

115TH CONGRESS
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H. R. 7142

To help train individuals in effective and evidence-based de-escalation techniques to ensure that individuals at diverse levels of society have and retain greater skills to resolve conflicts, manage anger, and control implicit bias without the use of physical or other force, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 16, 2018

Ms. MOORE (for herself, Mr. CARSON of Indiana, Mr. COHEN, Mrs. WATSON COLEMAN, Ms. JAYAPAL, Ms. JACKSON LEE, Ms. NORTON, Ms. WILSON of Florida, Mr. KHANNA, Mr. JOHNSON of Georgia, and Ms. FUDGE) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To help train individuals in effective and evidence-based de-escalation techniques to ensure that individuals at diverse levels of society have and retain greater skills to resolve conflicts, manage anger, and control implicit bias without the use of physical or other force, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National De-Escalation of Violence and Community Safety Training Act of
3 2018”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) The term “Advisory Board” means the De-
8 Escalation Advisory Board established pursuant to
9 section 4.

10 (2) The term “at-risk youth” means any indi-
11 vidual who—

12 (A)(i) has attained age 16 but not age 25;

13 (ii) has not regularly attended any sec-
14 ondary, technical, or postsecondary school dur-
15 ing the preceding 6-month period;

16 (iii) has not been regularly employed dur-
17 ing the preceding 6-month period; and

18 (iv) is not readily employable by reason of
19 lacking a sufficient number of basic skills; or

20 (B) has attained age 16 but not age 21
21 and was in foster care.

22 (3) The term “de-escalation” means reduction
23 of the intensity of a conflict or potentially violent sit-
24 uation.

25 (4) The term “implicit bias” means the atti-
26 tudes or stereotypes that affect an individual’s un-

1 derstanding, actions, and decisions in an uncon-
2 scious manner.

3 (5) The term “racial reconciliation” means a
4 process of reconciliation that—

5 (A) recognizes that racism is both systemic
6 and institutionalized with far-reaching effects
7 on both political engagement and economic op-
8 portunities for minorities;

9 (B) empowers local communities through
10 relationship-building and truth-telling; and

11 (C) emphasizes restorative justice as an es-
12 sential component.

13 (6) The term “Secretary” means the Secretary
14 of Health and Human Services acting through As-
15 sistant Secretary for Mental Health and Substance
16 Use.

17 **SEC. 3. DE-ESCALATION TRAINING STANDARDS.**

18 (a) IN GENERAL.—Not later than 2 years after the
19 date of enactment of this Act, the Secretary shall develop
20 and issue training standards for the de-escalation training
21 to be funded pursuant to section 5.

22 (b) CONTENTS.—The standards under subsection (a)
23 shall, at a minimum, outline the types of de-escalation
24 training that—

1 (1) have been determined by the Secretary to be
2 effective; and

3 (2) are eligible to be funded pursuant to section
4 5.

5 (c) PROCESS.—

6 (1) SEEKING INPUT.—

7 (A) IN GENERAL.—In developing and
8 issuing standards under this section and any re-
9 lated regulations or guidance, the Secretary
10 shall seek input from community stakeholders,
11 health care and wellness professionals, law en-
12 forcement agencies, Tribes, and nonprofit orga-
13 nizations involved in de-escalation at the local
14 level, and others knowledgeable about the need
15 for and importance of de-escalation, including
16 through holding public meetings throughout the
17 Nation and through other media, including
18 webinars.

19 (B) DEFINITION.—In this section, the
20 term “community stakeholders” includes—

21 (i) members of minority communities,
22 those with disabilities, persons of color, im-
23 migrants, noncitizens, Native Americans,
24 youth, and formerly incarcerated persons;
25 and

1 (ii) nonprofit organizations with long-
2 standing experience, in communities with
3 high rates of violence, conducting de-esca-
4 lation and conflict prevention work tar-
5 geting the categories of individuals de-
6 scribed in clause (i).

7 (2) NEGOTIATED RULEMAKING.—In developing
8 and issuing standards under this section, the Sec-
9 retary shall consider the use of negotiated rule-
10 making.

11 **SEC. 4. ADVISORY BOARD.**

12 (a) ESTABLISHMENT.—To assist in carrying out this
13 Act, the Secretary shall establish an advisory board to be
14 known as the De-Escalation Advisory Board.

