

117TH CONGRESS
1ST SESSION

S. 2046

To provide for a Community-Based Emergency and Non-Emergency Response Grant Program.

IN THE SENATE OF THE UNITED STATES

JUNE 14, 2021

Mr. VAN HOLLEN (for himself, Mr. MERKLEY, Ms. BALDWIN, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for a Community-Based Emergency and Non-Emergency Response Grant Program.

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 “Community-Based Re-
5 sponse Act of 2021”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

8 (1) to provide an additional option beyond law
9 enforcement for community-based emergency and

1 non-emergency response for covered populations in
 2 need of help or support, in order to—

3 (A) target the best professional interven-
 4 tion to an individual in need of help or support;
 5 and

6 (B) avoid escalation of a crisis situation—

7 (i) that may not require a response
 8 from law enforcement; and

9 (ii) to which a law enforcement re-
 10 sponse can create increased risk of harm;
 11 and

12 (2) establishing a grant program to provide
 13 that additional response option by awarding funding
 14 to partnerships described in section 5(a).

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (1) **COMMUNITY MENTAL HEALTH CENTER.**—

18 The term “community mental health center” has the
 19 meaning given the term in section 1861 of the Social
 20 Security Act (42 U.S.C. 1395x).

21 (2) **COVERED COMMUNITY-BASED ORGANIZA-**
 22 **TION.**—The term “covered community-based organi-
 23 zation” means an organization that meets the re-
 24 quirements of section 5(b).

1 (3) COVERED POPULATION.—The term “cov-
2 ered population” means—

3 (A) individuals who are racial or ethnic mi-
4 norities or members of an Indian tribe;

5 (B) immigrants, including undocumented
6 immigrants, immigrants who have recently en-
7 tered the United States, and refugees;

8 (C) individuals with limited English pro-
9 ficiency, meaning their primary language for
10 communication is not English and communica-
11 tion with emergency responders may be dif-
12 ficult;

13 (D) individuals who are age 60 or older
14 and determined to be likely to be—

15 (i) vulnerable to abuse; or

16 (ii) experiencing health challenges;

17 (E) people with disabilities, as defined in
18 section 3 of the Americans with Disabilities Act
19 of 1990 (42 U.S.C. 12102);

20 (F) people in the LGBTQIA+ community;

21 (G) people who are likely to face dispropor-
22 tionate or discriminatory law enforcement con-
23 tact;

24 (H) people who are or were involved in the
25 criminal justice system;

1 (I) homeless persons, as defined in section
2 103 of the McKinney-Vento Homeless Assist-
3 ance Act (42 U.S.C. 11302);

4 (J) people facing or with a history of men-
5 tal or behavioral health crises or who need
6 check-ins for health, safety, or substance use
7 disorder reasons;

8 (K) people experiencing family violence or
9 domestic violence under the laws of the jurisdic-
10 tion involved, or dating violence;

11 (L) victims of child abuse and children ex-
12 posed to violence;

13 (M) people who are likely to be engaged in
14 or to experience violence in the community;

15 (N) people with, or recovering from, a sub-
16 stance use disorder;

17 (O) current and former foster youth;

18 (P) youth who are or were involved in the
19 juvenile justice system;

20 (Q) victims of conduct described in section
21 1591 or 2251 of title 18, United States Code;

22 (R) people who engage in acts defined in
23 paragraph (4) of section 103 of the Trafficking
24 Victims Protection Act of 2000 (22 U.S.C.
25 7102);

1 (S) adult survivors of sexual assault, as de-
2 fined under the laws of the jurisdiction in-
3 volved;

4 (T) victims of trafficking, as defined in
5 section 103 of the Trafficking Victims Protec-
6 tion Act of 2000;

7 (U) out-of-school youth; and

8 (V) people in an acute crisis not covered
9 under subparagraphs (A) through (U).

10 (4) DATING VIOLENCE.—The term “dating vio-
11 lence” has the meaning given the term in section
12 40002(a) of the Violence Against Women Act of
13 1994 (34 U.S.C. 12291(a)).

14 (5) IMMIGRATION TERMS.—

15 (A) IMMIGRANT.—The term “immigrant”
16 means an alien who has entered the United
17 States.

18 (B) UNDOCUMENTED IMMIGRANT.—The
19 term “undocumented immigrant” means an
20 alien who is unlawfully present in the United
21 States.

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

1 the Indian Self-Determination and Education Assist-
2 ance Act (25 U.S.C. 5304).

