

Housing and Urban Development, the Secretary of the Interior, the Secretary of Transportation, the Administrator of the General Services Administration, and the Director of the Bureau of the Budget, and with engineers, with other appropriate officials of Federal agencies, including, but not necessarily limited to, the Secretary of Health, Education, and Welfare, the Secretary of Housing and Urban Development, the Secretary of the Interior, the Secretary of Transportation, the Administrator of the General Services Administration, and the Director of the Bureau of the Budget, and with engineers, architects, and representatives of labor and management in the construction industry, shall consider, shall include, but not necessarily be limited to, the extent to which seasonal unemployment in the construction industry can be reduced without substantial increases in construction costs by means such as—

- (a) the application of modern techniques to reduce the influence of weather on construction activity;
- (b) the resolution of technical problems which have not been solved by existing research and development activities;
- (c) possible changes in contract procedures in allocation cycles; and
- (d) improved planning and scheduling of construction projects.

(Pub. L. 87-415, title IV, § 403, as added Pub. L. 90-636, § 12, Oct. 24, 1968, 82 Stat. 1355.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2625 of this title.

SUBCHAPTER V.—SUPPLEMENTARY STATE PROGRAMS [NEW]

§ 2621. Congressional declaration of purpose.

It is the purpose of this subchapter to provide a method whereby a State may utilize Federal matching funds, together with its own funds for the purposes of supplementing, coordinating and improving the effectiveness of, or correcting imbalances among, the services available from all Federal manpower and related programs seeking to improve the ability of disadvantaged persons to move into productive employment. (Pub. L. 87-415, title V, § 501, as added Pub. L. 90-636, § 13, Oct. 24, 1968, 82 Stat. 1355.)

§ 2625. Authorization for grants.

The Secretary of Labor (hereinafter in this subchapter referred to as the Secretary) is authorized to grant to any State which meets the requirements of section 2623 of this title an amount, for fiscal years 1969 and 1970, not to exceed 75 per centum of the cost of the supplemental efforts and activities undertaken by a State pursuant to the provisions of this subchapter. (Pub. L. 87-415, title V, § 502, as added Pub. L. 90-636, § 13, Oct. 24, 1968, 82 Stat. 1356.)

§ 2626. Applications and conditions.

(a) Any State which desires a grant under this subchapter shall make application to the Secretary at such time, in such manner, and containing or accompanied by such information as he deems reasonably necessary.

(b) No grant may be made under the provisions of this subchapter unless the Secretary finds that—

(1) after consultation with said State, the effectiveness of Federal manpower and related programs seeking to move disadvantaged persons into productive employment within such State can be facilitated or improved by additional State efforts and activities; and

(2) such application (A) describes how such additional efforts and activities will be undertaken in support of existing Federal programs, (B) demonstrates that such efforts and activities are not inconsistent with such State's cooperative area manpower planning system plan, (C) demonstrates that such efforts and activities will contribute to carrying out the purposes of this subchapter, and (D) provides assurances that the State will pay the non-Federal share of the cost of such efforts and activities under this subchapter.

(Pub. L. 87-415, title V, § 503, as added Pub. L. 90-636, § 13, Oct. 24, 1968, 82 Stat. 1356.)

§ 2627. Rules and regulations.

The Secretary may prescribe such rules and regulations under this subchapter as he deems necessary. (Pub. L. 87-415, title V, § 504, as added Pub. L. 90-636, § 13, Oct. 24, 1968, 82 Stat. 1356.)

§ 2628. Authorization of appropriations.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter. (Pub. L. 87-415, title V, § 505, as added Pub. L. 90-636, § 13, Oct. 24, 1968, 82 Stat. 1356.)

Chapter 31.—PUBLIC WORKS ACCELERATION PROGRAM

§ 2642. Acceleration of public works.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1492 of this title.

Chapter 33.—MENTAL RETARDATION FACILITIES AND MENTAL HEALTH CENTERS

SUBCHAPTER IIA.—PROFESSIONAL AND TECHNICAL SERVICES FOR COMMUNITY MENTAL RETARDATION FACILITIES [NEW]

Sec.

2678. Authorization, duration, and amount of grants.

(a) Grants for professional and technical personnel.

(b) Duration of grants; limitation of amounts.

(c) Determination by Secretary.

2678a. Applications and conditions for approval.

(a) Necessity of application; conditions precedent.

(b) Limitation of availability of grants.

2678b. Payments of grants; adjustments.

2678c. Regulations.

2678d. Authorization of appropriations.

SUBCHAPTER III.—COMMUNITY MENTAL HEALTH CENTERS

PART B.—GRANTS FOR INITIAL COST OF PROFESSIONAL AND TECHNICAL PERSONNEL OF CENTERS [NEW]

2688. Authorization, duration and amount of grants.

(a) Grants to meet portion of costs of compensation of professional and technical personnel.

(b) Term of grants; maximum amounts.

(c) Matters considered in making grants.

PART B.—GRANTS FOR INITIAL COST ETC.—Con.

Sec.

2688a. Applications and conditions for approval.
 (a) Necessity of application; conditions precedent to making grant.
 (b) Restriction upon making grant.

2688b. Payments.

2688c. Regulations.

2688d. Authorization of appropriations.

PART C.—GRANTS FOR FACILITIES FOR ALCOHOLIC REHABILITATION [NEW]

2688e. Congressional declaration of purpose.
 (a) Nature of problem; alcoholism treatment.
 (b) Federal aid for construction and staffing of facilities for treatment of alcoholism.
 (c) Additional Federal legislation.

2688f. Grants for construction of facilities; application; conditions for approval; limitation on federal share of costs.

2688g. Grants for staffing of facilities.
 (a) Compensation of professional and technical personnel.
 (b) Duration of grant; limitation on Federal share of costs.
 (c) Determination by Secretary of need for grant.
 (d) Application; conditions for approval.

2688h. Grants for specialized facilities.
 (a) Specialized facilities and personnel.
 (b) Determination by Secretary of need for grant.
 (c) Duration of grant; limitation on Federal share of costs.
 (d) Application; conditions for approval.

2688i. Eligibility of projects for grants for construction or initial staffing of facilities.

2688j. Manner of payment of grants.

PART D.—GRANTS FOR FACILITIES FOR NARCOTIC ADDICT REHABILITATION [NEW]

2688k. Grants for treatment facilities.
 (a) Construction costs; compensation of professional and technical personnel.
 (b) Administration of grant program; application; conditions for approval.
 (c) Duration of grant; limitation on Federal share of costs.

2688l. Grants to public or nonprofit private agencies for developing specialized training programs, training personnel, and conducting surveys and field trials.

2688m. Eligibility of projects for grants for construction or initial staffing of facilities.

