

Public Law 91-211

AN ACT

March 13, 1970
[S. 2523]

To amend the Community Mental Health Centers Act to extend and improve the program of assistance under that Act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Community
Mental Health
Centers
Amendments of
1970.

SHORT TITLE

SECTION 1. This Act may be cited as the "Community Mental Health Centers Amendments of 1970".

TITLE I—EXTENSION OF GRANTS FOR CONSTRUCTION OF COMMUNITY MENTAL HEALTH CENTERS; TRUST TERRITORY; STATE PLAN ADMINISTRATION; FEDERAL SHARE

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. (a) Section 201 of the Community Mental Health Centers Act (42 U.S.C. 2681) is amended (1) by striking out "and" immediately before "\$70,000,000", and (2) by inserting immediately before the period at the end thereof the following: ", \$80,000,000 for the fiscal year ending June 30, 1971, \$90,000,000 for the fiscal year ending June 30, 1972, and \$100,000,000 for the fiscal year ending June 30, 1973".

(b) Section 207 of such Act (42 U.S.C. 2687) is amended by striking out "1970" and inserting in lieu thereof "1973".

ALLOTMENTS TO STATES; INCLUSION OF TRUST TERRITORY

SEC. 102. (a) (1) The first sentence of subsection (a) of section 202 of such Act (42 U.S.C. 2682) is amended by striking out "and Guam," and inserting in lieu thereof "Guam, and the Trust Territory of the Pacific Islands."

(2) The second sentence of such subsection (a) is amended by inserting after "State" the first time it appears ", other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands."

(3) Such subsection (a) is further amended by adding at the end thereof the following new sentence: "Sums so allotted to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it for such purpose for the next two fiscal years (and for such years only), in addition to the sums allotted to it for such purpose for each of such next two fiscal years."

(b) Section 401(a) of such Act (42 U.S.C. 2691(a)) is amended by inserting immediately before the period at the end thereof the following: "; and, for purposes of this title and title II only, includes the Trust Territory of the Pacific Islands".

(c) The amendments made by this section shall be effective with respect to allotments under section 202 from funds appropriated for fiscal years beginning after June 30, 1970.

77 Stat. 290;
81 Stat. 79.

77 Stat. 290.

Effective
date.

PERCENTAGE OF ALLOTMENTS AVAILABLE FOR STATE PLAN ADMINISTRATION

SEC. 103. (a) Effective with respect to expenditures referred to in the first sentence of section 403(c)(1) of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (42 U.S.C. 2693) made after June 30, 1970, such section is amended by striking out "2 per centum" and inserting in lieu thereof "5 per centum".

82 Stat. 1012.

(b)(1) The first sentence of such section 403(c)(1) is further amended—

(A) by inserting "for any fiscal year" immediately after "title II";

(B) by striking out "during such year";

(C) by striking out "for a year" and inserting in lieu thereof "for any fiscal year"; and

(D) by striking out "for such year".

(2) Section 403(c)(1) of such Act is further amended by inserting immediately after the first sentence thereof the following new sentence: "Amounts made available to any State under this paragraph from its allotment or allotments under part A of title II for any fiscal year shall be available only for such expenditures (referred to in the preceding sentence) during such fiscal year or the following fiscal year."

FEDERAL SHARE; HIGHER SHARE FOR DISADVANTAGED AREAS

SEC. 104. Effective with respect to projects approved after June 30, 1970, under part C of title I or part A of title II of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, section 402 of such Act (42 U.S.C. 2692) is repealed and section 401(h) of such Act is amended to read as follows:

"(h)(1) The term 'Federal share' with respect to any project means the portion of the cost of construction of such project to be paid by the Federal Government under part C of title I or part A of title II.