3 (7) INSTITUTION OF HIGHER EDUCATION.—The
4 term “institution of higher education” means—

5 (A) such an institution as defined in sec-
6 tion 101 of the Higher Education Act of 1965
7 (20 U.S.C. 1001); and

8 (B) a tribally controlled college or univer-
9 sity as defined in section 2 of the Tribally Con-
10 trolled Colleges and Universities Assistance Act
11 of 1978 (25 U.S.C. 1801).

12 (8) OUT-OF-SCHOOL YOUTH.—The term “out-
13 of-school youth” means an individual who is—

14 (A) not attending any school (as defined
15 under State law);

16 (B) not younger than age 16 or older than
17 age 24; and

18 (C) one or more of the following:

19 (i) A young person who has dropped
20 out of school.

21 (ii) A youth who is within the age of
22 compulsory school attendance, but has not
23 attended school for at least the most recent
24 complete school year calendar quarter.

1 (iii) A recipient of a secondary school
2 diploma or its recognized equivalent who is
3 a low-income individual and is either basic
4 skills deficient or an English language
5 learner (as such 3 terms are defined in
6 section 3 of the Workforce Innovation and
7 Opportunity Act (29 U.S.C. 3102)).

8 (iv) An individual who is subject to
9 the criminal justice system.

10 (v) An individual who experiences
11 homelessness, a homeless child or youth, or
12 a runaway.

13 (vi) An individual—

14 (I) who is in foster care, who has
15 aged out of the foster care system, or
16 who has attained 16 years of age and
17 left foster care for kinship guardian-
18 ship or adoption;

19 (II) who is a child eligible for as-
20 sistance under section 477 of the So-
21 cial Security Act (42 U.S.C. 677); or

22 (III) who is a child in an out-of-
23 home placement.

24 (vii) An individual who is pregnant or
25 parenting.

1 (viii) An individual with a disability
2 (as defined in section 3 of the Workforce
3 Innovation and Opportunity Act (29
4 U.S.C. 3102)).

5 (ix) A low-income individual (as de-
6 fined in that section 3) who requires addi-
7 tional assistance to enter or complete an
8 educational program or to secure or hold
9 employment.

10 (9) SECRETARY.—The term “Secretary” means
11 the Secretary of Health and Human Services, acting
12 through the Administrator of the Administration for
13 Community Living and in consultation with the As-
14 sistant Secretary for Mental Health and Substance
15 Use, the Secretary of Housing and Urban Develop-
16 ment, and the Attorney General.

17 (10) SUBSTANCE USE DISORDER.—The term
18 “substance use disorder” means such a disorder
19 within the meaning of title V of the Public Health
20 Service Act (42 U.S.C. 290aa et seq.).

21 **SEC. 4. ESTABLISHMENT OF GRANT PROGRAM.**

22 The Secretary shall establish a Community-Based
23 Emergency and Non-Emergency Response Grant Program
24 to improve community-based emergency and non-emer-
25 gency response for public safety and problem solving, and

1 to promote the safety and well-being of the populations
2 and communities served under the program by—

3 (1) identifying eligible organizations with dem-
4 onstrated capacity for emergency and non-emergency
5 response work, including violence interruption, com-
6 munity mediation, and crisis behavioral health re-
7 sponse, who are capable of providing, and increasing
8 the capacity of the localities to provide, emergency
9 and non-emergency response for specified covered
10 populations;

11 (2) developing a local infrastructure of systems
12 and resources needed to develop, implement, and
13 sustain effective interventions to protect the mental
14 and physical well-being of members of the commu-
15 nity, prevent violence, de-escalate volatile situations,
16 ensure access to human services, protect property
17 and the environment, reduce law enforcement use of
18 force, and ensure the health and safety of commu-
19 nities, while decreasing the sole reliance on law en-
20 forcement for emergency and non-emergency situa-
21 tions;

22 (3) creating and strengthening formal and in-
23 formal partnerships, for such purposes as providing
24 solutions and committing resources to sustain and

1 scale up successful models of community-based
2 emergency and non-emergency response; and

3 (4) providing timely evaluation to clarify the
4 outcomes and costs of the program, and the new
5 interventions and service models provided through
6 the program, for service recipients and law enforce-
7 ment.

8 **SEC. 5. ELIGIBLE PARTNERSHIPS.**

9 (a) IN GENERAL.—To be eligible to receive a grant
10 under this title Act, an entity shall be a partnership of—

11 (1)(A) a unit of local government (or its con-
12 tractor), or Indian tribe or tribal organization, act-
13 ing through an entity that is independent of any law
14 enforcement agency; and

15 (B) a covered community-based organization;
16 and

17 (2) if applicable, a nonprofit or public institu-
18 tion of higher education, community mental health
19 center, or behavioral health organization.

