

Public Law 90-170

AN ACT

To amend the public health laws relating to mental retardation to extend, expand, and improve them, and for other purposes.

December 4, 1967
[H. R. 6430]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Mental Retardation Amendments of 1967".

Mental Retardation Amendments of 1967.

GRANTS FOR CONSTRUCTION OF UNIVERSITY-AFFILIATED MENTAL RETARDATION CLINICAL FACILITIES

SEC. 2. (a) The first sentence of section 121 of the Mental Retardation Facilities Construction Act (42 U.S.C. 2661) is amended by striking out "and \$10,000,000 each for the fiscal year ending June 30, 1966, and the fiscal year ending June 30, 1967" and inserting in lieu thereof "\$10,000,000 each for the fiscal year ending June 30, 1966, the fiscal year ending June 30, 1967, and the fiscal year ending June 30, 1968, and \$20,000,000 each for the fiscal year ending June 30, 1969, and the fiscal year ending June 30, 1970".

77 Stat. 284.

(b) Such sentence is further amended by inserting "(which, for purposes of this part, includes other neurological handicapping conditions found by the Secretary to be sufficiently related to mental retardation to warrant inclusion in this part)" after "the mentally retarded" the first time it appears therein, and by inserting "including research incidental or related to any of the foregoing activities," before "there are authorized to be appropriated".

(c) Section 125 of such Act (42 U.S.C. 2665) is amended by striking out "four", and by striking out "June 30, 1967" and inserting in lieu thereof "June 30, 1970".

77 Stat. 285.

(d) (1) Section 121 of such Act is amended—

(A) by inserting "(a)" immediately after "SEC. 121.",

(B) by inserting (in the first sentence thereof) immediately after "construction" the following: "(and the planning for the construction)";

(C) by striking out "The" (in the second sentence thereof) and inserting in lieu thereof "Except as provided in subsection (b), the", and

(D) by adding after and below such section the following new subsection:

"(b) (1) Of the sums appropriated pursuant to subsection (a) for any fiscal year, beginning with the fiscal year ending June 30, 1968, an amount equal to 2 per centum thereof (or such smaller amount as the Secretary may determine to be appropriate) shall be available to the Secretary for the purpose of making grants to cover not to exceed 75 per centum of the costs of the planning of projects with respect to the construction of which applications for grants may be made under this part. Not more than \$25,000 shall be granted under this subsection with respect to any project.

"(2) Planning grants under this subsection shall be made by the Secretary to such applicants and upon such terms and conditions as he shall by regulations prescribe. Payment of grants under this subsection shall be made in advance or by way of reimbursement, as the Secretary may determine.

"(3) Whenever, in the succeeding provisions of this part, the term 'grant', 'grants', or 'funds' is employed, such term shall be deemed not to include any grant under this subsection or any of the funds of any such grant."

GRANTS FOR CONSTRUCTION OF COMMUNITY FACILITIES FOR THE MENTALLY
RETARDED

77 Stat. 286.

SEC. 3. (a) Section 131 of the Mental Retardation Facilities Construction Act (42 U.S.C. 2671) is amended by striking out "and \$30,000,000 for the fiscal year ending June 30, 1968" and inserting in lieu thereof "\$30,000,000 each for the fiscal year ending June 30, 1968, and the fiscal year ending June 30, 1969, and \$50,000,000 for the fiscal year ending June 30, 1970".

77 Stat. 289.
42 USC 2677.

(b) Section 137 of such Act is amended by striking out "four", and by striking out "1968" and inserting in lieu thereof "1970".

42 USC 2672.

(c) Section 132 of such Act is amended by inserting at the end thereof the following new subsection:

"(d) (1) At the request of any State, a portion of any allotment or allotments of such State under this part shall be available to pay one-half (or such smaller share as the State may request) of the expenditures found necessary by the Secretary for the proper and efficient administration during such year of the State plan approved under this part; except that not more than 2 per centum of the total of the allotments of such State for a year, or \$50,000, whichever is less, shall be available for such purpose for such year. Payments of amounts due under this paragraph may be made in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

"(2) Any amount paid under paragraph (1) to any State for any fiscal year shall be paid on condition that there shall be expended from State sources for such year for administration of the State plan approved under this part not less than the total amount expended for such purposes from such sources during the fiscal year ending June 30, 1967."

