and

16           (B) \$35,000,000 shall be for the Solicitor of  
17          Labor.

18          (2) *USE OF APPROPRIATED FUNDS*.—Amounts  
19          made available under paragraph (1) may be used for  
20          audits and investigations, enforcement actions, litiga-  
21          tion expenses, issuance of regulations or guidance,  
22          and any other Departmental activities relating to sec-  
23          tion 712 of the Employee Retirement Income Security  
24          Act of 1974 and any other provision of title I of such

1     *Act relating to mental health and substance use dis-*  
 2     *order benefits.*

3     ***TITLE VII—EMPLOYEE AND RE-***  
 4     ***TIREE ACCESS TO JUSTICE***  
 5     ***ACT***

6     ***SECTION 701. SHORT TITLE.***

7     *This title may be cited as the “Employee and Retiree*  
 8     *Access to Justice Act”.*

9     ***SEC. 702. UNENFORCEABLE ARBITRATION CLAUSES, CLASS***  
 10     ***ACTION WAIVERS, REPRESENTATION WAIV-***  
 11     ***ERS, AND DISCRETIONARY CLAUSES.***

12     *(a) IN GENERAL.—Section 502 of the Employee Re-*  
 13     *tirement Income Security Act of 1974 (29 U.S.C. 1132) is*  
 14     *amended by adding at the end the following:*

15     *“(n)(1) In any civil action brought by, or on behalf*  
 16     *of, a participant or beneficiary pursuant to this section or*  
 17     *with respect to a common law claim involving a plan or*  
 18     *plan benefit, notwithstanding any other provision of law—*

19     *“(A) no predispute arbitration provision shall be*  
 20     *valid or enforceable if it requires arbitration of a*  
 21     *matter related to a claim brought under this section;*

22     *“(B) no postdispute arbitration provision shall*  
 23     *be valid or enforceable unless—*

24     *“(i) the provision was not required by any*  
 25     *person, obtained by coercion or threat of adverse*

1        *action, or made a condition of participating in*  
2        *a plan, receiving benefits under a plan, or re-*  
3        *ceiving any other employment, work, or any em-*  
4        *ployment-related or work-related privilege or*  
5        *benefit;*

6                *“(ii) each participant or beneficiary agree-*  
7        *ing to the provision was informed, through a*  
8        *paper notice, in a manner reasonably calculated*  
9        *to be understood by the average plan partici-*  
10       *pant, of the right of the participant or bene-*  
11       *ficiary under subparagraph (C) to refuse to*  
12       *agree to the provision without retaliation or*  
13       *threat of retaliation;*

14               *“(iii) each participant or beneficiary agree-*  
15       *ing to the provision so agreed after a waiting pe-*  
16       *riod of not fewer than 45 days, beginning on the*  
17       *date on which the participant or beneficiary was*  
18       *provided both the final text of the provision and*  
19       *the disclosures required under clause (ii); and*

20               *“(iv) each participant or beneficiary agree-*  
21       *ing to the provision affirmatively consented to*  
22       *the provision in writing;*

23               *“(C) no covered provision shall be valid or en-*  
24       *forceable, if prior to a dispute to which the covered*  
25       *provision applies, a participant or beneficiary under-*

1       *takes or promises not to pursue, bring, join, litigate,*  
2       *or support any kind of individual, joint, class, rep-*  
3       *resentative, or collective claim available under this*  
4       *section in any forum that, but for such covered provi-*  
5       *sion, is of competent jurisdiction;*

6               “(D) *no covered provision shall be valid or en-*  
7       *forceable, if after a dispute to which the covered pro-*  
8       *vision applies arises, a participant or beneficiary un-*  
9       *dertakes or promises not to pursue, bring, join, liti-*  
10       *gate, or support any kind of individual, joint, class,*  
11       *representative, or collective claim under this section*  
12       *in any forum that, but for such covered provision, is*  
13       *of competent jurisdiction, unless the covered provision*  
14       *meets the requirements of subparagraph (B); and*

15               “(E) *no covered provision related to a plan other*  
16       *than a multiemployer plan shall be valid or enforce-*  
17       *able that purports to confer discretionary authority to*  
18       *any person with respect to benefit determinations or*  
19       *interpretation of plan language, or to provide a*  
20       *standard of review of such determinations or interpre-*  
21       *tation by a reviewing court in an action brought*  
22       *under this section that would require anything other*  
23       *than de novo review of such determinations or inter-*  
24       *pretation.*

25               “(2) *In this subsection—*

1           “(A) the term ‘covered provision’ means any doc-  
2           ument, instrument, or agreement related to a plan or  
3           plan benefit, regardless of whether such provision ap-  
4           pears in a plan document or in a separate agreement;

5           “(B) the term ‘predispute arbitration provision’  
6           means a covered provision that requires a participant  
7           or beneficiary to arbitrate a dispute related to the  
8           plan or an amendment to the plan that had not yet  
9           arisen at the time such provision took effect;

10          “(C) the term ‘postdispute arbitration provision’  
11          means a covered provision that requires a participant  
12          or beneficiary to arbitrate a dispute related to the  
13          plan or an amendment to the plan that arose before  
14          the time such provision took effect; and

15          “(D) the term ‘retaliation’ means any action in  
16          violation of section 510.

