

117TH CONGRESS  
1ST SESSION

# H. R. 5235

To amend the Public Health Service Act to authorize the Secretary of Health and Human Services, acting through the Assistant Secretary for Mental Health and Substance Use, to award grants to eligible entities to establish or maintain a student mental health and safety helpline, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 10, 2021

Ms. NEWMAN (for herself and Mr. STEWART) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Public Health Service Act to authorize the Secretary of Health and Human Services, acting through the Assistant Secretary for Mental Health and Substance Use, to award grants to eligible entities to establish or maintain a student mental health and safety helpline, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Student Mental Health  
5 Helpline Act of 2021”.

1 **SEC. 2. GRANTS FOR STUDENT MENTAL HEALTH AND SAFE-**  
2 **TY HELPLINE.**

3 Part D of title V of the Public Health Service Act  
4 (42 U.S.C. 290dd et seq.) is amended by adding at the  
5 end the following:

6 **“SEC. 553. GRANTS FOR STUDENT MENTAL HEALTH AND**  
7 **SAFETY HELPLINE.**

8 “(a) IN GENERAL.—

9 “(1) ESTABLISHMENT OR MAINTENANCE  
10 GRANTS.—The Secretary, acting through the Assist-  
11 ant Secretary for Mental Health and Substance Use,  
12 and in consultation with the Secretary of Education,  
13 may award grants to eligible entities to establish or  
14 maintain a student mental health and safety helpline  
15 that—

16 “(A) is free and confidential;

17 “(B) is accessible to students through mul-  
18 tiple platforms;

19 “(C) provides information to school offi-  
20 cials about student health and safety issues, to  
21 the extent permitted by the HIPAA privacy reg-  
22 ulations; and

23 “(D) operates 24 hours a day, seven days  
24 a week, every day of the year.

25 “(2) TRANSITION GRANTS.—

1           “(A) IN GENERAL.—The Secretary, acting  
2           through the Assistant Secretary for Mental  
3           Health and Substance Use, and in consultation  
4           with the Secretary of Education, may award  
5           grants to States, local governments, Indian  
6           Tribes, and Tribal organizations to transition,  
7           by not later than 2 years after the award of the  
8           grant, a helpline that was in existence on the  
9           day before the date of enactment of the Student  
10          Mental Health Helpline Act of 2021 to an  
11          agency or subdivision whose primary responsi-  
12          bility relates to health, public health, or edu-  
13          cation so as to become eligible for grants under  
14          paragraph (1).

15           “(B) USE OF FUNDS.—A grant under sub-  
16          paragraph (A) shall be used exclusively for  
17          costs associated with the transition described in  
18          such subparagraph.

19          “(b) APPLICATION OF HIPAA PRIVACY REGULA-  
20          TIONS.—

21           “(1) COVERED ENTITY.—A helpline funded  
22          under subsection (a)(1) shall be treated as a covered  
23          entity (as defined in section 106.103 of title 45,  
24          Code of Federal Regulations (or successor regula-  
25          tions)), and information received by the helpline

1 from students contacting the helpline shall be treat-  
2 ed as protected health information (as defined in  
3 such section 106.103 (or successor regulations)), for  
4 purposes of the HIPAA privacy regulations.

5 “(2) ADDITIONAL PRIVACY STANDARDS.—Noth-  
6 ing in this section shall be construed to preempt or  
7 otherwise prohibit the application, with respect to a  
8 helpline funded under this section, of privacy stand-  
9 ards in addition to those applicable under the  
10 HIPAA privacy regulations.

11 “(c) ELIGIBLE GRANTEES.—To be eligible to receive  
12 a grant under subsection (a)(1), an entity shall be an  
13 agency or other subdivision—

14 “(1) of a State, a local government, an Indian  
15 Tribe, or a Tribal organization; and

16 “(2) whose primary responsibility relates to  
17 health, public health, or education.

18 “(d) REQUIREMENTS.—A recipient of a grant under  
19 subsection (a)(1) shall use the grant for each of the fol-  
20 lowing:

21 “(1) Supporting a phone line, texting, and so-  
22 cial media accounts for students facing challenges  
23 with abuse, bullying, depression, risk of self-injury,  
24 risk of injury to others, or suicidal thoughts.