15 (b) COMPOSITION.—

16 (1) IN GENERAL.—The Advisory Board shall be
17 composed of—

18 (A) up to 25 members appointed by the
19 Secretary in accordance with paragraph (2) (in
20 this subsection referred to as the “appointed
21 members”), who shall be voting members; and

22 (B) the ex officio members under para-
23 graph (3), who shall be nonvoting members.

24 (2) APPOINTED MEMBERS.—

1 (A) SELECTION.—The appointed members
2 of the Advisory Board shall be appointed (or re-
3 appointed, as applicable) by the Secretary after
4 soliciting and reviewing nominations for such
5 appointments from nonprofit organizations, in-
6 dividuals, State and local officials, and other
7 stakeholders.

8 (B) REPRESENTATIVES.—The appointed
9 members of the Advisory Board shall include
10 representatives of each the following:

11 (i) Law enforcement.

12 (ii) Tribes.

13 (iii) Health care and wellness profes-
14 sionals.

15 (iv) State and local public health
16 agencies.

17 (v) Faith institutions.

18 (vi) Other entities dedicated to en-
19 couraging de-escalation and nonviolence
20 and resisting implicit bias and racial rec-
21 onciliation, with a preference for nonprofit
22 organizations that demonstrate strong ex-
23 perience—

24 (I) addressing these issues at the
25 local and community level; and

1 (II) working with the targeted in-
2 dividuals, especially at-risk youth.

3 (3) EX OFFICIO MEMBERS.—The Advisory
4 Board shall include the following ex officio members:

5 (A) The Secretary of Health and Human
6 Services (or the Secretary's designee).

7 (B) The Secretary of Education (or the
8 Secretary's designee).

9 (C) The Attorney General of the United
10 States (or the Attorney General's designee).

11 (D) The heads of such other Federal de-
12 partments and agencies as the Secretary deter-
13 mines appropriate (or their designees).

14 (4) TERMS.—

15 (A) DURATION.—The appointed members
16 of the Advisory Board shall each be appointed
17 for a term of 3 years.

18 (B) INITIAL APPOINTMENTS.—Not later
19 than 4 months after the date of enactment of
20 this Act, the Secretary shall appoint all of the
21 initial appointed members of the Advisory
22 Board.

23 (5) OFFICERS.—At the first meeting of the Ad-
24 visory Board, and every other year thereafter, the
25 members of the Advisory Board shall elect from

1 among such members a chairperson and vice chair-
2 person of the Advisory Board. Federal officials are
3 not eligible for election as chairperson or vice chair-
4 person.

5 (c) DUTIES.—The Advisory Board shall—

6 (1) make recommendations to the Secretary re-
7 garding—

8 (A) the training standards under section 3
9 as may be beneficial to fulfilling the mission
10 and purposes of the grant program under sec-
11 tion 5; and

12 (B) implementation of the grant program
13 under section 5;

14 (2) monitor the implementation of such grant
15 program and provide technical assistance and sup-
16 port to grantees under such grant program;

17 (3) determine—

18 (A) the extent to which such grantees face
19 challenges to implementing such grant program;
20 and

21 (B) the effectiveness of the Department of
22 Health and Human Services in addressing such
23 challenges;

24 (4) continually identify new advances and inno-
25 vative practices in effective ways to conduct de-esca-

1 lation training to incorporate such advances and in-
2 novative practices into the standards under section
3 3 and implementation of such grant program; and

4 (5) provide—

5 (A) on a biennial basis, reports to the Sec-
6 retary regarding the Advisory Board’s activities
7 and the effectiveness of such grant program;
8 and

9 (B) not later than 2 years after the award
10 of the first grant under section 5, and every 5
11 years thereafter, a report to the Congress on
12 the Advisory Board’s activities, challenges to
13 the programs and activities under this Act, and
14 the effectiveness of such programs and activi-
15 ties.

16 (d) EVALUATION OF HHS PROPOSALS.—Not later
17 than 90 days after the Secretary proposes standards under
18 section 3 or rules or guidance for implementing the grant
19 program under section 5, and prior to the Secretary final-
20 izing such standards, rules, and guidance, respectively, the
21 Advisory Board shall evaluate—

22 (1) whether the training to be funded pursuant
23 to section 5 can be applied practically in everyday
24 scenarios that have the potential for violence that
25 are regularly faced by law enforcement officers,

1 teachers, health care and wellness professionals,
2 youth, faith leaders, and other categories of persons
3 for whom such training could help to reduce tensions
4 and avoid conflict;

5 (2) whether the principles of such training can
6 effectively work with other types of professional
7 training such as mental health training that employs
8 evidence-based de-escalation techniques;