"(2) The Federal share with respect to any project in the State shall be the amount determined by the State agency designated in the State plan, but except as provided in paragraph (3), the Federal share for any project may not exceed 66⅔ per centum of the cost of construction of such project or the State's Federal percentage, whichever is the lower. Prior to the approval of the first such project in the State during any fiscal year, such State agency shall give the Secretary written notification of the maximum Federal share established pursuant to this paragraph for such projects in such State to be approved by the Secretary during such fiscal year and the method for determining the actual Federal share to be paid with respect to such projects; and such maximum Federal share and such method of determination for such projects in such State approved during such fiscal year shall not be changed after the approval of the first such project in the State during such fiscal year.

"(3) In the case of any facility or center which provides or will, upon completion of the project for which application has been made under part C of title I or under part A of title II, provide services for persons in an area designated by the Secretary as an urban or rural poverty area, the maximum Federal share determined under paragraph (2) may not exceed 90 per centum of the costs of construction of the project."

Repeal.

77 Stat. 296.

"Federal share."

77 Stat. 286,
290; 79 Stat.

427.

42 USC 2671,
2681.

PERIOD FOR PROMULGATING FEDERAL PERCENTAGES

77 Stat. 297.
42 USC 2691.

SEC. 105. Section 401(j) (1) of such Act is amended by striking out "August 31" and inserting in lieu thereof "September 30".

TITLE II—PROGRAMS OF GRANT ASSISTANCE FOR
COMMUNITY MENTAL HEALTH SERVICE

FEDERAL SHARE OF STAFFING GRANTS

79 Stat. 428.

SEC. 201. (a) Effective with respect to costs of compensation of professional and technical personnel of any community mental health center for any period after June 30, 1970, for which a grant has been or is made under subsection (a) of section 220 of the Community Mental Health Centers Act (42 U.S.C. 2688), subsection (b) of such section is amended to read as follows:

"(b) (1) Grants under this section for such costs for any center 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 eight years after such first day; and, except as provided in paragraph (2), such grants with respect to any center may not exceed 75 per centum of such costs for each of the first two years after such first day, 60 per centum of such costs for the third year after such first day, 45 per centum of such costs for the fourth year after such first day, and 30 per centum of such costs for each of the next four years after such first day.

"(2) In the case of any such center providing services for persons in an area designated by the Secretary as an urban or rural poverty area, grants under this section for such costs for any such center may not exceed 90 per centum of such costs for each of the first two years after such first day, 80 per centum of such costs for the third year after such first day, 75 per centum of such costs for the fourth and fifth years after such first day, and 70 per centum of such costs for each of the next three years after such first day."

(b) In the case of any community mental health center for which a staffing grant was made under section 220 of the Community Mental Health Centers Act before July 1, 1970, the provisions of subsection (b) of section 220 of such Act (as amended by subsection (a) of this section) shall, with respect to costs incurred after June 30, 1970, apply to the same extent as if such subsection (b) had been in effect on the date a staffing grant for such center was initially made.

GRANTS OF INITIATION AND DEVELOPMENT OF SERVICES

79 Stat. 429;
81 Stat. 79.

SEC. 202. Section 224 of such Act (42 U.S.C. 2688d) is amended (1) by inserting "(a)" immediately after "SEC. 224.", and (2) by adding at the end thereof the following new subsection (b):

"(b) Not to exceed 5 per centum of the amount appropriated for grants pursuant to subsection (a) for any fiscal year shall be available to the Secretary to make grants to local public or nonprofit private organizations to cover up to 100 per centum of the costs (but in no case to exceed \$50,000) of projects, in areas designated by the Secretary as rural or urban poverty areas, for assessing local needs for mental health services, designing mental health service programs, obtaining local financial and professional assistance and support for community health services, and fostering community involvement in initiating and developing community mental health services. In no case shall a grant under this subsection be for a period in excess of one year; nor shall any grant be made under this subsection with respect to any project if, for any preceding year, a grant under this subsection has been made with respect to such project."