1           “(2) Providing such support in a culturally  
2 competent manner, including to students who—

3                   “(A) are from diverse backgrounds; or

4                   “(B) identify with groups associated with a  
5 higher risk of bullying, abuse, and suicide, such  
6 as individuals who are LGBTQ or have disabil-  
7 ities.

8           “(3) Coordinating with—

9                   “(A) other mental health crisis lines;

10                  “(B) State and local mental health agen-  
11 cies and providers, local educational agencies,  
12 school administrators, and community-based  
13 health service providers; and

14                  “(C) in cases of neglect and abuse, State  
15 and local family service agencies.

16           “(4) Ensuring that—

17                   “(A) activities funded through the grant  
18 are conducted in accordance with all applicable  
19 Federal and State privacy standards; and

20                   “(B) health care information collected  
21 through such activities will be maintained in a  
22 secure manner.

23           “(5) Developing a disaster recovery plan and  
24 redundancy measures to ensure continuous technical  
25 operations.

1       “(e) OTHER ALLOWABLE USES.—A recipient of a  
2 grant under subsection (a)(1) may choose to use the grant  
3 for any of the following:

4           “(1) Supporting forms of communication in ad-  
5 dition to those specified in subsection (d)(1), such as  
6 online forms and an email account.

7           “(2) In addition to coordinating with the enti-  
8 ties specified in subsection (d)(3), coordinating with  
9 nonprofit organizations and institutions of higher  
10 education.

11          “(3) Developing educational curricula that  
12 schools may choose to offer, in conjunction with the  
13 helpline funded through the grant, to remove the  
14 stigma of mental illness, prevent bullying, prevent  
15 domestic violence, prevent suicide, or otherwise ad-  
16 dress student mental health and safety.

17          “(4) Promoting activities to encourage students  
18 to use of the helpline funded through the grant.

19          “(5) Collecting and analyzing data on the use  
20 of the helpline funded through the grant to improve  
21 and adjust services offered through the helpline.

22          “(6) Providing support in multiple languages in  
23 areas with a high concentration of multiple language  
24 speakers.

1           “(7) Developing, in accordance with best prac-  
2           tices and guidelines of the Substance Abuse and  
3           Mental Health Services Administration for behav-  
4           ioral health crisis care, protocols and training for  
5           identifying and responding to students who present  
6           an imminent risk of harming themselves or others.

7           “(8) Providing training, technology, and per-  
8           sonnel necessary to comply with the HIPAA privacy  
9           regulations or other relevant privacy standards.

10           “(9) Coordinating and sharing best practices  
11           with other student mental health and safety  
12           helplines, including other helplines funded pursuant  
13           to this section.

14           “(10) Sharing personnel (such as crisis coun-  
15           selors), services (such as technology and data man-  
16           agement services), and other resources deemed ap-  
17           propriate by the Secretary with other mental health  
18           and safety helplines that—

19                   “(A) are operated by the recipient of the  
20                   grant; or

21                   “(B) are operated by another entity and  
22                   funded through the Substance Abuse and Men-  
23                   tal Health Services Administration.

24           “(f) PERIOD OF A GRANT.—The period of a grant  
25           under subsection (a)(1) shall be not less than 5 years.

1 “(g) SUBGRANTS AND CONTRACTS.—

2 “(1) AUTHORIZATION.—A recipient of a grant  
3 under subsection (a)(1) may award subgrants and  
4 enter into contracts to carry out activities funded  
5 through the grant.

6 “(2) ELIGIBLE SUBGRANTEES AND CONTRAC-  
7 TORS.—To be eligible to receive a subgrant or con-  
8 tract under paragraph (1), an entity shall be—

9 “(A) a local educational agency;

10 “(B) an institution of higher education;

11 “(C) a nonprofit organization;

12 “(D) a for-profit organization that pro-  
13 vides—

14 “(i) website or data management serv-  
15 ices;

16 “(ii) specialized staff trained in crisis  
17 intervention to answer incoming messages;  
18 or

19 “(iii) other products or services  
20 deemed by the Secretary to be appropriate  
21 for establishing or maintaining a helpline  
22 funded under subsection (a)(1);

23 “(E) a school; or

1           “(F) another type of entity deemed by the  
2           Secretary to be appropriate for subgrants or  
3           contracts under paragraph (1).