20 (b) COMMUNITY-BASED ORGANIZATION.—A commu-
21 nity-based organization referred to in subsection (a)(1)
22 shall be a nonprofit community-based organization, a con-
23 sortium of nonprofit community-based organizations, a
24 national nonprofit organization acting as an intermediary
25 for a community-based organization, or a community-

1 based organization that has a fiscal sponsor that allows
2 the organization to function as an organization that is de-
3 scribed in section 501(c)(3) of the Internal Revenue Code
4 of 1986 and exempt from taxation under section 501(a)
5 of that Code.

6 **SEC. 6. PLANNING GRANTS.**

7 (a) IN GENERAL.—In carrying out the Program, the
8 Secretary shall use not more than 10 percent of the
9 amount appropriated under section 13(1) to make plan-
10 ning grants to eligible partnerships to engage, with mean-
11 ingful participation from the covered populations and cov-
12 ered community-based organizations involved, in com-
13 prehensive design of a community response plan, in order
14 to prepare a high-quality application for an initiation
15 grant.

16 (b) APPLICATION.—To be eligible to receive a plan-
17 ning grant under this section, an eligible partnership shall
18 submit to the Secretary a planning application at such
19 time, in such manner, and containing such information as
20 the Secretary may require, including information on—

21 (1) the covered populations that will be con-
22 sulted through the planning process;

23 (2) how the partnership will engage entities
24 that are led by the covered populations; and

1 (3) how the partnership will solicit and confirm
2 support from covered populations and community
3 stakeholders in the plan.

4 **SEC. 7. INITIATION AND CONTINUATION GRANTS.**

5 (a) INITIATION GRANTS.—In carrying out the Pro-
6 gram, the Secretary shall make initiation grants to not
7 fewer than 40 eligible partnerships, including not fewer
8 than 4 eligible partnerships that include Indian tribes or
9 tribal organizations, of which not fewer than 2 shall be
10 eligible partnerships led by an Indian tribe or tribal orga-
11 nization, to carry out projects to meet the objectives de-
12 scribed in subsection (a). The Secretary shall make the
13 grants for periods of 5 years. The Secretary shall make
14 the grants to partnerships in geographically diverse areas,
15 including urban and rural communities, and in commu-
16 nities with varying population sizes.

17 (b) CONTINUATION GRANTS.—

18 (1) IN GENERAL.—In carrying out the Pro-
19 gram, the Secretary shall make continuation grants
20 to eligible partnerships who are recipients of the ini-
21 tiation grants and who are determined by the Sec-
22 retary to be in good standing on completion of the
23 grant period for those grants, to pay for the Federal
24 share of the cost of carrying out projects to meet the
25 objectives described in subsection (a). The Secretary

1 shall make the continuation grants for periods of 2
2 years.

3 (2) NON-FEDERAL SHARE.—The non-Federal
4 share of the costs described in this subsection shall
5 be 25 percent. The eligible partnership receiving
6 such a continuation grant shall provide the non-Fed-
7 eral share from State, tribal, local, or private
8 sources.

9 **SEC. 8. INITIATION AND CONTINUATION GRANT APPLICA-**
10 **TIONS.**

11 (a) IN GENERAL.—To be eligible to receive an initi-
12 ation or continuation grant under section 7 for a project,
13 a partnership shall submit an application (which, for a
14 continuation grant, shall be an update of the partnership’s
15 initiation grant application) to the Secretary, at such time,
16 in such manner, and containing such information as the
17 Secretary may require, including—

18 (1) information that specifies in detail—

19 (A) the covered populations that the part-
20 nership will target for services under this Act;

21 (B) the experience of the members of the
22 partnership in successfully working in the com-
23 munity to be served and partnering with the
24 target populations, including—

1 (i) for a partnership that includes an
2 Indian tribe or tribal organization, an un-
3 derstanding of tribal sovereignty; and

4 (ii) for a partnership not described in
5 clause (i), the partnership's understanding
6 of racial equity, systems of oppression, and
7 the impact of structural racism on the
8 community and population to be served,
9 the partnership's commitment to pro-
10 moting anti-racism, anti-bias, and equity,
11 dismantling such systems, and reducing
12 such impact, and an established record of
13 accomplishment in improving outcomes or
14 preventing, reducing, or eliminating inequi-
15 ties in that community;