REQUIREMENTS FOR GRANTS

SEC. 203. (a) Paragraph (4) of such subsection (a) of section 221 of the Community Mental Health Centers Act (42 U.S.C. 2688a) is amended to read as follows:

79 Stat. 428.

"(4) the Secretary determines that there is satisfactory assurance that (A) the services to be provided will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) in, services that would otherwise be provided, and (B) 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, including third party health insurance payments, that would in the absence of such Federal funds be made available for the program described in paragraph (2) of this subsection and will in no event supplant such State, local, and other non-Federal funds; and".

(b) Section 221(a) of such Act (42 U.S.C. 2688a) is further amended by adding after and below paragraph (5) the following new sentence: "Notwithstanding the provisions of paragraph (2) of this subsection, the requirement therein with respect to essential elements of comprehensive mental health services shall not apply, in the case of an application for a grant to any center which will provide services in an area designated by the Secretary as an urban or rural poverty area, for the eighteen-month period commencing on the date such application is filed, if the Secretary is satisfied that such center will meet such requirement prior to the end of such period; however, if such center has not by the end of such eighteen-month period met such requirement, payments under any grant (made under such application) to such center shall be suspended until the Secretary determines that the center has met such requirement."

AUTHORIZATION OF APPROPRIATIONS

SEC. 204. (a) The first sentence of section 224(a) of such Act (42 U.S.C. 2688d), as amended by section 202(a) of this Act, is amended (1) by striking out "and" immediately after "1969", and (2) by inserting immediately after "1970," the following: "\$45,000,000 for the fiscal year ending June 30, 1971, \$50,000,000 for the fiscal year ending June 30, 1972, and \$60,000,000 for the fiscal year ending June 30, 1973,".

Ante, p. 56.

(b) The second sentence of section 224(a) of such Act (42 U.S.C. 2688d), as amended by section 202(a) of this Act, is amended by striking out "seven" and inserting in lieu thereof "thirteen".

(c) Section 221(b) of such Act (42 U.S.C. 2688a) is amended by striking out "1970" each place it appears and inserting in lieu thereof "1973".

TITLE III—ALCOHOLISM AND NARCOTIC ADDICT
REHABILITATIONEXTENSION OF PROGRAMS FOR FACILITIES FOR ALCOHOLICS AND
NARCOTIC ADDICTS

SEC. 301. (a) Section 261(a) of such Act (42 U.S.C. 2688o) is amended by striking out "and \$25,000,000 for the next fiscal year" and inserting in lieu thereof "\$15,000,000 for the fiscal year ending June 30, 1970, \$30,000,000 for the fiscal year ending June 30, 1971, \$35,000,000 for the fiscal year ending June 30, 1972, and \$40,000,000 for the fiscal year ending June 30, 1973,".

82 Stat. 1010.

82 Stat. 1010.
42 USC 2688o.

(b) Subsection (a) of such section 261 is further amended by inserting before the period at the end of the first sentence the following: "and section 246".

(c) Section 261 of such Act is further amended by adding at the end thereof the following new subsection (c):

"(c) Not to exceed 5 per centum of the amount appropriated pursuant to the preceding provisions of this section for any fiscal year shall be available to the Secretary to make grants to local public or non-profit private organizations to cover up to 100 per centum of the costs (but in no case to exceed \$50,000) of projects for assessing local needs for programs of services for alcoholics or narcotic addicts, designing such programs, obtaining local financial and professional assistance and support for such programs in the community, and fostering community involvement in initiating and developing such programs in the community. In no case shall a grant under this subsection be for a period in excess of one year; nor shall any grant be made under this subsection with respect to any project if, for any preceding year, a grant under this subsection has been made with respect to such project."

(d) Subsection (b) of such section 261 is amended by striking out "three" and inserting in lieu thereof "nine", and by striking out "for the fiscal year ending June 30, 1969, or the fiscal year ending June 30, 1970" and inserting in lieu thereof "for any fiscal year ending before July 1, 1973".