4           “(3) ACCREDITATION.—To be eligible to receive  
5           a subgrant or contract under paragraph (1) for spe-  
6           cialized staff trained in crisis intervention to answer  
7           incoming messages, an entity shall be accredited by  
8           a nationally recognized accreditation entity that ap-  
9           plies current evidence-based practices related to  
10          mental and behavioral health.

11          “(4) PRIORITY.—In awarding subgrants and  
12          contracts under paragraph (1), a recipient of a  
13          grant under subsection (a)(1) shall give priority to  
14          eligible entities that—

15                 “(A) retain a licensed mental health care  
16                 practitioner on staff; and

17                 “(B) participate in the network the Na-  
18                 tional Suicide Prevention Lifeline.

19          “(h) REPORTING.—

20                 “(1) ANNUAL REPORTS TO CONGRESS.—Each  
21                 fiscal year for which grants are awarded under sub-  
22                 section (a)(1) or (a)(2), the Secretary shall—

23                         “(A) study the results of the grants; and

24                         “(B) submit to the Congress a report on  
25                         such results, including—

1           “(i) an evaluation of the outcomes of  
2           the programs under subsections (a)(1) and  
3           (a)(2);

4           “(ii) a summary of activities carried  
5           out with grants under subsections (a)(1)  
6           and (a)(2) and the results achieved  
7           through those activities;

8           “(iii) to the extent practicable, the de-  
9           mographics of students served and nature  
10          of messages received through grants under  
11          subsections (a)(1) and (a)(2); and

12          “(iv) in the case of grants under sub-  
13          section (a)(2), an analysis of changes in  
14          the outcomes, activities, demographics, and  
15          nature of messages described in clauses (i),  
16          (ii), and (iii) as a result of transitioning  
17          helplines to different agencies or subdivi-  
18          sions.

19          “(2) REPORT ON FEASIBILITY OF A NATIONAL  
20          STUDENT HELPLINE.—Not later than 1 year after  
21          the date of enactment of the Student Mental Health  
22          Helpline Act of 2021, the Secretary, in consultation  
23          with the Secretary of Education and the Chair of  
24          the Federal Communications Commission, shall pub-  
25          lish a report on—

1           “(A) the feasibility of making a student  
2           mental health and safety helpline nationally  
3           available;

4           “(B) how to successfully integrate the  
5           helplines of States and other entities into a con-  
6           solidated national student mental health and  
7           safety helpline; and

8           “(C) the feasibility and potential benefits  
9           and drawbacks of adding a student-specific ca-  
10          pability to the National Suicide Prevention  
11          Lifeline.

12       “(i) DEFINITIONS.—In this section:

13           “(1) The term ‘HIPAA privacy regulations’  
14           means the Federal regulations (concerning the pri-  
15           vacy of individually identifiable health information)  
16           promulgated under section 264(c) of the Health In-  
17           surance Portability and Accountability Act of 1996  
18           (42 U.S.C. 1320d–2 note).

19           “(2) The terms ‘Indian Tribe’ and ‘Tribal orga-  
20           nization’ have the meanings given to such terms in  
21           section 4 of the Indian Self-Determination and Edu-  
22           cation Assistance Act.

23           “(3) The term ‘institution of higher education’  
24           has the meaning given to such term in section 101  
25           of the Higher Education Act of 1965.

1           “(4) The term ‘local educational agency’ has  
2           the meaning given to such term in section 8101 of  
3           the Elementary and Secondary Education Act of  
4           1965.

5           “(5) The term ‘State’ includes the District of  
6           Columbia and each territory or commonwealth of the  
7           United States.

8           “(j) AUTHORIZATION OF APPROPRIATIONS.—To  
9           carry out this section, there is authorized to be appro-  
10          priated \$55,000,000 for each of fiscal years 2022 through  
11          2032.”.

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