17          “(3)(A) Any dispute as to whether a covered provision  
18          that requires a participant or beneficiary to arbitrate a dis-  
19          pute related to a plan is valid and enforceable shall be de-  
20          termined by a court, rather than an arbitrator, regardless  
21          of whether any contractual provision purports to delegate  
22          such determinations to the arbitrator and irrespective of  
23          whether the party resisting arbitration challenges the arbi-  
24          tration agreement specifically or in conjunction with other  
25          terms of the contract containing such agreement.

1       “(B) *For purposes of this subsection, a dispute shall*  
 2 *be considered to arise only when a plaintiff has actual*  
 3 *knowledge (within the meaning of such term in section 413)*  
 4 *of a breach or violation giving rise to a claim under this*  
 5 *section.”.*

6       (b) *REGULATIONS.—The Secretary of Labor may pro-*  
 7 *mulgate such regulations as may be necessary to carry out*  
 8 *the amendment made by subsection (a), including providing*  
 9 *for the form and content of notices required pursuant to*  
 10 *such amendment.*

11 **SEC. 703. PROHIBITION ON MANDATORY ARBITRATION**  
 12 **CLAUSES, CLASS ACTION WAIVERS, REP-**  
 13 **RESENTATION WAIVERS, AND DISCRE-**  
 14 **TIONARY CLAUSES.**

15       *Section 402 of the Employee Retirement Income Secu-*  
 16 *rity Act of 1974 (29 U.S.C. 1102) is amended by adding*  
 17 *at the end the following:*

18       “(d)(1) *No covered person may—*

19               “(A) *require participants or beneficiaries to*  
 20 *agree to a predispute arbitration provision as a con-*  
 21 *dition for participation in, or receipt of benefits*  
 22 *under, a plan;*

23               “(B) *agree to a postdispute arbitration provision*  
 24 *with a participant or beneficiary with respect to a*  
 25 *plan or plan benefit unless the conditions of clauses*

1       *(i) through (iv) of section 502(n)(1)(B) are satisfied*  
 2       *with respect to such provision; or*

3               “(C) agree to any other covered provision with  
 4       *respect to a plan or plan benefit under any cir-*  
 5       *cumstances under which such provision would not be*  
 6       *valid and enforceable under subparagraphs (C)*  
 7       *through (E) section 502(n)(1).*

8       “(2) *In this subsection—*

9               “(A) *the term ‘covered person’ means—*

10               “(i) *a plan;*

11               “(ii) *a plan sponsor;*

12               “(iii) *an employer; or*

13               “(iv) *a person engaged by a plan for pur-*  
 14       *poses of administering or operating the plan;*  
 15       *and*

16               “(B) *the terms ‘covered provision’, ‘predispute*  
 17       *arbitration provision’ and ‘postdispute arbitration*  
 18       *provision’ have the meanings given such terms in sec-*  
 19       *tion 502(n)(2).”.*

20       **SEC. 704. EFFECTIVE DATE.**

21       “(a) *IN GENERAL.—The amendments made by sections*  
 22       *702 and 703 shall take effect on the date of enactment of*  
 23       *this Act and shall apply with respect to any dispute or*  
 24       *claim that arises or accrues on or after such date, including*  
 25       *any dispute or claim to which a provision predating such*

1 *date applies, regardless of whether plan documents have*  
2 *been updated in accordance with such amendments.*

3       (b) *ENFORCEMENT WITH RESPECT TO PLAN DOCU-*  
4 *MENT UPDATES.*—*Notwithstanding subsection (a), no per-*  
5 *son shall be deemed to be in violation of such amendments*  
6 *on account of plan documents that have not been updated*  
7 *in accordance with such amendments until after the begin-*  
8 *ning of the first plan year that begins on or after the date*  
9 *that is 1 year after the date of enactment of this Act, pro-*  
10 *vided that such person acts in accordance with such amend-*  
11 *ments during the period in which the plan documents have*  
12 *not been updated.*

Union Calendar No. 373

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**H. R. 7780**

[Report No. 117-484]

**A BILL**

To support the behavioral needs of students and youth, invest in the school-based behavioral health workforce, and ensure access to mental health and substance use disorder benefits.

SEPTEMBER 22, 2022

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