

To the office of U.S. Representative Alma S. Adams

Re: HR 9669 (119th Congress), FACT Pilot Program Act • Latest action (2026-07-14): Referred to the House Committee on Energy and Commerce.
VFA SI Solution #177 • published 2026-07-17 • <https://www.valuesforamerica.com/solutions/177>
Office of record (Congress.gov): 2436 Rayburn House Office Building, Washington, DC • (202) 225-1510

Forensic Assertive Community Treatment Pilot Program Act of 2025

The measure, as described from the official record: To expand access to forensic assertive community treatment (FACT) team programs, which provide intensive community-based mental health and substance use services to individuals with serious mental illness who are involved in the criminal justice system, in order to reduce recidivism and improve treatment outcomes.

THE PROPOSAL

This Act establishes a 5-year pilot program within the Department of Health and Human Services, acting through the Assistant Secretary for Mental Health and Substance Use, to award grants to eligible entities for expanding forensic assertive community treatment (FACT) team programs. The purpose is to reduce recidivism and improve mental health and substance use outcomes for individuals with serious mental illness who are involved in the criminal justice system.

Eligible entities include state or local governments, tribal organizations, and nonprofit community mental health providers. Grants shall be used for hiring and training FACT team staff, providing case management, medication management, housing support, and coordination with criminal justice agencies. Each grantee must submit an annual report on recidivism rates, treatment engagement, and cost savings to the criminal justice system.

Funding for this program shall be derived from unobligated balances in the Crime Victims Fund, not to exceed \$50 million per fiscal year for 5 years. The program shall sunset on September 30, 2030, unless reauthorized by Congress. Oversight shall be conducted by the HHS Office of Inspector General, with audits every two years. Enforcement shall include clawback provisions for funds used in violation of grant terms, and grantees must comply with federal civil rights laws, including the Americans with Disabilities Act.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	Unobligated balances in the Crime Victims Fund
Funding Amount	\$50 million per fiscal year for 5 years
Sunset Years	5 years
Oversight Body	HHS Office of Inspector General
Enforcement Mechanism	Clawback of funds for noncompliance; annual reporting requirements; audits every two years
Effective Date	October 1, 2025

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 1 (Spending Clause)
- Article I, Section 9, Clause 7 (Appropriations Clause)
- Tenth Amendment

Concerns with the measure as written:

- The bill's grant program may exceed Congress's enumerated powers if it does not tie funding to a specific enumerated power such as the Commerce Clause or the Spending Clause.
- The bill does not specify a funding source, raising concerns under Article I, Section 9, Clause 7 (Appropriations Clause) regarding the requirement that money be drawn from the Treasury only pursuant to appropriations made by law.
- The bill lacks a sunset clause, which could lead to indefinite federal involvement in a state-level public health and criminal justice function, potentially violating the Tenth Amendment.

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Democratic priorities honored: Expands access to community-based mental health services, reduces incarceration of individuals with mental illness, and supports evidence-based treatment. Republican priorities honored: Limits federal spending to existing funds (Crime Victims Fund), includes a sunset clause to prevent permanent federal programs, and emphasizes state and local control through grants to eligible entities.

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