16 (C) how the grant funds will be used;

17 (D) the expertise of the partnership, in-
18 cluding its staff, in implementing the project to
19 provide the proposed services;

20 (E) how the partnership will implement or
21 develop practices with clear methods of evalua-
22 tion, including development of culturally in-
23 formed practices, in carrying out the project,
24 including references to applicable research or
25 demonstrated practices; and

1 (F) the partnership's plan for gathering
2 feedback from service recipients about the qual-
3 ity of the services, including contacts and re-
4 sources, provided through the project; and

5 (2) a memorandum of understanding that—

6 (A) identifies each partner (including each
7 agency of the unit of local government or In-
8 dian tribe or tribal organization, as applicable,
9 involved) and is signed by a representative of
10 each partner in the partnership carrying out
11 the project; and

12 (B) outlines—

13 (i) the partnership's engagement with
14 the community, including members of the
15 covered population, and the role the en-
16 gagement played in developing the project;

17 (ii) the financial and programmatic
18 commitment of each partner, and the spe-
19 cific role of a law enforcement agency if in-
20 volved in a backup role;

21 (iii) the responsibilities of emergency
22 dispatch operators, dispatchers, and part-
23 ners in the national 911 system, in prop-
24 erly identifying calls in the community to
25 be served necessitating a community-based

1 emergency and non-emergency response
2 and directing those calls to appropriate re-
3 sponders;

4 (iv) the responsibilities of information
5 and referral systems for essential commu-
6 nity services (accessed in most localities by
7 dialing 211) and the National Suicide Pre-
8 vention Hotline (to be accessed by dialing
9 988) for participating in efficiently routing
10 direct callers to services;

11 (v) the responsibilities of each partner
12 with respect to data collection and evalua-
13 tion;

14 (vi) how each partner's existing (as of
15 the date of submission of the application)
16 vision, theory of change, theory of action,
17 anti-racist and anti-bias practice, and ac-
18 tivities align with those of the grant pro-
19 gram set forth in this Act;

20 (vii) the governance structure pro-
21 posed for the project, including a system
22 for holding partners accountable;

23 (viii) how the eligible partners' gov-
24 erning boards or advisory boards, and

1 emergency responders, are representative
2 of the community to be served;

3 (ix) how a structure through which
4 residents of the community and grassroots
5 organizations will have an active role in the
6 eligible partnership's decision making;

7 (x) how the partnership anticipates
8 that the project involved will decrease the
9 responsibilities of local law enforcement,
10 including responsibilities related to polic-
11 ing, arrests, and incarceration, and of
12 other public safety entities;

13 (xi) any voluntary, community-based
14 mental health services and other support
15 services that the partnership is committing
16 to provide;

17 (xii) any State or local laws that may
18 be an impediment to implementation of the
19 project; and

20 (xiii) any other information the Sec-
21 retary reasonably determines to be nec-
22 essary.

23 (b) PRIORITY.—In making initiation and continu-
24 ation grants under section 7, the Secretary shall give pri-
25 ority to—

1 (1) eligible partnerships that include covered
2 community-based organizations with a documented
3 record of effectively serving 1 or more covered popu-
4 lations;

5 (2) eligible partnerships that include covered
6 community-based organizations that are led by indi-
7 viduals who are members of the covered populations
8 to be served;

9 (3) eligible partnerships that include a unit of
10 local government that commits to increasing re-
11 sources for community-based mental health services
12 and housing, with the goals of—

13 (A) reducing the incarceration and death
14 of persons with a mental illness or an intellec-
15 tual or developmental disability; and

16 (B) increasing referrals of persons with a
17 mental illness or an intellectual or develop-
18 mental disability to voluntary, community-based
19 mental health services and other support serv-
20 ices (rather than institutionalization); and

21 (4) eligible partnerships that have successfully
22 executed planning under a planning grant.

23 (c) CONSIDERATION.—In reviewing applications for
24 grants described in section 7, the Secretary shall consider

1 applications with innovative proposals and clear methods
2 of evaluation.