2688n. Manner of payment of grants.

PART E.—GENERAL PROVISIONS [NEW]

2688o. Authorization of appropriations.

2688p. Program evaluations; limitation on amount of appropriation.

2688q. Consent of alcoholics and narcotic addicts to be subjects of research.

SUBCHAPTER IV.—GENERAL PROVISIONS

2697. Records and audit [New].

2697a. Determination of amount of grant; exclusion of duplicated grants [New].

SUBCHAPTER V.—TRAINING OF PHYSICAL EDUCATORS AND RECREATION PERSONNEL FOR MENTALLY RETARDED AND OTHER HANDICAPPED CHILDREN [NEW]

2698. Grants for training of personnel; appropriations.

2698a. Grants for research and demonstration projects; payment; evaluation of projects.

2698b. Advisory committee; compensation.

Ex. Ord. No. 11280. PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

Ex. Ord. No. 11280, May 11, 1966, 31 F.R. 7167, provided: WHEREAS the Maternal and Child Health and Mental Retardation Planning Amendments of 1963 [see short title note under section 1391 of this title] and the Mental Retardation Facilities and Community Mental

Health Centers Construction Act of 1963 (77 Stat. 273; 282) [see short title note under section 2661 of this title] have established a firm statutory basis for combatting mental retardation; and

WHEREAS the mental retardation activities of Federal, State, and local government agencies and foundations and other private organizations are expanding rapidly and require careful review in order that maximum benefits may be achieved; and

WHEREAS there is a continuing need to mobilize the support of the general public and of specialized professional groups for mental retardation activities; and

WHEREAS re-evaluation of existing programs to determine their adequacy and consideration of proposals for new mental retardation activities is necessary:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

SECTION 1. *Committee established.* There is hereby established the President's Committee on Mental Retardation (hereinafter referred to as the Committee).

SEC. 2. *Composition of Committee.* The Committee shall be composed of the following members:

(1) The Secretary of Health, Education, and Welfare, who shall be the Chairman of the Committee.

(2) The Secretary of Labor.

(3) The Director of the Office of Economic Opportunity.

(4) Not more than twenty-one other members who shall be appointed by the President from public or private life and may include specialists in medicine and other healing arts, human development, special education and employment problems, and members of foundations and other private organizations active in the mental retardation field. Except as the President may from time to time otherwise direct, appointees under this paragraph shall have terms as follows: (A) Of the members first appointed hereunder, the terms of seven shall expire on the first anniversary of the date of this Order, the terms of seven shall expire on the second anniversary, and the terms of seven shall expire on the third anniversary. (B) The term of each succeeding appointment shall expire on the third anniversary of the expiration of the predecessor term, except that an appointment made to fill a vacancy occurring before the expiration of a term shall be made for the balance of the unexpired term.

SEC. 3. *Functions of the Committee.* (a) The Committee shall provide such advice and assistance in the area of mental retardation as the President may from time to time request, including assistance with respect to:

(1) evaluation of the adequacy of the national effort to combat mental retardation;

(2) coordination of activities of Federal agencies in the mental retardation field;

(3) provision of adequate liaison between such Federal activities and related activities of State and local governments, foundations, and other private organizations; and

(4) development of such information, designed for dissemination to the general public, as will tend to reduce the incidence of mental retardation and ameliorate its effects.

(b) The Committee shall mobilize support for mental retardation activities by meeting with, and providing information for, appropriate professional organizations and groups broadly representative of the general public.

(c) The Committee shall make such reports or recommendations to the President concerning mental retardation as he may require or the Committee may deem appropriate. Such reports shall be made at least once annually.

SEC. 4. *Cooperation with the Committee.* All who may be in a position to do so are requested to furnish the Committee information pertinent to its work and otherwise to facilitate the work of the Committee.

SEC. 5. *Administrative arrangements.* (a) As may be necessary, each Federal agency which is represented on the Committee shall furnish assistance to the Committee in accordance with the provisions of Section 214 of the Act of May 3, 1945 (60 Stat. 134; 31 U.S.C. 691), or as otherwise permitted by law. The Committee may have an Executive Director who shall be designated and compensated in consonance with law. The Department of

Health, Education, and Welfare is hereby designated as the agency which principally shall provide the Committee with necessary administrative services and facilities.

(b) Each member of the Committee, except any member who then receives other compensation from the United States, shall receive compensation for each day he or she is engaged upon the work of the Committee, as authorized by law (5 U.S.C. 55a), and shall also be entitled to receive travel expenses, including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 73b-2) for persons in the Government service employed intermittently.

SEC. 6. *Construction.* Nothing in this Order shall be construed as subjecting any Federal agency, or any function vested by law in, or assigned pursuant to law to, any Federal agency, to the authority of the Committee or as abrogating or restricting any such function in any manner.

LYNDON B. JOHNSON.

SUBCHAPTER I.—UNIVERSITY-AFFILIATED MENTAL RETARDATION FACILITIES

§ 2661. Authorization of appropriations.

(a) For the purpose of assisting in the construction (and the planning for the construction) of clinical facilities providing, as nearly as practicable, a full range of inpatient and outpatient services for the mentally retarded (which, for purposes of this subchapter, includes other neurological handicapping conditions found by the Secretary to be sufficiently related to mental retardation to warrant inclusion in this subchapter) and facilities which will aid in demonstrating provision of specialized services for the diagnosis and treatment, education, training, or care of the mentally retarded or in the clinical training of physicians and other specialized personnel needed for research, diagnosis and treatment, education, training, or care of the mentally retarded, including research incidental or related to any of the foregoing activities, there are authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1964, \$7,500,000 for the fiscal year ending June 30, 1965, \$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. Except as provided in subsection (b) of this section, the sums so appropriated shall be used for project grants for construction of public and other nonprofit facilities for the mentally retarded which are associated with a college or university.

(b) (1) Of the sums appropriated pursuant to subsection (a) of this section 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 subchapter. 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 subchapter, 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. (As amended Pub. L. 90-170, § 2 (a), (b), (d), Dec. 4, 1967, 81 Stat. 527.)

AMENDMENTS

1967—Subsec. (a). Pub. L. 90-170, § 2 (a), (b), (d) (1) (A)—(C), denominated existing provision as subsec. (a) and as so denominated added "(and the planning for the construction)" following "For the purpose of assisting in the construction", "(which, for purposes of this subchapter includes other neurological handicapping conditions found by the Secretary to be sufficiently related to mental retardation to warrant inclusion in this subchapter)" following "services for the mentally retarded", "including research incidental or related to any of the foregoing activities" preceding "there are authorized to be appropriated", provided for appropriations of \$10,000,000 for the fiscal year ending June 30, 1968, and \$20,000,000 each for the fiscal years ending June 30, 1969 and June 30, 1970, and substituted "Except as provided in subsection (b) of this section, the sums" for "The sums".

