

Mr. DAVIS introduced a bill (H.R. 5197) to clear certain impediments to the licensing of a vessel for employment in the coastwise trade and fisheries of the United States; which was referred to the Committee on Merchant Marine and Fisheries.

55.12 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to Public bills and resolutions as follows:

- H.R. 1414: Mr. WILLIAMS.
- H.R. 2410: Mr. HUCKABY and Mr. HAYES of Louisiana.
- H.R. 3441: Mr. CAMPBELL of California.
- H.R. 3442: Mr. CAMPBELL of California.
- H.R. 3943: Mr. SWETT, Mr. PETRI, and Mr. BURTON of Indiana.
- H.R. 4022: Mr. LEHMAN of Florida, Mr. BLACKWELL, Mr. COLORADO, Mr. MARTINEZ, Mr. STOKES, Ms. NORTON, Mrs. KENNELLY, Mrs. BOXER, and Mr. ALEXANDER.
- H.R. 4104: Mr. FRANKS of Connecticut.
- H.R. 4222: Mr. TORRES, Mrs. MEYERS of Kansas, Mr. BROWN, and Mr. GUARINI.
- H.R. 4507: Mr. LEWIS of California, Mr. DORNAN of California, Mr. GREEN of New York, Mr. CHANDLER, Mr. PAXON, and Mr. GEREN of Texas.
- H.R. 4599: Mr. LEHMAN of Florida, Ms. NORTON, Mr. LEWIS of Florida, Mr. ATKINS, and Mr. NEAL of Massachusetts.
- H.R. 4754: Mr. INHOFE.
- H.R. 4924: Mr. MARTINEZ.
- H.R. 4944: Mr. FIELDS.
- H.R. 5152: Mr. CHANDLER.
- H.J. Res. 159: Mr. MINETA and Mr. LEACH.
- H.J. Res. 393: Mr. GORDON, Mr. UPTON, Mr. SWETT, Mr. ALLEN, Mr. SUNDQUIST, Mr. PRICE, Ms. NORTON, Ms. SNOWE, Mrs. PATTERSON, Mr. FALCOMA, Mr. EMERSON, Mr. SAXTON, Mr. JOHNSON of Texas, Mr. ROGERS, Mr. MONTGOMERY, Ms. DELAURO, Mr. SIKORSKI, Mr. LEWIS of Georgia, Mr. JENKINS, Ms. HORN, Mr. WELDON, Mr. ESPY, Mr. MOAKLEY, Mr. BATEMAN, Mr. CARR, and Mr. FAWELL.
- H.J. Res. 426: Mr. DEFazio, Mr. WOLF, Mr. SMITH of New Jersey, Mr. SERRANO, and Ms. NORTON.
- H. Res. 323: Mr. BRUCE.
- H. Res. 361: Mr. MOORHEAD.

TUESDAY, MAY 19, 1992 (56)

The House was called to order by the SPEAKER.

56.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Monday, May 18, 1992.

Pursuant to clause 1, rule I, the Journal was approved.

56.2 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

3539. A letter from the Secretary of Education, transmitting notice of final funding priorities—Technology, Educational Media, and Materials for Individuals with Disabilities Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

3540. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to improve enforcement of the Employee Retirement Income Security Act of 1974, by adding certain provisions with respect to the auditing of employee benefit plans; to the Committee on Education and Labor.

3541. A letter from the Secretary of Agriculture, transmitting the 1991 annual report

of the Department on its hazardous waste management activities; to the Committee on Energy and Commerce.

3542. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Joseph Charles Wilson IV, of California, to be Ambassador to the Gabonese Republic and to the Democratic Republic of Sao Tome and Principe; of Donald Herman Alexander, of Missouri, to be Ambassador to the Kingdom of the Netherlands, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3543. A letter from the Director, Office of Financial Management, General Accounting Office, transmitting the fiscal year 1991 annual report of the Comptrollers General Retirement System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

3544. A letter from the Office of Enforcement, Environmental Protection Agency, transmitting a copy of a final rule as it pertains to lender liability under CERCLA, pursuant to 42 U.S.C. 9655(a); jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

56.3 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2342. An Act to amend the Act entitled "An Act to provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, and for other purposes", approved October 25, 1972 (86 Stat. 1168 et seq.).

The message also announced that pursuant to sections 1928a-1928d, of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appointed Mr. HEFLIN, and Mr. AKAKA, as members of the Senate delegation to the North Atlantic Assembly Spring Meeting during the 2d session of the 102d Congress, to be held in Banff, AB, Canada, May 14-18, 1992.

56.4 COMMUNITY MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

Mr. WAXMAN moved to suspend the rules and agree to the following conference report (Rept. No. 102-522):

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1306), to amend title V of the Public Health Service Act to revise and extend certain programs, to restructure the Alcohol, Drug Abuse and Mental Health Administration, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "ADAMHA Reorganization Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—REORGANIZATION OF ADMINISTRATION AND INSTITUTES

Subtitle A—Administration

- Sec. 101. Substance Abuse and Mental Health Services Administration.
- Sec. 102. Advisory councils.
- Sec. 103. Reports on alcoholism, alcohol abuse, and drug abuse.
- Sec. 104. Peer review.
- Sec. 105. Data collection.
- Sec. 106. Grants for the benefit of homeless individuals.
- Sec. 107. Center for substance abuse treatment.
- Sec. 108. Programs for pregnant and postpartum women.
- Sec. 109. Demonstration projects of national significance.
- Sec. 110. Grants for substance abuse treatment in State and local criminal justice systems.
- Sec. 111. Training in provision of treatment services.
- Sec. 112. Alternative utilization of military facilities.
- Sec. 113. Center for Substance Abuse Prevention.
- Sec. 114. Prevention, treatment, and rehabilitation model projects for high risk youth.
- Sec. 115. Center for Mental Health Services.
- Sec. 116. Grant program for demonstration projects.
- Sec. 117. National mental health education.
- Sec. 118. Demonstration projects with respect to certain individuals.
- Sec. 119. Childhood mental health.
- Sec. 120. Striking of certain provisions and technical and conforming amendments.

Subtitle B—Institutes

- Sec. 121. Organization of National Institutes of Health.
- Sec. 122. National Institute on Alcohol Abuse and Alcoholism.
- Sec. 123. National Institute on Drug Abuse.
- Sec. 124. National Institute of Mental Health.
- Sec. 125. Collaborative use of certain health services research funds.

Subtitle C—Miscellaneous Provisions Relating to Substance Abuse and Mental Health

- Sec. 131. Miscellaneous provisions relating to substance abuse and mental health.

Subtitle D—Transfer Provisions

- Sec. 141. Transfers.
- Sec. 142. Transfer and allocations of appropriations and personnel.
- Sec. 143. Incidental transfers.
- Sec. 144. Effect on personnel.
- Sec. 145. Savings provisions.
- Sec. 146. Transition.
- Sec. 147. Peer review.
- Sec. 148. Mergers.
- Sec. 149. Conduct of multi-year research projects.
- Sec. 150. Separability.
- Sec. 151. Budgetary authority.

Subtitle E—References and Conforming Amendments

- Sec. 161. References.
- Sec. 162. Transition from homelessness.
- Sec. 163. Conforming amendments.

Subtitle F—Employee Assistance Programs

- Sec. 171. Program of grants under Center for Substance Abuse Treatment.

TITLE II—BLOCK GRANTS TO STATES REGARDING MENTAL HEALTH AND SUBSTANCE ABUSE

- Sec. 201. Establishment of separate block grant regarding mental health.
- Sec. 202. Establishment of separate block grant regarding substance abuse.

Sec. 203. General provisions regarding block grants.

Sec. 204. Related programs.

Sec. 205. Temporary provisions regarding funding.

TITLE III—MODEL COMPREHENSIVE PROGRAM FOR TREATMENT OF SUBSTANCE ABUSE

Sec. 301. Demonstration program in national capital area.

TITLE IV—CHILDREN OF SUBSTANCE ABUSERS

Sec. 401. Establishment of program of services.

TITLE V—HOME-VISITING SERVICES FOR AT-RISK FAMILIES

Sec. 501. Statement of purpose.

Sec. 502. Establishment of program of grants.

TITLE VI—TRAUMA CENTERS AND DRUG-RELATED VIOLENCE

Sec. 601. Establishment of program of grants.

Sec. 602. Conforming amendments.

TITLE VII—STUDIES

Sec. 701. Report by the institute on medicine.

Sec. 702. Sense of the Senate.

Sec. 703. Provision of mental health services to individuals in correctional facilities.

Sec. 704. Study of barriers to insurance coverage of treatment for mental illness and substance abuse.

Sec. 705. Study on fetal alcohol effect and fetal alcohol syndrome.

Sec. 706. Study by National Academy of Sciences.

Sec. 707. Report on allotment formula.

Sec. 708. Report by Substance Abuse and Mental Health Services Administration.

TITLE VIII—GENERAL PROVISIONS

Sec. 801. Effective dates.

TITLE I—REORGANIZATION OF ADMINISTRATION AND INSTITUTES

Subtitle A—Administration

SEC. 101. SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.

(a) IN GENERAL.—Section 501 of the Public Health Service Act (42 U.S.C. 290aa) is amended to read as follows:

"SEC. 501. SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.

"(a) ESTABLISHMENT.—The Substance Abuse and Mental Health Services Administration (hereafter referred to in this title as the 'Administration') is an agency of the Service.

"(b) AGENCIES.—The following entities are agencies of the Administration:

"(1) The Center for Substance Abuse Treatment.

"(2) The Center for Substance Abuse Prevention.

"(3) The Center for Mental Health Services.

"(c) ADMINISTRATOR AND DEPUTY ADMINISTRATOR.—

"(1) ADMINISTRATOR.—The Administration shall be headed by a Administrator (hereinafter in this title referred to as the 'Administrator') who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) DEPUTY ADMINISTRATOR.—The Administrator, with the approval of the Secretary, may appoint a Deputy Administrator and may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to administer the activities to be carried out through the Administration.

"(d) AUTHORITIES.—The Secretary, acting through the Administrator, shall—

"(1) supervise the functions of the agencies of the Administration in order to assure that the programs carried out through each such agency receive appropriate and equitable support and that there is cooperation among the agencies in the implementation of such programs;

"(2) establish and implement, through the respective agencies, a comprehensive program to improve the provision of treatment and related services to individuals with respect to substance abuse and mental illness and to improve prevention services, promote mental health and protect the legal rights of individuals with mental illnesses and individuals who are substance abusers;

"(3) carry out the administrative and financial management, policy development and planning, evaluation, knowledge dissemination, and public information functions that are required for the implementation of this title;

"(4) assure that the Administration conduct and coordinate demonstration projects, evaluations, and service system assessments and other activities necessary to improve the availability and quality of treatment, prevention and related services;

"(5) support activities that will improve the provision of treatment, prevention and related services, including the development of national mental health and substance abuse goals and model programs;

"(6) in cooperation with the National Institutes of Health, the Centers for Disease Control and the Health Resources and Services Administration develop educational materials and intervention strategies to reduce the risks of HIV or tuberculosis among substance abusers and individuals with mental illness and to develop appropriate mental health services for individuals with such illnesses;

"(7) coordinate Federal policy with respect to the provision of treatment services for substance abuse utilizing anti-addiction medications, including methadone;

"(8) conduct programs, and assure the coordination of such programs with activities of the National Institutes of Health and the Agency for Health Care Policy Research, as appropriate, to evaluate the process, outcomes and community impact of treatment and prevention services and systems of care in order to identify the manner in which such services can most effectively be provided;

"(9) collaborate with the Director of the National Institutes of Health in the development of a system by which the relevant research findings of the National Institute on Drug Abuse, the National Institute on Alcohol Abuse and Alcoholism, the National Institute of Mental Health, and, as appropriate, the Agency for Health Care Policy Research are disseminated to service providers in a manner designed to improve the delivery and effectiveness of treatment and prevention services;

"(10) encourage public and private entities that provide health insurance to provide benefits for substance abuse and mental health services;

"(11) promote the integration of substance abuse and mental health services into the mainstream of the health care delivery system of the United States;

"(12) monitor compliance by hospitals and other facilities with the requirements of sections 542 and 543;

"(13) with respect to grant programs authorized under this title, assure that—

"(A) all grants that are awarded for the provision of services are subject to performance and outcome evaluations; and

"(B) all grants that are awarded to entities other than States are awarded only after the

State in which the entity intends to provide services—

"(i) is notified of the pendency of the grant application; and

"(ii) is afforded an opportunity to comment on the merits of the application;

"(14) assure that services provided with amounts appropriated under this title are provided bilingually, if appropriate;

"(15) improve coordination among prevention programs, treatment facilities and non-health care systems such as employers, labor unions, and schools, and encourage the adoption of employee assistance programs and student assistance programs;

"(16) maintain a clearinghouse for substance abuse and mental health information to assure the widespread dissemination of such information to States, political subdivisions, educational agencies and institutions, treatment providers, and the general public;

"(17) in collaboration with the National Institute on Aging, and in consultation with the National Institute on Drug Abuse, the National Institute on Alcohol Abuse and Alcoholism and the National Institute of Mental Health, as appropriate, promote and evaluate substance abuse services for older Americans in need of such services, and mental health services for older Americans who are seriously mentally ill; and

"(18) promote the coordination of service programs conducted by other departments, agencies, organizations and individuals that are or may be related to the problems of individuals suffering from mental illness or substance abuse, including liaisons with the Social Security Administration, Health Care Financing Administration, and other programs of the Department, as well as liaisons with the Department of Education, Department of Justice, and other Federal Departments and offices, as appropriate.

"(e) ASSOCIATE ADMINISTRATOR FOR ALCOHOL PREVENTION AND TREATMENT POLICY.—

"(1) IN GENERAL.—There shall be in the Administration an Associate Administrator for Alcohol Prevention and Treatment Policy to whom the Administrator shall delegate the functions of promoting, monitoring, and evaluating service programs for the prevention and treatment of alcoholism and alcohol abuse within the Center for Substance Abuse Prevention, the Center for Substance Abuse Treatment, and the Center for Mental Health Services, and coordinating such programs among the Centers, and among the Centers and other public and private entities. The Associate Administrator also shall ensure that alcohol prevention, education, and policy strategies are integrated into all programs of the Centers that address substance abuse prevention, education, and policy, and that the Center for Substance Abuse Prevention addresses the Healthy People 2000 goals and the National Dietary Guidelines of the Department of Health and Human Services and the Department of Agriculture related to alcohol consumption.

"(2) PLAN.—

"(A) The Administrator, acting through the Associate Administrator for Alcohol Prevention and Treatment Policy, shall develop, and periodically review and as appropriate revise, a plan for programs and policies to treat and prevent alcoholism and alcohol abuse. The plan shall be developed (and reviewed and revised) in collaboration with the Directors of the Centers of the Administration and in consultation with members of other Federal agencies and public and private entities.

"(B) Not later than 1 year after the date of the enactment of the ADAMHA Reorganization Act, the Administrator shall submit to the Congress the first plan developed under subparagraph (A).

"(3) REPORT.—

“(A) Not less than once during each 2 years, the Administrator, acting through the Associate Administrator for Alcohol Prevention and Treatment Policy, shall prepare a report describing the alcoholism and alcohol abuse prevention and treatment programs undertaken by the Administration and its agencies, and the report shall include a detailed statement of the expenditures made for the activities reported on and the personnel used in connection with such activities.

“(B) Each report under subparagraph (A) shall include a description of any revisions in the plan under paragraph (2) made during the preceding 2 years.

“(C) Each report under subparagraph (A) shall be submitted to the Administrator for inclusion in the biennial report under subsection (k).

“(f) ASSOCIATE ADMINISTRATOR FOR WOMEN'S SERVICES.—

“(1) APPOINTMENT.—The Administrator, with the approval of the Secretary, shall appoint an Associate Administrator for Women's Services.

“(2) DUTIES.—The Associate Administrator appointed under paragraph (1) shall—

“(A) establish a committee to be known as the Coordinating Committee for Women's Services (hereafter in this subparagraph referred to as the ‘Coordinating Committee’), which shall be composed of the Directors of the agencies of the Administration (or the designees of the Directors);

“(B) acting through the Coordinating Committee, with respect to women's substance abuse and mental health services—

“(i) identify the need for such services, and make an estimate each fiscal year of the funds needed to adequately support the services;

“(ii) identify needs regarding the coordination of services;

“(iii) encourage the agencies of the Administration to support such services; and

“(iv) assure that the unique needs of minority women, including Native American, Hispanic, African-American and Asian women, are recognized and addressed within the activities of the Administration; and

“(C) establish an advisory committee to be known as the Advisory Committee for Women's Services, which shall be composed of not more than 10 individuals, a majority of whom shall be women, who are not officers or employees of the Federal Government, to be appointed by the Administrator from among physicians, practitioners, treatment providers, and other health professionals, whose clinical practice, specialization, or professional expertise includes a significant focus on women's substance abuse and mental health conditions, that shall—

“(i) advise the Associate Administrator on appropriate activities to be undertaken by the agencies of the Administration with respect to women's substance abuse and mental health services, including services which require a multidisciplinary approach;

“(ii) collect and review data, including information provided by the Secretary (including the material referred to in paragraph (3)), and report biannually to the Administrator regarding the extent to which women are represented among senior personnel, and make recommendations regarding improvement in the participation of women in the workforce of the Administration; and

“(iii) prepare, for inclusion in the biennial report required pursuant to subsection (k), a description of activities of the Committee, including findings made by the Committee regarding—

“(1) the extent of expenditures made for women's substance abuse and mental health services by the agencies of the Administration; and

“(II) the estimated level of funding needed for substance abuse and mental health services to meet the needs of women;

“(D) improve the collection of data on women's health by—

“(i) reviewing the current data at the Administration to determine its uniformity and applicability;

“(ii) developing standards for all programs funded by the Administration so that data are, to the extent practicable, collected and reported using common reporting formats, linkages and definitions; and

“(iii) reporting to the Administrator a plan for incorporating the standards developed under clause (ii) in all Administration programs and a plan to assure that the data so collected are accessible to health professionals, providers, researchers, and members of the public; and

“(E) shall establish, maintain, and operate a program to provide information on women's substance abuse and mental health services.

“(3) STUDY.—

“(A) The Secretary, acting through the Assistant Secretary for Personnel, shall conduct a study to evaluate the extent to which women are represented among senior personnel at the Administration.

“(B) Not later than 90 days after the date of the enactment of the ADAMHA Reorganization Act, the Assistant Secretary for Personnel shall provide the Advisory Committee for Women's Services with a study plan, including the methodology of the study and any sampling frames. Not later than 180 days after such date of enactment, the Assistant Secretary shall prepare and submit directly to the Advisory Committee a report concerning the results of the study conducted under subparagraph (A).

“(C) The Secretary shall prepare and provide to the Advisory Committee for Women's Services any additional data as requested.

“(4) DEFINITION.—For purposes of this subsection, the term ‘women's substance abuse and mental health conditions’, with respect to women of all age, ethnic, and racial groups, means all aspects of substance abuse and mental illness—

“(A) unique to or more prevalent among women; or

“(B) with respect to which there have been insufficient services involving women or insufficient data.

“(g) SERVICES OF EXPERTS.—

“(1) IN GENERAL.—The Administrator may obtain (in accordance with section 3109 of title 5, United States Code, but without regard to the limitation in such section on the number of days or the period of service) the services of not more than 20 experts or consultants who have professional qualifications. Such experts and consultants shall be obtained for the Administration and for each of its agencies.

“(2) COMPENSATION AND EXPENSES.—

“(A) Experts and consultants whose services are obtained under paragraph (1) shall be paid or reimbursed for their expenses associated with traveling to and from their assignment location in accordance with sections 5724, 5724a(a)(1), 5724a(a)(3), and 5726(c) of title 5, United States Code.

“(B) Expenses specified in subparagraph (A) may not be allowed in connection with the assignment of an expert or consultant whose services are obtained under paragraph (1), unless and until the expert or consultant agrees in writing to complete the entire period of assignment or one year, whichever is shorter, unless separated or reassigned for reasons beyond the control of the expert or consultant that are acceptable to the Secretary. If the expert or consultant violates the agreement, the money spent by the United States for the expenses specified in subparagraph (A) is recoverable from the ex-

pert or consultant as a debt of the United States. The Secretary may waive in whole or in part a right of recovery under this subparagraph.

“(h) PEER REVIEW GROUPS.—The Administrator shall, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates, establish such peer review groups and program advisory committees as are needed to carry out the requirements of this title and appoint and pay members of such groups, except that officers and employees of the United States shall not receive additional compensation for services as members of such groups. The Federal Advisory Committee Act shall not apply to the duration of a peer review group appointed under this subsection.

“(i) VOLUNTARY SERVICES.—The Administrator may accept voluntary and uncompensated services.

“(j) ADMINISTRATION.—The Administrator shall ensure that programs and activities assigned under this title to the Administration are fully administered by the respective Centers to which such programs and activities are assigned.

“(k) REPORT CONCERNING ACTIVITIES AND PROGRESS.—Not later than February 10, 1994, and once every 2 years thereafter, the Administrator shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, the report containing—

“(1) a description of the activities carried out by the Administration;

“(2) a description of any measurable progress made in improving the availability and quality of substance abuse and mental health services;

“(3) a description of the mechanisms by which relevant research findings of the National Institute on Drug Abuse, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute of Mental Health have been disseminated to service providers or otherwise utilized by the Administration to further the purposes of this title; and

“(4) any report required in this title to be submitted to the Administrator for inclusion in the report under this subsection.

“(1) APPLICATIONS FOR GRANTS AND CONTRACTS.—With respect to awards of grants, cooperative agreements, and contracts under this title, the Administrator, or the Director of the Center involved, as the case may be, may not make such an award unless—

“(1) an application for the award is submitted to the official involved;

“(2) with respect to carrying out the purpose for which the award is to be provided, the application provides assurances of compliance satisfactory to such official; and

“(3) the application is otherwise in such form, is made in such manner, and contains such agreements, assurances, and information as the official determines to be necessary to carry out the purpose for which the award is to be provided.

“(n) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of providing grants, cooperative agreements, and contracts under this section, there are authorized to be appropriated \$25,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.”

(b) REPEALS.—Sections 502, 503, and 504 of the Public Health Service Act (42 U.S.C. 290aa-1, 290aa-2, and 290aa-3) are repealed.

SEC. 102. ADVISORY COUNCILS.

Section 505 of the Public Health Service Act (42 U.S.C. 290aa-3a) is amended—

(1) by redesignating such section as section 502; and

(2) to read as follows:

“ADVISORY COUNCILS

“SEC. 502. (a) APPOINTMENT.—

“(1) IN GENERAL.—The Secretary shall appoint an advisory council for—

“(A) the Substance Abuse and Mental Health Services Administration;

“(B) the Center for Substance Abuse Treatment;

“(C) the Center for Substance Abuse Prevention; and

“(D) the Center for Mental Health Services.

Each such advisory council shall advise, consult with, and make recommendations to the Secretary and the Administrator or Director of the Administration or Center for which the advisory council is established concerning matters relating to the activities carried out by and through the Administration or Center and the policies respecting such activities.

“(2) FUNCTION AND ACTIVITIES.—An advisory council—

“(A)(i) may on the basis of the materials provided by the organization respecting activities conducted at the organization, make recommendations to the Administrator or Director of the Administration or Center for which it was established respecting such activities;

“(ii) shall review applications submitted for grants and cooperative agreements for activities for which advisory council approval is required under section 504(d)(2) and recommend for approval applications for projects that show promise of making valuable contributions to the Administration’s mission; and

“(iii) may review any grant, contract, or cooperative agreement proposed to be made or entered into by the organization;

“(B) may collect, by correspondence or by personal investigation, information as to studies and services that are being carried on in the United States or any other country as to the diseases, disorders, or other aspects of human health with respect to which the organization was established and with the approval of the Administrator or Director, whichever is appropriate, make such information available through appropriate publications for the benefit of public and private health entities and health professions personnel and for the information of the general public; and

“(C) may appoint subcommittees and convene workshops and conferences.