MAXIMUM FEDERAL SHARE OF CONSTRUCTION PROJECTS FOR FACILITIES FOR ALCOHOLICS OR NARCOTIC ADDICTS IN DISADVANTAGED AREAS

82 Stat. 1007.

82 Stat. 1009.

SEC. 302. Effective with respect to projects approved after June 30, 1970, under part C or part D of the Community Mental Health Centers Act, section 241(b) of such Act (42 U.S.C. 2688f), section 243(d) of such Act (42 U.S.C. 2688h), and section 251(b) of such Act (42 U.S.C. 2688k) are each amended by inserting immediately after "66 $\frac{2}{3}$ per centum" the following: "(or 90 per centum in the case of a facility providing services for persons in an area designated by the Secretary as an urban or rural poverty area)".

FEDERAL SHARE OF STAFFING GRANTS

SEC. 303. (a) Effective with respect to costs of compensation of professional and technical personnel of any alcoholism prevention and treatment facility, specialized facility for alcoholics, or treatment facility for narcotic addicts for any period after June 30, 1970, for which a grant has been or is made under section 242, 243, or 251 of the Community Mental Health Centers Act (42 U.S.C. 2688g, 2688h, 2688k), subsection (b) of section 242 of such Act is amended to read as follows:

"(b) (1) Grants under this part for such costs for any facility 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 eight years after such first day; and, except as provided in paragraph (2), such grants with respect to any facility may not exceed 80 per centum of such costs for each of the first two years after such first day, 75 per centum of such costs for the third year after such first day, 60 per centum of such costs for the fourth year after such first day, 45 per centum of such costs for the fifth year after such first day, and 30 per centum of such costs for each of the next three years after such first day.

"(2) In the case of any such facility providing services for persons in an area designated by the Secretary as an urban or rural poverty area, such grants with respect to any such facility may not exceed 90 per

centum of such costs for each of the first two years after such first day, 80 per centum of such costs for the third year after such first day, 75 per centum of such costs for the fourth and fifth years after such first day, and 70 per centum of such costs for each of the next three years after such first day."

(b) In the case of any alcoholism prevention and treatment facility, specialized facility for alcoholics, or treatment facility for narcotic addicts, for which a staffing grant was made under section 242, 243, or 251 of the Community Mental Health Centers Act before July 1, 1970, the provisions of subsection (b) of section 242 of such Act (as amended by subsection (a) of this section) shall, with respect to costs incurred after June 30, 1970, apply to the same extent as if such subsection (b) had been in effect on the date a staffing grant for such center or facility was initially made.

82 Stat. 1008.
42 USC 2688g,
2688h, 2688k.

DIRECT GRANTS FOR SPECIAL PROJECTS; ALCOHOLISM

SEC. 304. Part C of the Community Mental Health Centers Act is amended by redesignating section 246 as section 247, and by adding after section 245 a new section 246 as follows:

"DIRECT GRANTS FOR SPECIAL PROJECTS

"SEC. 246. The Secretary is authorized during the period beginning July 1, 1970, and ending June 30, 1973, to make grants to any public or nonprofit private agency or organization to cover part or all of the cost of (1) developing specialized training programs or materials relating to the provision of public health services for the prevention or treatment of alcoholism, or developing inservice training or short-term or refresher courses with respect to the provision of such services; (2) training personnel to operate, supervise, and administer such services; (3) conducting surveys and field trials to evaluate the adequacy of the programs for the prevention and treatment of alcoholism within the several States with a view to determining ways and means of improving, extending, and expanding such programs; and (4) programs for treatment and rehabilitation of alcoholics which the Secretary determines are of special significance because they demonstrate new or relatively effective or efficient methods of delivery of services to such alcoholics."

DIRECT GRANTS FOR SPECIAL PROJECTS; NARCOTIC ADDICTS

SEC. 305. (a) Section 252 of the Community Mental Health Centers Act is amended (1) by striking out "1970" and inserting in lieu thereof "1973", (2) by striking out "and" at the end of clause (B), and (3) by adding immediately before the period at the end thereof the following: "; and (D) programs for treatment and rehabilitation of narcotic addicts which the Secretary determines are of special significance because they demonstrate new or relatively effective or efficient methods of delivery of services to such narcotic addicts".

