

Public Law 90-574

AN ACT

October 15, 1968
[H. R. 15758]

To amend the Public Health Service Act so as to extend and improve the provisions relating to regional medical programs, to extend the authorization of grants for health of migratory agricultural workers, to provide for specialized facilities for alcoholics and narcotic addicts, and for other purposes.

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

Public Health
Service Act,
amendment.

TITLE I—REGIONAL MEDICAL PROGRAMS

EXTENSION OF REGIONAL MEDICAL PROGRAMS

SEC. 101. Section 901(a) of the Public Health Service Act (42 U.S.C. 299a) is amended by striking out “and” before “\$200,000,000” and by inserting after “June 30, 1968,” the following: “\$65,000,000 for the fiscal year ending June 30, 1969, and \$120,000,000 for the next fiscal year.”

Appropriations.
79 Stat. 926.

EVALUATION OF REGIONAL MEDICAL PROGRAMS

SEC. 102. Section 901(a) of the Public Health Service Act is further amended by inserting at the end thereof the following new sentence: “For any fiscal year ending after June 30, 1969, such portion of the appropriations pursuant to this section as the Secretary may determine, but not exceeding 1 per centum thereof, shall be available to the Secretary for evaluation (directly or by grants or contracts) of the program authorized by this title.”

INCLUSION OF TERRITORIES

SEC. 103. Section 902(a) (1) of the Public Health Service Act (42 U.S.C. 299b) is amended by inserting after “States” the following: “(which for purposes of this title includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands).”

COMBINATIONS OF REGIONAL MEDICAL PROGRAM AGENCIES

SEC. 104. Section 903(a) and section 904(a) of the Public Health Service Act (42 U.S.C. 299c, 299d) are each amended by inserting after “other public or nonprofit private agencies and institutions” the following: “, and combinations thereof.”

ADVISORY COUNCIL MEMBERS

SEC. 105. (a) Section 905(a) of the Public Health Service Act (42 U.S.C. 299e) is amended by striking out “twelve” and inserting in lieu thereof “sixteen”.

(b) Section 905(b) of such Act is amended by striking out “and four at the end of the third year” and inserting in lieu thereof “four at the end of the third year, and four at the end of the fourth year”.

Term of office.

MULTIPROGRAM SERVICES

SEC. 106. Title IX of the Public Health Service Act is further amended by adding at the end thereof the following new section:

42 USC 299-
299i.

"PROJECT GRANTS FOR MULTIPROGRAM SERVICES"

"SEC. 910. Funds appropriated under this title shall also be available for grants to any public or nonprofit private agency or institution for services needed by, or which will be of substantial use to, any two or more regional medical programs."

CLARIFYING AND TECHNICAL AMENDMENTS

79 Stat. 926.
42 USC 299a.

SEC. 107. (a) Section 901(c) of the Public Health Service Act is amended by inserting before the period at the end thereof "or, where appropriate, a practicing dentist".

(b) Section 901 of such Act is further amended by adding at the end thereof the following new subsection:

"(d) Grants under this title to any agency or institution, or combination thereof, for a regional medical program may be used by it to assist in meeting the cost of participation in such program by any Federal hospital."

TITLE II—MIGRATORY WORKERS

EXTENSION OF SPECIAL GRANTS FOR HEALTH OF MIGRATORY WORKERS

Appropriations.
79 Stat. 436.

SEC. 201. Section 310 of the Public Health Service Act (42 U.S.C. 242h) is amended by striking out "and \$9,000,000 for the fiscal year ending June 30, 1968" and inserting in lieu thereof "\$9,000,000 each for the fiscal year ending June 30, 1968, and the next fiscal year, and \$15,000,000 for the fiscal year ending June 30, 1970".

TITLE III—ALCOHOLIC AND NARCOTIC ADDICT REHABILITATION

Alcoholic and
Narcotic Addict
Rehabilitation
Amendments of
1968.

SEC. 300. This title may be cited as the "Alcoholic and Narcotic Addict Rehabilitation Amendments of 1968".