“(b) MEMBERSHIP.—

“(1) IN GENERAL.—Each advisory council shall consist of nonvoting ex officio members and not more than 12 members to be appointed by the Secretary under paragraph (3).

“(2) EX OFFICIO MEMBERS.—The ex officio members of an advisory council shall consist of—

“(A) the Secretary;

“(B) the Administrator;

“(C) the Director of the Center for which the council is established;

“(D) the Chief Medical Director of the Veterans Administration; and

“(E) the Assistant Secretary for Defense for Health Affairs (or the designates of such officers); and

“(F) such additional officers or employees of the United States as the Secretary determines necessary for the advisory council to effectively carry out its functions.

“(3) APPOINTED MEMBERS.—Individuals shall be appointed to an advisory council under paragraph (1) as follows:

“(A) Nine of the members shall be appointed by the Secretary from among the leading representatives of the health disciplines (including public health and behavioral and social sciences) relevant to the ac-

tivities of the Administration or Center for which the advisory council is established.

“(B) Three of the members shall be appointed by the Secretary from the general public and shall include leaders in fields of public policy, public relations, law, health policy economics, and management.

“(4) COMPENSATION.—Members of an advisory council who are officers or employees of the United States shall not receive any compensation for service on the advisory council. The remaining members of an advisory council shall receive, for each day (including travel time) they are engaged in the performance of the functions of the advisory council, compensation at rates not to exceed the daily equivalent to the annual rate in effect for grade GS-18 of the General Schedule.

“(c) TERMS OF OFFICE.—

“(1) IN GENERAL.—The term of office of a member of an advisory council appointed under subsection (b) shall be 4 years, except that any member appointed to fill a vacancy for an unexpired term shall serve for the remainder of such term. The Secretary shall make appointments to an advisory council in such a manner as to ensure that the terms of the members not all expire in the same year. A member of an advisory council may serve after the expiration of such member’s term until a successor has been appointed and taken office.

“(2) REAPPOINTMENTS.—A member who has been appointed to an advisory council for a term of 4 years may not be reappointed to an advisory council during the 2-year period beginning on the date on which such 4-year term expired.

“(3) TIME FOR APPOINTMENT.—If a vacancy occurs in an advisory council among the members under subsection (b), the Secretary shall make an appointment to fill such vacancy within 90 days from the date the vacancy occurs.

“(d) CHAIR.—The Secretary shall select a member of an advisory council to serve as the chair of the council. The Secretary may so select an individual from among the appointed members, or may select the Administrator or the Director of the Center involved. The term of office of the chair shall be 2 years.

“(e) MEETINGS.—An advisory council shall meet at the call of the chairperson or upon the request of the Administrator or Director of the Administration or Center for which the advisory council is established, but in no event less than 3 times during each fiscal year. The location of the meetings of each advisory council shall be subject to the approval of the Administrator or Director of Administration or Center for which the council was established.

“(f) EXECUTIVE SECRETARY AND STAFF.—The Administrator or Director of the Administration or Center for which the advisory council is established shall designate a member of the staff of the Administration or Center for which the advisory council is established to serve as the Executive Secretary of the advisory council. The Administrator or Director shall make available to the advisory council such staff, information, and other assistance as it may require to carry out its functions. The Administrator or Director shall provide orientation and training for new members of the advisory council to provide for their effective participation in the functions of the advisory council.”

SEC. 103. REPORTS ON ALCOHOLISM, ALCOHOL ABUSE, AND DRUG ABUSE.

Section 506 of the Public Health Service Act (42 U.S.C. 290aa-4) is amended by redesignating such section as section 503.

SEC. 104. PEER REVIEW.

Section 507 of the Public Health Service Act (42 U.S.C. 290aa-5) is amended—

(1) by redesignating such section as section 504; and

(2) to read as follows:

“PEER REVIEW

“SEC. 504. (a) IN GENERAL.—The Secretary, after consultation with the Directors of the Center for Substance Abuse Treatment, the Center for Substance Abuse Prevention, and the Center for Mental Health Services, shall by regulation require appropriate peer review of grants, cooperative agreements, and contracts to be administered through such Centers.

“(b) MEMBERS.—The members of any peer review group established under regulations under subsection (a) shall be individuals who by virtue of their training or experience are eminently qualified to perform the review functions of the group. Not more than one-fourth of the members of any peer review group established under such regulation shall be officers or employees of the United States.

“(c) REQUIREMENTS.—Regulations promulgated pursuant to subsection (a)—

“(1) shall require that the reviewing entity be provided a written description of the matter to be reviewed;

“(2) shall require that the reviewing entity provide the advisory council of the Center involved with such description and the results of the review by the entity; and

“(3) may specify the conditions under which limited exceptions may be granted to the limitations contained in the last sentence of subsection (b) and subsection (d).

“(d) RECOMMENDATIONS.—

“(1) IN GENERAL.—If the direct cost of a grant, cooperative agreement, or contract (described in subsection (a)) to be made does not exceed \$50,000, the Secretary may make such grant, cooperative agreement, or contract only if such grant, cooperative agreement, or contract is recommended after peer review required by regulations under subsection (a).

“(2) BY APPROPRIATE ADVISORY COUNCIL.—If the direct cost of a grant, cooperative agreement, or contract (described in subsection (a)) to be made exceeds \$50,000, the Secretary may make such grant, cooperative agreement, or contract only if such grant, cooperative agreement, or contract is recommended—

“(A) after peer review required by regulations under subsection (a), and

“(B) by the appropriate advisory council.”

SEC. 105. DATA COLLECTION.

Section 509D of the Public Health Service Act (42 U.S.C. 290cc-11)—

(1) is transferred to part A of title V of such Act;

(2) is redesignated as section 505; and

(3) is inserted after section 504 (as redesignated by section 104).

SEC. 106. GRANTS FOR THE BENEFIT OF HOMELESS INDIVIDUALS.

(a) TRANSFER.—Section 512 of the Public Health Service Act (42 U.S.C. 290bb-1b)—

(1) is transferred to part A of title V of such Act;

(2) is redesignated as section 506; and

(3) is inserted after section 505 (as redesignated by section 105).

(b) AMENDMENTS.—Section 506 of the Public Health Service Act (as transferred and redesignated under subsection (a)) is amended to read as follows:

“GRANTS FOR THE BENEFIT OF HOMELESS INDIVIDUALS

“SEC. 506. (a) GRANTS FOR THE BENEFIT OF HOMELESS INDIVIDUALS.—The Secretary, acting through the Administrator, may make grants to, and enter into contracts and cooperative agreements with, community-based public and private nonprofit entities for the purpose of developing and expanding mental health and substance abuse treatment services for homeless individuals. In carrying out

this subsection, the Administrator shall consult with the Administrator of the Health Resources and Services Administration, the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health, and the Commissioner of the Administration for Children, Youth and Families.

"(b) PREFERENCE.—In awarding grants under subsection (a), the Secretary shall give preference to entities that provide integrated primary health care, substance abuse and mental health services to homeless individuals.

"(c) SERVICES FOR CERTAIN INDIVIDUALS.—In making awards under subsection (a), the Secretary may not prohibit the provision of services under such subsection to homeless individuals who have a primary diagnosis of substance abuse and are not suffering from mental illness.

"(d) TERM OF GRANT.—No entity may receive grants under subsection (a) for more than 5 years although such grants may be renewed.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$50,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994."

SEC. 107. CENTER FOR SUBSTANCE ABUSE TREATMENT.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended—

(1) by striking the heading for part B and each subpart heading in such part; and

(2) by inserting after section 506 (as transferred and redesignated by section 106) the following new part:

"PART B—CENTERS AND PROGRAMS

"Subpart 1—Center for Substance Abuse Treatment

"CENTER FOR SUBSTANCE ABUSE TREATMENT

"SEC. 507. (a) ESTABLISHMENT.—There is established in the Administration a Center for Substance Abuse Treatment (hereafter in this section referred to as the 'Center'). The Center shall be headed by a Director (hereafter in this section referred to as the 'Director') appointed by the Secretary from among individuals with extensive experience or academic qualifications in the treatment of substance abuse or in the evaluation of substance abuse treatment systems.

"(b) DUTIES.—The Director of the Center shall—

"(1) administer the substance abuse treatment block grant program authorized in section 1921;

"(2) collaborate with the Director of the Center for Substance Abuse Prevention in order to provide outreach services to identify individuals in need of treatment services, with emphasis on the provision of such services to pregnant and postpartum women and their infants and to individuals who abuse drugs intravenously;

"(3) collaborate with the Director of the National Institute on Drug Abuse, with the Director of the National Institute on Alcohol Abuse and Alcoholism, and with the States to promote the study, dissemination, and implementation of research findings that will improve the delivery and effectiveness of treatment services;

"(4) collaborate with the Administrator of the Health Resources and Services Administration and the Administrator of the Health Care Financing Administration to promote the increased integration into the mainstream of the health care system of the United States of programs for providing treatment services;

"(5) evaluate plans submitted by the States pursuant to section 1932(a)(6) in order to determine whether the plans adequately

provide for the availability, allocation, and effectiveness of treatment services, and monitor the use of revolving loan funds pursuant to section 1925;

"(6) sponsor regional workshops on improving the quality and availability of treatment services;

"(7) provide technical assistance to public and nonprofit private entities that provide treatment services, including technical assistance with respect to the process of submitting to the Director applications for any program of grants or contracts carried out by the Director;

"(8) encourage the States to expand the availability (relative to fiscal year 1992) of programs providing treatment services through self-run, self-supported recovery based on the programs of housing operated pursuant to section 1925;

"(9) carry out activities to educate individuals on the need for establishing treatment facilities within their communities;

"(10) encourage public and private entities that provide health insurance to provide benefits for outpatient treatment services and other nonhospital-based treatment services;

"(11) evaluate treatment programs to determine the quality and appropriateness of various forms of treatment, including the effect of living in housing provided by programs established under section 1925, which shall be carried out through grants, contracts, or cooperative agreements provided to public or nonprofit private entities; and

"(12) in carrying out paragraph (11), assess the quality, appropriateness, and costs of various treatment forms for specific patient groups.

"(c) GRANTS AND CONTRACTS.—In carrying out the duties established in subsection (b), the Director may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities."

SEC. 108. PROGRAMS FOR PREGNANT AND POSTPARTUM WOMEN.

(a) IN GENERAL.—Subpart 1 of part B of title V (as added by section 107) is amended by adding at the end thereof the following new section:

"RESIDENTIAL TREATMENT PROGRAMS FOR PREGNANT AND POSTPARTUM WOMEN

"SEC. 508. (a) IN GENERAL.—The Director of the Center for Substance Abuse Treatment shall provide awards of grants, cooperative agreement, or contracts to public and nonprofit private entities for the purpose of providing to pregnant and postpartum women treatment for substance abuse through programs in which, during the course of receiving treatment—

"(1) the women reside in facilities provided by the programs;

"(2) the minor children of the women reside with the women in such facilities, if the women so request; and

"(3) the services described in subsection (d) are available to or on behalf of the women.

"(b) AVAILABILITY OF SERVICES FOR EACH PARTICIPANT.—A funding agreement for an award under subsection (a) for an applicant is that, in the program operated pursuant to such subsection—

"(1) treatment services and each supplemental service will be available through the applicant, either directly or through agreements with other public or nonprofit private entities; and

"(2) the services will be made available to each woman admitted to the program.

"(c) INDIVIDUALIZED PLAN OF SERVICES.—A funding agreement for an award under subsection (a) for an applicant is that—

"(1) in providing authorized services for an eligible woman pursuant to such subsection, the applicant will, in consultation with the women, prepare an individualized plan for the provision to the woman of the services; and

"(2) treatment services under the plan will include—

"(A) individual, group, and family counseling, as appropriate, regarding substance abuse; and

"(B) follow-up services to assist the woman in preventing a relapse into such abuse.

"(d) REQUIRED SUPPLEMENTAL SERVICES.—In the case of an eligible woman, the services referred to in subsection (a)(3) are as follows:

"(1) Prenatal and postpartum health care.

"(2) Referrals for necessary hospital services.

"(3) For the infants and children of the woman—

"(A) pediatric health care, including treatment for any perinatal effects of maternal substance abuse and including screenings regarding the physical and mental development of the infants and children;

"(B) counseling and other mental health services, in the case of children; and

"(C) comprehensive social services.

"(4) Providing supervision of children during periods in which the woman is engaged in therapy or in other necessary health or rehabilitative activities.

"(5) Training in parenting.

"(6) Counseling on the human immunodeficiency virus and on acquired immune deficiency syndrome.

"(7) Counseling on domestic violence and sexual abuse.

"(8) Counseling on obtaining employment, including the importance of graduating from a secondary school.

"(9) Reasonable efforts to preserve and support the family units of the women, including promoting the appropriate involvement of parents and others, and counseling the children of the women.

"(10) Planning for and counseling to assist reentry into society, both before and after discharge, including referrals to any public or nonprofit private entities in the community involved that provide services appropriate for the women and the children of the women.

"(11) Case management services, including—

"(A) assessing the extent to which authorized services are appropriate for the women and their children;

"(B) in the case of the services that are appropriate, ensuring that the services are provided in a coordinated manner; and

"(C) assistance in establishing eligibility for assistance under Federal, State, and local programs providing health services, mental health services, housing services, employment services, educational services, or social services.

"(e) MINIMUM QUALIFICATIONS FOR RECEIPT OF AWARD.—

"(1) CERTIFICATION BY RELEVANT STATE AGENCY.—With respect to the principal agency of the State involved that administers programs relating to substance abuse, the Director may make an award under subsection (a) to an applicant only if the agency has certified to the Director that—

"(A) the applicant has the capacity to carry out a program described in subsection (a);

"(B) the plans of the applicant for such a program are consistent with the policies of such agency regarding the treatment of substance abuse; and

"(C) the applicant, or any entity through which the applicant will provide authorized services, meets all applicable State licensure or certification requirements regarding the provision of the services involved.

"(2) STATUS AS MEDICAID PROVIDER.—

"(A) Subject to subparagraphs (B) and (C), the Director may make an award under subsection (a) only if, in the case of any authorized service that is available pursuant to the

State plan approved under title XIX of the Social Security Act for the State involved—

“(i) the applicant for the award will provide the service directly, and the applicant has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

“(ii) the applicant will enter into an agreement with a public or nonprofit private entity under which the entity will provide the service, and the entity has entered into such a participation agreement plan and is qualified to receive such payments.

“(B)(i) In the case of an entity making an agreement pursuant to subparagraph (A)(ii) regarding the provision of services, the requirement established in such subparagraph regarding a participation agreement shall be waived by the Director if the entity does not, in providing health care services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits plan.

“(ii) A determination by the Director of whether an entity referred to in clause (i) meets the criteria for a waiver under such clause shall be made without regard to whether the entity accepts voluntary donations regarding the provision of services to the public.

“(C) With respect to any authorized service that is available pursuant to the State plan described in subparagraph (A), the requirements established in such subparagraph shall not apply to the provision of any such service by an institution for mental diseases to an individual who has attained 21 years of age and who has not attained 65 years of age. For purposes of the preceding sentence, the term ‘institution for mental diseases’ has the meaning given such term in section 1905(i) of the Social Security Act.

“(f) REQUIREMENT OF MATCHING FUNDS.—

“(1) IN GENERAL.—With respect to the costs of the program to be carried out by an applicant pursuant to subsection (a), a funding agreement for an award under such subsection is that the applicant will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that—

“(A) for the first fiscal year for which the applicant receives payments under an award under such subsection, is not less than \$1 for each \$9 of Federal funds provided in the award;

“(B) for any second such fiscal year, is not less than \$1 for each \$9 of Federal funds provided in the award; and

“(C) for any subsequent such fiscal year, is not less than \$1 for each \$3 of Federal funds provided in the award.

“(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

“(g) OUTREACH.—A funding agreement for an award under subsection (a) for an applicant is that the applicant will provide outreach services in the community involved to identify women who are engaging in substance abuse and to encourage the women to undergo treatment for such abuse.

“(h) ACCESSIBILITY OF PROGRAM; CULTURAL CONTEXT OF SERVICES.—A funding agreement for an award under subsection (a) for an applicant is that—

“(1) the program operated pursuant to such subsection will be operated at a location

that is accessible to low-income pregnant and postpartum women; and

“(2) authorized services will be provided in the language and the cultural context that is most appropriate.

“(i) CONTINUING EDUCATION.—A funding agreement for an award under subsection (a) is that the applicant involved will provide for continuing education in treatment services for the individuals who will provide treatment in the program to be operated by the applicant pursuant to such subsection.

“(j) IMPOSITION OF CHARGES.—A funding agreement for an award under subsection (a) for an applicant is that, if a charge is imposed for the provision of authorized services to on behalf of an eligible woman, such charge—

“(1) will be made according to a schedule of charges that is made available to the public;

“(2) will be adjusted to reflect the income of the woman involved; and

“(3) will not be imposed on any such woman with an income of less than 185 percent of the official poverty line, as established by the Director of the Office for Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

“(k) REPORTS TO DIRECTOR.—A funding agreement for an award under subsection (a) is that the applicant involved will submit to the Director a report—

“(1) describing the utilization and costs of services provided under the award;

“(2) specifying the number of women served, the number of infants served, and the type and costs of services provided; and

“(3) providing such other information as the Director determines to be appropriate.

“(l) REQUIREMENT OF APPLICATION.—The Director may make an award under subsection (a) only if an application for the award is submitted to the Director containing such agreements, and the application is in such form, is made in such manner, and contains such other agreements and such assurances and information as the Director determines to be necessary to carry out this section.

“(m) EQUITABLE ALLOCATION OF AWARDS.—In making awards under subsection (a), the Director shall ensure that the awards are equitably allocated among the principal geographic regions of the United States, subject to the availability of qualified applicants for the awards.

“(n) DURATION OF AWARD.—The period during which payments are made to an entity from an award under subsection (a) may not exceed 5 years. The provision of such payments shall be subject to annual approval by the Director of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. This subsection may not be construed to establish a limitation on the number of awards under such subsection that may be made to an entity.

“(o) EVALUATIONS; DISSEMINATION OF FINDINGS.—The Director shall, directly or through contract, provide for the conduct of evaluations of programs carried out pursuant to subsection (a). The Director shall disseminate to the States the findings made as a result of the evaluations.

“(p) REPORTS TO CONGRESS.—Not later than October 1, 1994, the Director shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing programs carried out pursuant to this section. Every 2 years thereafter, the Director shall prepare a report describing such programs carried out during the preceding 2 years, and shall submit the report to the Administrator for in-

clusion in the biennial report under section 501(k). Each report under this subsection shall include a summary of any evaluations conducted under subsection (m) during the period with respect to which the report is prepared.

“(q) DEFINITIONS.—For purposes of this section:

“(1) The term ‘authorized services’ means treatment services and supplemental services.

“(2) The term ‘eligible woman’ means a woman who has been admitted to a program operated pursuant to subsection (a).

“(3) The term ‘funding agreement under subsection (a)’, with respect to an award under subsection (a), means that the Director may make the award only if the applicant makes the agreement involved.

“(4) The term ‘treatment services’ means treatment for substance abuse, including the counseling and services described in subsection (c)(2).

“(5) The term ‘supplemental services’ means the services described in subsection (d).

“(r) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—For the purpose of carrying out this section and section 508, there are authorized to be appropriated \$100,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

“(2) TRANSFER.—For the purpose described in paragraph (1), in addition to the amounts authorized in such paragraph to be appropriated for a fiscal year, there is authorized to be appropriated for the fiscal year from the special forfeiture fund of the Director of the Office of National Drug Control Policy such sums as may be necessary.

“(3) RULE OF CONSTRUCTION.—The amounts authorized in this subsection to be appropriated are in addition to any other amounts that are authorized to be appropriated and are available for the purpose described in paragraph (1).

“OUTPATIENT TREATMENT PROGRAMS FOR PREGNANT AND POSTPARTUM WOMEN

“SEC. 508. (a) GRANTS.—The Secretary, acting through the Director of the Treatment Center, shall make grants to establish projects for the outpatient treatment of substance abuse among pregnant and postpartum women, and in the case of conditions arising in the infants of such women as a result of such abuse by the women, the outpatient treatment of the infants for such conditions.

“(b) PREVENTION.—Entities receiving grants under this section shall engage in activities to prevent substance abuse among pregnant and postpartum women.

“(c) EVALUATION.—The Secretary shall evaluate projects carried out under subsection (a) and shall disseminate to appropriate public and private entities information on effective projects.”

(b) TRANSITIONAL AND SAVINGS PROVISIONS.—

(1) SAVINGS PROVISION FOR COMPLETION OF CURRENT PROJECTS.—

(A) Subject to paragraph (2), in the case of any project for which a grant under former section 509F was provided for fiscal year 1992, the Secretary of Health and Human Services may continue in effect the grant for fiscal year 1993 and subsequent fiscal years, subject to the duration of any such grant not exceeding the period determined by the Secretary in first approving the grant. Subject to approval by the Administrator, such grants may be administered by the Center for Substance Abuse Prevention.

(B) Subparagraph (A) shall apply with respect to a project notwithstanding that the project is not eligible to receive a grant under current section 507 or 508.

(2) LIMITATION ON FUNDING FOR CERTAIN PROJECTS.—With respect to the amounts ap-

appropriated for any fiscal year under current section 507, any such amounts appropriated in excess of the amount appropriated for fiscal year 1992 under former section 509F shall be available only for grants under current section 507.

(3) DEFINITIONS.—For purposes of this subsection:

(A) The term “former section 509F” means section 509F of the Public Health Service Act, as in effect for fiscal year 1992.

(B) The term “current section 507” means section 507 of the Public Health Service Act, as in effect for fiscal year 1993 and subsequent fiscal years.

(C) The term “current section 508” means section 508 of the Public Health Service Act, as in effect for fiscal year 1993 and subsequent fiscal years.

SEC. 109. DEMONSTRATION PROJECTS OF NATIONAL SIGNIFICANCE.

Subpart 1 of part B of title V (as amended by section 108) is further amended by adding at the end thereof the following new section:

“DEMONSTRATION PROJECTS OF NATIONAL SIGNIFICANCE

“SEC. 509. (a) GRANTS FOR TREATMENT IMPROVEMENT.—The Director of the Center for Substance Abuse Treatment shall provide grants to public and nonprofit private entities for the purpose of establishing demonstration projects that will improve the provision of treatment services for substance abuse.

“(b) NATURE OF PROJECTS.—Grants under subsection (a) shall be awarded to—

“(1) projects that provide treatment to adolescents, female addicts and their children, racial and ethnic minorities, or individuals in rural areas, with preference given to such projects that provide treatment for substance abuse to women with dependent children, which treatment is provided in settings in which both primary health services for the women and pediatric care are available;

“(2) projects that provide treatment in exchange for public service;

“(3) projects that provide treatment services and which are operated by public and nonprofit private entities receiving grants under section 329, 330, 340, 340A, or other public or nonprofit private entities that provide primary health services;

“(4) ‘treatment campus’ projects that—

“(A) serve a significant number of individuals simultaneously;

“(B) provide residential, non-community based drug treatment;

“(C) provide patients with ancillary social services and referrals to community-based aftercare; and

“(D) provide services on a voluntary basis;

“(5) projects in large metropolitan areas to identify individuals in need of treatment services and to improve the availability and delivery of such services in the areas;

“(6) in the case of drug abusers who are at risk of HIV infection, projects to conduct outreach activities to the individuals regarding the prevention of exposure to and the transmission of the human immunodeficiency virus, and to encourage the individuals to seek treatment for such abuse; and

“(7) projects to determine the long-term efficacy of the projects described in this section and to disseminate to appropriate public and private entities information on the projects that have been effective.