3 **SEC. 9. USE OF FUNDS.**

4 (a) IN GENERAL.—An eligible partnership that re-
5 ceives a grant under section 7 for a project may use the
6 grant funds for—

7 (1) project planning and community engage-
8 ment;

9 (2) project implementation;

10 (3) staffing and recruitment;

11 (4) facilities;

12 (5) operational costs, including costs of startup
13 or expansion activities, marketing, language trans-
14 lation, and transportation;

15 (6) engagement with technical assistance pro-
16 viders;

17 (7) consulting services;

18 (8) training;

19 (9) program and project evaluation, including
20 evaluation of program and project efficacy, staff per-
21 formance, and service delivery;

22 (10) programming and service interventions
23 that include—

24 (A) activities that prioritize human service
25 interventions, by entities other than law en-

1 enforcement, over interventions by law enforce-
2 ment; or

3 (B) activities that include triaging emer-
4 gencies, through emergency dispatch operators,
5 in a manner that results in referral to a wholly
6 nonpolice entity; and

7 (11) programming and service interventions
8 that may include—

9 (A) activities that include co-occurring law
10 enforcement and human services activities, such
11 as responses to calls about dating violence;

12 (B) activities that include followup by
13 human services organizations after contact by
14 law enforcement, such as community mediation,
15 social services, or behavioral health services;

16 (C) training for emergency dispatch opera-
17 tors; and

18 (D) training for community members, or
19 family members of people requiring emergency
20 or non-emergency response, to facilitate com-
21 prehensive and clear communication with emer-
22 gency dispatch operators to ensure that nec-
23 essary information is conveyed about when an
24 intervention by a nonpolice human services or-
25 ganization is the most appropriate response.

1 (b) FUNDING LIMITATION.—None of the grant funds
2 provided under section 7 shall be provided to State, tribal,
3 or local law enforcement agencies.

4 **SEC. 10. TECHNICAL ASSISTANCE.**

5 The Secretary shall arrange for a national technical
6 assistance provider for organizations described in section
7 5, to provide technical assistance support and develop and
8 disseminate best practices for projects carried out under
9 this Act.

10 **SEC. 11. ANNUAL REPORTING REQUIREMENTS.**

11 Each recipient of a grant under section 7 for a
12 project is required to submit an annual report to the Sec-
13 retary that details—

14 (1) the specific uses of the grant funds;

15 (2) the number of individuals contacted through
16 the project;

17 (3) the number of individuals connected with
18 ongoing services or resources through the project,
19 disaggregated by race, ethnicity, gender, sexual ori-
20 entation and gender identity, disability status, and
21 other characteristics;

22 (4) the quality of the contacts, services, and re-
23 sources, as reported by the individuals contacted;

24 (5) any evidence of positive outcomes following
25 the contacts or connections;

1 (6) any evidence of negative outcomes that may
2 have occurred following the contacts or connections;

3 (7) the percentage of total emergency calls di-
4 verted from law enforcement to the grant recipient;

5 (8) the percentage of emergency calls diverted
6 to the grant recipient that have been addressed;

7 (9) the extent to which the grant recipient is
8 hiring or training individuals from within the cov-
9 ered population, and the recruitment, hiring, train-
10 ing, and retention practices for such individuals;

11 (10) any related reduction in the number of
12 calls to law enforcement over the period of the
13 project;

14 (11) any changes in the types of calls made to
15 the 911 system, to the extent that it is practicable
16 to report information on such changes;

17 (12) any increases in the number of calls to the
18 211 (or equivalent) systems for essential non-emer-
19 gency community services or calls to the 988 Na-
20 tional Suicide Prevention Hotline over the period of
21 the project;

22 (13) any related reduction in the budget of the
23 law enforcement agency that has jurisdiction over
24 the community served by the eligible partnership
25 over that period;

1 (14) any State or local laws that were an im-
2 pediment to implementation of the project; and

3 (15) any evidence of completed in-home, tele-
4 therapy, or in-community responses that included
5 counseling, crisis response, family treatment, medi-
6 ation, or other evidence-based interventions that ad-
7 dressed complex needs not able to be resolved by
8 non-emergency calls alone.

9 **SEC. 12. EVALUATION AND REPORT.**

10 Not later than October 1, 2027, the Secretary shall—

11 (1) complete an evaluation detailing the imple-
12 mentation of, outcomes of, and best practices from
13 the grant program carried out under this Act, in-
14 cluding program-wide information on the factors de-
15 scribed in paragraphs (2) through (15) of section
16 11; and

17 (2) submit to Congress a report containing the
18 evaluation.

19 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

20 There is authorized to be appropriated—

21 (1) to carry out planning and initiation grants
22 under this Act, \$100,000,000 for each of fiscal years
23 2022 through 2026; and

1 (2) to carry out continuation grants under this
2 Act, \$75,000,000 for each of fiscal years 2027 and
3 2028.

○