GRANTS FOR STAFFING OF COMMUNITY MENTAL RETARDATION FACILITIES

77 Stat. 282.
42 USC 2661
note.

SEC. 4. The Mental Retardation Facilities Construction Act is further amended (1) by amending the heading thereof to read "TITLE I—FACILITIES FOR THE MENTALLY RETARDED", and (2) by adding at the end thereof the following new part:

"PART D—GRANTS FOR THE COST OF PROFESSIONAL AND TECHNICAL
PERSONNEL OF COMMUNITY MENTAL RETARDATION FACILITIES

"AUTHORIZATION OF GRANTS

"SEC. 141. (a) For the purpose of assisting in the establishment and initial operation of facilities for the mentally retarded providing all or part of a program of comprehensive services for the mentally retarded principally designed to serve the needs of the particular community or communities in or near which the facility is situated, the Secretary may, in accordance with the provisions of this part, make grants to meet, for the temporary periods specified in this section, a portion of the costs (determined pursuant to regulations under section 144) of compensation of professional and technical personnel for the initial operation of new facilities for the mentally retarded or of new services in facilities for the mentally retarded.

"(b) Grants for such costs for any facility for the mentally retarded under this part may be made only for the period beginning with the first day of the first month for which such a grant is made and ending with the close of four years and three months after such first day; and such grants with respect to any such facility may not exceed 75 per centum of such costs for the period ending with the close of the fifteenth month following such first day, 60 per centum of such costs

for the first year thereafter, 45 per centum of such costs for the second year thereafter, and 30 per centum of such costs for the third year thereafter.

“(c) In making such grants, the Secretary shall take into account the relative needs of the several States for services for the mentally retarded, their relative financial needs, and their populations.

“APPLICATIONS AND CONDITIONS FOR APPROVAL

“SEC. 142. (a) Grants under this part with respect to any facility for the mentally retarded may be made only upon application, and only if—

“(1) the applicant is a public or nonprofit private agency or organization which owns or operates the facility;

“(2) (A) a grant was made under part C of this title to assist in financing the construction of the facility or (B) the type of service to be provided as part of such program with the aid of a grant under this part was not previously being provided by the facility with respect to which such application is made;

“(3) the Secretary determines that there is satisfactory assurance that Federal funds made available under this part for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds for mental retardation services that would in the absence of such Federal funds be made available for (or under) the program described in paragraph (2) of this subsection, and will in no event supplant such State, local, and other non-Federal funds; and

“(4) in the case of an applicant in a State which has in existence a State plan relating to the provision of services for the mentally retarded, the services to be provided by the facility are consistent with the plan.

“(b) No grant may be made under this part after June 30, 1972, with respect to any facility for the mentally retarded or with respect to any type of service provided by such a facility unless a grant with respect thereto was made under this part prior to July 1, 1970.

“PAYMENTS

“SEC. 143. Payment of grants under this part may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursement, and on such terms and conditions and in such installments, as the Secretary may determine.

“REGULATIONS

“SEC. 144. The Secretary shall prescribe general regulations concerning the eligibility of facilities under this part, determination of eligible costs with respect to which grants may be made, and the terms and conditions (including those specified in section 142) for approving applications under this part.

“AUTHORIZATION OF APPROPRIATIONS

“SEC. 145. There are authorized to be appropriated \$7,000,000 for the fiscal year ending June 30, 1968, \$10,000,000 for the fiscal year ending June 30, 1969, and \$14,000,000 for the fiscal year ending June 30, 1970, to enable the Secretary to make initial grants to facilities for the mentally retarded under the provisions of this part. For the fiscal year ending June 30, 1969, and each of the next five years, there are authorized to be appropriated such sums as may be necessary to make

77 Stat. 286.
42 USC 2671-
2677.

grants to such facilities which have previously received a grant under this part and are eligible for such a grant for the year for which sums are being appropriated under this sentence."

77 Stat. 288.

SEC. 5. Paragraph (7) of section 134 of the Mental Retardation Facilities Construction Act (42 U.S.C. 2674), is amended by inserting before the semicolon at the end thereof "and, effective July 1, 1969, provide for enforcement of such standards with respect to projects approved by the Secretary under this part after June 30, 1967".

EDUCATION OF HANDICAPPED CHILDREN

79 Stat. 430.

SEC. 6. Section 7 of the Act of September 6, 1958 (20 U.S.C. 617), is amended by striking out "and" before "\$37,500,000", and by inserting "and \$55,000,000 for the fiscal year ending June 30, 1970", after "June 30, 1969".

