

**AMENDMENT TO AMERICAN RESCUE PLAN ACT  
OF 2021**

**OFFERED BY MR. BURGESS OF TEXAS**

At the end of chapter 6 of subtitle A of title III, add the following (and make such conforming changes as may be necessary):

1                   **Subchapter B—Behavioral Health**  
2                   **Intervention Guidelines**

3 **SEC. 3059C. BEST PRACTICES FOR BEHAVIORAL INTERVEN-**  
4                   **TION TEAMS.**

5           (a) IN GENERAL.—The Secretary, acting through the  
6 Assistant Secretary for Mental Health and Substance Use,  
7 shall develop and periodically update—

8                   (1) best practices to assist elementary schools,  
9                   secondary schools, and institutions of higher edu-  
10                  cation in establishing and using behavioral interven-  
11                  tion teams; and

12                  (2) a list of evidence-based threat assessment  
13                  training providers to assist personnel in elementary  
14                  schools, secondary schools, and institutions of higher  
15                  education in implementing such best practices, in-  
16                  cluding with respect to training behavioral interven-  
17                  tion teams.

1 (b) ELEMENTS.—The best practices under subsection  
2 (a)(1) shall include guidance on the following:

3 (1) How behavioral intervention teams can op-  
4 erate effectively from an evidence-based, objective  
5 perspective while protecting the constitutional and  
6 civil rights of individuals, including any individual of  
7 concern.

8 (2) The use of behavioral intervention teams to  
9 identify individuals of concern, implement interven-  
10 tions, and manage risk through the framework of  
11 the school’s or institution’s rules or code of conduct,  
12 as applicable.

13 (3) How behavioral intervention teams can,  
14 when assessing an individual of concern—

15 (A) seek training on evidence-based,  
16 threat-assessment rubrics;

17 (B) ensure that such teams—

18 (i) have adequately trained, diverse  
19 stakeholders with varied expertise; and

20 (ii) use cross validation by a wide-  
21 range of individual perspectives on the  
22 team; and

23 (C) use violence risk assessment.

24 (4) How behavioral intervention teams can  
25 avoid—

1 (A) attempting to predict future behavior  
2 by the concept of pre-crime;

3 (B) inappropriately using a mental health  
4 assessment;

5 (C) inappropriately limiting or restricting  
6 law enforcement's jurisdiction over criminal  
7 matters;

8 (D) attempting to substitute the behavioral  
9 intervention process in place of a criminal pro-  
10 cess, or impede a criminal process, when an indi-  
11 vidual of concern's behavior has potential crimi-  
12 nal implications;

13 (E) endangering an individual's privacy by  
14 failing to ensure that all applicable Federal and  
15 State privacy laws are fully complied with; or

16 (F) creating school-to-prison pipelines.

17 (e) CONSULTATION.—In carrying out subsection  
18 (a)(1), the Secretary shall consult with—

19 (1) the Secretary of Education;

20 (2) the Director of the National Threat Assess-  
21 ment Center of the Department of Homeland Secu-  
22 rity;

23 (3) the Attorney General of the United States;

24 and

1 (4) as appropriate, relevant stakeholders includ-  
2 ing—

3 (A) teachers and other educators, prin-  
4 cipals, school administrators, school board  
5 members, school psychologists, mental health  
6 professionals, and parents of elementary school  
7 and secondary school students;

8 (B) local law enforcement agencies and  
9 campus law enforcement administrators;

10 (C) mental health mobile crisis providers;

11 (D) child and adolescent psychiatrists; and

12 (E) other education and mental health pro-  
13 fessionals.

14 (d) PUBLICATION.—Not later than 2 years after the  
15 date of enactment of this section, the Secretary shall pub-  
16 lish the best practices under subsection (a)(1) and the list  
17 under subsection (a)(2) on a publicly accessible website  
18 of the Department of Health and Human Services.

19 (e) TECHNICAL ASSISTANCE.—The Secretary shall  
20 provide technical assistance to institutions of higher edu-  
21 cation, elementary schools, and secondary schools to assist  
22 such institutions and schools in implementing the best  
23 practices under subsection (a).

24 (f) DEFINITIONS.—In this section:

1           (1) The term “behavioral intervention team”  
2 means a team of qualified individuals who—

3           (A) are responsible for identifying and as-  
4 ssuming individuals of concern; and

5           (B) develop and facilitate implementation  
6 of evidence-based interventions to mitigate the  
7 threat of harm to self or others posed by indi-  
8 viduals of concern and address the mental and  
9 behavioral health needs of individuals of con-  
10 cern to reduce such threat.

11          (2) The terms “elementary school”, “parent”,  
12 and “secondary school” have the meanings given to  
13 such terms in section 8101 of the Elementary and  
14 Secondary Education Act of 1965 (20 U.S.C. 7801).

15          (3) The term “individual of concern” means an  
16 individual whose behavior indicates a potential  
17 threat to self or others.

18          (4) The term “institution of higher education”  
19 has the meaning given to such term in section 102  
20 of the Higher Education Act of 1965 (20 U.S.C.  
21 1002).

22          (5) The term “mental health assessment”  
23 means an evaluation, primarily focused on diagnosis,  
24 determining the need for involuntary commitment,

1 medication management, and on-going treatment  
2 recommendations.

3 (6) The term “pre-crime” means law-enforce-  
4 ment efforts and strategies to deter crime by pre-  
5 dicting when and where criminal activity will occur.

6 (7) The term “violence risk assessment” refers  
7 to a broad determination of the potential risk of vio-  
8 lence based on evidence-based literature.