“(c) PREFERENCES IN MAKING GRANTS.—In awarding grants under subsection (a), the Director of the Treatment Center shall give preference to projects that—

“(1) demonstrate a comprehensive approach to the problems associated with substance abuse and provide evidence of broad community involvement and support; or

“(2) initiate and expand programs for the provision of treatment services (including

renovation of facilities, but not construction) in localities in which, and among populations for which, there is a public health crisis as a result of the inadequate availability of such services and a substantial rate of substance abuse.

“(d) DURATION OF GRANTS.—The period during which payments are made under a grant under subsection (a) may not exceed 5 years.

“(e) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—For the purpose of carrying out this section, there are authorized to be appropriated \$175,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994. The amounts so authorized are in addition to any other amounts that are authorized to be appropriated and available for such purpose.

“(2) ALLOCATION.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Director of the Treatment Center shall reserve not less than 5 percent for carrying out projects described in subsection (b)(2) and (b)(3).”

SEC. 110. GRANTS FOR SUBSTANCE ABUSE TREATMENT IN STATE AND LOCAL CRIMINAL JUSTICE SYSTEMS.

Subpart 1 of part B of title V (as amended by section 109) is further amended by adding at the end thereof the following new section:

“GRANTS FOR SUBSTANCE ABUSE TREATMENT IN STATE AND LOCAL CRIMINAL JUSTICE SYSTEMS

“SEC. 510. (a) IN GENERAL.—The Director of the Center for Substance Abuse Treatment shall provide grants to public and nonprofit private entities that provide treatment for substance abuse to individuals under criminal justice supervision.

“(b) ELIGIBILITY.—In awarding grants under subsection (a), the Director shall ensure that the grants are reasonably distributed among—

“(1) projects that provide treatment services to individuals who are incarcerated in prisons, jails, or community correctional settings; and

“(2) projects that provide treatment services to individuals who are not incarcerated, but who are under criminal justice supervision because of their status as pretrial releasees, post-trial releasees, probationers, parolees, or supervised releasees.

“(c) PRIORITY.—In awarding grants under subsection (a), the Director shall give priority to programs commensurate with the extent to which such programs provide, directly or in conjunction with other public or private nonprofit entities, one or more of the following—

“(1) a continuum of offender management services as individuals enter, proceed through, and leave the criminal justice system, including identification and assessment, substance abuse treatment, pre-release counseling and pre-release referrals with respect to housing, employment and treatment;

“(2) comprehensive treatment services for juvenile offenders;

“(3) comprehensive treatment services for female offenders, including related services such as violence counseling, parenting and child development classes, and perinatal care;

“(4) outreach services to identify individuals under criminal justice supervision who would benefit from substance abuse treatment and to encourage such individuals to seek treatment; or

“(5) treatment services that function as an alternative to incarceration for appropriate categories of offenders or that otherwise enable individuals to remain under criminal justice supervision in the least restrictive setting consistent with public safety.

“(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated

\$50,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.”

SEC. 111. TRAINING IN PROVISION OF TREATMENT SERVICES.

Subpart 1 of part B of title V of the Public Health Service Act (as amended by section 110) is further amended by adding at the end thereof the following new section:

“TRAINING IN PROVISION OF TREATMENT SERVICES

“SEC. 511. (a) IN GENERAL.—The Director of the Center for Substance Abuse Treatment shall develop programs to increase the number of substance abuse treatment professionals and the number of health professionals providing treatment services through the awarding of grants to appropriate public and nonprofit private entities, including agencies of State and local governments, hospitals, schools of medicine, schools of osteopathic medicine, schools of nursing, schools of social work, and graduate programs in marriage and family therapy.

“(b) PRIORITY.—In awarding grants under subsection (a), the Director shall give priority to projects that train full-time substance abuse treatment professionals and projects that will receive financial support from public entities for carrying out the projects.

“(c) HEALTH PROFESSIONS EDUCATION.—In awarding grants under subsection (a), the Director may make grants—

“(1) to train individuals in the diagnosis and treatment of alcohol abuse and other drug abuse; and

“(2) to develop appropriate curricula and materials for the training described in paragraph (1).

“(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$30,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.”

SEC. 112. ALTERNATIVE UTILIZATION OF MILITARY FACILITIES.

(a) TRANSFER.—Section 561 of the Public Health Service Act (42 U.S.C. 290ff)—

(1) is transferred to subpart 1 of part B of title V of such Act;

(2) is redesignated as section 512; and

(3) is inserted after section 511 (as added by section 111).

(b) AMENDMENTS.—

(1) Section 512(a) of the Public Health Service Act (as transferred and redesignated under subsection (a)) is amended by striking out “NATIONAL INSTITUTE ON DRUG ABUSE.—The Director of the National Institute on Drug Abuse” and inserting in lieu thereof “CENTER FOR SUBSTANCE ABUSE TREATMENT.—The Director of the Center for Substance Abuse Treatment”.

(2) Part E of title V of the Public Health Service Act (42 U.S.C. 290ff) is amended by striking out the part heading.

SEC. 113. CENTER FOR SUBSTANCE ABUSE PREVENTION.

(a) IN GENERAL.—Part B of title V of the Public Health Service Act (as amended by section 112) is amended by inserting after section 512 the following new subpart:

“Subpart 2—Center for Substance Abuse Prevention”.

(b) TRANSFER.—Section 508 of the Public Health Service Act (42 U.S.C. 290aa-6), as such section existed 1 day prior to the date of enactment of this Act—

(1) is transferred to subpart 2 of part B of title V;

(2) is redesignated as section 515; and

(3) is inserted after the subpart heading (as added by subsection (a)).

(c) AMENDMENTS.—Section 515(b) of the Public Health Service Act (as transferred and redesignated by subsection (b)) is amended—

(1) in paragraph (5), by striking “and intervention”;

(2) by striking paragraphs (10) and (11);
(3) by redesignating paragraph (12) as paragraph (10); and

(4) in paragraph (9), by adding "and" after the semicolon at the end.

(d) NATIONAL DATA BASE.—Section 515 of the Public Health Service Act (as amended by subsection (c)) is amended by amending subsection (d) to read as follows:

"(d) The Director of the Prevention Center shall establish a national data base providing information on programs for the prevention of substance abuse. The data base shall contain information appropriate for use by public entities and information appropriate for use by nonprofit private entities."

(e) REFERENCES.—Section 515 of the Public Health Service Act (as amended by subsection (e)) is amended—

(1) in subsection (a), in the first sentence, by striking "(hereafter" and all that follows and inserting "(hereafter referred to in this part as the 'Prevention Center)"; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking "Office" and inserting "Prevention Center".

(f) COMMUNITY PROGRAMS.—Section 509 of the Public Health Service Act (42 U.S.C. 290aa-7) as such section existed 1 day prior to the date of enactment of this Act—

(1) is transferred to subpart 2 of part B of title V of such Act (as added by subsection (a));

(2) is redesignated as section 516;

(3) is inserted after section 515 (as transferred and redesignated by subsection (b)); and

(4) is amended to read as follows:

"COMMUNITY PROGRAMS

"SEC. 516. (a) IN GENERAL.—The Secretary, acting through the Director of the Prevention Center, shall—

"(1) provide assistance to communities to develop comprehensive long-term strategies for the prevention of substance abuse; and

"(2) evaluate the success of different community approaches toward the prevention of such abuse.

"(b) STRATEGIES FOR REDUCING USE.—The Director of the Prevention Center shall ensure that strategies developed under subsection (a)(1) include strategies for reducing the use of alcoholic beverages and tobacco products by individuals to whom it is unlawful to sell or distribute such beverages or products.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated \$120,000,000 for fiscal year 1993, such sums as may be necessary for fiscal year 1994."

SEC. 114. PREVENTION, TREATMENT, AND REHABILITATION MODEL PROJECTS FOR HIGH RISK YOUTH.

(a) TRANSFER.—Section 509A of the Public Health Service Act (42 U.S.C. 290aa-8)—

(1) is transferred to subpart 2 of part B of title V of such Act (as added by section 113(a));

(2) is redesignated as section 517; and

(3) is inserted after section 516 (as transferred and redesignated by section 113(g)).

(b) AMENDMENTS.—Section 517 (as transferred and redesignated by subsection (a)) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) The Secretary shall ensure that projects under subsection (a) include strategies for reducing the use of alcoholic beverages and tobacco products by individuals to whom it is unlawful to sell or distribute such beverages or products."

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 517 (as transferred and redesignated

by subsection (a) and amended by subsection (b)) is further amended by adding at the end the following new subsection:

"(h) For the purpose of carrying out this section, there are authorized to be appropriated \$70,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994."

(d) REFERENCES.—Section 517(a) (as transferred and redesignated by subsection (a) and amended by subsection (b)) is further amended by striking "Office" each time that such appears and inserting "Prevention Center".

SEC. 115. CENTER FOR MENTAL HEALTH SERVICES.

(a) IN GENERAL.—Part B of title V of the Public Health Service Act (as amended by section 114) is amended by inserting after section 517 the following new subpart:

"Subpart 3—Center for Mental Health Services

"CENTER FOR MENTAL HEALTH SERVICES

"SEC. 520. (a) ESTABLISHMENT.—There is established in the Administration a Center for Mental Health Services (hereafter in this section referred to as the 'Center'). The Center shall be headed by a Director (hereafter in this section referred to as the 'Director') appointed by the Secretary from among individuals with extensive experience or academic qualifications in the provision of mental health services or in the evaluation of mental health service systems.

"(b) DUTIES.—The Director of the Center shall—

"(1) design national goals and establish national priorities for—

"(A) the prevention of mental illness; and

"(B) the promotion of mental health;

"(2) encourage and assist local entities and State agencies to achieve the goals and priorities described in paragraph (1);

"(3) develop and coordinate Federal prevention policies and programs and to assure increased focus on the prevention of mental illness and the promotion of mental health;

"(4) develop improved methods of treating individuals with mental health problems and improved methods of assisting the families of such individuals;

"(5) administer the mental health services block grant program authorized in section 1911;

"(6) promote policies and programs at Federal, State, and local levels and in the private sector that foster independence and protect the legal rights of persons with mental illness, including carrying out the provisions of the Protection and Advocacy of Mentally Ill Individuals Act;

"(7) carry out the programs authorized under sections 520A and 521, including the Community Support Program and the Child and Adolescent Service System Programs;

"(8) carry out responsibilities for the Human Resource Development program, and programs of clinical training for professional and paraprofessional personnel pursuant to section 303;

"(9) conduct services-related assessments, including evaluations of the organization and financing of care, self-help and consumer-run programs, mental health economics, mental health service systems, rural mental health, and improve the capacity of State to conduct evaluations of publicly funded mental health programs;

"(10) establish a clearinghouse for mental health information to assure the widespread dissemination of such information to States, political subdivisions, educational agencies and institutions, treatment and prevention service providers, and the general public, including information concerning the practical application of research supported by the National Institute of Mental Health that is applicable to improving the delivery of services;

"(11) provide technical assistance to public and private entities that are providers of mental health services;

"(12) monitor and enforce obligations incurred by community mental health centers pursuant to the Community Mental Health Centers Act (as in effect prior to the repeal of such Act on August 13, 1981, by section 902(e)(2)(B) of Public Law 97-35 (95 Stat. 560));

"(13) conduct surveys with respect to mental health, such as the National Reporting Program; and

"(14) assist States in improving their mental health data collection.

"(c) GRANTS AND CONTRACTS.—In carrying out the duties established in subsection (b), the Director may make grants to and enter into contracts and cooperative agreements with public and nonprofit private entities."

(b) CONFORMING AMENDMENTS.—Section 303(a) of the Public Health Service Act (42 U.S.C. 242a(a)) is amended—

(1) by striking out ", the Surgeon General is authorized" in the matter preceding paragraph (1);

(2) by inserting "the Secretary, acting through the Director of the Center for Mental Health Services, is authorized" after the paragraph designation in paragraph (1); and

(3) by inserting "the Surgeon General is authorized" after the paragraph designation in paragraph (2).

SEC. 116. GRANT PROGRAM FOR DEMONSTRATION PROJECTS.

(a) TRANSFER.—Section 520 of the Public Health Service Act (42 U.S.C. 290cc-13) as such section existed 1 day prior to the date of enactment of this Act—

(1) is transferred to subpart 3 of part B of title V of such Act;

(2) is redesignated as section 520A; and

(3) is inserted after section 520 (as added by section 115).

(b) AMENDMENTS.—Section 520A (as transferred and redesignated under subsection (a)) is amended—

(1) in subsection (a)(1), by striking out "National Institute of Mental Health" and inserting in lieu thereof "Center for Mental Health Services";

(2) in subsection (c), by striking out "three" and inserting in lieu thereof "five"; and

(3) in subsection (e)(1), to read as follows:

"(1) For the purposes of carrying out this section, there are authorized to be appropriated \$50,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994."

SEC. 117. NATIONAL MENTAL HEALTH EDUCATION.

Section 519 of the Public Health Service Act (42 U.S.C. 290cc-12) is repealed.

SEC. 118. DEMONSTRATION PROJECTS WITH RESPECT TO CERTAIN INDIVIDUALS.

(a) IN GENERAL.—Section 2441 of the Public Health Service Act (42 U.S.C. 300dd-41)—

(1) is transferred to subpart 3 of part B of title V of such Act (as added by section 115);

(2) is redesignated as section 520B; and

(3) is inserted after section 520A (as added by section 116).

(b) CONFORMING AMENDMENTS.—The Public Health Service Act (as amended by subsection (a)), is amended—

(1) in part C of title XXIV—

(A) by striking out the heading for subpart I;

(B) in section 2432(a), by striking out "subpart" each place such term appears and inserting "part"; and

(C) by striking out the heading for subpart II; and

(2) in section 520B (as transferred and added by subsection (a))—

(A) in subsection (a), in the matter preceding paragraph (1), by inserting after "Secretary" the following: ", acting through the

Director of the Center for Mental Health Services,"; and

(B) in subsection (j), by striking out "1991" and inserting in lieu thereof "1994".

SEC. 119. CHILDHOOD MENTAL HEALTH.

Title V of the Public Health Service Act, as amended by the preceding provisions of this title, is amended by adding at the end the following new part:

"PART E—CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCES

"SEC. 561. COMPREHENSIVE COMMUNITY MENTAL HEALTH SERVICES FOR CHILDREN WITH SERIOUS EMOTIONAL DISTURBANCES.

"(a) GRANTS TO CERTAIN PUBLIC ENTITIES.—

"(1) IN GENERAL.—The Secretary, acting through the Director of the Center for Mental Health Services, shall make grants to public entities for the purpose of providing comprehensive community mental health services to children with a serious emotional disturbance.

"(2) DEFINITION OF PUBLIC ENTITY.—For purposes of this subpart, the term 'public entity' means any State, any political subdivision of a State, and any Indian tribe or tribal organization (as defined in section 4(b) and section 4(c) of the Indian Self-Determination and Education Assistance Act).

"(b) CONSIDERATIONS IN MAKING GRANTS.—

"(1) REQUIREMENT OF STATUS AS GRANTEE UNDER PART B OF TITLE XIX.—The Secretary may make a grant under subsection (a) to a public entity only if—

"(A) in the case of a public entity that is a State, the State is a grantee under section 1911;

"(B) in the case of a public entity that is a political subdivision of a State, the State in which the political subdivision is located is receiving such payments; and

"(C) in the case of a public entity that is an Indian tribe or tribal organization, the State in which the tribe or tribal organization is located is receiving such payments.

"(2) REQUIREMENT OF STATUS AS MEDICAID PROVIDER.—

"(A) Subject to subparagraph (B), the Secretary may make a grant under subsection (a) only if, in the case of any service under such subsection that is covered in the State plan approved under title XIX of the Social Security Act for the State involved—

"(i) the public entity involved will provide the service directly, and the entity has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

"(ii) the public entity will enter into an agreement with an organization under which the organization will provide the service, and the organization has entered into such a participation agreement and is qualified to receive such payments.

"(B)(i) In the case of an organization making an agreement under subparagraph (A)(ii) regarding the provision of services under subsection (a), the requirement established in such subparagraph regarding a participation agreement shall be waived by the Secretary if the organization does not, in providing health or mental health services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits program.

"(ii) A determination by the Secretary of whether an organization referred to in clause (i) meets the criteria for a waiver under such clause shall be made without regard to whether the organization accepts voluntary donations regarding the provision of services to the public.

"(3) CERTAIN CONSIDERATIONS.—In making grants under subsection (a), the Secretary shall—

"(A) equitably allocate such assistance among the principal geographic regions of the United States;

"(B) consider the extent to which the public entity involved has a need for the grant; and

"(C) in the case of any public entity that is a political subdivision of a State or that is an Indian tribe or tribal organization—

"(i) shall consider any comments regarding the application of the entity for such a grant that are received by the Secretary from the State in which the entity is located; and

"(ii) shall give special consideration to the entity if the State agrees to provide a portion of the non-Federal contributions required in subsection (c) regarding such a grant.

"(c) MATCHING FUNDS.—

"(1) IN GENERAL.—A funding agreement for a grant under subsection (a) is that the public entity involved will, with respect to the costs to be incurred by the entity in carrying out the purpose described in such subsection, make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that—

"(A) for the first fiscal year for which the entity receives payments from a grant under such subsection, is not less than \$1 for each \$3 of Federal funds provided in the grant;

"(B) for any second or third such fiscal year, is not less than \$1 for each \$3 of Federal funds provided in the grant;

"(C) for any fourth such fiscal year, is not less than \$1 for each \$1 of Federal funds provided in the grant; and

"(D) for any fifth such fiscal year, is not less than \$2 for each \$1 of Federal funds provided in the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—

"(A) Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(B) In making a determination of the amount of non-Federal contributions for purposes of subparagraph (A), the Secretary may include only non-Federal contributions in excess of the average amount of non-Federal contributions made by the public entity involved toward the purpose described in subsection (a) for the 2-year period preceding the first fiscal year for which the entity receives a grant under such section.

"SEC. 562. REQUIREMENTS WITH RESPECT TO CARRYING OUT PURPOSE OF GRANTS.

"(a) SYSTEMS OF COMPREHENSIVE CARE.—

"(1) IN GENERAL.—A funding agreement for a grant under section 561(a) is that, with respect to children with a serious emotional disturbance, the public entity involved will carry out the purpose described in such section only through establishing and operating 1 or more systems of care for making each of the mental health services specified in subsection (c) available to each child provided access to the system. In providing for such a system, the public entity may make grants to, and enter into contracts with, public and nonprofit private entities.

"(2) STRUCTURE OF SYSTEM.—A funding agreement for a grant under section 561(a) is that a system of care under paragraph (1) will—

"(A) be established in a community selected by the public entity involved;

"(B) consist of such public agencies and nonprofit private entities in the community as are necessary to ensure that each of the

services specified in subsection (c) is available to each child provided access to the system;

"(C) be established pursuant to agreements that the public entity enters into with the agencies and entities described in subparagraph (B);

"(D) coordinate the provision of the services of the system; and

"(E) establish an office whose functions are to serve as the location through which children are provided access to the system, to coordinate the provision of services of the system, and to provide information to the public regarding the system.

"(3) COLLABORATION OF LOCAL PUBLIC ENTITIES.—A funding agreement for a grant under section 561(a) is that, for purposes of the establishment and operation of a system of care under paragraph (1), the public entity involved will seek collaboration among all public agencies that provide human services in the community in which the system is established, including but not limited to those providing mental health services, educational services, child welfare services, or juvenile justice services.

"(b) LIMITATION ON AGE OF CHILDREN PROVIDED ACCESS TO SYSTEM.—A funding agreement for a grant under section 561(a) is that a system of care under subsection (a) will not provide an individual with access to the system if the individual is more than 21 years of age.

"(c) REQUIRED MENTAL HEALTH SERVICES OF SYSTEM.—A funding agreement for a grant under section 561(a) is that mental health services provided by a system of care under subsection (a) will include, with respect to a serious emotional disturbance in a child—

"(1) diagnostic and evaluation services;

"(2) outpatient services provided in a clinic, office, school or other appropriate location, including individual, group and family counseling services, professional consultation, and review and management of medications;

"(3) emergency services, available 24-hours a day, 7 days a week;

"(4) intensive home-based services for children and their families when the child is at imminent risk of out-of-home placement;

"(5) intensive day-treatment services;

"(6) respite care;

"(7) therapeutic foster care services, and services in therapeutic foster family homes or individual therapeutic residential homes, and groups homes caring for not more than 10 children; and

"(8) assisting the child in making the transition from the services received as a child to the services to be received as an adult.

"(d) REQUIRED ARRANGEMENTS REGARDING OTHER APPROPRIATE SERVICES.—

"(1) IN GENERAL.—A funding agreement for a grant under section 561(a) is that—

"(A) a system of care under subsection (a) will enter into a memorandum of understanding with each of the providers specified in paragraph (2) in order to facilitate the availability of the services of the provider involved to each child provided access to the system; and

"(B) the grant under such section 561(a), and the non-Federal contributions made with respect to the grant, will not be expended to pay the costs of providing such non-mental health services to any individual.

"(2) SPECIFICATION OF NON-MENTAL HEALTH SERVICES.—The providers referred to in paragraph (1) are providers of medical services other than mental health services, providers of educational services, providers of vocational counseling and vocational rehabilitation services, and providers of protection and advocacy services with respect to mental health.

“(3) FACILITATION OF SERVICES OF CERTAIN PROGRAMS.—A funding agreement for a grant under section 561(a) is that a system of care under subsection (a) will, for purposes of paragraph (1), enter into a memorandum of understanding regarding facilitation of—

“(A) services available pursuant to title XIX of the Social Security Act, including services regarding early periodic screening, diagnosis, and treatment;

“(B) services available under parts B and H of the Individuals with Disabilities Education Act; and

“(C) services available under other appropriate programs, as identified by the Secretary.

“(e) GENERAL PROVISIONS REGARDING SERVICES OF SYSTEM.—

“(1) CASE MANAGEMENT SERVICES.—A funding agreement for a grant under section 561(a) is that a system of care under subsection (a) will provide for the case management of each child provided access to the system in order to ensure that—

“(A) the services provided through the system to the child are coordinated and that the need of each such child for the services is periodically reassessed;

“(B) information is provided to the family of the child on the extent of progress being made toward the objectives established for the child under the plan of services implemented for the child pursuant to section 563; and

“(C) the system provides assistance with respect to—

“(i) establishing the eligibility of the child, and the family of the child, for financial assistance and services under Federal, State, or local programs providing for health services, mental health services, educational services, social services, or other services; and

“(ii) seeking to ensure that the child receives appropriate services available under such programs.

“(2) OTHER PROVISIONS.—A funding agreement for a grant under section 561(a) is that a system of care under subsection (a), in providing the services of the system, will—

“(A) provide the services of the system in the cultural context that is most appropriate for the child and family involved;

“(B) ensure that individuals providing such services to the child can effectively communicate with the child and family in the most direct manner;

“(C) provide the services without discriminating against the child or the family of the child on the basis of race, religion, national origin, sex, disability, or age;

“(D) seek to ensure that each child provided access to the system of care remains in the least restrictive, most normative environment that is clinically appropriate; and

“(E) provide outreach services to inform individuals, as appropriate, of the services available from the system, including identifying children with a serious emotional disturbance who are in the early stages of such disturbance.

“(3) RULE OF CONSTRUCTION.—An agreement made under paragraph (2) may not be construed—

“(A) with respect to subparagraph (C) of such paragraph—

“(i) to prohibit a system of care under subsection (a) from requiring that, in housing provided by the grantee for purposes of residential treatment services authorized under subsection (c), males and females be segregated to the extent appropriate in the treatment of the children involved; or

“(ii) to prohibit the system of care from complying with the agreement made under subsection (b); or

“(B) with respect to subparagraph (D) of such paragraph, to authorize the system of

care to expend the grant under section 561(a) (or the non-Federal contributions made with respect to the grant) to provide legal services or any service with respect to which expenditures regarding the grant are prohibited under subsection (d)(1)(B).