Subsec. (b). Pub. L. 90-170, § 2(d)(1)(D), added subsec. (b).

SHORT TITLE

Section 1 of Pub. L. 90-170 provided: "That this Act [which amended this section and sections 2665, 2671, 2672, 2674 of this title and section 617 of Title 20, and enacted sections 2678—2678d and 2698—2698b of this title] may be cited as the 'Mental Retardation Amendments of 1967'."

§ 2665. Nonduplication of grants.

No grant may be made after January 1, 1964, under any provision of the Public Health Service Act, for any of the fiscal years in the period beginning July 1, 1963, and ending June 30, 1970, for construction of any facility for the mentally retarded described in this subchapter, unless the Secretary determines that funds are not available under this subchapter to make a grant for the construction of such facility. (As amended Pub. L. 90-170, § 2(c), Dec. 4, 1967, 81 Stat. 527.)

AMENDMENTS

1967—Pub. L. 90-170 substituted the fiscal year ending June 30, 1970, for the fiscal year ending June 30, 1967, as the end of the period during which duplication of grants for construction is prohibited.

SUBCHAPTER II.—STATE MENTAL RETARDATION FACILITIES

§ 2671. Authorization of appropriations.

There are authorized to be appropriated, for grants for construction of public and other nonprofit facilities for the mentally retarded, \$10,000,000 for the fiscal year ending June 30, 1965, \$12,500,000 for the fiscal year ending June 30, 1966, \$15,000,000 for the fiscal year ending June 30, 1967, \$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. (As amended Pub. L. 90-170, § 3(a), Dec. 4, 1967, 81 Stat. 528.)

AMENDMENTS

1967—Pub. L. 90-170 provided for appropriations of \$30,000,000 for the fiscal year ending June 30, 1969, and \$50,000,000 for the fiscal year ending June 30, 1970.

§ 2672. Allotments to States.

(c) Adjustment of allotments to a State.

Upon the request of any State that a specified portion of its allotment under this subchapter be added to the allotment of such State under part A of subchapter III of this chapter, and upon (1) the simultaneous certification to the Secretary by the State agency designated as provided in the State plan approved under this subchapter to the effect that it has afforded a reasonable opportunity to make applications for the portion so specified and there have been no approvable applications for such portion, or (2) a showing satisfactory to the Secretary that the need for the community mental health centers in such State is substantially greater than for the facilities for the mentally retarded, the Secretary shall, subject to such limitations as he may by regulations prescribe, promptly adjust the allotments of such State in accordance with such request and shall notify such State agency and the State agency designated under the State plan approved under part A of subchapter III of this chapter, and thereafter the allotments as so adjusted shall be deemed the State's allotments for purposes of this subchapter and part A of subchapter III of this chapter.

(d) Limitation of allotments available.

(1) At the request of any State, a portion of any allotment or allotments of such State under this subchapter 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 subchapter; 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 subchapter not less than the total amount expended for such purposes from such sources during the fiscal year ending June 30, 1967. (As amended Pub. L. 89-105, § 2(a), Aug. 4, 1965, 79 Stat. 427; Pub. L. 90-170, § 3(c), Dec. 4, 1967, 81 Stat. 528.)

AMENDMENTS

1967—Subsec. (d). Pub. L. 90-170 added subsec. (d).

1965—Subsec. (c). Pub. L. 89-105 substituted "part A of title II" for "title II" wherever appearing, which for purposes of codification has been changed to "part A of subchapter III of this chapter."

§ 2674. State plans.

(a) Submission; requirements.

After such regulations have been issued, any State desiring to take advantage of this subchapter shall submit a State plan for carrying out its purposes. Such State plan must—

(7) provide minimum standards (to be fixed in the discretion of the State) for the maintenance and operation of facilities which receive Federal aid under this subchapter and, effective July 1, 1969, provide for enforcement of such standards with respect to projects approved by the Secretary under this subchapter after June 30, 1967;

(As amended Pub. L. 90-170, § 5, Dec. 4, 1967, 81 Stat. 530.)

AMENDMENTS

1967—Subsec. (a)(7). Pub. L. 90-170 required that, effective July 1, 1969, state plans for community mental retardation facilities provide for enforcement of minimum standards with respect to projects approved by the Secretary after June 30, 1967.

§ 2677. Nonduplication of grants.

No grant may be made after January 1, 1964, under any provision of the Public Health Service Act, for any of the fiscal years in the period beginning July 1, 1964, and ending June 30, 1970, for construction of any facility for the mentally retarded described in this subchapter, unless the Secretary determines that funds are not available under this subchapter to make a grant for the construction of such facility. (As amended Pub. L. 90-170, § 3(b), Dec. 4, 1967, 81 Stat. 528.)

AMENDMENTS

1967—Pub. L. 90-170 substituted the fiscal year ending June 30, 1970, for the fiscal year ending June 30, 1968, as the end of the period during which duplication of grants is prohibited.

SUBCHAPTER II A.—PROFESSIONAL AND TECHNICAL SERVICES FOR COMMUNITY MENTAL RETARDATION FACILITIES [NEW]

§ 2678. Authorization, duration, and amount of grants.

(a) Grants for professional and technical personnel.

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 subchapter, make grants to meet, for the temporary periods specified in this section, a portion of the costs (determined pursuant to regulations under section 2678c of this title) 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) Duration of grants; limitation of amounts.

Grants for such costs for any facility for the mentally retarded under this subchapter 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 sec-

ond year thereafter, and 30 per centum of such costs for the third year thereafter.

(c) Determination by Secretary.

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. (Pub. L. 88-164, title I, § 141, as added Pub. L. 90-170, § 4, Dec. 4, 1967, 81 Stat. 528.)

§ 2678a. Applications and conditions for approval.

(a) Necessity of application; conditions precedent.

Grants under this subchapter 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 subchapter II of this chapter 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 subchapter 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 the Federal funds made available under this subchapter 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) Limitation of availability of grants.

No grant may be made under this subchapter 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 subchapter prior to July 1, 1970. (Pub. L. 88-164, title I, § 142, as added Pub. L. 90-170, § 4, Dec. 4, 1967, 81 Stat. 529.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2678c of this title.

§ 2678b. Payment of grants; adjustments.

Payment of grants under this subchapter 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. (Pub. L. 88-164, title I, § 143, as added Pub. L. 90-170, § 4, Dec. 4, 1967, 81 Stat. 529.)

§ 2678c. Regulations.