82 Stat. 1010,
42 USC 2688l.

(b) The heading to such section 252 is amended to read as follows: "DIRECT GRANTS FOR SPECIAL PROJECTS".

TITLE IV—MENTAL HEALTH OF CHILDREN

GRANTS FOR CONSTRUCTION AND STAFFING OF TREATMENT FACILITIES
AND FOR TRAINING AND PROGRAM EVALUATION

77 Stat. 290;
82 Stat. 1006.
42 USC 2681
note.

SEC. 401. The Community Mental Health Centers Act is amended by adding at the end thereof the following new part:

“PART F—MENTAL HEALTH OF CHILDREN

“GRANTS FOR TREATMENT FACILITIES

“SEC. 271. (a) Grants from appropriations under section 272(a) may be made to public or nonprofit private agencies and organizations (1) to assist them in meeting the costs of construction of facilities to provide mental health services for children within the States, and (2) to assist them in meeting a portion of the costs (determined pursuant to regulations of the Secretary) of compensation of professional and technical personnel for the operation of a facility for mental health of children constructed with a grant made under part A or this part or for the operation of new services for mental health of children in an existing facility.

Conditions.

“(b) (1) Grants may be made under this section only with respect to (A) facilities which are part of or affiliated with a community mental health center providing at least those essential services which are prescribed by the Secretary, or (B) where there is no such center serving the community in which such facilities are to be situated, facilities with respect to which satisfactory provision (as determined by the Secretary) has been made for appropriate utilization of existing community resources needed for an adequate program of prevention and treatment of mental health problems of children.

“(2) No grant shall be made under this section with respect to any facility unless the applicant for such grant provides assurances satisfactory to the Secretary that such facility will make available a full range of treatment, liaison, and follow-up, services (as prescribed by the Secretary) for all children and their families in the service area of such facility who need such services, and will, when so requested, provide consultation and education for personnel of all schools and other community agencies serving children in such area.

“(3) The grant program for construction of facilities authorized by subsection (a) shall be carried out consistently with the grant program under part A, except that the amount of any such grant with respect to any project shall be such percentage of the cost thereof, but not in excess of 66⅔ per centum (or 90 per centum in the case of a facility providing services for persons in an area designated by the Secretary as an urban or rural poverty area), as the Secretary may determine.

“(c) Grants made under this section for costs of compensation of professional and technical personnel may not exceed the percentages of such costs, and may be made only for the periods, prescribed for grants for such costs under section 242.

“(d) (1) There are authorized to be appropriated \$12,000,000 for the fiscal year ending June 30, 1971, \$20,000,000 for the fiscal year ending June 30, 1972, and \$30,000,000 for the fiscal year ending June 30, 1973, for grants under this part for construction and for initial grants under this part for compensation of professional and technical personnel, and for training and evaluation grants under section 272.

“(2) There are also authorized to be appropriated for the fiscal year ending June 30, 1972, and each of the next eight fiscal years such sums as may be necessary to continue to make grants with respect to any

82 Stat. 1008.
42 USC 2688g.
Appropriations.

project under this part for which an initial staffing grant was made from appropriations under paragraph (1) for any fiscal year ending before July 1, 1973.

"TRAINING AND EVALUATION

"SEC. 272. The Secretary is authorized, during the period beginning July 1, 1971, and ending with the close of June 30, 1973, to make grants to public or nonprofit private agencies or organizations to cover part or all of the cost of (1) developing specialized training programs or materials relating to the provision of services for the mental health of children, or developing inservice training or short-term or refresher courses with respect to the provisions of such services; (2) training personnel to operate, supervise, and administer such services; and (3) conducting surveys and field trials to evaluate the adequacy of the programs for the mental health of children within the several States with a view to determining ways and means of improving, extending, and expanding such programs."