“(f) RESTRICTIONS ON USE OF GRANT.—A funding agreement for a grant under section 561(a) is that the grant, and the non-Federal contributions made with respect to the grant, will not be expended—

“(1) to purchase or improve real property (including the construction or renovation of facilities);

“(2) to provide for room and board in residential programs serving 10 or fewer children;

“(3) to provide for room and board or other services or expenditures associated with care of children in residential treatment centers serving more than 10 children or in inpatient hospital settings, except intensive home-based services and other services provided on an ambulatory or outpatient basis; or

“(4) to provide for the training of any individual, except training authorized in section 564(a)(2) and training provided through any appropriate course in continuing education whose duration does not exceed 2 days.

“SEC. 563. INDIVIDUALIZED PLAN FOR SERVICES.

“(a) IN GENERAL.—A funding agreement for a grant under section 561(a) is that a system of care under section 562(a) will develop and carry out an individualized plan of services for each child provided access to the system, and that the plan will be developed and carried out with the participation of the family of the child and, unless clinically inappropriate, with the participation of the child.

“(b) MULTIDISCIPLINARY TEAM.—A funding agreement for a grant under section 561(a) is that the plan required in subsection (a) will be developed, and reviewed and as appropriate revised not less than once each year, by a multidisciplinary team of appropriately qualified individuals who provide services through the system, including as appropriate mental health services, other health services, educational services, social services, and vocational counseling and rehabilitation;

“(c) COORDINATION WITH SERVICES UNDER INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—A funding agreement for a grant under section 561(a) is that, with respect to a plan under subsection (a) for a child, the multidisciplinary team required in subsection (b) will—

“(1) in developing, carrying out, reviewing, and revising the plan consider any individualized education program in effect for the child pursuant to part B of the Individuals with Disabilities Education Act;

“(2) ensure that the plan is consistent with such individualized education program and provides for coordinating services under the plan with services under such program; and

“(3) ensure that the memorandum of understanding entered into under section 562(d)(3)(B) regarding such Act includes provisions regarding compliance with this subsection.

“(d) CONTENTS OF PLAN.—A funding agreement for a grant under section 561(a) is that the plan required in subsection (a) for a child will—

“(1) identify and state the needs of the child for the services available pursuant to section 562 through the system;

“(2) provide for each of such services that is appropriate to the circumstances of the child, including, except in the case of children who are less than 14 years of age, the provision of appropriate vocational counseling and rehabilitation, and transition services (as defined in section 602(a)(19) of the Individuals with Disabilities Education Act);

“(3) establish objectives to be achieved regarding the needs of the child and the methodology for achieving the objectives; and

“(4) designate an individual to be responsible for providing the case management required in section 562(e)(1) or certify that case management services will be provided to the child as part of the individualized education program of the child under the Individuals with Disabilities Education Act.

“SEC. 564. ADDITIONAL PROVISIONS.

“(a) OPTIONAL SERVICES.—In addition to services described in subsection (c) of section 562, a system of care under subsection (a) of such section may, in expending a grant under section 561(a), provide for—

“(1) preliminary assessments to determine whether a child should be provided access to the system;

“(2) training in—

“(A) the administration of the system;

“(B) the provision of intensive home-based services under paragraph (4) of section 562(c), intensive day treatment under paragraph (5) of such section, and foster care or group homes under paragraph (7) of such section; and

“(C) the development of individualized plans for purposes of section 563;

“(3) recreational activities for children provided access to the system; and

“(4) such other services as may be appropriate in providing for the comprehensive needs with respect to mental health of children with a serious emotional disturbance.

“(b) COMPREHENSIVE PLAN.—The Secretary may make a grant under section 561(a) only if, with respect to the jurisdiction of the public entity involved, the entity has submitted to the Secretary, and has had approved by the Secretary, a plan for the development of a jurisdiction-wide system of care for community-based services for children with a serious emotional disturbance that specifies the progress the public entity has made in developing the jurisdiction-wide system, the extent of cooperation across agencies serving children in the establishment of the system, the Federal and non-Federal resources currently committed to the establishment of the system, and the current gaps in community services and the manner in which the grant under section 561(a) will be expended to address such gaps and establish local systems of care.

“(c) LIMITATION ON IMPOSITION OF FEES FOR SERVICES.—A funding agreement for a grant under section 561(a) is that, if a charge is imposed for the provision of services under the grant, such charge—

“(1) will be made according to a schedule of charges that is made available to the public;

“(2) will be adjusted to reflect the income of the family of the child involved; and

“(3) will not be imposed on any child whose family has income and resources of equal to or less than 100 percent of the official poverty line, as established by the Director of the Office of Management and Budget and revised by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981.

“(d) RELATIONSHIP TO ITEMS AND SERVICES UNDER OTHER PROGRAMS.—A funding agreement for a grant under section 561(a) is that the grant, and the non-Federal contributions made with respect to the grant, will not be expended to make payment for any item or service to the extent that payment has been made, or can reasonably be expected to be made, with respect to such item or service—

“(1) under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

“(2) by an entity that provides health services on a prepaid basis.

“(e) LIMITATION ON ADMINISTRATIVE EXPENSES.—A funding agreement for a grant under section 561(a) is that not more than 2 percent of the grant will be expended for administrative expenses incurred with respect to the grant by the public entity involved.

“(f) REPORTS TO SECRETARY.—A funding agreement for a grant under section 561(a) is that the public entity involved will annually submit to the Secretary a report on the activities of the entity under the grant that includes a description of the number of children provided access to systems of care operated pursuant to the grant, the demographic characteristics of the children, the types and costs of services provided pursuant to the grant, the availability and use of third-party reimbursements, estimates of the unmet need for such services in the jurisdiction of the entity, and the manner in which the grant has been expended toward the establishment of a jurisdiction-wide system of care for children with a serious emotional disturbance, and such other information as the Secretary may require with respect to the grant.

“(g) DESCRIPTION OF INTENDED USES OF GRANT.—The Secretary may make a grant under section 561(a) only if—

“(1) the public entity involved submits to the Secretary a description of the purposes for which the entity intends to expend the grant;

“(2) the description identifies the populations, areas, and localities in the jurisdiction of the entity with a need for services under this section; and

“(3) the description provides information relating to the services and activities to be provided, including a description of the manner in which the services and activities will be coordinated with any similar services or activities of public or nonprofit entities.

“(h) REQUIREMENT OF APPLICATION.—The Secretary may make a grant under section 561(a) only if an application for the grant is submitted to the Secretary, the application contains the description of intended uses required in subsection (g), and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

“SEC. 565. GENERAL PROVISIONS.

“(a) DURATION OF SUPPORT.—The period during which payments are made to a public entity from a grant under section 561(a) may not exceed 5 fiscal years.

“(b) TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall, upon the request of a public entity receiving a grant under section 561(a)—

“(A) provide technical assistance to the entity regarding the process of submitting to the Secretary applications for grants under section 561(a); and

“(B) provide to the entity training and technical assistance with respect to the planning, development, and operation of systems of care pursuant to section 562.

“(2) AUTHORITY FOR GRANTS AND CONTRACTS.—The Secretary may provide technical assistance under subsection (a) directly or through grants to, or contracts with, public and nonprofit private entities.

“(c) EVALUATIONS AND REPORTS BY SECRETARY.—

“(1) IN GENERAL.—The Secretary shall, directly or through contracts with public or private entities, provide for annual evaluations of programs carried out pursuant to section 561(a). The evaluations shall assess the effectiveness of the systems of care operated pursuant to such section, including longitudinal studies of outcomes of services provided by such systems, other studies regarding such outcomes, the effect of activities under this subpart on the utilization of hos-

pital and other institutional settings, the barriers to and achievements resulting from interagency collaboration in providing community-based services to children with a serious emotional disturbance, and assessments by parents of the effectiveness of the systems of care.

“(2) REPORT TO CONGRESS.—The Secretary shall, not later than 1 year after the date on which amounts are first appropriated under subsection (c), and annually thereafter, submit to the Congress a report summarizing evaluations carried out pursuant to paragraph (1) during the preceding fiscal year and making such recommendations for administrative and legislative initiatives with respect to this section as the Secretary determines to be appropriate.

“(d) DEFINITIONS.—For purposes of this subpart:

“(1) The term ‘child’ means an individual not more than 21 years of age.

“(2) The term ‘family’, with respect to a child provided access to a system of care under section 562(a), means—

“(A) the legal guardian of the child; and

“(B) as appropriate regarding mental health services for the child, the parents of the child (biological or adoptive, as the case may be) and any foster parents of the child.

“(3) The term ‘funding agreement’, with respect to a grant under section 561(a) to a public entity, means that the Secretary may make such a grant only if the public entity makes the agreement involved.

“(4) The term ‘serious emotional disturbance’ includes, with respect to a child, any child who has a serious emotional disorder, a serious behavioral disorder, or a serious mental disorder.

“(e) RULE OF CONSTRUCTION.—Nothing in this part shall be construed as limiting the rights of a child with a serious emotional disturbance under the Individuals with Disabilities Education Act.

“(f) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated \$100,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

“(2) SET-ASIDE REGARDING TECHNICAL ASSISTANCE.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available not less than \$3,000,000 for the purpose of carrying out subsection (b).”.

SEC. 120. STRIKING OF CERTAIN PROVISIONS AND TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) as such title existed 1 day prior to the date of enactment of this Act, is amended by striking out sections 509B, 509C, 509E, 509F and 509G (42 U.S.C. 290aa-9, 290aa-10, 290aa-12, 290aa-13, and 290aa-14).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended—

(1) in the heading for such title, to read as follows:

“TITLE V—SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

(2) in the heading for part A, to read as follows:

“PART A—ORGANIZATION AND GENERAL AUTHORITIES”; and

(3) by striking out section 518.

Subtitle B—Institutes

SEC. 121. ORGANIZATION OF NATIONAL INSTITUTES OF HEALTH.

(a) IN GENERAL.—Section 401(b)(1) of the Public Health Service Act (42 U.S.C. 281(b)(1)) is amended by adding at the end thereof the following new subparagraphs:

“(N) The National Institute on Alcohol Abuse and Alcoholism.

“(O) The National Institute on Drug Abuse.

“(P) The National Institute of Mental Health.”.

(b) DEFINITION.—Part B of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.) is amended by adding at the end thereof the following new section:

“DEFINITIONS

“SEC. 409. For purposes of this title, the term ‘health services research’ means research endeavors that study the impact of the organization, financing and management of health services on the quality, cost, access to and outcomes of care.”.

SEC. 122. NATIONAL INSTITUTE ON ALCOHOL ABUSE AND ALCOHOLISM.

(a) CREATION OF SUBPART.—Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end thereof the following new subpart:

“Subpart 14—National Institute on Alcohol Abuse and Alcoholism

“PURPOSE OF INSTITUTE

“SEC. 464I. (a) IN GENERAL.—The general purpose of the National Institute of Alcohol Abuse and Alcoholism (hereafter in this subpart referred to as the ‘Institute’) is the conduct and support of biomedical and behavioral research, health services research, research training, and health information dissemination with respect to the prevention of alcohol abuse and the treatment of alcoholism.”.

(b) ADDITIONAL PROVISIONS.—

(1) RESEARCH PROGRAM.—Subsection (b) of section 510 of the Public Health Service Act (42 U.S.C. 290bb and 290bb-1), as such section existed 1 day prior to the date of the enactment of this Act—

(A) is transferred to section 464I of the Public Health Service Act, as added by subsection (a) of this section; and

(B) is inserted after subsection (a) of such section 464I.

Such section 510, as so amended, is repealed.

(2) ADDITIONAL PROVISIONS.—Section 464I of the Public Health Service Act (as amended by paragraph (1)) is amended—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking “(b) In carrying out the program” and all that follows through “Institute, is authorized” and inserting the following: “(b) RESEARCH PROGRAM.—The research program established under this subpart shall encompass the social, behavioral, and biomedical etiology, mental and physical health consequences, and social and economic consequences of alcohol abuse and alcoholism. In carrying out the program, the Director of the Institute is authorized”; and

(ii) in paragraph (3)(H), by striking out the period and inserting in lieu thereof a semicolon; and

(B) by adding at the end the following subsections:

“(c) COLLABORATION.—The Director of the Institute shall collaborate with the Administrator of the Substance Abuse and Mental Health Services Administration in focusing the services research activities of the Institute and in disseminating the results of such research to health professionals and the general public.

“(d) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated \$300,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

“(2) ALLOCATION FOR HEALTH SERVICES RESEARCH.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Director shall obligate not less than 15 percent to carry out health services research relating to alcohol abuse and alcoholism.”.

(c) ASSOCIATE DIRECTOR FOR PREVENTION.—Subpart 14 of part C of title IV (as added by subsection (a)) is amended by adding at the end thereof the following new section:

“ASSOCIATE DIRECTOR FOR PREVENTION

“SEC. 464J. (a) IN GENERAL.—There shall be in the Institute an Associate Director for Prevention who shall be responsible for the full-time coordination and promotion of the programs in the Institute concerning the prevention of alcohol abuse and alcoholism. The Associate Director shall be appointed by the Director of the Institute from individuals who because of their professional training or expertise are experts in alcohol abuse and alcoholism and the prevention of such.

“(b) BIENNIAL REPORT.—The Associate Director for Prevention shall prepare for inclusion in the biennial report made under section 407 a description of the prevention activities of the Institute, including a description of the staff and resources allocated to those activities.”.

(d) NATIONAL CENTER FOR RESEARCH.—

(1) IN GENERAL.—Section 511 of the Public Health Service Act (42 U.S.C. 290bb and 290bb-1) as such section existed 1 day prior to the date of enactment of this Act—

(A) is transferred to subpart 14 of part C of title IV of such Act (as added by subsection (a));

(B) is redesignated as section 464K; and

(C) is inserted after section 464J (as added by subsection (c)).

(2) TECHNICAL CORRECTION.—Section 464K of the Public Health Service Act (as added by paragraph (1)) is amended in subsection (b) by striking “or rental”.

(d) CONFORMING AMENDMENT.—Section 513 of the Public Health Service Act (42 U.S.C. 290bb-2), as such section existed 1 day prior to the date of enactment of this Act, is repealed.

SEC. 123. NATIONAL INSTITUTE ON DRUG ABUSE.

(a) CREATION OF SUBPART.—Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) (as amended by section 122) is further amended by adding at the end thereof the following new subpart:

“Subpart 15—National Institute on Drug Abuse

“PURPOSE OF INSTITUTE

“SEC. 464O. (a) IN GENERAL.—The general purpose of the National Institute on Drug Abuse (hereafter in this subpart referred to as the ‘Institute’) is the conduct and support of biomedical and behavioral research, health services research, research training, and health information dissemination with respect to the prevention of drug abuse and the treatment of drug abusers.

“(b) RESEARCH PROGRAM.—The research program established under this subpart shall encompass the social, behavioral, and biomedical etiology, mental and physical health consequences, and social and economic consequences of drug abuse. In carrying out the program, the Director of the Institute shall give special consideration to projects relating to drug abuse among women (particularly with respect to pregnant women).

“(c) COLLABORATION.—The Director of the Institute shall collaborate with the Substance Abuse and Mental Health Services Administration in focusing the services research activities of the Institute and in disseminating the results of such research to health professionals and the general public.

“(d) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated \$440,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

“(2) ALLOCATION FOR HEALTH SERVICES RESEARCH.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Director

shall obligate not less than 15 percent to carry out health services research relating to drug abuse.”.

(b) ADDITIONAL PROVISIONS.—Subpart 15 of part C of title IV of the Public Health Service Act (as added by subsection (a)) by subsection (a)) is amended by adding at the end thereof the following new sections:

“ASSOCIATE DIRECTOR FOR PREVENTION

“SEC. 464P. (a) IN GENERAL.—There shall be in the Institute an Associate Director for Prevention who shall be responsible for the full-time coordination and promotion of the programs in the Institute concerning the prevention of drug abuse. The Associate Director shall be appointed by the Director of the Institute from individuals who because of their professional training or expertise are experts in drug abuse and the prevention of such abuse.

“(b) REPORT.—The Associate Director for Prevention shall prepare for inclusion in the biennial report made under section 407 a description of the prevention activities of the Institute, including a description of the staff and resources allocated to those activities.

“DRUG ABUSE RESEARCH CENTERS

“SEC. 464Q. (a) AUTHORITY.—The Secretary may designate National Drug Abuse Research Centers for the purpose of interdisciplinary research relating to drug abuse and other biomedical, behavioral, and social issues related to drug abuse. No entity may be designated as a Center unless an application therefore has been submitted to, and approved by, the Secretary. Such an application shall be submitted in such manner and contain such information as the Secretary may reasonably require. The Secretary may not approve such an application unless—

“(1) the application contains or is supported by reasonable assurances that—

“(A) the applicant has the experience, or capability, to conduct, through biomedical, behavioral, social, and related disciplines, long-term research on drug abuse and to provide coordination of such research among such disciplines;

“(B) the applicant has available to it sufficient facilities (including laboratory, reference, and data analysis facilities) to carry out the research plan contained in the application;

“(C) the applicant has facilities and personnel to provide training in the prevention and treatment of drug abuse;

“(D) the applicant has the capacity to train predoctoral and postdoctoral students for careers in research on drug abuse;

“(E) the applicant has the capacity to conduct courses on drug abuse problems and research on drug abuse for undergraduate and graduate students, and medical and osteopathic, nursing, social work, and other specialized graduate students; and

“(F) the applicant has the capacity to conduct programs of continuing education in such medical, legal, and social service fields as the Secretary may require.

“(2) the application contains a detailed five-year plan for research relating to drug abuse.

“(b) GRANTS.—The Director of the Institute shall, under such conditions as the Secretary may reasonably require, make annual grants to Centers which have been designated under this section. No funds provided under a grant under this subsection may be used for the purchase of any land or the purchase, construction, preservation, or repair of any building. For the purposes of the preceding sentence, the term ‘construction’ has the meaning given that term by section 701(2).

“OFFICE ON AIDS

“SEC. 464R. The Director of the Institute shall establish within the Institute an Office

on AIDS. The Office shall be responsible for the coordination of research and determining the direction of the Institute with respect to AIDS research related to—

“(1) primary prevention of the spread of HIV, including transmission via drug abuse;

“(2) drug abuse services research; and

“(3) other matters determined appropriate by the Director.

“MEDICATION DEVELOPMENT PROGRAM

“SEC. 464S. (a) ESTABLISHMENT.—There is established in the Institute a Medication Development Program through which the Director of such Institute shall—

“(1) conduct periodic meetings with the Commissioner of Food and Drugs to discuss measures that may facilitate the approval process of drug abuse treatments;

“(2) encourage and promote (through grants, contracts, international collaboration, or otherwise) expanded research programs, investigations, experiments, community trials, and studies, into the development and use of medications to treat drug addiction;

“(3) establish or provide for the establishment of research facilities;

“(4) report on the activities of other relevant agencies relating to the development and use of pharmacotherapeutic treatments for drug addiction;

“(5) collect, analyze, and disseminate data useful in the development and use of pharmacotherapeutic treatments for drug addiction and collect, catalog, analyze, and disseminate through international channels, the results of such research;

“(6) directly or through grants, contracts, or cooperative agreements, support training in the fundamental sciences and clinical disciplines related to the pharmacotherapeutic treatment of drug abuse, including the use of training stipends, fellowships, and awards where appropriate; and

“(7) coordinate the activities conducted under this section with related activities conducted within the National Institute on Alcohol Abuse and Alcoholism, the National Institute of Mental Health, and other appropriate institutes and shall consult with the Directors of such Institutes.

“(b) DUTIES.—In carrying out the activities described in subsection (a), the Director of the Institute—

“(1) shall collect and disseminate through publications and other appropriate means, information pertaining to the research and other activities under this section;

“(2) shall make grants to or enter into contracts and cooperative agreements with individuals and public and private entities to further the goals of the program;

“(3) may, in accordance with section 496, and in consultation with the National Advisory Council on Drug Abuse, acquire, construct, improve, repair, operate, and maintain pharmacotherapeutic research centers, laboratories, and other necessary facilities and equipment, and such other real or personal property as the Director determines necessary, and may, in consultation with such Advisory Council, make grants for the construction or renovation of facilities to carry out the purposes of this section ;

“(4) may accept voluntary and uncompensated services;

“(5) may accept gifts, or donations of services, money, or property, real, personal, or mixed, tangible or intangible; and

“(6) shall take necessary action to ensure that all channels for the dissemination and exchange of scientific knowledge and information are maintained between the Administration and the other scientific, medical, and biomedical disciplines and organizations nationally and internationally.

“(c) REPORT.—

“(1) IN GENERAL.—Not later than December 31, 1992, and each December 31 thereafter, the

Director of the Institute shall submit to the Office of National Drug Control Policy established under section 1002 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1501) a report, in accordance with paragraph (3), that describes the objectives and activities of the program assisted under this section.

"(2) NATIONAL DRUG CONTROL STRATEGY.—The Director of National Drug Control Policy shall incorporate, by reference or otherwise, each report submitted under this subsection in the National Drug Control Strategy submitted the following February 1 under section 1005 of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504).

"(d) DEFINITION.—For purposes of this section, the term 'pharmacotherapeutics' means medications used to treat the symptoms and disease of drug abuse, including medications to—

- "(1) block the effects of abused drugs;
- "(2) reduce the craving for abused drugs;
- "(3) moderate or eliminate withdrawal symptoms;
- "(4) block or reverse the toxic effect of abused drugs; or
- "(5) prevent relapse in persons who have been detoxified from drugs of abuse.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$85,000,000 for fiscal year 1993, and \$95,000,000 for fiscal year 1994."

(c) CONFORMING AMENDMENTS.—Section 515, 516, and 517 of the Public Health Service Act (42 U.S.C. 290cc) as such sections existed 1 day prior to the date of enactment of this Act are repealed.

SEC. 124. NATIONAL INSTITUTE OF MENTAL HEALTH.

(a) CREATION OF SUBPART.—Part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) (as amended by section 123) is further amended by adding at the end thereof the following new subpart:

"Subpart 16—National Institute of Mental Health

"PURPOSE OF INSTITUTE

"SEC. 464T. (a) IN GENERAL.—The general purpose of the National Institute of Mental Health (hereafter in this subpart referred to as the 'Institute') is the conduct and support of biomedical and behavioral research, health services research, research training, and health information dissemination with respect to the cause, diagnosis, treatment, control and prevention of mental illness.

"(b) RESEARCH PROGRAM.—The research program established under this subpart shall include support for biomedical and behavioral neuroscience and shall be designed to further the treatment and prevention of mental illness, the promotion of mental health, and the study of the psychological, social and legal factors that influence behavior.

"(c) COLLABORATION.—The Director of the Institute shall collaborate with the Administrator of the Substance Abuse and Mental Health Services Administration in focusing the services research activities of the Institute and in disseminating the results of such research to health professionals and the general public.

"(d) INFORMATION WITH RESPECT TO SUICIDE.—

"(1) IN GENERAL.—The Director of the Institute shall—

- "(A) develop and publish information with respect to the causes of suicide and the means of preventing suicide; and
- "(B) make such information generally available to the public and to health professionals.

"(2) YOUTH SUICIDE.—Information described in paragraph (1) shall especially relate to suicide among individuals under 24 years of age.

"(e) ASSOCIATE DIRECTOR FOR SPECIAL POPULATIONS.—

"(1) IN GENERAL.—The Director of the Institute shall designate an Associate Director for Special Populations.