The Secretary shall prescribe general regulations concerning the eligibility of facilities under this subchapter, determination of eligible costs with respect

to which grants may be made, and the terms and conditions (including those specified in section 2678a of this title) for approving applications under this subchapter. (Pub. L. 88-164, title I, § 144, as added Pub. L. 90-170, § 4, Dec. 4, 1967, 81 Stat. 529.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2678 of this title.

§ 2678d. Authorization of appropriations.

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 subchapter. 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 grants to such facilities which have previously received a grant under this subchapter and are eligible for such a grant for the year for which sums are being appropriated under this sentence. (Pub. L. 88-164, title I, § 145, as added Pub. L. 90-170, § 4, Dec. 4, 1967, 81 Stat. 529.)

SUBCHAPTER III.—COMMUNITY MENTAL HEALTH CENTERS

PART A.—GRANTS FOR CONSTRUCTION

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2688g, 2688i, 2688k, 2688m, 2693 of this title.

§ 2681. Authorization of appropriations.

There are authorized to be appropriated, for grants for construction of public and other nonprofit community mental health centers, \$35,000,000 for the fiscal year ending June 30, 1965, \$50,000,000 for the fiscal year ending June 30, 1966, \$65,000,000 for the fiscal year ending June 30, 1967, \$50,000,000 for the fiscal year ending June 30, 1968, \$60,000,000 for the fiscal year ending June 30, 1969, and \$70,000,000 for the fiscal year ending June 30, 1970. (As amended Pub. L. 90-31, § 2(a), June 24, 1967, 81 Stat. 79.)

AMENDMENTS

1967—Pub. L. 90-31 added the fiscal years ending June 30, 1968, 1969, and 1970 to the enumeration of fiscal years for which appropriations are authorized, and set the authorizations for such years at \$50,000,000, \$60,000,000, and \$70,000,000, respectively.

SHORT TITLE OF 1967 AMENDMENT

Section 1 of Pub. L. 90-31 provided: "That this Act [adding section 225a of this title and amending this section and sections 2684(a)(7), 2687, 2688a(h), 2688d, and 2691(e) of this title] may be cited as the 'Mental Health Amendments of 1967'."

§ 2682. Allotments to States.

* * * * *

(b) Transfers of allotments between States.

In accordance with regulations of the Secretary, any State may file with him a request that a specified portion of its allotment under this part be added to the allotment of another State under this part for the purpose of meeting a portion of the Federal share of the cost of a project for the construction of a community mental health center in such other State. If it is found by the Secretary that construction of the center with respect to which the request

is made would meet needs of the State making the request and that use of the specified portion of such State's allotment, as requested by it, would assist in carrying out the purposes of this part, such portion of such State's allotment shall be added to the allotment of the other State under this part to be used for the purpose referred to above.

(c) **Adjustment of allotments to a State.**

Upon the request of any State that a specified portion of its allotment under this part be added to the allotment of such State under subchapter II of this chapter and upon (1) the simultaneous certification to the Secretary by the State agency designated as provided in the State plan approved under this part to the effect that it has afforded a reasonable opportunity to make applications for the portion so specified and there have been no approvable applications for such portion or (2) a showing satisfactory to the Secretary that the need for facilities for the mentally retarded in such State is substantially greater than for community mental health centers, the Secretary shall, subject to such limitations as he may by regulation prescribe, promptly adjust the allotments of such State in accordance with such request and shall notify such State agency and the State agency designated under the State plan approved under subchapter II of this chapter, and thereafter the allotments as so adjusted shall be deemed the State's allotments for purposes of this part and subchapter II of this chapter. (As amended Pub. L. 89-105, § 2(a), Aug. 4, 1965, 79 Stat. 427.)

AMENDMENTS

1965—Subsec. (b). Pub. L. 89-105 substituted "this part" for "this title" wherever appearing.

Subsec. (c). Pub. L. 89-105 substituted "this part" for "this title" wherever appearing.

§ 2683. General regulations.

Within six months after October 31, 1963, the Secretary shall, after consultation with the Federal Hospital Council (established by section 291k of this title) and the National Advisory Mental Health Council (established by section 218 of this title), by general regulations applicable uniformly to all the States, prescribe—

* * * * *

Priority of projects.

(2) the general manner in which the State agency (designated as provided in the State plan approved under this part) shall determine the priority of projects based on the relative need of different areas, giving special consideration to projects on the basis of the extent to which the centers to be constructed thereby will, alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated with the applicant, provide comprehensive mental health services (as determined by the Secretary in accordance with regulations) for mentally ill persons in a particular community or communities or which will be part of or closely associated with a general hospital;

(As amended Pub. L. 89-105, § 2(a), Aug. 4, 1965, 79 Stat. 427.)

AMENDMENTS

1965—Pub. L. 89-105 substituted "this part" for "this title."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2684, 2685, 2688 of this title.

§ 2684. State plans.

(a) **Submission; requirements.**

After such regulations have been issued, any State desiring to take advantage of this part shall submit a State plan for carrying out its purposes. Such State plan must—

* * * * *

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) hereof will have authority to carry out such plan in conformity with this part;

* * * * *

(4) set forth a program for construction of community mental health centers (A) which is based on a statewide inventory of existing facilities and survey of need; (B) which conforms with the regulations prescribed by the Secretary under section 2683(1) of this title; and (C) which meets the requirements for furnishing needed services to persons unable to pay therefor, included in regulations prescribed under section 2683(4) of this title;

(5) set forth the relative need, determined in accordance with the regulations prescribed under section 2683(2) of this title, for the several projects included in such programs, and provide for the construction, insofar as financial resources available therefor and for maintenance and operation make possible, in the order of such relative need;

* * * * *

(7) provide minimum standards (to be fixed in the discretion of the State) for the maintenance and operation of centers which receive Federal aid under this part 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;

(As amended Pub. L. 89-105, § 2(a), Aug. 4, 1965, 79 Stat. 427; Pub. L. 90-31, § 4(b), June 24, 1967, 81 Stat. 79.)

AMENDMENTS

1967—Subsec. (a)(7). Pub. L. 90-31 added provisions that, effective July 1, 1969, the State's plan for the construction of community mental health centers include methods for the enforcement of the minimum standards which the State promulgates with respect to projects approved by the Secretary under this part after June 30, 1967.

1965—Subsec. (a). Pub. L. 89-105 substituted "this part" for "this title" wherever appearing.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2685, 2686, 2688 of this title.

§ 2685. Projects for construction.