PART A—ALCOHOLIC REHABILITATION

77 Stat. 290;
79 Stat. 428.

SEC. 301. The Community Mental Health Centers Act (42 U.S.C. 2681, et seq.) is amended by adding after part B the following new part:

"PART C—ALCOHOLISM

"DECLARATION OF FINDINGS AND PURPOSES

"SEC. 240. (a) The Congress hereby finds that—

"(1) Alcoholism is a major health and social problem afflicting a significant proportion of the public, and much more needs to be done by public and private agencies to develop effective prevention and control.

"(2) Alcoholism treatment and control programs should whenever possible: (A) be community based, (B) provide a comprehensive range of services, including emergency treatment, under proper medical auspices on a coordinated basis, and (C) be integrated with and involve the active participation of a wide range of public and nongovernmental agencies.

"(3) The handling of chronic alcoholics within the system of criminal justice perpetuates and aggravates the broad problem of alcoholism whereas treating it as a health problem permits early detection and prevention of alcoholism and effective treatment and rehabilitation, relieves police and other law enforcement agencies of an inap-

propriate burden that impedes their important work, and better serves the interests of the public.

“(b) It is the purpose of this part to help prevent and control alcoholism through authorization of Federal aid in the construction and staffing of facilities for the prevention and treatment of alcoholism.

“(c) The Congress further declares that, in addition to the funds provided for under this part, other Federal legislation providing for Federal or federally assisted research, prevention, treatment, or rehabilitation programs in the fields of health should be utilized to help eradicate alcoholism as a major health problem.

“CONSTRUCTION GRANTS

“SEC. 241. (a) Grants from appropriations under section 261 may be made for projects for construction of any facilities (including post-hospitalization treatment facilities) for the prevention and treatment of alcoholism, but only to a public or nonprofit private agency or organization and only upon an application (1) which meets the requirements for approval under clauses (1) through (5) and clauses (A) and (B) of section 205(a), and (2) which contains—

Post, p. 1010.

“(A) a showing of the need, in the area to be served by the applicant, for special facilities for the inpatient or outpatient treatment, or both, of alcoholism;

77 Stat. 292.
42 USC 2685.
Application,
conditions for
approval.

“(B) satisfactory assurance that the services for prevention and treatment of alcoholism to be provided through the facility to be constructed, alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated or having an arrangement with the applicant, will be part of a program providing, principally for persons residing in or near the particular community or communities in which such facility is situated, at least those essential elements of comprehensive mental health services and services for the prevention and treatment of alcoholism, including post-institutional aftercare and rehabilitation, that are prescribed by the Secretary;

“(C) satisfactory assurance that the application has been approved and recommended by the single State agency designated by the State as being the agency primarily responsible for care and treatment of alcoholics in the State, and, in case this agency is different from the agency designated pursuant to section 204(a) (1), a showing that the application has also been approved and recommended by the agency designated pursuant to section 204(a) (1), and, in case neither of these is the State mental health authority, a showing that the application has been approved and recommended by such authority;

42 USC 2684.

“(D) a showing that under regulations of the Secretary prescribing the manner of determining priorities the project is entitled to priority over other projects for treatment of alcoholism, if any, within the State, and is in accordance with such criteria, including the willingness and ability to provide satisfactory alternatives to custodial care, as the Secretary may determine to be appropriate for purposes of this section; and

“(E) a showing that adequate provision has been made for compliance with regulations of the Secretary prescribed under section 203(4) relating to furnishing needed services for persons unable to pay therefor and for compliance with State standards for operation and maintenance.

42 USC 2683.

“(b) 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, as the Secretary may determine.

Federal share
of costs.

"STAFFING GRANTS

Post, p. 1010.

"SEC. 242. (a) Grants from appropriations under section 261 may be made to any public or nonprofit private agency or organization to assist it in meeting, for the temporary periods specified in this section, a portion of the costs (determined pursuant to regulations of the Secretary) of compensation of professional and technical personnel for the initial operation of new facilities for the prevention and treatment of alcoholism or of new services in existing facilities for the prevention or treatment of alcoholism.

Duration;
Federal share of
costs.

"(b) Grants for such costs for any facility under this section 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 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 alcoholism programs, the relative financial needs of the applicants, and the relative populations of the areas to be served by the applicants.