"(2) DUTIES.—The Associate Director for Special Populations shall—

"(A) develop and coordinate research policies and programs to assure increased emphasis on the mental health needs of women and minority populations;

"(B) support programs of basic and applied social and behavioral research on the mental health problems of women and minority populations;

"(C) study the effects of discrimination on institutions and individuals, including majority institutions and individuals;

"(D) support and develop research designed to eliminate institutional discrimination; and

"(E) provide increased emphasis on the concerns of women and minority populations in training programs, service delivery programs, and research endeavors of the Institute.

"(f) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated \$675,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

"(2) ALLOCATION FOR HEALTH SERVICES RESEARCH.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Director shall obligate not less than 15 percent to carry out health services research relating to mental health."

(b) ADDITIONAL PROVISIONS.—Subpart 16 of part C of title IV (as added by subsection (a)) is further amended by adding at the end thereof the following new section:

"ASSOCIATE DIRECTOR FOR PREVENTION

"SEC. 464U. (a) IN GENERAL.—There shall be in the Institute an Associate Director for Prevention who shall be responsible for the full-time coordination and promotion of the programs in the Institute concerning the prevention of mental disorder. The Associate Director shall be appointed by the Director of the Institute from individuals who because of their professional training or expertise are experts in mental disorder and the prevention of such.

"(b) REPORT.—The Associate Director for Prevention shall prepare for inclusion in the biennial report made under section 407 a description of the prevention activities of the Institute, including a description of the staff and resources allocated to those activities.

"OFFICE OF RURAL MENTAL HEALTH RESEARCH

"SEC. 464V. (a) IN GENERAL.—There is established within the Institute an office to be known as the Office of Rural Mental Health Research (hereafter in this section referred to as the 'Office'). The Office shall be headed by a director, who shall be appointed by the Director of such Institute from among individuals experienced or knowledgeable in the provision of mental health services in rural areas. The Secretary shall carry out the authorities established in this section acting through the Director of the Office.

"(b) COORDINATION OF ACTIVITIES.—The Director of the Office, in consultation with the Director of the Institute and with the Director of the Office of Rural Health Policy, shall—

- "(1) coordinate the research activities of the Department of Health and Human Services as such activities relate to the mental health of residents of rural areas; and
- "(2) coordinate the activities of the Office with similar activities of public and nonprofit private entities.

"(c) RESEARCH, DEMONSTRATIONS, EVALUATIONS, AND DISSEMINATION.—The Director of the Office may, with respect to the mental

health of adults and children residing in rural areas—

"(1) conduct research on conditions that are unique to the residents of rural areas, or more serious or prevalent in such residents;

"(2) conduct research on improving the delivery of services in such areas; and

"(3) disseminate information to appropriate public and nonprofit private entities.

"(d) AUTHORITY REGARDING GRANTS AND CONTRACTS.—The Director of the Office may carry out the authorities established in subsection (c) directly and through grants, cooperative agreements, or contracts with public or nonprofit private entities.

"(e) REPORT TO CONGRESS.—Not later than February 1, 1993, and each fiscal year thereafter, the Director shall submit to the Subcommittee on Health and the Environment of the Committee on Energy and Commerce (of the House of Representatives), and to the Committee on Labor and Human Resources (of the Senate), a report describing the activities of the Office during the preceding fiscal year, including a summary of the activities of demonstration projects and a summary of evaluations of the projects.

"OFFICE ON AIDS

"SEC. 464W. The Director of the Institute shall establish within the Institute an Office on AIDS. The Office shall be responsible for the coordination of research and determining the direction of the Institute with respect to AIDS research related to—

"(1) primary prevention of the spread of HIV, including transmission via sexual behavior;

- "(2) mental health services research; and
- "(3) other matters determined appropriate by the Director."

SEC. 125. COLLABORATIVE USE OF CERTAIN HEALTH SERVICES RESEARCH FUNDS.

Part G of title IV of the Public Health Service Act is amended by inserting after section 494 (42 U.S.C. 289c) the following new section:

"COLLABORATIVE USE OF CERTAIN HEALTH SERVICES RESEARCH FUNDS

"SEC. 494A. (a) IN GENERAL.—The Secretary shall ensure that amounts made available under subparts 14, 15 and 16 of part C for health services research relating to alcohol abuse and alcoholism, drug abuse and mental health be used collaboratively, as appropriate, and in consultation with the Agency for Health Care Policy Research.

"(b) REPORT.—Not later than May 3, 1993, and annually thereafter, the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate, a report concerning the activities carried out with the amounts referred to in subsection (a)."

Subtitle C—Miscellaneous Provisions Relating to Substance Abuse and Mental Health

SEC. 131. MISCELLANEOUS PROVISIONS RELATING TO SUBSTANCE ABUSE AND MENTAL HEALTH.

Part D of title V of the Public Health Service Act (42 U.S.C. 290dd et seq.) is amended to read as follows:

"PART D—MISCELLANEOUS PROVISIONS RELATING TO SUBSTANCE ABUSE AND MENTAL HEALTH

"SEC. 541. SUBSTANCE ABUSE AMONG GOVERNMENT AND OTHER EMPLOYEES.

"(a) PROGRAMS AND SERVICES.—

"(1) DEVELOPMENT.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall be responsible for fostering substance abuse prevention and treatment programs and services in State and local governments and in private industry.

"(2) MODEL PROGRAMS.—

“(A) IN GENERAL.—Consistent with the responsibilities described in paragraph (1), the Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall develop a variety of model programs suitable for replication on a cost-effective basis in different types of business concerns and State and local governmental entities.

“(B) DISSEMINATION OF INFORMATION.—The Secretary, acting through the Administrator of the Substance Abuse and Mental Health Services Administration, shall disseminate information and materials relative to such model programs to the State agencies responsible for the administration of substance abuse prevention, treatment, and rehabilitation activities and shall, to the extent feasible provide technical assistance to such agencies as requested.

“(b) DEPRIVATION OF EMPLOYMENT.—

“(1) PROHIBITION.—No person may be denied or deprived of Federal civilian employment or a Federal professional or other license or right solely on the grounds of prior substance abuse.

“(2) APPLICATION.—This subsection shall not apply to employment in—

“(A) the Central Intelligence Agency;

“(B) the Federal Bureau of Investigation;

“(C) the National Security Agency;

“(D) any other department or agency of the Federal Government designated for purposes of national security by the President; or

“(E) in any position in any department or agency of the Federal Government, not referred to in subparagraphs (A) through (D), which position is determined pursuant to regulations prescribed by the head of such agency or department to be a sensitive position.

“(3) REHABILITATION ACT.—The inapplicability of the prohibition described in paragraph (1) to the employment described in paragraph (2) shall not be construed to reflect on the applicability of the Rehabilitation Act of 1973 or other anti-discrimination laws to such employment.

“(c) CONSTRUCTION.—This section shall not be construed to prohibit the dismissal from employment of a Federal civilian employee who cannot properly function in his employment.

“SEC. 542. ADMISSION OF SUBSTANCE ABUSERS TO PRIVATE AND PUBLIC HOSPITALS AND OUTPATIENT FACILITIES.

“(a) NONDISCRIMINATION.—Substance abusers who are suffering from medical conditions shall not be discriminated against in admission or treatment, solely because of their substance abuse, by any private or public general hospital, or outpatient facility (as defined in section 1624(4)) which receives support in any form from any program supported in whole or in part by funds appropriated to any Federal department or agency.

“(b) REGULATIONS.—

“(1) IN GENERAL.—The Secretary shall issue regulations for the enforcement of the policy of subsection (a) with respect to the admission and treatment of substance abusers in hospitals and outpatient facilities which receive support of any kind from any program administered by the Secretary. Such regulations shall include procedures for determining (after opportunity for a hearing if requested) if a violation of subsection (a) has occurred, notification of failure to comply with such subsection, and opportunity for a violator to comply with such subsection. If the Secretary determines that a hospital or outpatient facility subject to such regulations has violated subsection (a) and such violation continues after an opportunity has been afforded for compliance, the Secretary may suspend or revoke, after opportunity for

a hearing, all or part of any support of any kind received by such hospital from any program administered by the Secretary. The Secretary may consult with the officials responsible for the administration of any other Federal program from which such hospital or outpatient facility receives support of any kind, with respect to the suspension or revocation of such other Federal support for such hospital or outpatient facility.

“(2) DEPARTMENT OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs, acting through the Chief Medical Director, shall, to the maximum feasible extent consistent with their responsibilities under title 38, United States Code, prescribe regulations making applicable the regulations prescribed by the Secretary under paragraph (1) to the provision of hospital care, nursing home care, domiciliary care, and medical services under such title 38 to veterans suffering from substance abuse. In prescribing and implementing regulations pursuant to this paragraph, the Secretary shall, from time to time, consult with the Secretary of Health and Human Services in order to achieve the maximum possible coordination of the regulations, and the implementation thereof, which they each prescribe.

“SEC. 543. CONFIDENTIALITY OF RECORDS.

“(a) REQUIREMENT.—Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any program or activity relating to substance abuse education, prevention, training, treatment, rehabilitation, or research, which is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall, except as provided in subsection (e), be confidential and be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b).

“(b) PERMITTED DISCLOSURE.—

“(1) CONSENT.—The content of any record referred to in subsection (a) may be disclosed in accordance with the prior written consent of the patient with respect to whom such record is maintained, but only to such extent, under such circumstances, and for such purposes as may be allowed under regulations prescribed pursuant to subsection (g).

“(2) METHOD FOR DISCLOSURE.—Whether or not the patient, with respect to whom any given record referred to in subsection (a) is maintained, gives written consent, the content of such record may be disclosed as follows:

“(A) To medical personnel to the extent necessary to meet a bona fide medical emergency.

“(B) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner.

“(C) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor, including the need to avert a substantial risk of death or serious bodily harm. In assessing good cause the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

“(c) USE OF RECORDS IN CRIMINAL PROCEEDINGS.—Except as authorized by a court order granted under subsection (b)(2)(C), no record

referred to in subsection (a) may be used to initiate or substantiate any criminal charges against a patient or to conduct any investigation of a patient.

“(d) APPLICATION.—The prohibitions of this section continue to apply to records concerning any individual who has been a patient, irrespective of whether or when such individual ceases to be a patient.

“(e) NONAPPLICABILITY.—The prohibitions of this section do not apply to any interchange of records—

“(1) within the Armed Forces or within those components of the Department of Veterans Affairs furnishing health care to veterans; or

“(2) between such components and the Armed Forces.

The prohibitions of this section do not apply to the reporting under State law of incidents of suspected child abuse and neglect to the appropriate State or local authorities.

“(f) PENALTIES.—Any person who violates any provision of this section or any regulation issued pursuant to this section shall be fined in accordance with title 18, United States Code.

“(g) REGULATIONS.—Except as provided in subsection (h), the Secretary shall prescribe regulations to carry out the purposes of this section. Such regulations may contain such definitions, and may provide for such safeguards and procedures, including procedures and criteria for the issuance and scope of orders under subsection (b)(2)(C), as in the judgment of the Secretary are necessary or proper to effectuate the purposes of this section, to prevent circumvention or evasion thereof, or to facilitate compliance therewith.

“(h) APPLICATION TO DEPARTMENT OF VETERANS AFFAIRS.—The Secretary of Veterans Affairs, acting through the Chief Medical Director, shall, to the maximum feasible extent consistent with their responsibilities under title 38, United States Code, prescribe regulations making applicable the regulations prescribed by the Secretary of Health and Human Services under subsection (g) of this section to records maintained in connection with the provision of hospital care, nursing home care, domiciliary care, and medical services under such title 38 to veterans suffering from substance abuse. In prescribing and implementing regulations pursuant to this subsection, the Secretary of Veterans Affairs shall, from time to time, consult with the Secretary of Health and Human Services in order to achieve the maximum possible coordination of the regulations, and the implementation thereof, which they each prescribe.”

Subtitle D—Transfer Provisions

SEC. 141. TRANSFERS.

(a) SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.—Except as specifically provided otherwise in this Act or an amendment made by this Act, there are transferred to the Administrator of the Substance Abuse and Mental Health Services Administration all service related functions which the Administrator of the Alcohol, Drug Abuse and Mental Health Administration, or the Director of any entity within the Alcohol, Drug Abuse and Mental Health Administration, exercised before the date of the enactment of this Act and all related functions of any officer or employee of the Alcohol, Drug Abuse and Mental Health Administration.

(b) NATIONAL INSTITUTES.—Except as specifically provided otherwise in this Act or an amendment made by this Act, there are transferred to the appropriate Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health, through the Director of the National

SEC. 146. TRANSITION.

With the consent of the Secretary of Health and Human Services, the Administrator of the Substance Abuse and Mental Health Services Administration and the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health are authorized to utilize—

(1) the services of such officers, employees, and other personnel of the Department with respect to functions transferred to the Administrator of the Substance Abuse and Mental Health Services Administration and the Director of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health by this subtitle; and

(2) funds appropriated to such functions for such period of time as may reasonably be needed to facilitate the orderly implementation of this subtitle.

SEC. 147. PEER REVIEW.

With respect to fiscal years 1993 through 1996, the peer review systems, advisory councils and scientific advisory committees utilized, or approved for utilization, by the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse and the National Institute of Mental Health prior to the transfer of such Institutes to the National Institute of Health shall be utilized by such Institutes.

SEC. 148. MERGERS.

Notwithstanding the provisions of section 401(c)(2) of the Public Health Service Act (42 U.S.C. 281(c)(2)), the Secretary of Health and Human Services may not merge the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse or the National Institute of Mental Health with any other institute or entity (or with each other) within the national research institutes for a 5-year period beginning on the date of enactment of this Act.

SEC. 149. CONDUCT OF MULTI-YEAR RESEARCH PROJECTS.

With respect to multi-year grants awarded prior to fiscal year 1993 by the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health with amounts received under section 1911(b), as such section existed one day prior to the date of enactment of this Act, such grants shall be continued for the entire period of the grant through the utilization of funds made available pursuant to sections 4641, 4640, or 464T, as appropriate, subject to satisfactory performance.

SEC. 150. SEPARABILITY.

If a provision of this subtitle or its application to any person or circumstance is held invalid, neither the remainder of this Act nor the application of the provision to other persons or circumstances shall be affected.

SEC. 151. BUDGETARY AUTHORITY.

With respect to fiscal years 1994 and 1995, the Directors of the National Institute on Alcohol Abuse and Alcoholism, the National Institute on Drug Abuse, and the National Institute of Mental Health shall notwithstanding section 405(a), prepare and submit, directly to the President for review and transmittal to Congress, an annual budget estimate (including an estimate of the number and type of personnel needs for the Institute) for their respective Institutes, after reasonable opportunity for comment (but without change) by the Secretary of Health and Human Services, the Director of the National Institutes of Health, and the Institute's advisory council.

Subtitle E—References and Conforming Amendments**SEC. 161. REFERENCES.**

Reference in any other Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Alcohol, Drug Abuse and Mental Health Administration or to the Administrator of the Alcohol, Drug Abuse and Mental Health Administration shall be deemed to refer to the Substance Abuse and Mental Health Services Administration or to the Administrator of the Substance Abuse and Mental Health Services Administration.

SEC. 162. TRANSITION FROM HOMELESSNESS.

Part C of title V of the Public Health Service Act is amended—

(1) in section 521 (42 U.S.C. 290cc-21), by striking out "National Institute of Mental Health" and inserting in lieu thereof "Center for Mental Health Services"; and

(2) in section 530 (42 U.S.C. 290cc-30), by striking out "through the National" and all that follows through "Abuse" and inserting in lieu thereof "through the agencies of the Administration".

SEC. 163. CONFORMING AMENDMENTS.

(a) TITLE V.—Title V of the Public Health Service Act is amended—

(1) in section 521 (42 U.S.C. 290cc-21), by striking "Director of the National Institute of Mental Health" and inserting in lieu thereof "Administrator of the Substance Abuse and Mental Health Services Administration";

(2) in section 528 (42 U.S.C. 290cc-28)—

(A) by striking "the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse" and inserting in lieu thereof "and the Administrator of the Substance Abuse and Mental Health Services Administration" in subsection (a); and

(B) by striking "National Institute of Mental Health" and inserting in lieu thereof "Administrator of the Substance Abuse and Mental Health Services Administration" in subsection (c); and

(3) in section 530 (42 U.S.C. 290cc-30), by striking "the National Institute of Mental Health, the National Institute on Alcohol Abuse and Alcoholism, and the National Institute on Drug Abuse" and inserting in lieu thereof "the Administrator of the Substance Abuse and Mental Health Services Administration".

(b) GENERAL PUBLIC HEALTH SERVICE ACT AMENDMENTS.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) in section 227 (42 U.S.C. 236)—

(A) by striking out ", and the Alcohol, Drug Abuse, and Mental Health Administration" in subsection (c)(2);

(B) by striking out ", the Alcohol, Drug Abuse, and Mental Health Administration," in subsection (c)(3);

(C) by striking out "and the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration" in subsection (e); and

(D) by striking out "and the Alcohol, Drug Abuse, and Mental Health Administration" each place such term appears in subsection (e);

(2) in section 319(a) (42 U.S.C. 247d(a))—

(A) by striking out "the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration" and inserting in lieu thereof "the Administrator of the Substance Abuse and Mental Health Services Administration"; and

(B) by striking out "Director, Administrator" in the matter following paragraph (2) and inserting in lieu thereof "Directors, Administrator";

(3) in section 402(d)(1) (42 U.S.C. 282(d)(1)), by striking out "two hundred" and inserting in lieu thereof "220";

(4) in section 487(a)(1) (42 U.S.C. 288(a)(1))—

(A) by striking out "and the Alcohol, Drug Abuse, and Mental Health Administration" in subparagraph (A)(i); and

(B) by striking out "or the Alcohol, Drug Abuse, and Mental Health Administration" in the matter immediately following subparagraph (B);

(5) in section 489(a)(2) (42 U.S.C. 288b(a)(2)), by striking out "and institutes under the Alcohol, Drug Abuse, and Mental Health Administration";

(6) in section 499A(g)(9) (42 U.S.C. 290b(g)(9))—

(A) by striking out "or the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration"; and

(B) by striking out "and the Alcohol, Drug Abuse, and Mental Health Administration"; and

(7) in section 2303 (42 U.S.C. 300cc-2)—

(A) by striking out "Administrator of the Alcohol, Drug Abuse, and Mental Health Administration" in subsection (b), and inserting in lieu thereof "Administrator of the Substance Abuse and Mental Health Services Administration"; and

(B) by striking out "Administrator of the Alcohol, Drug Abuse, and Mental Health Administration" in subsection (c), and inserting in lieu thereof "Administrator of the Substance Abuse and Mental Health Services Administration".

(c) OTHER LAWS.—

(1) Section 4 of the Orphan Drug Amendments of 1985 (42 U.S.C. 236 note) is amended—

(A) in subsection (b), by striking out "the Alcohol, Drug Abuse, and Mental Health Administration,";

(B) in subsection (c)—

(i) by striking out "the Alcohol, Drug Abuse, and Mental Health Administration," in the matter preceding paragraph (1); and

(ii) by striking out "the institutes of the Alcohol, Drug Abuse, and Mental Health Administration," in paragraph (7); and

(C) in subsection (d)—

(i) by striking out paragraph (3) and inserting in lieu thereof the following new paragraph:

"(3) Four nonvoting members shall be appointed for the directors of the national research institutes of the National Institutes of Health which the Secretary determines are involved with rare diseases."; and

(ii) by striking out "or an institute of the Alcohol, Drug Abuse, and Mental Health Administration" in the matter immediately following paragraph (3).

(2) The Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) is amended—

(A) in section 202(b)(1) (42 U.S.C. 3012(b)(1)), by striking out "the Alcohol, Drug Abuse, and Mental Health Administration" and inserting in lieu thereof "the Substance Abuse and Mental Health Services Administration";

(B) in section 301(b)(2) (42 U.S.C. 3021(b)(2)), by striking out "the Alcohol, Drug Abuse, and Mental Health Administration" and inserting in lieu thereof "the Substance Abuse and Mental Health Services Administration"; and

(C) in section 402(b) (42 U.S.C. 3030bb(b)), by striking out "the Alcohol, Drug Abuse, and Mental Health Administration" and inserting in lieu thereof "the Substance Abuse and Mental Health Services Administration".

(3) The Protection and Advocacy for Mentally Ill Individuals Act of 1986 is amended—

(A) in section 111(c) (42 U.S.C. 10821(c)), by striking out "3-year" each place that such appears and inserting in lieu thereof "4-year"; and

(B) in section 116 (42 U.S.C. 10826), by striking out "the Alcohol, Drug Abuse, and Mental Health Administration" and inserting in lieu thereof "the Substance Abuse and Mental Health Services Administration".

Subtitle F—Employee Assistance Programs

SEC. 171. PROGRAM OF GRANTS UNDER CENTER FOR SUBSTANCE ABUSE PREVENTION.

Title V of the Public Health Service Act (as amended by section 114 and 120) is amended by adding at the end of subpart 2 of part B the following new section:

"SEC. 518. EMPLOYEE ASSISTANCE PROGRAMS.

"(a) IN GENERAL.—The Director of the Prevention Center may make grants to public and nonprofit private entities for the purpose of assisting business organizations in establishing employee assistance programs to provide appropriate services for employees of the organizations regarding substance abuse, including education and prevention services and referrals for treatment.

"(b) CERTAIN REQUIREMENTS.—A business organization may not be assisted under subsection (a) if the organization has an employee assistance program in operation. The organization may receive such assistance only if the organization lacks the financial resources for operating such a program.

"(c) SPECIAL CONSIDERATION FOR CERTAIN SMALL BUSINESSES.—In making grants under subsection (a), the Director of the Prevention Office shall give special consideration to business organizations with 50 or fewer employers.

"(d) CONSULTATION AND TECHNICAL ASSISTANCE.—In the case of small businesses being assisted under subsection (a), the Secretary shall consult with the entities and organizations involved and provide technical assistance and training with respect to establishing and operating employee assistance programs in accordance with this subtitle. Such assistance shall include technical assistance in establishing workplace substance abuse programs.

"(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$3,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994."

TITLE II—BLOCK GRANTS TO STATES REGARDING MENTAL HEALTH AND SUBSTANCE ABUSE

SEC. 201. ESTABLISHMENT OF SEPARATE BLOCK GRANT REGARDING MENTAL HEALTH.

Part B of title XIX of the Public Health Service Act (42 U.S.C. 300x et seq.) is amended—

(1) by amending the heading for the part to read as follows:

"PART B—BLOCK GRANTS REGARDING MENTAL HEALTH AND SUBSTANCE ABUSE"; and

(2) by striking subparts 1 and 2 and inserting the following:

"Subpart I—Block Grants for Community Mental Health Services

"SEC. 1911. FORMULA GRANTS TO STATES.

"(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Director of the Center for Mental Health Services, shall make an allotment each fiscal year for each State in an amount determined in accordance with section 1918. The Secretary shall make a grant to the State of the allotment made for the State for the fiscal year if the State submits to the Secretary an application in accordance with section 1917.

"(b) PURPOSE OF GRANTS.—A funding agreement for a grant under subsection (a) is that, subject to section 1916, the State involved will expend the grant only for the purpose of—

"(1) carrying out the plan submitted under section 1912(a) by the State for the fiscal year involved;

"(2) evaluating programs and services carried out under the plan; and

"(3) planning, administration, and educational activities related to providing services under the plan.

"SEC. 1912. STATE PLAN FOR COMPREHENSIVE COMMUNITY MENTAL HEALTH SERVICES FOR CERTAIN INDIVIDUALS.

"(a) IN GENERAL.—The Secretary may make a grant under section 1911 only if—

"(1) the State involved submits to the Secretary a plan for providing comprehensive community mental health services to adults with a serious mental illness and to children with a serious emotional disturbance;

"(2) the plan meets the criteria specified in subsection (b); and

"(3) the plan is approved by the Secretary.