(a) **Application; contents; approval by Secretary; hearing prior to disapproval.**

For each project for construction pursuant to a State plan approved under this part, there shall be

submitted to the Secretary through the State agency an application by the State or a political subdivision thereof or by a public or other nonprofit agency. If two or more such agencies join in the construction of the project, the application may be filed by one or more of such agencies. Such application shall set forth—

- (1) a description of the site for such project;
- (2) plans and specifications therefor in accordance with the regulations prescribed by the Secretary under section 2683(3) of this title;

* * * *

The Secretary shall approve such application if sufficient funds to pay the Federal share of the cost of construction of such project are available from the allotment to the State, and if the Secretary finds (A) that the application contains such reasonable assurance as to title, financial support, and payment of prevailing rates of wages and overtime pay; (B) that the plans and specifications are in accord with the regulations prescribed pursuant to section 2683 of this title; (C) that the application is in conformity with the State plan approved under section 2684 of this title and contains an assurance that in the operation of the center there will be compliance with the applicable requirements of the State plan and of the regulations prescribed under section 2683(4) of this title for furnishing needed services for persons unable to pay therefor, and with State standards for operation and maintenance; (D) that the services to be provided by the center, alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated with the applicant, will be part of a program providing, principally for persons residing in a particular community or communities in or near which such center is to be situated, at least those essential elements of comprehensive mental health services for mentally ill persons which are prescribed by the Secretary in accordance with regulations; and (E) that the application has been approved and recommended by the State agency and is entitled to priority over other projects within the State in accordance with the regulations prescribed pursuant to section 2683(2) of this title. No application shall be disapproved by the Secretary until he has afforded the State agency an opportunity for a hearing.

* * * *

(As amended Pub. L. 89-105, § 2(a), Aug. 4, 1965, 79 Stat. 427.)

AMENDMENTS

1965—Subsec. (a). Pub. L. 89-105 substituted "this part" for "this title".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2686, 2688f, 2688h, 2688k of this title.

§ 2686. Withholding of payments.

Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency designated as provided in section 2684(a)(1) of this title, finds—

- (1) that the State agency is not complying substantially with the provisions required by section 2684 of this title to be included in its State plan, or with regulations under this part;

(2) that any assurance required to be given in an application filed under section 2685 of this title is not being or cannot be carried out;

(3) that there is a substantial failure to carry out plans and specifications approved by the Secretary under section 2685 of this title; or

* * * *

the Secretary may forthwith notify the State agency that—

(5) no further payments will be made to the State from allotments under this part; or

(6) no further payments will be made from allotments under this part for any project or projects designated by the Secretary as being affected by the action or inaction referred to in paragraph (1), (2), (3), or (4) of this section,

as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments from such allotments may be withheld, in whole or in part, until there is no longer any failure to comply (or to carry out the assurance or plans and specifications or to provide adequate State funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled. (As amended Pub. L. 89-105, § 2(a), Aug. 4, 1965, 79 Stat. 427.)

AMENDMENTS

1965—Pub. L. 89-105 substituted "this part" for "this title" wherever appearing.

§ 2687. Nonduplication of grants.

No grant may be made after January 1, 1964, under any provision of the Public Health Service Act, for any of the fiscal years in the period beginning July 1, 1964, and ending June 30, 1970, for construction of any facility described in this part, unless the Secretary determines that funds are not available under this part to make a grant for the construction of such facility. (As amended Pub. L. 89-105, § 2(a), Aug. 4, 1965, 79 Stat. 427; Pub. L. 90-31, § 2(b), June 24, 1967, 81 Stat. 79.)

AMENDMENTS

1967—Pub. L. 90-31 extended the term of the nonduplication prohibition three years by substituting June 30, 1970, for June 30, 1967, as the terminal date.

1965—Pub. L. 89-105 substituted "this part" for "this title" wherever appearing.

PART B.—GRANTS FOR INITIAL COST OF PROFESSIONAL AND TECHNICAL PERSONNEL OF CENTERS [NEW]

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2688f, 2688m of this title.

§ 2688. Authorization, duration and amount of grants.

(a) Grants to meet portion of costs of compensation of professional and technical personnel.

For the purpose of assisting in the establishment and initial operation of community mental health centers providing all or part of a comprehensive community mental health program, 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 2688c of this title) of compensation of professional and technical personnel for the initial operation of new community mental health centers or of new services in community mental health centers.

(b) **Term of grants; maximum amounts.**

Grants for such costs for any center 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 center 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) **Matters considered in making grants.**

In making such grants, the Secretary shall take into account the relative needs of the several States for community mental health center programs, their relative financial needs, and their populations. (Pub. L. 88-164, title II, § 220, as added Pub. L. 89-105, § 2(b), Aug. 4, 1965, 79 Stat. 428.)

SHORT TITLE

Section 1 of Pub. L. 89-105 provided: "That this Act [enacting sections 2688-2688d and 2697 of this title and section 553 of Title 31, and amending sections 2672, 2682-2687 and 2692 of this title and sections 615, 617, and 618 of Title 20] may be cited as the 'Mental Retardation Facilities and Community Mental Health Centers Construction Act Amendments of 1965'."

§ 2688a. Applications and conditions for approval.

(a) **Necessity of application; conditions precedent to making grant.**

Grants under this part with respect to any community mental health center 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 center;

(2) the services to be provided by the center, alone or in conjunction with other facilities owned or operated by the applicant or affiliated or associated with the applicant, will be part of a program providing, principally for persons residing in a particular community or communities in or near which such center is situated, at least those essential elements of comprehensive mental health services which are prescribed by the Secretary;

(3) (A) a grant was made under part A of this subchapter to assist in financing the construction of the center 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 center with respect to which such application is made;

(4) 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 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

(5) the services to be provided by the center are described in the State mental health plan submitted to the Public Health Service by the State mental health authority in accordance with title III of the Public Health Service Act.

(b) **Restriction upon making grant.**

No grant may be made under this part after June 30, 1970, with respect to any community mental health center or with respect to any type of service provided by such a center unless a grant with respect thereto was made under this part prior to July 1, 1970. (Pub. L. 88-164, title II, § 221, as added Pub. L. 89-105, § 2(b), Aug. 4, 1965, 79 Stat. 428, and amended Pub. L. 90-31, § 3(a), June 24, 1967, 81 Stat. 79.)

REFERENCES IN TEXT

Title III of the Public Health Service Act, referred to in subsec. (a)(5) of this section, is classified to sections 241-246, 247-253, 254-258, 259-272, and 274-280a of this title.

AMENDMENTS

1967—Subsec. (b). Pub. L. 90-31 substituted "1970" for "1968" wherever appearing.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2688c, 2688g of this title.

§ 2688b. Payments.

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. (Pub. L. 88-164, title II, § 222, as added Pub. L. 89-105, § 2(b), Aug. 4, 1965, 79 Stat. 429.)

§ 2688c. Regulations.