Application,
conditions for
approval.

79 Stat. 428.
42 USC 2688a.
Ante, p. 1007.

"(d) A grant under this section may be made only upon an application which meets the requirements for approval under section 221(a), other than paragraph (3) thereof, and only if (1) a grant was made under part A or section 241 to assist in financing the construction of the facility, or (2) the type of service to be provided with the aid of a grant under this section was not previously being provided by the facility with respect to which such application is made.

"SPECIALIZED FACILITIES

"SEC. 243. (a) Grants from appropriations under section 261 may also be made to public or nonprofit private agencies or organizations for projects for the construction of specialized facilities (including post-hospitalization treatment facilities) for the treatment of alcoholics requiring care in such facilities, and for the costs, determined pursuant to regulations of the Secretary, of compensation of professional and technical personnel for the initial operation of such facilities constructed with grants made under part A or this section or of new services in existing specialized facilities for the treatment of alcoholics.

"(b) Grants may be made under subsection (a) only with respect to (1) facilities which are a part of or affiliated with a community mental health center providing at least those essential elements of comprehensive community mental health services which are prescribed by the Secretary, or (2) 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 alcoholism.

Duration;
Federal share of
costs.

"(c) Grants made under subsection (a) for the 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) Before a grant may be made under subsection (a) for a project for the construction of a facility for the treatment of alcoholics the Secretary must find that the application for such grant meets the requirement of section 205(a)(5) (relating to the payment of prevailing wages). The amount of any such grant with respect to any project shall be such percentage of the cost thereof, but not in excess of 66 $\frac{2}{3}$ per centum, as the Secretary may determine.

77 Stat. 292.
42 USC 2685.

“PROJECTS ELIGIBLE UNDER REGULAR PROGRAM

“SEC. 244. Nothing in this part shall be construed to preclude approval under part A or B of a grant for a project for the construction or initial staffing of a facility for the prevention and treatment of alcoholism.

42 USC 2681-
2688d.

“PAYMENTS

“SEC. 245. Payments of grants under this part may be made in advance or by way of reimbursement, and on such terms and conditions and in such installments, as the Secretary may determine.

“SHORT TITLE

“SEC. 246. This part may be cited as the ‘Alcoholic Rehabilitation Act of 1968’.”

Citation of part.

PART B—NARCOTIC ADDICTION

SEC. 302. The Community Mental Health Centers Act (42 U.S.C. 2681, et seq.) is further amended by inserting after part C (added by section 301 of this Act) the following new part:

“PART D—NARCOTIC ADDICT REHABILITATION

“GRANTS FOR TREATMENT FACILITIES

“SEC. 251. (a) Grants from appropriations under section 261 may be made to public or nonprofit private agencies and organizations to assist them in meeting the costs of construction of treatment facilities (including posthospitalization treatment facilities) for narcotic addicts within the States, and to assist them in meeting the costs, determined pursuant to regulations of the Secretary, of compensation of professional and technical personnel for the initial operation of such facilities constructed with grants made under part A or this part or of new services in existing treatment facilities for narcotic addicts.

Post, p. 1010.

“(b) The grant program for construction of facilities authorized by subsection (a) shall be carried out consistently with the grant program under part A except to the extent, in the judgment of the Secretary, special considerations make differences appropriate; but (1) before the Secretary may make a grant under such subsection for the construction of a treatment facility for narcotic addicts he must find that the application for such grant meets the requirement of section 205(a)(5) (relating to the payment of prevailing wages), and (2) the amount of any such grant with respect to any project shall be such percentage of the cost thereof, but not in excess of 66 $\frac{2}{3}$ per centum, as the Secretary may determine.

Federal share of
costs.

“(c) Grants made under subsection (a) for the 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.

Ante, p. 1008.

"TRAINING AND EVALUATION"

"SEC. 252. The Secretary is authorized, during the period beginning July 1, 1968, and ending with the close of June 30, 1970, to make grants to any public or nonprofit private agencies and organizations to cover part or all of the cost of (A) developing specialized training programs or materials relating to the provision of public health services for the prevention and treatment of narcotic addiction, or developing in-service training or short-term or refresher courses with respect to the provision of such services; (B) training personnel to operate, supervise, and administer such services; and (C) conducting surveys and field trials to evaluate the adequacy of the programs for the prevention and treatment of narcotic addiction within the several States with a view to determining ways and means of improving, extending, and expanding such programs.