"(b) CRITERIA FOR PLAN.—With respect to the provision of comprehensive community mental health services to individuals who are either adults with a serious mental illness or children with a serious emotional disturbance, the criteria referred to in subsection (a) regarding a plan are as follows:

"(1) The plan provides for the establishment and implementation of an organized community-based system of care for such individuals.

"(2) The plan contains quantitative targets to be achieved in the implementation of such system, including the numbers of such individuals residing in the areas to be served under such system.

"(3) The plan describes available services, available treatment options, and available resources (including Federal, State and local public services and resources, and to the extent practicable, private services and resources) to be provided such individuals.

"(4) The plan describes health and mental health services, rehabilitation services, employment services, housing services, educational services, medical and dental care, and other support services to be provided to such individuals with Federal, State and local public and private resources to enable such individuals to function outside of inpatient or residential institutions to the maximum extent of their capabilities, including services to be provided by local school systems under the Individuals with Disabilities Education Act.

"(5) The plan describes the financial resources and staffing necessary to implement the requirements of such plan, including programs to train individuals as providers of mental health services, and the plan emphasizes training of providers of emergency health services regarding mental health.

"(6) The plan provides for activities to reduce the rate of hospitalization of such individuals.

"(7)(A) Subject to subparagraph (B), the plan requires the provision of case management services to each such individual in the State who receives substantial amounts of public funds or services.

"(B) The plan may provide that the requirement of subparagraph (A) will not be substantially completed until the end of fiscal year 1993.

"(8) The plan provides for the establishment and implementation of a program of outreach to, and services for, such individuals who are homeless.

"(9) In the case of children with a serious emotional disturbance, the plan—

"(A) subject to subparagraph (B), provides for a system of integrated social services, educational services, juvenile services, and substance abuse services that, together with health and mental health services, will be provided in order for such children to receive care appropriate for their multiple needs (which system includes services provided

under the Individuals with Disabilities Education Act);

"(B) provides that the grant under section 1911 for the fiscal year involved will not be expended to provide any service of such system other than comprehensive community mental health services; and

"(C) provides for the establishment of a defined geographic area for the provision of the services of such system.

"(10) The plan describes the manner in which mental health services will be provided to individuals residing in rural areas.

"(11) The plan contains an estimate of the incidence and prevalence in the State of serious mental illness among adults and serious emotional disturbance among children.

"(12) The plan contains a description of the manner in which the State intends to expend the grant under section 1911 for the fiscal year involved to carry out the provisions of the plan required in paragraphs (1) through (11).

"(c) DEFINITIONS REGARDING MENTAL ILLNESS AND EMOTIONAL DISTURBANCE; METHODS FOR ESTIMATE OF INCIDENCE AND PREVALENCE.—

"(1) ESTABLISHMENT BY SECRETARY OF DEFINITIONS; DISSEMINATION.—For purposes of this subpart, the Secretary shall establish definitions for the terms 'adults with a serious mental illness' and 'children with a serious emotional disturbance'. The Secretary shall disseminate the definitions to the States.

"(2) STANDARDIZED METHODS.—The Secretary shall establish standardized methods for making the estimates required in subsection (b)(11) with respect to a State. A funding agreement for a grant under section 1911 for the State is that the State will utilize such methods in making the estimates.

"(3) DATE CERTAIN FOR COMPLIANCE BY SECRETARY.—Not later than 90 days after the date of the enactment of the ADAMHA Reorganization Act, the Secretary shall establish the definitions described in paragraph (1), shall begin dissemination of the definitions to the States, and shall establish the standardized methods described in paragraph (2).

"(d) REQUIREMENT OF IMPLEMENTATION OF PLAN.—

"(1) COMPLETE IMPLEMENTATION.—Except as provided in paragraph (2), in making a grant under section 1911 to a State for a fiscal year, the Secretary shall make a determination of the extent to which the State has implemented the plan required in subsection (a). If the Secretary determines that a State has not completely implemented the plan, the Secretary shall reduce the amount of the allotment under section 1911 for the State for the fiscal year involved by an amount equal to 10 percent of the amount determined under section 1918 for the State for the fiscal year.

"(2) SUBSTANTIAL IMPLEMENTATION AND GOOD FAITH EFFORT REGARDING FISCAL YEAR 1993.—

"(A) In making a grant under section 1911 to a State for fiscal year 1993, the Secretary shall make a determination of the extent to which the State has implemented the plan required in subsection (a). If the Secretary determines that the State has not substantially implemented the plan, the Secretary shall, subject to subparagraph (B), reduce the amount of the allotment under section 1911 for the State for such fiscal year by an amount equal to 10 percent of the amount determined under section 1918 for the State for the fiscal year.

"(B) In carrying out subparagraph (A), if the Secretary determines that the State is making a good faith effort to implement the plan required in subsection (a), the Secretary may make a reduction under such subparagraph in an amount that is less than the amount specified in such subparagraph, except that the reduction may not be made in

an amount that is less than 5 percent of the amount determined under section 1918 for the State for fiscal year 1993.

"SEC. 1913. CERTAIN AGREEMENTS.

"(a) ALLOCATION FOR SYSTEMS OF INTEGRATED SERVICES FOR CHILDREN.—With respect to children with a serious emotional disturbance, a funding agreement for a grant under section 1911 is that—

"(1) in the case of a grant for fiscal year 1993, the State involved will expend not less than 10 percent of the grant to increase (relative to fiscal year 1992) funding for the system of integrated services described in section 1912(b)(9);

"(2) in the case of a grant for fiscal year 1994, the State will expend not less than 10 percent of the grant to increase (relative to fiscal year 1993) funding for such system; and

"(3) in the case of a grant for any subsequent fiscal year, the State will expend for such system not less than an amount equal to the amount expended by the State for fiscal year 1994.

"(b) PROVIDERS OF SERVICES.—A funding agreement for a grant under section 1911 for a State is that, with respect to the plan submitted under section 1912(a) for the fiscal year involved—

"(1) services under the plan will be provided only through appropriate, qualified community programs (which may include community mental health centers, child mental-health programs, psychosocial rehabilitation programs, mental health peer-support programs, and mental-health primary consumer-directed programs); and

"(2) services under the plan will be provided through community mental health centers only if the centers meet the criteria specified in subsection (c).

"(c) CRITERIA FOR MENTAL HEALTH CENTERS.—The criteria referred to in subsection (b)(2) regarding community mental health centers are as follows:

"(1) With respect to mental health services, the centers provide services as follows:

"(A) Services principally to individuals residing in a defined geographic area (hereafter in this subsection referred to as a 'service area').

"(B) Outpatient services, including specialized outpatient services for children, the elderly, individuals with a serious mental illness, and residents of the service areas of the centers who have been discharged from inpatient treatment at a mental health facility.

"(C) 24-hour-a-day emergency care services.

"(D) Day treatment or other partial hospitalization services, or psychosocial rehabilitation services

"(E) screening for patients being considered for admission to State mental health facilities to determine the appropriateness of such admission;

"(2) The mental health services of the centers are provided, within the limits of the capacities of the centers, to any individual residing or employed in the service area of the center regardless of ability to pay for such services.

"(3) The mental health services of the centers are available and accessible promptly, as appropriate and in a manner which preserves human dignity and assures continuity and high quality care.

"SEC. 1914. STATE MENTAL HEALTH PLANNING COUNCIL.

"(a) IN GENERAL.—A funding agreement for a grant under section 1911 is that the State involved will establish and maintain a State mental health planning council in accordance with the conditions described in this section.

"(b) DUTIES.—A condition under subsection (a) for a Council is that the duties of the Council are—

"(1) to review plans provided to the Council pursuant to section 1915(a) by the State involved and to submit to the State any recommendations of the Council for modifications to the plans;

"(2) to serve as an advocate for adults with a serious mental illness, children with a severe emotional disturbance, and other individuals with mental illnesses or emotional problems; and

"(3) to monitor, review, and evaluate, not less than once each year, the allocation and adequacy of mental health services within the State.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—A condition under subsection (a) for a Council is that the Council be composed of residents of the State, including representatives of—

"(A) the principal State agencies with respect to—

"(i) mental health, education, vocational rehabilitation, criminal justice, housing, and social services; and

"(ii) the development of the plan submitted pursuant to title XIX of the Social Security Act;

"(B) public and private entities concerned with the need, planning, operation, funding, and use of mental health services and related support services;

"(C) adults with serious mental illnesses who are receiving (or have received) mental health services; and

"(D) the families of such adults or families of children with emotional disturbance.

"(2) CERTAIN REQUIREMENTS.—A condition under subsection (a) for a Council is that—

"(A) with respect to the membership of the Council, the ratio of parents of children with a serious emotional disturbance to other members of the Council is sufficient to provide adequate representation of such children in the deliberations of the Council; and

"(B) not less than 50 percent of the members of the Council are individuals who are not State employees or providers of mental health services.

"(d) DEFINITION.—For purposes of this section, the term 'Council' means a State mental health planning council.

"SEC. 1915. ADDITIONAL PROVISIONS.

"(a) REVIEW OF STATE PLAN BY MENTAL HEALTH PLANNING COUNCIL.—The Secretary may make a grant under section 1911 to a State only if—

"(1) the plan submitted under section 1912(a) with respect to the grant has been reviewed by the State mental health planning council under section 1914; and

"(2) the State submits to the Secretary any recommendations received by the State from such council for modifications to the plan (without regard to whether the State has made the recommended modifications).

"(b) MAINTENANCE OF EFFORT REGARDING STATE EXPENDITURES FOR MENTAL HEALTH.—

"(1) IN GENERAL.—A funding agreement for a grant under section 1911 is that the State involved will maintain State expenditures for community mental health services at a level that is not less than the average level of such expenditures maintained by the State for the 2-year period preceding the fiscal year for which the State is applying for the grant.

"(2) WAIVER.—The Secretary may, upon the request of a State, waive the requirement established in paragraph (1) if the Secretary determines that extraordinary economic conditions in the State justify the waiver.

"(3) NONCOMPLIANCE BY STATE.—

"(A) In making a grant under section 1911 to a State for a fiscal year, the Secretary shall make a determination of whether, for the previous fiscal year, the State maintained material compliance with the agree-

ment made under paragraph (1). If the Secretary determines that a State has failed to maintain such compliance, the Secretary shall reduce the amount of the allotment under section 1911 for the State for the fiscal year for which the grant is being made by an amount equal to the amount constituting such failure for the previous fiscal year.

"(B) The Secretary may make a grant under section 1911 for a fiscal year only if the State involved submits to the Secretary information sufficient for the Secretary to make the determination required in subparagraph (A).

"SEC. 1916. RESTRICTIONS ON USE OF PAYMENTS.

"(a) IN GENERAL.—A funding agreement for a grant under section 1911 is that the State involved will not expend the grant—

"(1) to provide inpatient services;

"(2) to make cash payments to intended recipients of health services;

"(3) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

"(4) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

"(5) to provide financial assistance to any entity other than a public or nonprofit private entity.

"(b) LIMITATION ON ADMINISTRATIVE EXPENSES.—A funding agreement for a grant under section 1911 is that the State involved will not expend more than 5 percent of the grant for administrative expenses with respect to the grant.

"SEC. 1917. APPLICATION FOR GRANT.

"(a) IN GENERAL.—For purposes of section 1911, an application for a grant under such section for a fiscal year in accordance with this section if, subject to subsection (b)—

"(1) the State involved submits the application not later than the date specified by the Secretary as being the date after which applications for such a grant will not be considered (in any case in which the Secretary specifies such a date);

"(2) the application contains each funding agreement that is described in this subpart or subpart III for such a grant (other than any such agreement that is not applicable to the State);

"(3) the agreements are made through certification from the chief executive officer of the State;

"(4) with respect to such agreements, the application provides assurances of compliance satisfactory to the Secretary;

"(5) the application contains the plan required in section 1912(a), the information required in section 1915(b)(3)(B), and the report required in section 1942(a);

"(6) the application contains recommendations in compliance with section 1915(a), or if no such recommendations are received by the State, the application otherwise demonstrates compliance with such section; and

"(7) the application (including the plan under section 1912(a)) is otherwise in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this subpart.

"(b) WAIVERS REGARDING CERTAIN TERRITORIES.—In the case of any territory of the United States whose allotment under section 1911 for the fiscal year is the amount specified in section 1918(c)(2)(B), the Secretary may waive such provisions of this subpart and subpart III as the Secretary determines to be appropriate, other than the provisions of section 1916.

"SEC. 1918. DETERMINATION OF AMOUNT OF ALLOTMENT.

"(a) STATES.—

"(1) DETERMINATION UNDER FORMULA.—Subject to subsection (b), the Secretary shall de-

termine the amount of the allotment required in section 1911 for a State for a fiscal year in accordance with the following formula:

$$A \left(\frac{X}{U} \right)$$

“(2) DETERMINATION OF TERM ‘A’.—For purposes of paragraph (1), the term ‘A’ means the difference between—

“(A) the amount appropriated under section 1920(a) for allotments under section 1911 for the fiscal year involved; and

“(B) an amount equal to 1.5 percent of the amount referred to in subparagraph (A).

“(3) DETERMINATION OF TERM ‘U’.—For purposes of paragraph (1), the term ‘U’ means the sum of the respective terms ‘X’ determined for the States under paragraph (4).

“(4) DETERMINATION OF TERM ‘X’.—For purposes of paragraph (1), the term ‘X’ means the product of—

“(A) an amount equal to the product of—

“(i) the term ‘P’, as determined for the State involved under paragraph (5); and

“(ii) the factor determined under paragraph (8) for the State; and

“(B) the greater of—

“(i) 0.4; and

“(ii) an amount equal to an amount determined for the State in accordance with the following formula:

$$1 - .35 \left(\frac{R\%}{P\%} \right)$$

“(5) DETERMINATION OF TERM ‘P’.—

“(A) For purposes of paragraph (4), the term ‘P’ means the sum of—

“(i) an amount equal to the product of 0.107 and the number of individuals in the State who are between 18 and 24 years of age (inclusive);

“(ii) an amount equal to the product of 0.166 and the number of individuals in the State who are between 25 and 44 years of age (inclusive);

“(iii) an amount equal to the product of 0.099 and the number of individuals in the State who are between 25 and 64 years of age (inclusive); and

“(iv) an amount equal to the product of 0.082 and the number of individuals in the State who are 65 years of age or older.

“(B) With respect to data on population that is necessary for purposes of making a determination under subparagraph (A), the Secretary shall use the most recent data that is available from the Secretary of Commerce pursuant to the decennial census and pursuant to reasonable estimates by such Secretary of changes occurring in the data in the ensuing period.

“(6) DETERMINATION OF TERM ‘R%’.—

“(A) For purposes of paragraph (4), the term ‘R%’, except as provided in subparagraph (D), means the percentage constituted by the ratio of the amount determined under subparagraph (B) for the State involved to the amount determined under subparagraph (C).

“(B) The amount determined under this subparagraph for the State involved is the quotient of—

“(i) the most recent 3-year arithmetic mean of the total taxable resources of the State, as determined by the Secretary of the Treasury; divided by

“(ii) the factor determined under paragraph (8) for the State.

“(C) The amount determined under this subparagraph is the sum of the respective

amounts determined for the States under subparagraph (B) (including the District of Columbia).

“(D)(i) In the case of the District of Columbia, for purposes of paragraph (4), the term ‘R%’ means the percentage constituted by the ratio of the amount determined under clause (ii) for such District to the amount determined under clause (iii).

“(ii) The amount determined under this clause for the District of Columbia is the quotient of—

“(I) the most recent 3-year arithmetic mean of total personal income in such District, as determined by the Secretary of Commerce; divided by

“(II) the factor determined under paragraph (8) for the District.

“(iii) The amount determined under this clause is the sum of the respective amounts determined for the States (including the District of Columbia) by making, for each State, the same determination as is described in clause (ii) for the District of Columbia.

“(7) DETERMINATION OF TERM ‘P%’.—For purposes of paragraph (4), the term ‘P%’ means the percentage constituted by the ratio of the term ‘P’ determined under paragraph (5) for the State involved to the sum of the respective terms ‘P’ determined for the States.

“(8) DETERMINATION OF CERTAIN FACTOR.—

“(A) The factor determined under this paragraph for the State involved is a factor whose purpose is to adjust the amount determined under clause (i) of paragraph (4)(A), and the amounts determined under each of subparagraphs (B)(i) and (D)(i)(I) of paragraph (6), to reflect the differences that exist between the State and other States in the costs of providing comprehensive community mental health services to adults with a serious mental illness and to children with a serious emotional disturbance.

“(B) Subject to subparagraph (C), the factor determined under this paragraph and in effect for the fiscal year involved shall be determined according to the methodology described in the report entitled ‘Adjusting the Alcohol, Drug Abuse and Mental Health Services Block Grant Allocations for Poverty Populations and Cost of Service’, dated March 30, 1990, and prepared by Health Economics Research, a corporation, pursuant to a contract with the National Institute on Drug Abuse.

“(C) The factor determined under this paragraph for the State involved may not for any fiscal year be greater than 1.1 or less than 0.9.

“(D)(i) Not later than October 1, 1992, the Secretary, after consultation with the Comptroller General, shall in accordance with this section make a determination for each State of the factor that is to be in effect for the State under this paragraph. The factor so determined shall remain in effect through fiscal year 1994, and shall be recalculated every third fiscal year thereafter.

“(ii) After consultation with the Comptroller General, the Secretary shall, through publication in the Federal Register, periodically make such refinements in the methodology referred to in subparagraph (B) as are consistent with the purpose described in subparagraph (A).

“(b) MINIMUM ALLOTMENTS FOR STATES.—For each of the fiscal years 1993 and 1994, the amount of the allotment required in section 1911 for a State for the fiscal year involved shall be the greater of—

“(1) the amount determined under subsection (a) for the State for the fiscal year; and

“(2) an amount equal to 20.6 percent of the amount received by the State from allotments made pursuant to this part for fiscal year 1992 (including reallocations under sec-

tion 205(a) of the ADAMHA Reorganization Act).

“(c) TERRITORIES.—

“(1) DETERMINATION UNDER FORMULA.—Subject to paragraphs (2) and (4), the amount of an allotment under section 1911 for a territory of the United States for a fiscal year shall be the product of—

“(A) an amount equal to the amounts reserved under paragraph (3) for the fiscal year; and

“(B) a percentage equal to the quotient of—

“(i) the civilian population of the territory, as indicated by the most recently available data; divided by

“(ii) the aggregate civilian population of the territories of the United States, as indicated by such data.

“(2) MINIMUM ALLOTMENT FOR TERRITORIES.—The amount of an allotment under section 1911 for a territory of the United States for a fiscal year shall be the greater of—

“(A) the amount determined under paragraph (1) for the territory for the fiscal year; and

“(B) \$50,000.

“(3) RESERVATION OF AMOUNTS.—The Secretary shall each fiscal year reserve for the territories of the United States 1.5 percent of the amounts appropriated under section 1920(a) for allotments under section 1911 for the fiscal year.

“(4) AVAILABILITY OF DATA ON POPULATION.—With respect to data on the civilian population of the territories of the United States, if the Secretary determines for a fiscal year that recent such data for purposes of paragraph (1)(B) do not exist regarding a territory, the Secretary shall for such purposes estimate the civilian population of the territory by modifying the data on the territory to reflect the average extent of change occurring during the ensuing period in the population of all territories with respect to which recent such data do exist.

“(5) APPLICABILITY OF CERTAIN PROVISIONS.—For purposes of subsection (a), the term ‘State’ does not include the territories of the United States.

“SEC. 1919. DEFINITIONS.

“For purposes of this subpart:

“(1) The terms ‘adults with a serious mental illness’ and ‘children with a serious emotional disturbance’ have the meanings given such terms under section 1912(c)(1).

“(2) The term ‘funding agreement’, with respect to a grant under section 1911 to a State, means that the Secretary may make such a grant only if the State makes the agreement involved.

“SEC. 1920. FUNDING.

“(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, and subpart III and section 505 with respect to mental health, there are authorized to be appropriated \$450,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

“(b) ALLOCATIONS FOR TECHNICAL ASSISTANCE, DATA COLLECTION, AND PROGRAM EVALUATION.—

“(1) IN GENERAL.—For the purpose of carrying out section 1948(a) with respect to mental health and the purposes specified in paragraphs (2) and (3), the Secretary shall obligate 5 percent of the amounts appropriated under subsection (a) for a fiscal year.

“(2) DATA COLLECTION.—The purpose specified in this paragraph is carrying out section 505 with respect to mental health.

“(3) PROGRAM EVALUATION.—The purpose specified in this paragraph is the conduct of evaluations of prevention and treatment programs and services with respect to mental health to determine methods for improving the availability and quality of such programs and services.”.

SEC. 202. ESTABLISHMENT OF SEPARATE BLOCK GRANT REGARDING SUBSTANCE ABUSE.

Part B of title XIX of the Public Health Service Act, as amended by section 101 of this Act, is amended by adding at the end the following:

“Subpart II—Block Grants for Prevention and Treatment of Substance Abuse

“SEC. 1921. FORMULA GRANTS TO STATES.

“(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Center for Substance Abuse Treatment, shall make an allotment each fiscal year for each State in an amount determined in accordance with section 1933. The Secretary shall make a grant to the State of the allotment made for the State for the fiscal year if the State submits to the Secretary an application in accordance with section 1932.

“(b) AUTHORIZED ACTIVITIES.—A funding agreement for a grant under subsection (a) is that, subject to section 1931, the State involved will expend the grant only for the purpose of planning, carrying out, and evaluating activities to prevent and treat substance abuse and for related activities authorized in section 1924.

“SEC. 1922. CERTAIN ALLOCATIONS.

“(a) ALLOCATIONS REGARDING ALCOHOL AND OTHER DRUGS.—A funding agreement for a grant under section 1921 is that, in expending the grant, the State involved will expend—

“(1) not less than 35 percent for prevention and treatment activities regarding alcohol; and

“(2) not less than 35 percent for prevention and treatment activities regarding other drugs.

“(b) ALLOCATION REGARDING PRIMARY PREVENTION PROGRAMS.—A funding agreement for a grant under section 1921 is that, in expending the grant, the State involved—

“(1) will expend not less than 20 percent for programs for individuals who do not require treatment for substance abuse, which programs—

“(A) educate and counsel the individuals on such abuse; and

“(B) provide for activities to reduce the risk of such abuse by the individuals;

“(2) will, in carrying out paragraph (1)—

“(A) give priority to programs for populations that are at risk of developing a pattern of such abuse; and

“(B) ensure that programs receiving priority under subparagraph (A) develop community-based strategies for the prevention of such abuse, including strategies to discourage the use of alcoholic beverages and tobacco products by individuals to whom it is unlawful to sell or distribute such beverages or products.

“(c) ALLOCATIONS REGARDING WOMEN.—

“(1) IN GENERAL.—Subject to paragraph (2), a funding agreement for a grant under section 1921 for a fiscal year is that—

“(A) in the case of a grant for fiscal year 1993, the State involved will expend not less than 5 percent of the grant to increase (relative to fiscal year 1992) the availability of treatment services designed for pregnant women and women with dependent children (either by establishing new programs or expanding the capacity of existing programs);

“(B) in the case of a grant for fiscal year 1994, the State will expend not less than 5 percent of the grant to so increase (relative to fiscal year 1993) the availability of such services for such women; and

“(C) in the case of a grant for any subsequent fiscal year, the State will expend for such services for such women not less than an amount equal to the amount expended by the State for fiscal year 1994.

“(2) WAIVER.—

“(A) Upon the request of a State, the Secretary may provide to the State a waiver of

all or part of the requirement established in paragraph (1) if the Secretary determines that the State is providing an adequate level of treatment services for women described in such paragraph, as indicated by a comparison of the number of such women seeking the services with the availability in the State of the services.

“(B) The Secretary shall approve or deny a request for a waiver under subparagraph (A) not later than 120 days after the date on which the request is made.