The Secretary shall, after consultation with the National Advisory Mental Health Council (appointed pursuant to the Public Health Service Act), prescribe general regulations concerning eligibility of centers 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 2688a of this title) for approving applications under this part. (Pub. L. 88-164, title II, § 223, as added Pub. L. 89-105, § 2(b), Aug. 4, 1965, 79 Stat. 429.)

REFERENCES IN TEXT

The Public Health Service Act, referred to in text, is classified to chapter 6A of this title.

§ 2688d. Authorization of appropriations.

There are hereby authorized to be appropriated \$19,500,000 for the fiscal year ending June 30, 1966, \$24,000,000 for the fiscal year ending June 30, 1967, \$30,000,000 for the fiscal year ending June 30, 1968, \$26,000,000 for the fiscal year ending June 30, 1969, and \$32,000,000 for the fiscal year ending June 30, 1970, to enable the Secretary to make initial grants to community mental health centers under the provisions of this part. For the fiscal year ending June 30, 1967, and each of the seven succeeding years, there are hereby authorized to be appropriated such sums as may be necessary to make grants to such

centers 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. (Pub. L. 88-164, title II, § 224, as added Pub. L. 89-105, § 2(b), Aug. 4, 1965, 79 Stat. 429, and amended Pub. L. 90-31, § 3(b), June 24, 1967, 81 Stat. 79.)

AMENDMENTS

1967—Pub. L. 90-31 added the fiscal years ending June 30, 1969 and 1970 to the enumeration of fiscal years for which appropriations are authorized for initial grants to community mental health centers and set the authorizations for such years at \$26,000,000 and \$32,000,000, respectively, and extended for two years the period during which appropriations are authorized for the purpose of making continuation grants by raising from five to seven years the period following June 30, 1967, during which appropriations for continuation grants are authorized.

PART C.—GRANTS FOR FACILITIES FOR ALCOHOLIC REHABILITATION [NEW]

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in sections 2688o, 2688q of this title.

§ 2688e. Congressional declaration of purpose.

(a) Nature of problem; alcoholism treatment.

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

(b) Federal aid for construction and staffing of facilities for treatment of alcoholism.

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) Additional Federal legislation.

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. (Pub. L. 88-164, title II, § 240, as added Pub. L. 90-574, title III, § 301, Oct. 15, 1968, 82 Stat. 1006.)

SHORT TITLE

Section 300 of Pub. L. 90-574 provided that: "This title [enacting this section and sections 2688f—2688q and 2697a of this title, repealing section 3442 of this title, and en-

acting provisions set out as notes under this section and section 3442 of this title] may be cited as the 'Alcoholic and Narcotic Addict Rehabilitation Amendments of 1968'."

Section 240 of Pub. L. 88-164, as added by section 301 of Pub. L. 90-574, provided that: "This part [enacting this section and sections 2688f—2688j of this title] may be cited as the 'Alcoholic Rehabilitation Act of 1968'."

DUPLICATION OF BENEFITS

No grant, award, or loan of assistance to any student under any Act amended by Pub. L. 90-574, which enacted this section, to be considered a duplication of benefits for the purposes of section 1781 of Title 38, Veterans' Benefits, see section 504 of Pub. L. 90-574, set out as a note under section 1781 of Title 38.

§ 2688f. Grants for construction of facilities; application; conditions for approval; limitation on Federal share of costs.

(a) Grants from appropriations under section 2688o of this title 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 non-profit 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 2685(a) of this title, and (2) which contains—

(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;

(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 2684(a)(1) of this title, a showing that the application has also been approved and recommended by the agency designated pursuant to section 2684(a)(1) of this title, 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;

(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 2683(4) of this title relating to furnishing needed services for persons unable to pay therefor and for compliance with State standards for operation and maintenance.

(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 66½ per centum, as the Secretary may determine. (Pub. L. 88-164, title II, § 241, as added Pub. L. 90-574, title III, § 301, Oct. 15, 1968, 82 Stat. 1007.)

DUPLICATION OF BENEFITS

No grant, award, or loan of assistance to any student under any Act amended by Pub. L. 90-574, which enacted this section, to be considered a duplication of benefits for the purposes of section 1781 of Title 38, Veterans' Benefits, see section 504 of Pub. L. 90-574, set out as a note under section 1781 of Title 38.

USE OF "SECRETARY" TO MEAN SECRETARY OF HEALTH, EDUCATION, AND WELFARE

"Secretary" as Secretary of Health, Education, and Welfare, see section 507 of Pub. L. 90-574, set out as a note under section 290a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2688g of this title.

§ 2688g. Grants for staffing of facilities.

(a) Compensation of professional and technical personnel.

Grants from appropriations under section 2688o of this title 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.

(b) Duration of grant; limitation on Federal share of costs.

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) Determination by Secretary of need for grant.

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.

(d) Application; conditions for approval.

A grant under this section may be made only upon an application which meets the requirements for approval under section 2688a of this title, other than paragraph (3) thereof, and only if (1) a grant was made under part A or section 2688f of this title 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. (Pub. L. 88-164, title II, § 242, as added Pub. L. 90-574, title III, § 301, Oct. 15, 1968, 82 Stat. 1008.)

DUPLICATION OF BENEFITS

No grant, award, or loan of assistance to any student under any Act amended by Pub. L. 90-574, which enacted this section, to be considered a duplication of benefits for the purposes of section 1781 of Title 38, Veterans' Benefits, see section 504 of Pub. L. 90-574, set out as a note under section 1781 of Title 38.

USE OF "SECRETARY" TO MEAN SECRETARY OF HEALTH, EDUCATION, AND WELFARE

"Secretary" as Secretary of Health, Education, and Welfare, see section 507 of Pub. L. 90-574, set out as a note under section 290a of this title.

§ 2688h. Grants for specialized facilities.

(a) Specialized facilities and personnel.

Grants from appropriations under section 2688o of this title 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) Determination by Secretary of need for grant.

Grants may be made under subsection (a) of this section 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.

(c) Duration of grant; limitation on Federal share of costs.

Grants made under subsection (a) of this section 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 2688g of this title.

(d) Application; conditions for approval.

Before a grant may be made under subsection (a) of this section 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 2685(a)(5) of this title (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 2/3 per centum, as the Secretary may determine. (Pub. L. 88-164, title II, § 243, as added Pub. L. 90-574, title III, § 301, Oct. 15, 1968, 82 Stat. 1008.)

DUPLICATION OF BENEFITS

No grant, award, or loan of assistance to any student under any Act amended by Pub. L. 90-574, which enacted this section, to be considered a duplication of benefits for the purposes of section 1781 of Title 38, Veterans' Benefits, see section 504 of Pub. L. 90-574, set out as a note under section 1781 of Title 38.