"PROJECTS ELIGIBLE UNDER REGULAR PROGRAM"

"SEC. 253. Nothing in this part shall be construed to preclude approval under part A or B of a grant for a project for the construction or initial staffing of a facility for the treatment of narcotic addicts.

42 USC 2681-
2688d.

"PAYMENTS"

"SEC. 254. Payments under this part may be made in advance or by way of reimbursement, and on such terms and conditions and in such installments, as the Secretary may determine."

PART C—GENERAL

AUTHORIZATION OF APPROPRIATIONS; AND PROGRAM EVALUATION

SEC. 303. (a) The Community Mental Health Centers Act (42 U.S.C. 2681, et seq.) is further amended by inserting after part D (added by section 302 of this Act) the following new part:

"PART E—GENERAL PROVISIONS"

"AUTHORIZATION OF APPROPRIATIONS FOR REHABILITATION OF ALCOHOLICS AND NARCOTIC ADDICTS"

"SEC. 261. (a) There are authorized to be appropriated \$15,000,000 for the fiscal year ending June 30, 1969, and \$25,000,000 for the next fiscal year for project grants for construction and staffing of facilities for the prevention and treatment of alcoholism under part C or the prevention and treatment of narcotic addiction under part D and for grants under section 252. Sums so appropriated for any fiscal year shall remain available for obligation until the close of the next fiscal year.

Ante, p. 1006.

"(b) There are also authorized to be appropriated for the fiscal year ending June 30, 1971, and each of the next three fiscal years such sums as may be necessary to continue to make grants for staffing with respect to any project under part C or D for which a staffing grant was made from appropriations under subsection (a) of this section for the fiscal year ending June 30, 1969, or the fiscal year ending June 30, 1970.

"PROGRAM EVALUATION"

"SEC. 262. Such portion (as the Secretary may determine) of any appropriation under this title for any fiscal year ending after June 30, 1968, but not exceeding 1 per centum thereof, shall be available to the Secretary for evaluation (directly or by grants or contracts) of the programs authorized by this title.

"PROTECTION OF PERSONAL RIGHTS OF ALCOHOLICS AND NARCOTIC ADDICTS

"SEC. 263. In making grants to carry out the purposes of parts C and D, the Secretary shall take such steps as may be necessary to assure that no individual shall be made the subject of any research which is carried out (in whole or in part) with funds provided from appropriations under this part unless such individual explicitly agrees to become a subject of such research."

Ante, pp. 1006, 1009.

(b) There are authorized to be appropriated such sums as may be necessary to enable the Secretary to make grants to continue the projects for which commitments were made under section 402(a) of the Narcotic Addict Rehabilitation Act of 1966, but such grants may be made only for the periods specified in such commitments for such projects. Such section 402 is repealed.

Existing programs, continuation.

80 Stat. 1448.
42 USC 3442.

Repeal.

NONDUPLICATION

SEC. 304. 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;
79 Stat. 429.
42 USC 2691-2697.

"NONDUPLICATION

"SEC. 409. In determining the amount of any grant under this Act for the costs of any project there shall be excluded from such costs an amount equal to the sum of (1) the amount of any other Federal grant which the applicant has obtained, or is assured of obtaining, with respect to such project, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant."

TITLE IV—HEALTH FACILITY CONSTRUCTION AND MODERNIZATION

Hospital and Medical Facilities Construction and Modernization Assistance Amendments of 1968.

SEC. 401. This title may be cited as the "Hospital and Medical Facilities Construction and Modernization Assistance Amendments of 1968".

SEC. 402. (a) Section 601 of the Public Health Service Act is amended—

Appropriations for construction grants.

(1) by striking out "next four" in subsection (a) and inserting in lieu thereof "next five", and

78 Stat. 448.
42 USC 291a.

(2) by striking out "and \$180,000,000 each for the next two fiscal years" in subsection (b) and inserting in lieu thereof "\$180,000,000 each for the next two fiscal years, and \$195,000,000 for the fiscal year ending June 30, 1970".