“(C) Any waiver provided by the Secretary under subparagraph (A) shall be applicable only to the fiscal year involved.

“(3) CHILDCARE AND PRENATAL CARE.—A funding agreement for a grant under section 1921 for a State is that each entity providing treatment services with amounts reserved under paragraph (1) by the State will, directly or through arrangements with other public or nonprofit private entities, make available prenatal care to women receiving such services and, while the women are receiving the services, childcare.

“SEC. 1923. INTRAVENOUS SUBSTANCE ABUSE.

“(a) CAPACITY OF TREATMENT PROGRAMS.—

“(1) NOTIFICATION OF REACHING CAPACITY.—A funding agreement for a grant under section 1921 is that the State involved will, in the case of programs of treatment for intravenous drug abuse, require that any such program receiving amounts from the grant, upon reaching 90 percent of its capacity to admit individuals to the program, provide to the State a notification of such fact.

“(2) PROVISION OF TREATMENT.—A funding agreement for a grant under section 1921 is that the State involved will, with respect to notifications under paragraph (1), ensure that each individual who requests and is in need of treatment for intravenous drug abuse is admitted to a program of such treatment not later than—

“(A) 14 days after making the request for admission to such a program; or

“(B) 120 days after the date of such request, if no such program has the capacity to admit the individual on the date of such request and if interim services are made available to the individual not later than 48 hours after such request.

“(b) OUTREACH REGARDING INTRAVENOUS SUBSTANCE ABUSE.—A funding agreement for a grant under section 1921 is that the State involved, in providing amounts from the grant to any entity for treatment services for intravenous drug abuse, will require the entity to carry out activities to encourage individuals in need of such treatment to undergo treatment.

“SEC. 1924. REQUIREMENTS REGARDING TUBERCULOSIS AND HUMAN IMMUNODEFICIENCY VIRUS.

“(a) TUBERCULOSIS.—

“(1) IN GENERAL.—A funding agreement for a grant under section 1921 is that the State involved will require that any entity receiving amounts from the grant for operating a program of treatment for substance abuse—

“(A) will, directly or through arrangements with other public or nonprofit private entities, routinely make available tuberculosis services to each individual receiving treatment for such abuse; and

“(B) in the case of an individual in need of such treatment who is denied admission to the program on the basis of the lack of the capacity of the program to admit the individual, will refer the individual to another provider of tuberculosis services.

“(2) TUBERCULOSIS SERVICES.—For purposes of paragraph (1), the term ‘tuberculosis services’, with respect to an individual, means—

“(A) counseling the individual with respect to tuberculosis;

“(B) testing to determine whether the individual has contracted such disease and test-

ing to determine the form of treatment for the disease that is appropriate for the individual; and

“(C) providing such treatment to the individual.

“(b) HUMAN IMMUNODEFICIENCY VIRUS.—

“(1) REQUIREMENT FOR CERTAIN STATES.—In the case of a State described in paragraph (2), a funding agreement for a grant under section 1921 is that—

“(A) with respect to individuals undergoing treatment for substance abuse, the State will, subject to paragraph (3), carry out 1 or more projects to make available to the individuals early intervention services for HIV disease at the sites at which the individuals are undergoing such treatment;

“(B) for the purpose of providing such early intervention services through such projects, the State will make available from the grant the percentage that is applicable for the State under paragraph (4); and

“(C) the State will, subject to paragraph (5), carry out such projects only in geographic areas of the State that have the greatest need for the projects.

“(2) DESIGNATED STATES.—For purposes of this subsection, a State described in this paragraph is any State whose rate of cases of acquired immune deficiency syndrome is 10 or more such cases per 100,000 individuals (as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control for the most recent calendar year for which such data are available).

“(3) USE OF EXISTING PROGRAMS REGARDING SUBSTANCE ABUSE.—With respect to programs that provide treatment services for substance abuse, a funding agreement for a grant under section 1921 for a designated State is that each such program participating in a project under paragraph (1) will be a program that began operation prior to the fiscal year for which the State is applying to receive the grant. A program that so began operation may participate in a project under paragraph (1) without regard to whether the program has been providing early intervention services for HIV disease.

“(4) APPLICABLE PERCENTAGE REGARDING EXPENDITURES FOR SERVICES.—

“(A)(i) For purposes of paragraph (1)(B), the percentage that is applicable under this paragraph for a designated State is, subject to subparagraph (B), the percentage by which the amount of the grant under section 1921 for the State for the fiscal year involved is an increase over the amount specified in clause (ii).

“(ii) The amount specified in this clause is the amount that was reserved by the designated State involved from the allotment of the State under section 1912A for fiscal year 1991 in compliance with section 1916(c)(6)(A)(ii) (as such sections were in effect for such fiscal year).

“(B) If the percentage determined under subparagraph (A) for a designated State for a fiscal year is less than 2 percent (including a negative percentage, in the case of a State for which there is no increase for purposes of such subparagraph), the percentage applicable under this paragraph for the State is 2 percent. If the percentage so determined is 2 percent or more, the percentage applicable under this paragraph for the State is the percentage determined under subparagraph (A), subject to not exceeding 5 percent.

“(5) REQUIREMENT REGARDING RURAL AREAS.—

“(A) A funding agreement for a grant under section 1921 for a designated State is that, if the State will carry out 2 or more projects under paragraph (1), the State will carry out 1 such project in a rural area of the State, subject to subparagraph (B).

“(B) The Secretary shall waive the requirement established in subparagraph (A) if the

State involved certifies to the Secretary that—

“(i) there is insufficient demand in the State to carry out a project under paragraph (1) in any rural area of the State; or

“(ii) there are no rural areas in the State.

“(6) MANNER OF PROVIDING SERVICES.—With respect to the provision of early intervention services for HIV disease to an individual, a funding agreement for a grant under section 1921 for a designated State is that—

“(A) such services will be undertaken voluntarily by, and with the informed consent of, the individual; and

“(B) undergoing such services will not be required as a condition of receiving treatment services for substance abuse or any other services.

“(7) DEFINITIONS.—For purposes of this subsection:

“(A) The term ‘designated State’ means a State described in paragraph (2).

“(B) The term ‘early intervention services’, with respect to HIV disease, means—

“(i) appropriate pretest counseling;

“(ii) testing individuals with respect to such disease, including tests to confirm the presence of the disease, tests to diagnose the extent of the deficiency in the immune system, and tests to provide information on appropriate therapeutic measures for preventing and treating the deterioration of the immune system and for preventing and treating conditions arising from the disease;

“(iii) appropriate post-test counseling; and

“(iv) providing the therapeutic measures described in clause (ii).

“(C) The term ‘HIV disease’ means infection with the etiologic agent for acquired immune deficiency syndrome.

“(c) EXPENDITURE OF GRANT FOR COMPLIANCE WITH AGREEMENTS.—

“(1) IN GENERAL.—A grant under section 1921 may be expended for purposes of compliance with the agreements required in this section, subject to paragraph (2).

“(2) LIMITATION.—A funding agreement for a grant under section 1921 for a State is that the grant will not be expended to make payment for any service provided for purposes of compliance with this section to the extent that payment has been made, or can reasonably be expected to be made, with respect to such service—

“(A) under any State compensation program, under any insurance policy, or under any Federal or State health benefits program (including the program established in title XVIII of the Social Security Act and the program established in title XIX of such Act); or

“(B) by an entity that provides health services on a prepaid basis.

“(d) MAINTENANCE OF EFFORT.—With respect to services provided for by a State for purposes of compliance with this section, a funding agreement for a grant under section 1921 is that the State will maintain expenditures of non-Federal amounts for such services at a level that is not less than average level of such expenditures maintained by the State for 2-year period preceding the first fiscal year for which the State receives such a grant.

“(e) APPLICABILITY OF CERTAIN PROVISION.—Section 1931 applies to this section (and to each other provision of this subpart).

“SEC. 1925. GROUP HOMES FOR RECOVERING SUBSTANCE ABUSERS.

“(a) STATE REVOLVING FUNDS FOR ESTABLISHMENT OF HOMES.—For fiscal year 1993 and subsequent fiscal years, the Secretary may make a grant under section 1921 only if the State involved has established, and is providing for the ongoing operation of, a revolving fund as follows:

“(1) The purpose of the fund is to make loans for the costs of establishing programs

for the provision of housing in which individuals recovering from alcohol or drug abuse may reside in groups of not less than 6 individuals. The fund is established directly by the State or through the provision of a grant or contract to a nonprofit private entity.

“(2) The programs are carried out in accordance with guidelines issued under subsection (b).

“(3) Not less than \$100,000 is available for the fund.

“(4) Loans made from the revolving fund do not exceed \$4,000 and each such loan is repaid to the revolving fund by the residents of the housing involved not later than 2 years after the date on which the loan is made.

“(5) Each such loan is repaid by such residents through monthly installments, and a reasonable penalty is assessed for each failure to pay such periodic installments by the date specified in the loan agreement involved.

“(6) Such loans are made only to nonprofit private entities agreeing that, in the operation of the program established pursuant to the loan—

“(A) the use of alcohol or any illegal drug in the housing provided by the program will be prohibited;

“(B) any resident of the housing who violates such prohibition will be expelled from the housing;

“(C) the costs of the housing, including fees for rent and utilities, will be paid by the residents of the housing; and

“(D) the residents of the housing will, through a majority vote of the residents, otherwise establish policies governing residence in the housing, including the manner in which applications for residence in the housing are approved.

“(b) ISSUANCE BY SECRETARY OF GUIDELINES.—The Secretary shall ensure that there are in effect guidelines under this subpart for the operation of programs described in subsection (a).

“(c) APPLICABILITY TO TERRITORIES.—The requirements established in subsection (a) shall not apply to any territory of the United States other than the Commonwealth of Puerto Rico.

“SEC. 1926. STATE LAW REGARDING SALE OF TOBACCO PRODUCTS TO INDIVIDUALS UNDER AGE OF 18.

“(a) RELEVANT LAW.—

“(1) IN GENERAL.—Subject to paragraph (2), for fiscal year 1994 and subsequent fiscal years, the Secretary may make a grant under section 1921 only if the State involved has in effect a law providing that it is unlawful for any manufacturer, retailer, or distributor of tobacco products to sell or distribute any such product to any individual under the age of 18.

“(2) DELAYED APPLICABILITY FOR CERTAIN STATES.—In the case of a State whose legislature does not convene a regular session in fiscal year 1993, and in the case of a State whose legislature does not convene a regular session in fiscal year 1994, the requirement described in paragraph (1) as a condition of a receipt of a grant under section 1921 shall apply only for fiscal year 1995 and subsequent fiscal years.

“(b) ENFORCEMENT.—

“(1) IN GENERAL.—For the first applicable fiscal year and for subsequent fiscal years, a funding agreement for a grant under section 1921 is that the State involved will enforce the law described in subsection (a) in a manner that can reasonably be expected to reduce the extent to which tobacco products are available to individuals under the age of 18.

“(2) ACTIVITIES AND REPORTS REGARDING ENFORCEMENT.—For the first applicable fiscal year and for subsequent fiscal years, a funding agreement for a grant under section 1921 is that the State involved will—

“(A) annually conduct random, unannounced inspections to ensure compliance with the law described in subsection (a); and

“(B) annually submit to the Secretary a report describing—

“(i) the activities carried out by the State to enforce such law during the fiscal year preceding the fiscal year for which the State is seeking the grant;

“(ii) the extent of success the State has achieved in reducing the availability of tobacco products to individuals under the age of 18; and

“(iii) the strategies to be utilized by the State for enforcing such law during the fiscal year for which the grant is sought.

“(c) NONCOMPLIANCE OF STATE.—Before making a grant under section 1921 to a State for the first applicable fiscal year or any subsequent fiscal year, the Secretary shall make a determination of whether the State has maintained compliance with subsections (a) and (b). If, after notice to the State and an opportunity for a hearing, the Secretary determines that the State is not in compliance with such subsections, the Secretary shall reduce the amount of the allotment under such section for the State for the fiscal year involved by an amount equal to—

“(1) in the case of the first applicable fiscal year, 10 percent of the amount determined under section 1933 for the State for the fiscal year;

“(2) in the case of the first fiscal year following such applicable fiscal year, 20 percent of the amount determined under section 1933 for the State for the fiscal year;

“(3) in the case of the second such fiscal year, 30 percent of the amount determined under section 1933 for the State for the fiscal year; and

“(4) in the case of the third such fiscal year or any subsequent fiscal year, 40 percent of the amount determined under section 1933 for the State for the fiscal year.

“(d) DEFINITION.—For purposes of this section, the term ‘first applicable fiscal year’ means—

“(1) fiscal year 1995, in the case of any State described in subsection (a)(2); and

“(2) fiscal year 1994, in the case of any other State.

“SEC. 1927. TREATMENT SERVICES FOR PREGNANT WOMEN.

“(a) IN GENERAL.—A funding agreement for a grant under section 1921 is that the State involved—

“(1) will ensure that each pregnant woman in the State who seeks or is referred for and would benefit from such services is given preference in admissions to treatment facilities receiving funds pursuant to the grant; and

“(2) will, in carrying out paragraph (1), publicize the availability to such women of services from the facilities and the fact that the women receive such preference.

“(b) REFERRALS REGARDING STATES.—A funding agreement for a grant under section 1921 is that, in carrying out subsection (a)(1)—

“(1) the State involved will require that, in the event that a treatment facility has insufficient capacity to provide treatment services to any woman described in such subsection who seeks the services from the facility, the facility refer the woman to the State; and

“(2) the State, in the case of each woman for whom a referral under paragraph (1) is made to the State—

“(A) will refer the woman to a treatment facility that has the capacity to provide treatment services to the woman; or

“(B) will, if no treatment facility has the capacity to admit the woman, make available interim services available to the woman not later than 48 hours after the woman seeks the treatment services.

"SEC. 1928. ADDITIONAL AGREEMENTS.

"(a) IMPROVEMENT OF PROCESS FOR APPROPRIATE REFERRALS FOR TREATMENT.—With respect to individuals seeking treatment services, a funding agreement for a grant under section 1921 is that the State involved will improve (relative to fiscal year 1992) the process in the State for referring the individuals to treatment facilities that can provide to the individuals the treatment modality that is most appropriate for the individuals.

"(b) CONTINUING EDUCATION.—With respect to any facility for treatment services or prevention activities that is receiving amounts from a grant under section 1921, a funding agreement for a State for a grant under such section is that continuing education in such services or activities (or both, as the case may be) will be made available to employees of the facility who provide the services or activities.

"(c) COORDINATION OF VARIOUS ACTIVITIES AND SERVICES.—A funding agreement for a grant under section 1921 is that the State involved will coordinate prevention and treatment activities with the provision of other appropriate services (including health, social, correctional and criminal justice, educational, vocational rehabilitation, and employment services).

"(d) WAIVER OF REQUIREMENT.—

"(1) IN GENERAL.—Upon the request of a State, the Secretary may provide to a State a waiver of any or all of the requirements established in this section if the Secretary determines that, with respect to services for the prevention and treatment of substance abuse, the requirement involved is unnecessary for maintaining quality in the provision of such services in the State.

"(2) DATE CERTAIN FOR ACTING UPON REQUEST.—The Secretary shall approve or deny a request for a waiver under paragraph (1) not later than 120 days after the date on which the request is made.

"(3) APPLICABILITY OF WAIVER.—Any waiver provided by the Secretary under paragraph (1) shall be applicable only to the fiscal year involved.

"SEC. 1929. SUBMISSION TO SECRETARY OF STATEWIDE ASSESSMENT OF NEEDS.

"The Secretary may make a grant under section 1921 only if the State submits to the Secretary an assessment of the need in the State for authorized activities (which assessment is conducted in accordance with criteria issued by the Secretary), both by locality and by the State in general, which assessment includes a description of—

"(1) the incidence and prevalence in the State of drug abuse and the incidence and prevalence in the State of alcohol abuse and alcoholism;

"(2) current prevention and treatment activities in the State;

"(3) the need of the State for technical assistance to carry out such activities;

"(4) efforts by the State to improve such activities; and

"(5) the extent to which the availability of such activities is insufficient to meet the need for the activities, the interim services to be made available under sections 1923(a) and 1927(b), and the manner in which such services are to be so available.

"SEC. 1930. MAINTENANCE OF EFFORT REGARDING STATE EXPENDITURES.

"(a) IN GENERAL.—With respect to the principal agency of a State for carrying out authorized activities, a funding agreement for a grant under section 1921 for the State for a fiscal year is that such agency will for such year maintain aggregate State expenditures for authorized activities at a level that is not less than the average level of such expenditures maintained by the State for the 2-year period preceding the fiscal year for which the State is applying for the grant.

"(b) WAIVER.—

"(1) IN GENERAL.—Upon the request of a State, the Secretary may waive all or part of the requirement established in subsection (a) if the Secretary determines that extraordinary economic conditions in the State justify the waiver.

"(2) DATE CERTAIN FOR ACTING UPON REQUEST.—The Secretary shall approve or deny a request for a waiver under paragraph (1) not later than 120 days after the date on which the request is made.

"(3) APPLICABILITY OF WAIVER.—Any waiver provided by the Secretary under paragraph (1) shall be applicable only to the fiscal year involved.

"(c) NONCOMPLIANCE BY STATE.—

"(1) IN GENERAL.—In making a grant under section 1921 to a State for a fiscal year, the Secretary shall make a determination of whether, for the previous fiscal year, the State maintained material compliance with any agreement made under subsection (a). If the Secretary determines that a State has failed to maintain such compliance, the Secretary shall reduce the amount of the allotment under section 1921 for the State for the fiscal year for which the grant is being made by an amount equal to the amount constituting such failure for the previous fiscal year.

"(2) SUBMISSION OF INFORMATION TO SECRETARY.—The Secretary may make a grant under section 1921 for a fiscal year only if the State involved submits to the Secretary information sufficient for the Secretary to make the determination required in paragraph (1).

"SEC. 1931. RESTRICTIONS ON EXPENDITURE OF GRANT.

"(a) IN GENERAL.—

"(1) CERTAIN RESTRICTIONS.—A funding agreement for a grant under section 1921 is that the State involved will not expend the grant—

"(A) to provide inpatient hospital services, except as provided in subsection (b);

"(B) to make cash payments to intended recipients of health services;

"(C) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

"(D) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

"(E) to provide financial assistance to any entity other than a public or nonprofit private entity.

"(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—A funding agreement for a grant under section 1921 is that the State involved will not expend more than 5 percent of the grant to pay the costs of administering the grant.

"(3) LIMITATION REGARDING PENAL AND CORRECTIONAL INSTITUTIONS.—A funding agreement for a State for a grant under section 1921 is that, in expending the grant for the purpose of providing treatment services in penal or correctional institutions of the State, the State will not expend more than an amount equal to the amount expended for such purpose by the State from the grant made under section 1912A to the State for fiscal year 1991 (as section 1912A was in effect for such fiscal year).

"(b) EXCEPTION REGARDING INPATIENT HOSPITAL SERVICES.—

"(1) MEDICAL NECESSITY AS PRECONDITION.—With respect to compliance with the agreement made under subsection (a), a State may expend a grant under section 1921 to provide inpatient hospital services as treatment for substance abuse only if it has been determined, in accordance with guidelines issued by the Secretary, that such treatment is a

medical necessity for the individual involved, and that the individual cannot be effectively treated in a community-based, non-hospital, residential program of treatment.

"(2) RATE OF PAYMENT.—In the case of an individual for whom a grant under section 1921 is expended to provide inpatient hospital services described in paragraph (1), a funding agreement for the grant for the State involved is that the daily rate of payment provided to the hospital for providing the services to the individual will not exceed the comparable daily rate provided for community-based, nonhospital, residential programs of treatment for substance abuse.

"(c) WAIVER REGARDING CONSTRUCTION OF FACILITIES.—

"(1) IN GENERAL.—The Secretary may provide to any State a waiver of the restriction established in subsection (a)(1)(C) for the purpose of authorizing the State to expend a grant under section 1921 for the construction of a new facility or rehabilitation of an existing facility, but not for land acquisition.

"(2) STANDARD REGARDING NEED FOR WAIVER.—The Secretary may approve a waiver under paragraph (1) only if the State demonstrates to the Secretary that adequate treatment cannot be provided through the use of existing facilities and that alternative facilities in existing suitable buildings are not available.

"(3) AMOUNT.—In granting a waiver under paragraph (1), the Secretary shall allow the use of a specified amount of funds to construct or rehabilitate a specified number of beds for residential treatment and a specified number of slots for outpatient treatment, based on reasonable estimates by the State of the costs of construction or rehabilitation. In considering waiver applications, the Secretary shall ensure that the State has carefully designed a program that will minimize the costs of additional beds.

"(4) MATCHING FUNDS.—The Secretary may grant a waiver under paragraph (1) only if the State agrees, with respect to the costs to be incurred by the State in carrying out the purpose of the waiver, to make available non-Federal contributions in cash toward such costs in an amount equal to not less than \$1 for each \$1 of Federal funds provided under section 1921.

"(5) DATE CERTAIN FOR ACTING UPON REQUEST.—The Secretary shall act upon a request for a waiver under paragraph (1) not later than 120 days after the date on which the request is made.

"SEC. 1932. APPLICATION FOR GRANT; APPROVAL OF STATE PLAN.

"(a) IN GENERAL.—For purposes of section 1921, an application for a grant under such section for a fiscal year is in accordance with this section if, subject to subsections (c) and (d)(2)—

"(1) the State involved submits the application not later than the date specified by the Secretary;

"(2) the application contains each funding agreement that is described in this subpart or subpart III for such a grant (other than any such agreement that is not applicable to the State);

"(3) the agreements are made through certification from the chief executive officer of the State;

"(4) with respect to such agreements, the application provides assurances of compliance satisfactory to the Secretary;

"(5) the application contains the information required in section 1929, the information required in section 1930(c)(2), and the report required in section 1942(a);

"(6)(A) the application contains a plan in accordance with subsection (b) and the plan is approved by the Secretary; and

"(B) the State provides assurances satisfactory to the Secretary that the State com-

plied with the provisions of the plan under subparagraph (A) that was approved by the Secretary for the most recent fiscal year for which the State received a grant under section 1921; and

“(7) the application (including the plan under paragraph (6)) is otherwise in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this subpart.

“(b) STATE PLAN.—

“(1) IN GENERAL.—A plan submitted by a State under subsection (a)(6) is in accordance with this subsection if the plan contains detailed provisions for complying with each funding agreement for a grant under section 1921 that is applicable to the State, including a description of the manner in which the State intends to expend the grant.

“(2) AUTHORITY OF SECRETARY REGARDING MODIFICATIONS.—As a condition of making a grant under section 1921 to a State for a fiscal year, the Secretary may require that the State modify any provision of the plan submitted by the State under subsection (a)(6) (including provisions on priorities in carrying out authorized activities). If the Secretary approves the plan and makes the grant to the State for the fiscal year, the Secretary may not during such year require the State to modify the plan.

“(3) AUTHORITY OF CENTER FOR SUBSTANCE ABUSE PREVENTION.—With respect to plans submitted by the States under subsection (a)(6), the Secretary, acting through the Director of the Center for Substance Abuse Prevention, shall review and approve or disapprove the provisions of the plans that relate to prevention activities.

“(c) WAIVERS REGARDING CERTAIN TERRITORIES.—In the case of any territory of the United States whose allotment under section 1921 for the fiscal year is the amount specified in section 1933(c)(2)(B), the Secretary may waive such provisions of this subpart and subpart III as the Secretary determines to be appropriate, other than the provisions of section 1931.

“(d) ISSUANCE OF REGULATIONS; PRECONDITION TO MAKING GRANTS.—

“(1) REGULATIONS.—Not later than August 25, 1992, the Secretary, acting as appropriate through the Director of the Center for Treatment Improvement or the Director of the Center for Substance Abuse Prevention, shall by regulation establish standards specifying the circumstances in which the Secretary will consider an application for a grant under section 1921 to be in accordance with this section.