USE OF "SECRETARY" TO MEAN SECRETARY OF HEALTH, EDUCATION, AND WELFARE

"Secretary" as Secretary of Health, Education, and Welfare, see section 507 of Pub. L. 90-574, set out as a note under section 299a of this title.

§ 2688i. Eligibility of projects for grants for construction or initial staffing of facilities.

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. (Pub. L. 88-164, title II, § 244, as added Pub. L. 90-574, title III, § 301, Oct. 15, 1968, 82 Stat. 1009.)

DUPLICATION OF BENEFITS

No grant, award, or loan of assistance to any student under any Act amended by Pub. L. 90-574, which enacted this section, to be considered a duplication of benefits for the purposes of section 1781 of Title 38, Veterans' Benefits, see section 504 of Pub. L. 90-574, set out as a note under section 1781 of Title 38.

§ 2688j. Manner of payment of grants.

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. (Pub. L. 88-164, title II, § 245, as added Pub. L. 90-574, title III, § 301, Oct. 15, 1968, 82 Stat. 1009.)

DUPLICATION OF BENEFITS

No grant, award, or loan of assistance to any student under any Act amended by Pub. L. 90-574, which enacted this section, to be considered a duplication of benefits for the purposes of section 1781 of Title 38, Veterans' Benefits, see section 504 of Pub. L. 90-574, set out as a note under section 1781 of Title 38.

USE OF "SECRETARY" TO MEAN SECRETARY OF HEALTH, EDUCATION, AND WELFARE

"Secretary" as Secretary of Health, Education, and Welfare, see section 507 of Pub. L. 90-574, set out as a note under section 299a of this title.

PART D.—GRANTS FOR FACILITIES FOR NARCOTIC ADDICT REHABILITATION [NEW]

§ 2688k. Grants for treatment facilities.

(a) Construction costs; compensation of professional and technical personnel.

Grants from appropriations under section 2688o of this title 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.

(b) Administration of grant program; application; conditions for approval.

The grant program for construction of facilities authorized by subsection (a) of this section 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 2685(a)(5) of this title (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 2/3 per centum, as the Secretary may determine.

(c) Duration of grant; limitation on Federal share of costs.

Grants made under subsection (a) of this section 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 2688g of this title. (Pub. L. 88-164, title II, § 251, as added Pub. L. 90-574, title III, § 302, Oct. 15, 1968, 82 Stat. 1009.)

DUPLICATION OF BENEFITS

No grant, award, or loan of assistance to any student under any Act amended by Pub. L. 90-574, which enacted this section, to be considered a duplication of benefits for the purposes of section 1781 of Title 38, Veterans' Benefits, see section 504 of Pub. L. 90-574, set out as a note under section 1781 of Title 38.

USE OF "SECRETARY" TO MEAN SECRETARY OF HEALTH, EDUCATION, AND WELFARE

"Secretary" as Secretary of Health, Education, and Welfare, see section 507 of Pub. L. 90-574, set out as a note under section 299a of this title.

§ 2688l. Grants to public or nonprofit private agencies for developing specialized training programs, training personnel, and conducting surveys and field trials.

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. (Pub. L. 88-164, title II, § 252, as added Pub. L. 90-574, title III, § 302, Oct. 15, 1968, 82 Stat. 1010.)

DUPLICATION OF BENEFITS

No grant, award, or loan of assistance to any student under any Act amended by Pub. L. 90-574, which enacted this section, to be considered a duplication of benefits for the purposes of section 1781 of Title 38, Veterans' Benefits, see section 504 of Pub. L. 90-574, set out as a note under section 1781 of Title 38.

USE OF "SECRETARY" TO MEAN SECRETARY OF HEALTH, EDUCATION, AND WELFARE

"Secretary" as Secretary of Health, Education, and Welfare, see section 507 of Pub. L. 90-574, set out as a note under section 299a of this title.

§ 2688m. Eligibility of projects for grants for construction or initial staffing of facilities.

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. (Pub. L. 88-164, title II, § 253, as added Pub. L. 90-574, title III, § 302, Oct. 15, 1968, 82 Stat. 1010.)

DUPLICATION OF BENEFITS

No grant, award, or loan of assistance to any student under any Act amended by Pub. L. 90-574, which enacted this section, to be considered a duplication of benefits for the purposes of section 1781 of Title 38, Veterans' Benefits, see section 504 of Pub. L. 90-574, set out as a note under section 1781 of Title 38.

§ 2688n. Manner of payment of grants.

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. (Pub. L. 88-164, title II, § 254, as added Pub. L. 90-574, title III, § 302, Oct. 15, 1968, 82 Stat. 1010.)

DUPLICATION OF BENEFITS

No grant, award, or loan of assistance to any student under any Act amended by Pub. L. 90-574, which enacted this section, to be considered a duplication of benefits for the purposes of section 1781 of Title 38, Veterans' Benefits, see section 504 of Pub. L. 90-574, set out as a note under section 1781 of Title 38.

USE OF "SECRETARY" TO MEAN SECRETARY OF HEALTH, EDUCATION, AND WELFARE

"Secretary" as Secretary of Health, Education, and Welfare, see section 507 of Pub. L. 90-574, set out as a note under section 299a of this title.

PART E.—GENERAL PROVISIONS [New]

§ 2688o. Authorization of appropriations.

(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 2688l of this title. Sums so appropriated for any fiscal year shall remain available for obligation until the close of the next fiscal year.

(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. (Pub. L. 88-164, title II, § 261, as added Pub. L. 90-574, title III, § 303(a), Oct. 15, 1968, 82 Stat. 1010.)

DUPLICATION OF BENEFITS

No grant, award, or loan of assistance to any student under any Act amended by Pub. L. 90-574, which enacted this section, to be considered a duplication of benefits for the purposes of section 1781 of Title 38, Veterans' Benefits, see section 504 of Pub. L. 90-574, set out as a note under section 1781 of Title 38.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2688f, 2688g, 2688k of this title.

§ 2688p. Program evaluations; limitation on amount of appropriation.

Such portion (as the Secretary may determine) of any appropriation under this subchapter 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 subchapter. (Pub. L. 88-164, title II, § 262, as added Pub. L. 90-574, title III, § 303(a), Oct. 15, 1968, 82 Stat. 1010.)

DUPLICATION OF BENEFITS

No grant, award, or loan of assistance to any student under any Act amended by Pub. L. 90-574, which enacted this section, to be considered a duplication of benefits for the purposes of section 1781 of Title 38, Veterans' Benefits, see section 504 of Pub. L. 90-574, set out as a note under section 1781 of Title 38.

USE OF "SECRETARY" TO MEAN SECRETARY OF HEALTH, EDUCATION, AND WELFARE

"Secretary" as Secretary of Health, Education, and Welfare, see section 507 of Pub. L. 90-574, set out as a note under section 299a of this title.