9 (3) the extent to which the proposed standards
10 under section 3 adequately address and effectively
11 take into consideration the role of implicit bias, cul-
12 tural competency, and the intersection of race and
13 policing;

14 (4) whether the standards and guidance under
15 sections 3 and section 5 effectively promote alter-
16 natives to the use of lethal and nonlethal force;

17 (5) the extent to which Federal training stand-
18 ards and guidelines promote or support de-escalation
19 techniques to help effectively, safely, and respectfully
20 interact with people with disabilities and behavioral
21 health issues;

22 (6) whether the proposed standards under sec-
23 tion 3 adequately address the need for training in
24 interpersonal communication on de-escalation for
25 those working with at-risk youth, including methods

1 that use time, tone, distance, cover, and concealment
2 to avoid escalation situations;

3 (7) the time required to properly conduct the
4 training to be funded under section 5 and the meth-
5 ods for delivering such training (either online or in
6 person); and

7 (8) whether the proposed requirements and
8 standards under section 3 reflect the latest evidence-
9 based de-escalation practices and techniques.

10 (e) LIMITATION.—The Secretary—

11 (1) shall not finalize any standard under section
12 3 or rule or guidance for implementing the grant
13 program under section 5 before the date that is 30
14 days after the Secretary receives the recommenda-
15 tions of the Advisory Board on the respective stand-
16 ard, rule, or guidance; and

17 (2) shall respond to the Advisory Board in writ-
18 ing on each recommendation of the Advisory Board
19 that the Department of Health and Human Re-
20 sources will not implement and include a detailed ex-
21 planation of the reasons therefor.

22 (f) CONSULTATION.—In carrying out this section, the
23 Advisory Board shall—

24 (1) consult with any appropriate Federal de-
25 partments and agencies; and

1 (2) solicit opinions and recommendations from
2 the public and persons with relevant expertise.

3 (g) TECHNICAL ASSISTANCE.—On request of the Ad-
4 visory Board, the head of a Federal department or agency
5 may provide technical assistance to the Advisory Board,
6 but no Federal employee may be detailed to the Advisory
7 Board.

8 (h) PAY AND REIMBURSEMENT.—Members of the
9 Advisory Board may not receive pay, allowances, or bene-
10 fits by reason of their service on the Advisory Board, but
11 members of the Advisory Board shall receive travel ex-
12 penses, including per diem in lieu of subsistence under
13 subchapter I of chapter 57 of title 5, United States Code.

14 (i) FEDERAL ADVISORY COMMITTEE ACT.—The Ad-
15 visory Board is deemed to have filed a charter for the pur-
16 pose of section 9(c) of the Federal Advisory Committee
17 Act (5 U.S.C. App.). Notwithstanding section 14 of the
18 Federal Advisory Committee Act, the Advisory Board shall
19 continue in effect until terminated by an Act of Congress.

20 (j) MEETINGS.—The Advisory Board shall meet on
21 a regular basis and no less than twice a year to carry out
22 the duties of the Advisory Board under this section.

23 (k) FUNDING.—Out of the amounts made available
24 to the Secretary each fiscal year for general departmental

1 management, not more than \$500,000 are authorized to
2 be used by the Advisory Board to carry out this section.

3 **SEC. 5. DE-ESCALATION GRANTS.**

4 (a) GRANTS.—

5 (1) TRAINING GRANTS.—The Secretary shall
6 award grants to eligible entities to provide training,
7 in accordance with the standards issued under sec-
8 tion 3, on de-escalation of violence to enhance com-
9 munity safety.

10 (2) COMMUNITY OUTREACH, EVALUATION, AND
11 SOCIAL MEDIA GRANTS.—The Secretary shall award
12 grants to eligible entities to support—

13 (A) the dissemination to targeted popu-
14 lations of information about de-escalation train-
15 ing provided through grants under paragraph
16 (1) to encourage such populations to participate
17 in the training;

18 (B) the development of social media and
19 online training tools to educate the larger public
20 about the methods and goals of such de-esca-
21 lation training; and

22 (C) the conduct of evaluations of the im-
23 pact and effectiveness of such de-escalation
24 training, include consideration of community

1 stakeholders and those who have received such
2 training.