77 Stat. 282.
42 USC 2661
note.

SEC. 7. The Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 is amended by adding at the end thereof the following:

"TITLE V—TRAINING OF PHYSICAL EDUCATORS AND RECREATION PERSONNEL FOR MENTALLY RETARDED AND OTHER HANDICAPPED CHILDREN

"GRANTS; AUTHORIZATION OF APPROPRIATIONS

72 Stat. 1777;
77 Stat. 294.

"SEC. 501. (a) The Secretary is authorized to make grants to public and other nonprofit institutions of higher learning to assist them in providing professional or advanced training for personnel engaged or preparing to engage in employment as physical educators or recreation personnel for mentally retarded and other handicapped children (as defined in the first section of the Act of September 6, 1958 (20 U.S.C. 611)) or as supervisors of such personnel, or engaged or preparing to engage in research or teaching in fields related to the physical education or recreation of such children.

Appropriation.

"(b) For the purpose of making the grants authorized under subsection (a), there is authorized to be appropriated for the fiscal year ending June 30, 1968, \$1,000,000; for the fiscal year ending June 30, 1969, \$2,000,000; and for the fiscal year ending June 30, 1970, \$3,000,000. Any sums appropriated for any such fiscal year and not obligated before the end thereof shall remain available for the succeeding fiscal year for the purpose for which appropriated.

"RESEARCH AND DEMONSTRATION PROJECTS IN PHYSICAL EDUCATION AND RECREATION FOR MENTALLY RETARDED AND OTHER HANDICAPPED CHILDREN

Appropriation.

"SEC. 502. (a) (1) There is authorized to be appropriated for the fiscal year ending June 30, 1968, \$1,000,000, and for each of the two succeeding fiscal years, \$1,500,000, to enable the Secretary to make grants to States, State or local educational agencies, public and nonprofit private institutions of higher learning, and other public or nonprofit private educational or research agencies and organizations, for research or demonstration projects relating to physical education or recreation for mentally retarded and other handicapped children (as defined in the first section of the Act of September 6, 1958 (20 U.S.C. 611)).

"(2) Grants under paragraph (1) shall be made in installments, in advance or by way of reimbursement, and on such conditions as the Secretary may determine.

“(b) The Secretary shall from time to time appoint panels of experts who are competent to evaluate various types of research or demonstration projects under this section, and shall secure the advice and recommendations of one such panel before making any grant under this section.

“ADVISORY COMMITTEE

“SEC. 503. (a) (1) The Secretary shall appoint an advisory committee which shall consist of seven members to advise him on matters of general policy relating to the administration of this title. Three members of such committee shall be individuals from the field of physical education, two members thereof shall be individuals from the field of recreation, and two members thereof shall be individuals with experience or special interest in the education of the mentally retarded or other handicapped children.

“(2) The Secretary shall, from time to time, designate one of the members of such committee to serve as the chairman thereof.

“(b) Members of the advisory committee and members of any panel appointed pursuant to section 502(b), who are not regular full-time employees of the United States, shall, while serving on the business of such committee or such panel, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding \$100 per day, including travel time; and, while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.”

Compensation, travel expenses.

80 Stat. 499.

Approved December 4, 1967.

Public Law 90-171

AN ACT

To facilitate exchanges of land under the Act of March 20, 1922 (42 Stat. 465), for use for public schools, and for other purposes.

December 4, 1967 [H. R. 10442]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That whenever an exchange of land is proposed by a public school district or other public school authority under the Act of March 20, 1922 (42 Stat. 465), as amended (16 U.S.C. 485, 486), or other authority under which the Secretary of Agriculture is authorized to exchange national forest lands or other lands administered by the Forest Service, if the public school authority proposing the exchange has insufficient land to offer, the exchange may be completed upon deposit with the Secretary of Agriculture of a portion or all of the value of the selected land. Any amount so deposited shall be covered into a special fund in the Treasury which when appropriated shall be available until expended by the Secretary of Agriculture for the acquisition of lands in the same State as the selected lands and which are determined by him to be suitable for the same purposes as the selected lands. Lands so acquired shall have the same status and shall be subject to the same laws, regulations, and rules as the selected lands.

Public schools. Land exchanges in national forests.

43 Stat. 1090.

The provisions of this Act shall not be applicable to the conveyance in exchange of more than eighty acres to any one public school district or other public school authority.

Limitation.

Approved December 4, 1967.