§ 2688q. Consent of alcoholics and narcotic addicts to be subjects of research.

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. (Pub. L. 88-164, title II, § 263, as added Pub. L. 90-574, title III, § 303(a), Oct. 15, 1968, 82 Stat. 1011.)

DUPLICATION OF BENEFITS

No grant, award, or loan of assistance to any student under any Act amended by Pub. L. 90-574, which enacted this section, to be considered a duplication of benefits for the purposes of section 1781 of Title 38, Veterans' Benefits, see section 504 of Pub. L. 90-574, set out as a note under section 1781 of Title 38.

USE OF "SECRETARY" TO MEAN SECRETARY OF HEALTH, EDUCATION, AND WELFARE

"Secretary" as Secretary of Health, Education, and Welfare, see section 507 of Pub. L. 90-574, set out as a note under section 299a of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2688k of this title.

SUBCHAPTER IV.—GENERAL PROVISIONS

§ 2691. Definitions; Federal percentages; promulgation of percentages.

For purposes of this chapter—

* * * * *

(e) The term "construction" includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings (including medical transportation facilities); including architect's fees, but excluding the cost of off-site improvements and the cost of the acquisition of land.

* * * * *

(As amended Pub. L. 90-31, § 4(a), June 24, 1967, 81 Stat. 79.)

AMENDMENTS

1967—Subsec. (e). Pub. L. 90-31 added acquisition of existing buildings to the enumerated list of activities included under the term construction.

§ 2692. State standards for variable Federal share of cost.

The State plan approved under subchapter II or part A of subchapter III of this chapter may include standards for determination of the Federal share of the cost of projects approved in the State under such part or subchapter, as the case may be. Such standards shall provide equitably (and, to the extent practicable, on the basis of objective criteria) for variations between projects or classes of projects on the basis of the economic status of areas and other relevant factors. No such standards shall provide for a Federal share of more than 66 2/3 per centum or less than 33 1/3 per centum of the cost of construction of any project. The Secretary shall approve any such standards and any modifications thereof which comply with the provisions of this section. (As amended Pub. L. 89-105, § 2(a), Aug. 4, 1965, 79 Stat. 427.)

AMENDMENTS

1965—Pub. L. 89-105 substituted "part A of title II" for "title II", which for purposes of codification has been changed to "part A of subchapter III of this chapter."

§ 2693. Payments for construction.

(c) Use of allotments for cost of administration; limitation on amount.

(1) At the request of any State, a portion of any allotment or allotments of such State under part A of subchapter III of this chapter 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. (As amended Pub. L. 90-574, title V, § 502, Oct. 15, 1968, 82 Stat. 1012.)

AMENDMENTS

1968—Subsec. (c). Pub. L. 90-574 added subsec. (c):

DUPLICATION OF BENEFITS

No grant, award, or loan of assistance to any student under any Act amended by Pub. L. 90-574, which amended this section, to be considered a duplication of benefits for the purposes of section 1781 of Title 38, Veterans' Benefits, see section 504 of Pub. L. 90-574, set out as a note under section 1781 of Title 38.

USE OF "SECRETARY" TO MEAN SECRETARY OF HEALTH, EDUCATION, AND WELFARE

"Secretary" as Secretary of Health, Education, and Welfare in the amendments made by Pub. L. 90-574, see section 507 of Pub. L. 90-574, set out as a note under section 209a of this title.

§ 2697. Records and audit.

(a) Each recipient of assistance under this chapter shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the assistance received under this chapter. (Pub. L. 88-164, title IV, § 408, as added Pub. L. 89-105, § 3, Aug. 4, 1965, 79 Stat. 429.)

REFERENCES IN TEXT

The words, "this chapter", referred to in subsecs. (a) and (b) of this section, read in the original "this Act", meaning Pub. L. 88-164, which enacted this chapter, sections 295—295e of this title and section 618 of Title 20, Education, amended section 291k of this title and sections 611—613, 617, 676 of Title 20, and enacted provisions set out as notes under section 291k of this title and section 611 of Title 20.

§ 2697a. Determination of amount of grant; exclusion of duplicated grants.

In determining the amount of any grant under this chapter 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. (Pub. L. 88-164, title IV, § 409, as added Pub. L. 90-574, title III, § 304, Oct. 15, 1968, 82 Stat. 1011.)

REFERENCES IN TEXT

The words, "this chapter", referred to in text, read in the original "this Act", meaning Pub. L. 88-161, which enacted this chapter, sections 295—295e of this title and section 618 of Title 20, Education, amended section

291k of this title and sections 611, 613, 617, 676 of Title 20, and enacted provisions set out as notes under section 291k of this title and section 611 of Title 20.

DUPLICATION OF BENEFIT

No grant, award, or loan of assistance to any student under any Act amended by Pub. L. 90-574, which enacted this section, to be considered a duplication of benefits for the purposes of section 1781 of Title 38, Veterans' Benefits, see section 504 of Pub. L. 90-574, set out as a note under section 1781 of Title 38.

SUBCHAPTER V.—TRAINING OF PHYSICAL EDUCATORS AND RECREATION PERSONNEL FOR MENTALLY RETARDED AND OTHER HANDICAPPED CHILDREN

§ 2698. Grants for training of personnel; appropriations.

(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 section 611 of Title 20) 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.

(b) For the purpose of making the grants authorized under subsection (a) of this section, 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. (Pub. L. 88-164, title V, § 501, as added Pub. L. 90-170, § 7, Dec. 4, 1967, 81 Stat. 530.)

§ 2698a. Grants for research and demonstration projects; payment; evaluation of projects.

(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 section 611 of Title 20).

(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. (Pub. L. 88-164, title V, § 502, as added Pub. L. 90-170, § 7, Dec. 4, 1967, 81 Stat. 530.)

§ 2698b. Advisory committee; compensation.

(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 subchapter. 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 2698a(b) of this title, 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, for persons in the Government service employed intermittently. (Pub. L. 88-164, title V, § 503, as added Pub. L. 90-170, § 7, Dec. 4, 1967, 81 Stat. 531.)

Chapter 34.—ECONOMIC OPPORTUNITY PROGRAM

Sec.

- 2701. Congressional findings and declaration of purpose.
- 2702. Authorization of appropriations.
- 2702a. Authorization of appropriations [New].
- 2703. Criminal provisions.
- 2704. Discontinued Job Corps centers; utilization for special youth programs [New].
- 2705. Withholding of federal taxes by antipoverty agencies [New].

SUBCHAPTER I.—WORK TRAINING AND WORK-STUDY PROGRAMS

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- 2711. Statement of purpose.
- 2712. Establishment of Job Corps.
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