3 (b) TRAINING DESCRIBED.—Training provided
4 through a grant under subsection (a)(1)—

5 (1) shall include training on—

6 (A) techniques to de-escalate situations to
7 avoid violence;

8 (B) understanding implicit bias and how it
9 contributes to violence;

10 (C) understanding how to promote racial
11 reconciliation in communities affected by racial
12 division that leads to violence and conflict;

13 (D) verbal and physical tactics to minimize
14 the need for the use of force, with an emphasis
15 on communication, negotiation, and techniques
16 that help to provide the time needed to resolve
17 the incident safely for everyone;

18 (E) awareness and recognition of mental
19 health and substance abuse issues and crisis
20 intervention strategies to appropriately identify
21 and respond to individuals suffering from men-
22 tal health or substance abuse issues, with an
23 emphasis on de-escalation tactics and pro-
24 moting effective communication with such indi-
25 viduals;

1 (F) the critical decision-making model and
2 other evidence-based approaches that are found
3 by the Secretary to be appropriate to enhance
4 de-escalation skills and tactics;

5 (G) techniques that can be used by a wide
6 range of audiences, including those with disabil-
7 ities and or behavioral health issues; and

8 (H) first aid;

9 (2) shall include scenario-based training that
10 applies evidence-based de-escalation techniques to
11 practical on-the-job scenarios that are regularly
12 faced by law enforcement officers, teachers, health
13 care and wellness professionals in emergency rooms,
14 youth in neighborhoods, faith leaders at faith insti-
15 tutions, and other situations that regularly encoun-
16 ter potentially violent situations;

17 (3) shall appropriately incorporate cultural
18 competency to reach a range of audiences;

19 (4) may consist of—

20 (A) initial training; or

21 (B) subsequent or periodic training to
22 renew, reinforce, and update knowledge and
23 skills, including updates on new legal require-
24 ments and new de-escalation techniques and
25 strategies; and

1 (5) shall emphasize training for law enforce-
2 ment officials, teachers and educators, school admin-
3 istrators, school service employees, citizens returning
4 from prison, faith leaders, recreational professionals
5 (such as recreation facility staff and youth sport
6 coaches), health care and wellness professionals,
7 youth, staff of nonprofit organizations dedicated to
8 violence prevention, security guards, ex-gang mem-
9 bers, and performing artists.

10 (c) ELIGIBLE ENTITIES.—To be eligible to receive a
11 grant under subsection (a)(1), an entity shall be a State
12 or local government, nonprofit organization, faith institu-
13 tions, institutions of higher education including commu-
14 nity colleges, other schools, professional teacher associa-
15 tions, and small businesses (including minority- and
16 women-owned small businesses).

17 (d) PREFERENCE.—In selecting among nonprofit or-
18 ganizations applying for a grant under subsection (a)(1),
19 subject to subsection (e), the Secretary shall give pref-
20 erence to those organizations that—

21 (1) interact with youth, including at-risk youth;
22 (2) have a sound track record of de-escalation
23 work in a local community; or

1 (3) employ individuals who reside in the geo-
2 graphic area to be served under the grant or which
3 offices or facilities in that area.

4 (e) EQUITY IN DISTRIBUTION.—

5 (1) IN GENERAL.—In any fiscal year in which
6 insufficient funds are appropriated to fund a grant
7 under subsection (a)(1) for an eligible entity in each
8 State, the Secretary shall limit the award of grants
9 under subsection (a)(1) to eligible entities in States
10 for which no eligible entity received funds through a
11 grant under subsection (a)(1) for the prior fiscal
12 year.

13 (2) TRIBAL ORGANIZATIONS.—In applying
14 paragraph (1), the Secretary shall not—

15 (A) consider any grant recipient that is a
16 tribal organization in determining whether
17 grant funds were made available to an eligible
18 entity in any State for the prior fiscal year; or

19 (B) limit the award of grants to tribal or-
20 ganizations pursuant to the reservation of funds
21 for grants to tribal organizations under sub-
22 section (f)(1).

23 (f) AUTHORIZATION OF APPROPRIATIONS.—

24 (1) TRAINING GRANTS.—For grants under sub-
25 section (a)(1), there is authorized to be appropriated

1 \$100,000,000 for each of fiscal years 2019 through
2 2024, of which \$10,000,000 for each of such fiscal
3 years shall be for grants under subsection (a)(1) to
4 tribal organizations (as defined in section 4 of the
5 Indian Self-Determination and Education Assistance
6 Act).

7 (2) COMMUNITY EVALUATION, AND SOCIAL
8 MEDIA GRANTS.—For grants under subsection
9 (a)(2), there is authorized to be appropriated
10 \$10,000,000 for each of fiscal years 2019 through
11 2024.

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