



MEMORANDUM

June 15, 2015

Subject: How the Helping Families in Mental Health Crisis Act of 2015 (H.R. 2646) would change the current law abortion provision as provided in the Garrett Lee Smith Memorial Act

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This memorandum was prepared to enable distribution to more than one congressional office.

This memorandum summarizes how the Helping Families in Mental Health Crisis Act of 2015 (H.R. 2646, as introduced on June 4, 2015) would change an existing restriction on the use of grant funds to pay for abortion, as provided under the Garrett Lee Smith (GLS) Memorial Act (P.L. 108-355). The existing GLS abortion restriction applies to four suicide prevention grant programs in current law (one of which has never been funded). The Helping Families in Mental Health Crisis Act of 2015 (H.R. 2646) would (among other things) reauthorize the GLS Memorial Act and in so doing would replace the abortion restriction with new language. Under H.R. 2646, the GLS abortion restriction would refer to only one suicide prevention grant program (which would also be amended by the bill) and would add a new reference to an existing homelessness formula grant program (which is not currently subject to the GLS abortion restriction).

Current Law

The GLS Memorial Act amended Section 520E of the Public Health Service Act (PHSA) to (among other things) include the following language in subsection (i): “Funds appropriated to carry out this section, section 520C, section 520E–1, or section 520E–2 shall not be used to pay for or refer for abortion.” This language is codified at 42 U.S.C. Section 290bb–36(i). **Table 1** summarizes the sections of the PHSA that are subject to the existing GLS abortion restriction.

Table 1. Sections of Current Law Referenced in the GLS Memorial Act Abortion Provision

PHSA	42 U.S.C.	Title and Description
520E	290bb–36	Youth suicide early intervention and prevention strategies. This section requires the Secretary of Health and Human Services (HHS), acting through the Administrator of the Substance Abuse and Mental Health Services Administration (SAMHSA), to award grants or cooperative agreements for statewide or tribal strategies targeting suicide among youth. This is commonly known as GLS – State Grants.

PHSA	42 U.S.C.	Title and Description
520C	290bb–34	Youth interagency research, training, and technical assistance centers. This section requires the HHS Secretary, acting through the SAMHSA Administrator and in consultation with the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Director of the Bureau of Justice Assistance, and the Director of the National Institutes of Health, to award grants or contracts for up to four centers with specified responsibilities and an additional center with separately specified responsibilities. This is commonly known as GLS – Suicide Prevention Resource Center.
520E–1	290bb–36a	Suicide prevention for youth. ^a This section requires the HHS Secretary to award grants or cooperative agreements “to design early intervention and prevention strategies that will complement the State-sponsored statewide or tribal youth suicide early intervention and prevention strategies developed pursuant to section 520E [290bb–36].” This program has never been funded.
520E–2	290bb–36b	Mental and behavioral health services on campus. This section authorizes the HHS Secretary, acting through the Director of SAMHSA’s Center for Mental Health Services and in consultation with the Secretary of Education, to award grants to institutions of higher education to address problems “such as depression, substance abuse, and suicide attempts.” This is commonly known as GLS – Campus Grants.

Source: CRS summary of relevant provisions in the Public Health Service Act (PHSA) and United States Code (U.S.C.).

- a. This heading appears as “Suicide Prevention for Children and Adolescents” in the PHSA, which includes a footnote indicating that the “probable intent” of Congress was to replace “Children and Adolescents” with “Youth” here.

H.R. 2646

The Helping Families in Mental Health Crisis Act of 2015 (H.R. 2646), Section 208(c)(2) would replace PHSA Section 520E with new language that would read (in pertinent part) as follows: “Funds appropriated to carry out this section, section 527, or section 529 shall not be used to pay for or refer for abortion.” **Table 2** summarizes the sections of the PHSA that would be subject to the restriction if H.R. 2646 were enacted.

Table 2. Sections of Current Law Referenced in the H.R. 2646 Abortion Provision

PHSA	42 U.S.C.	Title and Description
520E	290bb–36	Youth suicide early intervention and prevention strategies. This section (as it would be amended by H.R. 2646) would require the HHS Secretary, acting through the Assistant Secretary for Mental Health and Substance Use Disorders (as would be established by H.R. 2646), to award grants or cooperative agreements for statewide or tribal strategies targeting suicide among youth, as well as related activities.
527	290cc–27	Description of intended expenditures of grant. This section refers to the Projects for Assistance in Transition from Homelessness (PATH) grants program under PHSA Title V, Part C (42 U.S.C. §290cc-21 – §290cc-35). PATH is a formula grant program that distributes funds to states (including the 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, and the Northern Mariana Islands) to support local organizations providing services for people with serious mental illness (including those with co-occurring substance use disorders) who are homeless or at imminent risk of becoming homeless.
529	290cc–29	Requirement of application. This section specifies the application requirements for the PATH formula grants described above.

Source: CRS summary of relevant provisions in the Public Health Service Act (PHSA), the United States Code (U.S.C.), and H.R. 2646.