

AMENDMENT TO RULES COMMITTEE PRINT 117-

67

OFFERED BY MR. TRONE OF MARYLAND

Add at the end the following:

1 **TITLE VIII—HIGHER EDUCATION**

2 **MENTAL HEALTH ACT OF 2021**

3 **SEC. 1. SHORT TITLE.**

4 This title may be cited as the “Higher Education
5 Mental Health Act of 2021”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds the following:

8 (1) More than 75 percent of mental health con-
9 ditions begin before the age of 24.

10 (2) More than 25 percent of students between
11 the ages of 18 and 24 reported a mental health con-
12 cern.

13 (3) More than 50 percent of students between
14 the ages of 18 and 24 reported having a severe psy-
15 chological problem.

16 (4) More than 50 percent of students between
17 the ages of 18 and 24 reported feelings of hopeless-
18 ness.

1 (5) Higher education counseling centers are de-
2 voting more time to rapid-response treatment with
3 more than 25 percent of students who sought help
4 reporting they had intentionally hurt themselves.

5 (6) Over a 5-year period, counseling center uti-
6 lization increased by an average of 30 to 40 percent,
7 while enrollment increased by only 5 percent, forcing
8 institutions to stretch mental health services to more
9 students without increasing resources.

10 (b) PURPOSES.—The purposes of this title are the
11 following:

12 (1) To ensure States and institutions of higher
13 education are provided with accurate information on
14 the mental health concerns facing students.

15 (2) To provide detailed recommendations that
16 institutions of higher education, States, and the
17 Federal Government can take to improve the mental
18 health services available to students and properly
19 treat the rising number of students with mental
20 health issues.

1 **SEC. 3. ADVISORY COMMISSION ON SERVING AND SUP-**
2 **PORTING STUDENTS WITH MENTAL HEALTH**
3 **DISABILITIES IN INSTITUTIONS OF HIGHER**
4 **EDUCATION.**

5 (a) IN GENERAL.—The Secretary of Education shall
6 establish a commission to be known as the Advisory Com-
7 mission on Serving and Supporting Students with Mental
8 Health Disabilities in Institutions of Higher Education
9 (referred to in this section as the “Commission”).

10 (b) MEMBERSHIP.—

11 (1) TOTAL NUMBER OF MEMBERS.—The Com-
12 mission shall include not more than 20 members,
13 who shall be appointed by the Secretary of Edu-
14 cation in accordance with paragraphs (2) and (3).

15 (2) MEMBERS OF THE COMMISSION.—The
16 Commission shall include 1 representative from each
17 of the following:

18 (A) The Office of Postsecondary Education
19 of the Department of Education.

20 (B) The Office of Special Education and
21 Rehabilitation Services of the Department of
22 Education.

23 (C) The Office of Civil Rights of the De-
24 partment of Education.

25 (D) The Office of Civil Rights of the De-
26 partment of Justice.

1 (E) The National Council on Disability.

2 (F) A membership association for adminis-
3 trative and personnel professionals focused on
4 creating an inclusive higher education environ-
5 ment for individuals with disabilities.

6 (G) An organization that represents the
7 Protection and Advocacy for Individuals with
8 Mental Illness program.

9 (H) An organization operated by and rep-
10 resenting secondary and postsecondary edu-
11 cation students with mental health disabilities
12 advocating for mental health services and sui-
13 cide prevention.

14 (I) An organization representing college
15 and university counseling directors.

16 (3) ADDITIONAL MEMBERS OF THE COMMIS-
17 SION.—In addition to the members included under
18 paragraph (2), the Commission shall include the fol-
19 lowing:

20 (A) Four members from leadership of in-
21 stitutions of higher education who have dem-
22 onstrated experience in successfully supporting
23 the retention and graduation of students with
24 mental health disabilities, including from coun-
25 seling and psychiatric services staff. With re-

1 spect to such 4 members, 1 member shall be a
2 staff member of a 2-year degree-granting insti-
3 tution of higher education, 1 member shall be
4 a staff member from a 4-year degree-granting
5 institution of higher education, 1 member shall
6 be a member of campus law enforcement, and
7 1 member shall serve as a general counsel. Such
8 4 members shall represent institutions of dif-
9 fering sizes.

10 (B) Three members from family members
11 of individuals who are—

12 (i) enrolled in an institution of higher
13 education on the date such family member
14 is appointed to the Commission; or

15 (ii) former students with a mental
16 health disability.

17 (C) Four members from individuals with
18 mental health disabilities, including not less
19 than 2 individuals enrolled in an institution of
20 higher education on the date of appointment to
21 the Commission. Any remaining member shall
22 be an individual with a mental health disability
23 who has attended an institution of higher edu-
24 cation.