TITLE V—MISCELLANEOUS

GRANTS FOR CONSULTATION SERVICES

SEC. 501. Part E of the Community Mental Health Centers Act is amended by adding at the end thereof the following new section:

82 Stat. 1010.
42 USC 2688o-
2688q.

"GRANTS FOR CONSULTATION SERVICES

"SEC. 264. (a) In the case of any community mental health center, alcoholism prevention and treatment facility, specialized facility for alcoholics, treatment facility for narcotic addicts, or facility for mental health of children, to which a grant under part B, C, D, or F, as the case may be, is made from appropriations for any fiscal year beginning after June 30, 1970, to assist it in meeting a portion of the costs of compensation of professional and technical personnel who provide consultation services, the Secretary may, with respect to such center or facility, make a grant under this section in addition to such other staffing grant for such center or facility.

79 Stat. 428;
82 Stat. 1006;
Ante, p. 60.

"(b) A grant under subsection (a) with respect to a center or facility referred to in that subsection—

"(1) may be made only for the period applicable to the staffing grant made under part B, C, D, or F, as the case may be, with respect to such center or facility, and

"(2) may not exceed whichever of the following is the lower: (A) 15 per centum of the costs with respect to which such other staffing grant is made, or (B) that percentage of such costs which when added to the percentage of such costs covered by such other staffing grant equals 100 per centum.

"(c) For purposes of making initial grants under this section, there are authorized to be appropriated \$5,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973. There are also authorized to be appropriated for the fiscal year ending June 30, 1972, and for each of the next eight fiscal years such sums as may be necessary to continue to make grants under this section for projects which received initial grants under this section from appropriations authorized for any fiscal year ending before July 1, 1973."

Appropriations.

DEFINITION OF TECHNICAL PERSONNEL

82 Stat. 1010.
42 USC 2688o-
2688q.

SEC. 502. Part E of such Act is further amended by adding after the section added by section 501 the following new section:

"DEFINITION OF TECHNICAL PERSONNEL

"SEC. 265. For purposes of this title, the term 'technical personnel' includes accountants, financial counselors, medical transcribers, allied health professions personnel, dietary and culinary personnel, and any other personnel whose background and education would indicate that they are to perform technical functions in the operation of centers or facilities for which assistance is provided under this title; but such term does not include minor clerical personnel or maintenance or housekeeping personnel."

APPROVAL BY NATIONAL ADVISORY MENTAL HEALTH COUNCIL

SEC. 503. (a) Part E of such Act is further amended by adding after the section added by section 502 the following new section:

"APPROVAL BY NATIONAL ADVISORY MENTAL HEALTH COUNCIL

"SEC. 266. Grants made under this title for the cost of construction and for the cost of compensation of professional and technical personnel may be made only upon recommendation of the National Advisory Mental Health Council established by section 217(a) of the Public Health Service Act."

64 Stat. 446.
42 USC 218.
Applicability.

(b) The amendment made by subsection (a) shall apply with respect to grants initially made under the Community Mental Health Centers Act from appropriations made for fiscal years beginning after June 30, 1970.

DETERMINATION OF POVERTY AREA

SEC. 504. Title IV of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 is amended by adding at the end thereof the following new section:

77 Stat. 296;
82 Stat. 1011.
42 USC 2691-
2697a.

"DETERMINATION OF POVERTY AREA

"SEC. 410. For purposes of any determination by the Secretary under this Act as to whether any urban or rural area is a poverty area, any such area which would not otherwise be determined to be a poverty area shall, nevertheless, be deemed to be a poverty area if—

"(1) such area contains one or more subareas which are characterized as subareas of poverty;

"(2) the population of such subarea or subareas constitutes a significant portion of the population of such rural or urban area; and

"(3) the project, facility, or activity, in connection with which such determination is made, does, or (when completed or put into operation) will, serve the needs of the residents of such subarea or subareas."

Approved March 13, 1970.