(b) (1) Section 602(a) (1) of such Act is amended by inserting immediately before the period at the end of the second sentence thereof the following: ", and two-thirds thereof in the case of the fifth fiscal year thereafter".

State allotments.
42 USC 291b.

(2) Section 602(e) (2) of such Act is amended (A) by striking out "and" at the end of clause (C), (B) by striking out the period at the end of clause (D) and inserting in lieu thereof "; and", and (C) by inserting after and below clause (D) the following new clause:

Percentages.

"(E) in the case of an allotment thereunder for the fiscal year ending June 30, 1970, one-half of such allotment."

TITLE V—MISCELLANEOUS

SPECIALLY QUALIFIED SCIENTIFIC, PROFESSIONAL, AND ADMINISTRATIVE PERSONNEL

76 Stat. 864.

SEC. 501. The proviso of the first sentence of section 208(g) of the Public Health Service Act (42 U.S.C. 210(g)) is amended by inserting "(1)" after "nor more than", and by striking out "and" following the last comma and inserting in lieu thereof "or (2) in the case of two such positions, the rate specified, at the time the service in the position is performed, for level II of the Executive Schedule (5 U.S.C. 5313); and such rates of compensation for all positions included in this proviso".

80 Stat. 460.

USE OF ALLOTMENTS FOR COST OF ADMINISTRATION

77 Stat. 297.

SEC. 502. Section 403 of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (42 U.S.C. 2693) is amended by adding at the end thereof the following new subsection:

42 USC 2681-2687.

"(c) (1) At the request of any State, a portion of any allotment or allotments of such State under part A of title II 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 such 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 such part A not less than the total amount expended for such purposes from such sources during the fiscal year ending June 30, 1968."

ACKNOWLEDGMENTS

58 Stat. 709.
42 USC 219-229.

SEC. 503. (a) Title V of the Public Health Service Act is further amended by adding at the end thereof the following new section:

"MEMORIALS AND OTHER ACKNOWLEDGMENTS

"SEC. 512. The Secretary may provide for suitably acknowledging, within the Department (whether by memorials, designations, or other suitable acknowledgments), (1) efforts of persons who have contributed substantially to the health of the Nation and (2) gifts for use in activities of the Department related to health."

Repeal.
60 Stat. 425.

(b) Section 501(e) of such Act is repealed.

DUPLICATION OF BENEFITS

80 Stat. 21.

SEC. 504. No grant, award, or loan of assistance to any student under any Act amended by this Act shall be considered a duplication of benefits for the purposes of section 1781 of title 38, United States Code.

GORGAS MEMORIAL LABORATORY

SEC. 505. For the fiscal year ending June 30, 1970, the appropriation authorization contained in the first section of the Act entitled "An Act to authorize a permanent annual appropriation for the maintenance and operation of the Gorgas Memorial Laboratory", approved May 7, 1928 (22 U.S.C. 278), is increased by \$500,000.

Appropriation.

79 Stat. 679.

ONE YEAR EXTENSION OF SOLID WASTE DISPOSAL AUTHORIZATION

SEC. 506. Section 210 of the Solid Waste Disposal Act (42 U.S.C. 3259) is amended—

79 Stat. 1001.

(1) by striking out "and not to exceed \$20,000,000 for the fiscal year ending June 30, 1969" in subsection (a) and inserting in lieu thereof "not to exceed \$20,000,000 for the fiscal year ending June 30, 1969, and not to exceed \$19,750,000 for the fiscal year ending June 30, 1970"; and

(2) by striking out "and not to exceed \$12,500,000 for the fiscal year ending June 30, 1969" in subsection (b) and inserting in lieu thereof "not to exceed \$12,500,000 for the fiscal year ending June 30, 1969, and not to exceed \$12,250,000 for the fiscal year ending June 30, 1970".

SECRETARY

SEC. 507. As used in the amendments made by this Act, the term "Secretary" means the Secretary of Health, Education, and Welfare.

Approved October 15, 1968.