1 (4) TIMING.—The Secretary of Education shall
2 establish the Commission and appoint the members
3 of the Commission not later than 60 days after the
4 date of enactment of this title.

5 (c) CHAIRPERSON AND VICE CHAIRPERSON.—The
6 Commission shall select a chairperson and vice chair-
7 person from among the members of the Commission. Ei-
8 ther the chairperson or the vice chairperson shall be a stu-
9 dent or former student with a mental health disability.

10 (d) MEETINGS.—

11 (1) IN GENERAL.—The Commission shall meet
12 at the call of the chairperson, but not less often than
13 8 times.

14 (2) FIRST MEETING.—Not later than 60 days
15 after the appointment of the members of the Com-
16 mission under subsection (b), the Commission shall
17 hold the Commission’s first meeting.

18 (e) DUTIES.—The Commission shall conduct a study,
19 using the highest quality and most representative data and
20 research available, and prepare a report for the Secretary
21 of Education that includes the following:

22 (1) Findings from stakeholders, including
23 through solicitation of public testimony, related to
24 the challenges faced by students with mental health

1 disabilities in institutions of higher education, in-
2 cluding—

3 (A) the services available to students with
4 mental health disabilities in institutions of high-
5 er education and their effectiveness in sup-
6 porting these students;

7 (B) the impact of policies and procedures
8 that help or hinder the goal of providing equal
9 opportunity for students with mental health dis-
10 abilities, such as reasonable accommodation
11 policies, mandatory and voluntary leave policies,
12 and disciplinary policies;

13 (C) the use of protected health information
14 of students with mental health disabilities by
15 institutions of higher education, including the
16 extent to which campus-based mental health
17 providers share this information with college or
18 university officials without student consent; and

19 (D) the impact of providing mental health
20 services on a student's academic performance,
21 well-being, and ability to complete college.

22 (2) Conclusions on the major challenges facing
23 students with mental health disabilities in institu-
24 tions of higher education.

1 (3) Recommendations to improve the overall
2 education, and retention and graduation, of students
3 with mental health disabilities in institutions of
4 higher education, with the goal of helping these stu-
5 dents access educational opportunities equal to those
6 of their non-disabled peers.

7 (f) COMMISSION PERSONNEL MATTERS.—

8 (1) TRAVEL EXPENSES.—The members of the
9 Commission shall not receive compensation for the
10 performance of services for the Commission, but
11 shall be allowed reasonable travel expenses, including
12 per diem in lieu of subsistence, at rates authorized
13 for employees of agencies under subchapter I of
14 chapter 57 of title 5, United States Code, while
15 away from their homes or regular places of business
16 in the performance of services for the Commission.
17 Notwithstanding section 1342 of title 31, United
18 States Code, the Secretary of Education may accept
19 the voluntary and uncompensated services of mem-
20 bers of the Commission.

21 (2) STAFF.—The Secretary of Education may
22 designate such personnel as may be necessary to en-
23 able the Commission to perform its duties.

24 (3) DETAIL OF GOVERNMENT EMPLOYEES.—
25 Any Federal Government employee, with the ap-

1 proval of the head of the appropriate Federal agen-
2 cy, may be detailed to the Commission without reim-
3 bursement, and such detail shall be without inter-
4 ruption of loss of civil service status or privilege.

5 (4) FACILITIES, EQUIPMENT, AND SERVICES.—
6 The Secretary of Education shall make available to
7 the Commission, under such arrangements as may
8 be appropriate, necessary equipment, supplies, and
9 services.

10 (g) REPORTS.—

11 (1) INTERIM AND FINAL REPORTS.—The Com-
12 mission shall prepare and submit to the Secretary of
13 Education, as well as the Committee on Health,
14 Education, Labor, and Pensions of the Senate and
15 the Committee on Education and Labor of the
16 House of Representatives—

17 (A) an interim report that summarizes the
18 progress of the Commission, along with any in-
19 terim findings, conclusions, and recommenda-
20 tions as described in subsection (e); and

21 (B) a final report that states final find-
22 ings, conclusions, and recommendations as de-
23 scribed in subsection (e).

1 (2) PREPARATION AND SUBMISSION.—The re-
2 ports described in paragraph (1) shall be prepared
3 and submitted—

4 (A) in the case of the interim report, not
5 later than 1 year after the date on which all the
6 members of the Commission are appointed; and

7 (B) in the case of the final report, not
8 later than 2 years after the date on which all
9 the members of the Commission are appointed.

10 (h) TERMINATION.—The Commission shall terminate
11 on the day after the date on which the Commission sub-
12 mits the final report under subsection (g).

