



SECTION BY SECTION

House Committee on Education and Labor
Chairman Robert C. "Bobby" Scott

Mental Health Matters Act (H.R. 7780)

Title I – The Early Childhood Mental Health Support Act

- Provides \$100 million over ten years to the Department of Health and Human Services to support Head Start programs in providing interventions that would improve the mental and behavioral health of young children and support staff wellness through identifying evidence-based interventions for young children and awarding grants to Head Start agencies to implement such interventions.

Title II – Building Pipeline of School-Based Mental Health Service Providers

- Builds the pipeline of school-based mental health services providers by establishing a competitive grant program supporting partnerships between eligible institutions of higher education and high-need local education agencies (LEAs).
- Adds reservations for schools operated or funded by the Bureau of Indian Education and Outlying Areas.
- Adds to the grant program by including a new priority for partnerships which include Historically Black Colleges and Universities (HBCUs), Minority-Serving Institutions (MSIs) and Tribally Controlled Colleges and Universities (TCCUs).
- Adds new uses for grant funds such as increasing the diversity of school-based mental health services providers.
- Expands the list of students whose needs school-based mental health field graduates must meet to include LGBTQ+ students as well as students who have been victims of or witnesses to human trafficking.

Title III – The Elementary and Secondary School Counseling Act

- Provides funding for states to disburse to LEAs, on a competitive basis, to recruit and retain school-based mental-health-services providers at high-need schools.
- Funds may be used to effectively staff the high-need schools of the local educational agency with school-based mental health services providers, including by meeting the recommended maximum ratios of 250 students per school counselor; 500 students per school psychologist; and 250 students per school social worker.
- Adds state reservations for schools operated or funded by the Bureau of Indian Education and Outlying Areas, and for technical assistance and administration.
- Adds an application requirement for states to provide an assurance to the Secretary that the state will award subgrants to LEAs that serve a significant number of high-need schools.

Title IV – The Supporting Trauma-Informed Education Practices Act

- Provides competitive grants to increase student access to evidence-based trauma support and mental health services by developing innovative initiatives, activities, or programs to connect schools and local educational agencies with local trauma-informed support and mental health systems. Grant funds may also be used to:
 - Foster safe and stable learning environments that prevent and mitigate the effects of trauma, including through social and emotional learning.

- Include early childhood education programs in evidence-based trauma-informed initiatives, activities, and support services to benefit children and their families.
- Implement evidence-based educational, awareness, and prevention programs to improve mental health and resiliency among teachers and school leaders as well as other school personnel.

Title V – The Respond, Innovate, Succeed, and Empower (RISE) Act

- Provides that college students can present an Individualized Education Plan, 504 Plan, or other documentation of disability developed when the student was in K-12 or from previous enrollment in higher education as sufficient documentation of disability to access reasonable accommodations.
- Provides that colleges and universities must develop a transparent process for requesting reasonable accommodations and make information regarding that process available to students and their families on the institution's public-facing website and during orientation.
- Increases funding for the National Center for Information and Technical Support for Postsecondary Students with Disabilities (NCIPSD), providing \$2 million per year for five years. NCIPSD provides technical assistance and information on best practices for students with disabilities as they transition to, or attend, postsecondary education.
- Requires institutions to submit key data to the Integrated Postsecondary Education Data System (IPEDS) or any other Federal postsecondary institution data collection effort, including the number of undergraduate students enrolled who are formally registered as students with disabilities with the office of disability services, or its equivalent at the institution, as well the number of students receiving accommodations and the total number of these students who receive degrees.

Title VI – The Strengthening Behavioral Health Benefits Act

- Authorizes the Secretary of Labor, as well as a plan participant, beneficiary, or fiduciary to bring a civil action regarding mental health and substance use disorder benefits to enforce provisions of Title I of the *Employee Retirement Income Security Act* (ERISA) or the terms of a group health plan or health insurance coverage against a plan, health insurance issuer, fiduciary, or other administrative service provider to:
 - Recover all losses for participants and beneficiaries.
 - Reform impermissible plans or coverage terms.
 - Ensure re-adjudication of claims and payment of benefits.
- Adds clarifying language to existing provisions to ensure that the Secretary of Labor or any participant or beneficiary is able to obtain re-adjudication and payment of benefits to remedy violations of ERISA.
- Authorizes the Secretary of Labor to enforce requirements regarding mental health and substance use disorder benefits in ERISA, including those added by the *Mental Health Parity and Addiction Equity Act* (MHPAEA), against health insurance issuers offering coverage in connection with a group health plan.
- Makes technical amendment to account for amendments made by this legislation.
- Provides \$275 million dollars of mandatory funding over ten years to the Department of Labor for enforcement of MHPAEA and requirements of ERISA that relate to mental health and substance use disorder benefits.

Title VII – The Employee and Retiree Access to Justice Act

- Deems forced arbitration clauses, class action waivers, and representation waivers unenforceable for ERISA Section 502 claims and common law claims relating to a plan or benefits under a plan, when brought by or on behalf of a plan participant or beneficiary.
 - Deems pre-dispute forced arbitration clauses, class action waivers, and representation waivers unenforceable.
 - Deems post-dispute forced arbitration clauses, class action waivers, and representation waivers unenforceable unless certain conditions are met, ensuring a participant or beneficiary understands

the agreement and has a fair opportunity to consider it without the threat of retaliation for failure to agree.

- Deems plan provisions that give discretionary authority in benefit determinations or plan interpretation (or would otherwise deny *de novo* review of benefit denial claims) unenforceable with respect to single-employer plans.
- Provides that any dispute as to whether an arbitration clause is enforceable shall be determined by a court, rather than an arbitrator.
- Authorizes the Secretary of Labor to issue regulations related to these provisions.
- Prohibits covered persons from including forced arbitration clauses, class action waivers, and representation waivers in ERISA-covered employee benefit plans.
 - Prohibits pre-dispute forced arbitration clauses.
 - Prohibits post-dispute forced arbitration clauses, class action waivers, and representation waivers, unless appropriate protections provided to participants and beneficiaries).
 - Prohibits discretionary clauses in single-employer plans.
- Applies to disputes that arise after the date of enactment, even if an existing agreement is in place.
- Gives plans remainder of current plan year, plus one additional year, to update plan documents, provided that they otherwise conduct themselves in accordance with the new law starting on date of enactment.