“(2) ISSUANCE AS PRECONDITION TO MAKING GRANTS.—The Secretary may not make payments under any grant under section 1921 for fiscal year 1993 on or after January 1, 1993, unless the Secretary has issued standards under paragraph (1).

“SEC. 1933. DETERMINATION OF AMOUNT OF ALLOTMENT.

“(a) STATES.—

“(1) IN GENERAL.—Subject to subsection (b), the Secretary shall determine the amount of the allotment required in section 1921 for a State for a fiscal year as follows:

“(A) The formula established in paragraph (1) of section 1918(a) shall apply to this subsection to the same extent and in the same manner as the formula applies for purposes of section 1918(a), except that, in the application of such formula for purposes of this subsection, the modifications described in subparagraph (B) shall apply.

“(B) For purposes of subparagraph (A), the modifications described in this subparagraph are as follows:

“(i) The amount specified in paragraph (2)(A) of section 1918(a) is deemed to be the amount appropriated under section 1935(a)

for allotments under section 1921 for the fiscal year involved.

“(ii) The term ‘P’ is deemed to have the meaning given in paragraph (2) of this subsection. Section 1918(a)(5)(B) applies to the data used in determining such term for the States.

“(iii) The factor determined under paragraph (8) of section 1918(a) is deemed to have the purpose of reflecting the differences that exist between the State involved and other States in the costs of providing authorized services.

“(2) DETERMINATION OF TERM ‘P’.—For purposes of this subsection, the term ‘P’ means the percentage that is the arithmetic mean of the percentage determined under subparagraph (A) and the percentage determined under subparagraph (B), as follows:

“(A) The percentage constituted by the ratio of—

“(i) an amount equal to the sum of the total number of individuals who reside in the State involved and are between 18 and 24 years of age (inclusive) and the number of individuals in the State who reside in urbanized areas of the State and are between such years of age; to

“(ii) an amount equal to the total of the respective sums determined for the States under clause (i).

“(B) The percentage constituted by the ratio of—

“(i) the total number of individuals in the State who are between 25 and 64 years of age (inclusive); to

“(ii) an amount equal to the sum of the respective amounts determined for the States under clause (i).

“(b) MINIMUM ALLOTMENTS FOR STATES.—For each of the fiscal years 1993 and 1994, the amount of the allotment required in section 1921 for a State for the fiscal year involved shall be the greater of—

“(1) the amount determined under subsection (a) for the State for the fiscal year; and

“(2) an amount equal to 79.4 percent of the amount received by the State from allotments made pursuant to this part for fiscal year 1992 (including reallocations under section 205(a) of the ADAMHA Reorganization Act).

“(c) TERRITORIES.—

“(1) DETERMINATION UNDER FORMULA.—Subject to paragraphs (2) and (4), the amount of an allotment under section 1921 for a territory of the United States for a fiscal year shall be the product of—

“(A) an amount equal to the amounts reserved under paragraph (3) for the fiscal year; and

“(B) a percentage equal to the quotient of—

“(i) the civilian population of the territory, as indicated by the most recently available data; divided by

“(ii) the aggregate civilian population of the territories of the United States, as indicated by such data.

“(2) MINIMUM ALLOTMENT FOR TERRITORIES.—The amount of an allotment under section 1921 for a territory of the United States for a fiscal year shall be the greater of—

“(A) the amount determined under paragraph (1) for the territory for the fiscal year; and

“(B) \$50,000.

“(3) RESERVATION OF AMOUNTS.—The Secretary shall each fiscal year reserve for the territories of the United States 1.5 percent of the amounts appropriated under section 1935(a) for allotments under section 1921 for the fiscal year.

“(4) AVAILABILITY OF DATA ON POPULATION.—With respect to data on the civilian population of the territories of the United States, if the Secretary determines for a fis-

cal year that recent such data for purposes of paragraph (1)(B) do not exist regarding a territory, the Secretary shall for such purposes estimate the civilian population of the territory by modifying the data on the territory to reflect the average extent of change occurring during the ensuing period in the population of all territories with respect to which recent such data do exist.

“(5) APPLICABILITY OF CERTAIN PROVISIONS.—For purposes of subsections (a) and (b), the term ‘State’ does not include the territories of the United States.

“(d) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

“(1) IN GENERAL.—If the Secretary—

“(A) receives a request from the governing body of an Indian tribe or tribal organization within any State that funds under this subpart be provided directly by the Secretary to such tribe or organization; and

“(B) makes a determination that the members of such tribe or tribal organization would be better served by means of grants made directly by the Secretary under this;

the Secretary shall reserve from the allotment under section 1921 for the State for the fiscal year involved an amount that bears the same ratio to the allotment as the amount provided under this subpart to the tribe or tribal organization for fiscal year 1991 for activities relating to the prevention and treatment of the abuse of alcohol and other drugs bore to the amount of the portion of the allotment under this subpart for the State for such fiscal year that was expended for such activities.

“(2) TRIBE OR TRIBAL ORGANIZATION AS GRANTEE.—The amount reserved by the Secretary on the basis of a determination under this paragraph shall be granted to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

“(3) APPLICATION.—In order for an Indian tribe or tribal organization to be eligible for a grant for a fiscal year under this paragraph, it shall submit to the Secretary a plan for such fiscal year that meets such criteria as the Secretary may prescribe.

“(4) DEFINITION.—The terms ‘Indian tribe’ and ‘tribal organization’ have the same meaning given such terms in subsections (b) and (c) of section 4 of the Indian Self-Determination and Education Assistance Act.

“SEC. 1934. DEFINITIONS.

“For purposes of this subpart:

“(1) The term ‘authorized activities’, subject to section 1931, means the activities described in section 1921(b).

“(2) The term ‘funding agreement’, with respect to a grant under section 1921 to a State, means that the Secretary may make such a grant only if the State makes the agreement involved.

“(3) The term ‘prevention activities’, subject to section 1931, means activities to prevent substance abuse.

“(4) The term ‘substance abuse’ means the abuse of alcohol or other drugs.

“(5) The term ‘treatment activities’ means treatment services and, subject to section 1931, authorized activities that are related to treatment services.

“(6) The term ‘treatment facility’ means an entity that provides treatment services.

“(7) The term ‘treatment services’, subject to section 1931, means treatment for substance abuse.

“SEC. 1935. FUNDING.

“(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, subpart III and section 505 with respect to substance abuse, and section 515(d), there are authorized to be appropriated \$1,500,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

“(b) ALLOCATIONS FOR TECHNICAL ASSISTANCE, NATIONAL DATA BASE, DATA COLLECTION, AND PROGRAM EVALUATIONS.—

“(1) IN GENERAL.—

“(A) For the purpose of carrying out section 1948(a) with respect to substance abuse, section 515(d), and the purposes specified in subparagraphs (B) and (C), the Secretary shall obligate 5 percent of the amounts appropriated under subsection (a) each fiscal year.

“(B) The purpose specified in this subparagraph is the collection of data in this paragraph is carrying out section 505 with respect to substance abuse.

“(C) The purpose specified in this subparagraph is the conduct of evaluations of authorized activities to determine methods for improving the availability and quality of such activities.

“(2) ACTIVITIES OF CENTER FOR SUBSTANCE ABUSE PREVENTION.—Of the amounts reserved under paragraph (1) for a fiscal year, the Secretary, acting through the Director of the Center for Substance Abuse Prevention, shall obligate 20 percent for carrying out paragraph (1)(C), section 1949(a) with respect to prevention activities, and section 515(d).”.

SEC. 203. GENERAL PROVISIONS REGARDING BLOCK GRANTS.

(a) IN GENERAL.—Part B of title XIX of the Public Health Service Act, as amended by section 102 of this Act, is amended by adding at the end the following:

“Subpart III—General Provisions

“SEC. 1941. OPPORTUNITY FOR PUBLIC COMMENT ON STATE PLANS.

“A funding agreement for a grant under section 1911 or 1921 is that the State involved will make the plan required in section 1912, and the plan required in section 1932, respectively, public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during the development of the plan (including any revisions) and after the submission of the plan to the Secretary.

“SEC. 1942. REQUIREMENT OF REPORTS AND AUDITS BY STATES.

“(a) REPORT.—A funding agreement for a grant under section 1911 or 1921 is that the State involved will submit to the Secretary a report in such form and containing such information as the Secretary determines (after consultation with the States and the Comptroller General) to be necessary for securing a record and a description of—

“(1) the purposes for which the grant received by the State for the preceding fiscal year under the program involved were expended and a description of the activities of the State under the program; and

“(2) the recipients of amounts provided in the grant.

“(b) AUDITS.—A funding agreement for a grant under section 1911 or 1921 is that the State will, with respect to the grant, comply with chapter 75 of title 31, United States Code.

“(c) AVAILABILITY TO PUBLIC.—A funding agreement for a grant under section 1911 or 1921 is that the State involved will —

“(1) make copies of the reports and audits described in this section available for public inspection within the State; and

“(2) provide copies of the report under subsection (a), upon request, to any interested person (including any public agency).

“SEC. 1943. ADDITIONAL REQUIREMENTS.

“(a) IN GENERAL.—A funding agreement for a grant under section 1911 or 1921 is that the State involved will—

“(1)(A) for the fiscal year for which the grant involved is provided, provide for independent peer review to assess the quality, appropriateness, and efficacy of treatment services provided in the State to individuals under the program involved; and

“(B) ensure that, in the conduct of such peer review, not fewer than 5 percent of the entities providing services in the State under such program are reviewed (which 5 percent is representative of the total population of such entities);

“(2) permit and cooperate with Federal investigations undertaken in accordance with section 1945; and

“(3) provide to the Secretary any data required by the Secretary pursuant to section 515 and will cooperate with the Secretary in the development of uniform criteria for the collection of data pursuant to such section.

“(b) PATIENT RECORDS.—The Secretary may make a grant under section 1911 or 1921 only if the State involved has in effect a system to protect from inappropriate disclosure patient records maintained by the State in connection with an activity funded under the program involved or by any entity which is receiving amounts from the grant.

“SEC. 1944. DISPOSITION OF CERTAIN FUNDS APPROPRIATED FOR ALLOTMENTS.

“(a) IN GENERAL.—Amounts described in subsection (b) and available for a fiscal year pursuant to section 1911 or 1921, as the case may be, shall be allotted by the Secretary and paid to the States receiving a grant under the program involved, other than any State referred to in subsection (b) with respect to such program. Such amounts shall be allotted in a manner equivalent to the manner in which the allotment under the program involved was determined.

“(b) SPECIFICATION OF AMOUNTS.—The amounts referred to in subsection (a) are any amounts that—

“(1) are not paid to States under the program involved as a result of—

“(A) the failure of any State to submit an application in accordance with the program;

“(B) the failure of any State to prepare such application in compliance with the program; or

“(C) any State informing the Secretary that the State does not intend to expend the full amount of the allotment made to the State under the program;

“(2) are terminated, repaid, or offset under section 1945;

“(3) in the case of the program established in section 1911, are available as a result of reductions in allotments under such section pursuant to section 1912(d) or 1915(b); or

“(4) in the case of the program established in section 1921, are available as a result of reductions in allotments under such section pursuant to section 1926 or 1930.

“SEC. 1945. FAILURE TO COMPLY WITH AGREEMENTS.

“(a) SUSPENSION OR TERMINATION OF PAYMENTS.—Subject to subsection (e), if the Secretary determines that a State has materially failed to comply with the agreements or other conditions required for the receipt of a grant under the program involved, the Secretary may in whole or in part suspend payments under the grant, terminate the grant for cause, or employ such other remedies (including the remedies provided for in subsections (b) and (c)) as may be legally available and appropriate in the circumstances involved.

“(b) REPAYMENT OF PAYMENTS.—

“(1) IN GENERAL.—Subject to subsection (e), the Secretary may require a State to repay with interest any payments received by the State under section 1911 or 1921 that the Secretary determines were not expended by the State in accordance with the agreements required under the program involved.

“(2) OFFSET AGAINST PAYMENTS.—If a State fails to make a repayment required in paragraph (1), the Secretary may offset the amount of the repayment against the amount of any payment due to be paid to the State under the program involved.

“(c) WITHHOLDING OF PAYMENTS.—

“(1) IN GENERAL.—Subject to subsections (e) and (g)(3), the Secretary may withhold payments due under section 1911 or 1921 if the Secretary determines that the State involved is not expending amounts received under the program involved in accordance with the agreements required under the program.

“(2) TERMINATION OF WITHHOLDING.—The Secretary shall cease withholding payments from a State under paragraph (1) if the Secretary determines that there are reasonable assurances that the State will expend amounts received under the program involved in accordance with the agreements required under the program.

“(d) APPLICABILITY OF REMEDIES TO CERTAIN VIOLATIONS.—

“(1) IN GENERAL.—With respect to agreements or other conditions for receiving a grant under the program involved, in the case of the failure of a State to maintain material compliance with a condition referred to in paragraph (2), the provisions for non-compliance with the condition that are provided in the section establishing the condition shall apply in lieu of subsections (a) through (c) of this section.

“(2) RELEVANT CONDITIONS.—For purposes of paragraph (1):

“(A) In the case of the program established in section 1911, a condition referred to in this paragraph is the condition established in section 1912(d) and the condition established in section 1915(b).

“(B) In the case of the program established in section 1921, a condition referred to in this paragraph is the condition established in section 1926 and the condition established in section 1930.

“(e) OPPORTUNITY FOR HEARING.—Before taking action against a State under any of subsections (a) through (c) (or under a section referred to in subsection (d)(2), as the case may be), the Secretary shall provide to the State involved adequate notice and an opportunity for a hearing.

“(f) REQUIREMENT OF HEARING IN CERTAIN CIRCUMSTANCES.—

“(1) IN GENERAL.—If the Secretary receives a complaint that a State has failed to maintain material compliance with the agreements or other conditions required for receiving a grant under the program involved (including any condition referred to for purposes of subsection (d), and there appears to be reasonable evidence to support the complaint, the Secretary shall promptly conduct a hearing with respect to the complaint.

“(2) ADEQUATE NOTICE; OPPORTUNITY TO PARTICIPATE.—In any case in which a hearing is required under paragraph (1) with respect to a State, the Secretary shall provide adequate notice to the State, and to the non-Federal entity submitting the complaint involved, that the hearing is to be held and shall permit the State and such entity to participate in the hearing.

“(3) FINDING OF MATERIAL NONCOMPLIANCE.—If in a hearing under paragraph (1) the Secretary finds that the State involved has failed to maintain material compliance with the agreement or other condition involved, the Secretary shall take such action under this section as may be appropriate to ensure that material compliance is so maintained, or such action as may be required in a section referred to in subsection (d)(2), as the case may be.

“(g) CERTAIN INVESTIGATIONS.—

“(1) REQUIREMENT REGARDING SECRETARY.—The Secretary shall in fiscal year 1994 and each subsequent fiscal year conduct in not less than 10 States investigations of the expenditure of grants received by the States under section 1911 or 1921 in order to evaluate compliance with the agreements required under in the program involved.

“(2) PROVISION OF RECORDS ETC. UPON REQUEST.—Each State receiving a grant under section 1911 or 1921, and each entity receiving funds from the grant, shall make appropriate books, documents, papers, and records available to the Secretary or the Comptroller General, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request therefor.

“(3) LIMITATIONS ON AUTHORITY.—The Secretary may not institute proceedings under subsection (c) unless the Secretary has conducted an investigation concerning whether the State has expended payments under the program involved in accordance with the agreements required under the program. Any such investigation shall be conducted within the State by qualified investigators.

“SEC. 1946. PROHIBITIONS REGARDING RECEIPT OF FUNDS.

“(a) ESTABLISHMENT.—

“(1) CERTAIN FALSE STATEMENTS AND REPRESENTATIONS.—A person shall not knowingly and willfully make or cause to be made any false statement or representation of a material fact in connection with the furnishing of items or services for which payments may be made by a State from a grant made to the State under section 1911 or 1921.

“(2) CONCEALING OR FAILING TO DISCLOSE CERTAIN EVENTS.—A person with knowledge of the occurrence of any event affecting the initial or continued right of the person to receive any payments from a grant made to a State under section 1911 or 1921 shall not conceal or fail to disclose any such event with an intent fraudulently to secure such payment either in a greater amount than is due or when no such amount is due.

“(b) CRIMINAL PENALTY FOR VIOLATION OF PROHIBITION.—Any person who violates any prohibition established in subsection (a) shall for each violation be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both.

“SEC. 1947. NONDISCRIMINATION.

“(a) IN GENERAL.—

“(1) RULE OF CONSTRUCTION REGARDING CERTAIN CIVIL RIGHTS LAWS.—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded in whole or in part with funds made available under section 1911 or 1921 shall be considered to be programs and activities receiving Federal financial assistance.

“(2) PROHIBITION.—No person shall on the ground of sex (including, in the case of a woman, on the ground that the woman is pregnant), or on the ground of religion, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under section 1911 or 1921.

“(b) ENFORCEMENT.—

“(1) REFERRALS TO ATTORNEY GENERAL AFTER NOTICE.—Whenever the Secretary finds that a State, or an entity that has received a payment pursuant to section 1911 or 1921, has failed to comply with a provision of law referred to in subsection (a)(1), with subsection (a)(2), or with an applicable regulation (including one prescribed to carry out subsection (a)(2)), the Secretary shall notify the chief executive officer of the State and shall request the chief executive officer to secure compliance. If within a reasonable period of time, not to exceed 60 days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

“(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

“(B) exercise the powers and functions provided by the Age Discrimination Act of 1975, section 504 of the Rehabilitation Act of 1973, title IX of the Education Amendments of 1972, or title VI of the Civil Rights Act of 1964, as may be applicable; or

“(C) take such other actions as may be authorized by law.

“(2) AUTHORITY OF ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to paragraph (1)(A), or whenever the Attorney General has reason to believe that a State or an entity is engaged in a pattern or practice in violation of a provision of law referred to in subsection (a)(1) or in violation of subsection (a)(2), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

“SEC. 1948. TECHNICAL ASSISTANCE AND PROVISION OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.

“(a) TECHNICAL ASSISTANCE.—The Secretary shall, without charge to a State receiving a grant under section 1911 or 1921, provide to the State (or to any public or nonprofit private entity within the State) technical assistance with respect to the planning, development, and operation of any program or service carried out pursuant to the program involved. The Secretary may provide such technical assistance directly, through contract, or through grants.

“(b) PROVISION OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.—

“(1) IN GENERAL.—Upon the request of a State receiving a grant under section 1911 or 1921, the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purpose of aiding the State in carrying out the program involved and, for such purpose, may detail to the State any officer or employee of the Department of Health and Human Services.

“(2) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request described in paragraph (1), the Secretary shall reduce the amount of payments under the program involved to the State by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

“SEC. 1949. REPORT BY SECRETARY.

“Not later than January 24, 1994, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report on the activities of the States carried out pursuant to the programs established in sections 1911 and 1921. Such report may include any recommendations of the Secretary for appropriate changes in legislation.

“SEC. 1950. RULE OF CONSTRUCTION REGARDING DELEGATION OF AUTHORITY TO STATES.

“With respect to States receiving grants under section 1911 or 1921, this part may not be construed to authorize the Secretary to delegate to the States the primary responsibility for interpreting the governing provisions of this part.

“SEC. 1951. SOLICITATION OF VIEWS OF CERTAIN ENTITIES.

“In carrying out this part, the Secretary, as appropriate, shall solicit the views of the States and other appropriate entities.

“SEC. 1952. AVAILABILITY TO STATES OF GRANT PAYMENTS.

“(c) IN GENERAL.—Subject to subsection (b), any amounts paid to a State under the

program involved shall be available for obligation until the end of the fiscal year for which the amounts were paid, and if obligated by the end of such year, shall remain available for expenditure until the end of the succeeding fiscal year.

“(b) EXCEPTION REGARDING NONCOMPLIANCE OF SUBGRANTEES.—If a State has in accordance with subsection (a) obligated amounts paid to the State under the program involved, in any case in which the Secretary determines that the obligation consists of a grant or contract awarded by the State, and that the State has terminated or reduced the amount of such financial assistance on the basis of the failure of the recipient of the assistance to comply with the terms upon which the assistance was conditioned—

“(1) the amounts involved shall be available for reobligation by the State through September 30 of the fiscal year following the fiscal year for which the amounts were paid to the State; and

“(2) any of such amounts that are obligated by the State in accordance with paragraph (1) shall be available for expenditure through such date.

“SEC. 1953. CONTINUATION OF CERTAIN PROGRAMS.

“(a) IN GENERAL.—Of the amount allotted to the State of Hawaii under section 1911, and the amount allotted to such State under section 1921, an amount equal to the proportion of Native Hawaiians residing in the State to the total population of the State shall be available, respectively, for carrying out the program involved for Native Hawaiians.

“(b) EXPENDITURE OF AMOUNTS.—The amount made available under subsection (a) may be expended only through contracts entered into by the State of Hawaii with public and private nonprofit organizations to enable such organizations to plan, conduct, and administer comprehensive substance abuse and treatment programs for the benefit of Native Hawaiians. In entering into contracts under this section, the State of Hawaii shall give preference to Native Hawaiian organizations and Native Hawaiian health centers.

“(c) DEFINITIONS.—For the purposes of this subsection, the terms ‘Native Hawaiian’, ‘Native Hawaiian organization’, and ‘Native Hawaiian health center’ have the meaning given such terms in section 2308 of subtitle D of title II of the Anti-Drug Abuse Act of 1988.

“SEC. 1954. DEFINITIONS.

“(a) DEFINITIONS FOR SUBPART III.—For purposes of this subpart:

“(1) The term ‘program involved’ means the program of grants established in section 1911 or 1921, or both, as indicated by whether the State involved is receiving or is applying to receive a grant under section 1911 or 1921, or both.

“(2)(A) The term ‘funding agreement’, with respect to a grant under section 1911, has the meaning given such term in section 1919.

“(B) The term ‘funding agreement’, with respect to a grant under section 1921, has the meaning given such term in section 1934.

“(b) DEFINITIONS FOR PART B.—For purposes of this part:

“(1) The term ‘Comptroller General’ means the Comptroller General of the United States.

“(2) The term ‘State’, except as provided in sections 1918(c)(5) and 1933(c)(5), means each of the several States, the District of Columbia, and each of the territories of the United States.

“(3) The term ‘territories of the United States’ means each of the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Palau, the Marshall Islands, and Micronesia.

“(4) The term ‘interim services’, in the case of an individual in need of treatment for

substance abuse who has been denied admission to a program of such treatment on the basis of the lack of the capacity of the program to admit the individual, means services for reducing the adverse health effects of such abuse, for promoting the health of the individual, and for reducing the risk of transmission of disease, which services are provided until the individual is admitted to such a program.”.

(b) FEDERAL ACCOUNTABILITY.—Any rule or regulation of the Department of Health and Human Services that is inconsistent with the amendments made by this Act shall not have any legal effect, including section 50(e) of part 96 of title 45, Code of Federal Regulations (45 CFR 96.50(e)).

SEC. 204. RELATED PROGRAMS.

Title XIX of the Public Health Service Act (42 U.S.C. 300w et seq.) is amended by adding at the end the following new part:

“PART C—CERTAIN PROGRAMS REGARDING SUBSTANCE ABUSE

“Subpart I—Expansion of Capacity for Providing Treatment

“SEC. 1971. CATEGORICAL GRANTS TO STATES.

“(a) GRANTS FOR STATES WITH INSUFFICIENT CAPACITY.—

“(1) IN GENERAL.—The Secretary, acting through the Director of the Center for Substance Abuse Treatment, may make grants to States for the purpose of increasing the maximum number of individuals to whom public and nonprofit private entities in the States are capable of providing effective treatment for substance abuse.

“(2) ELIGIBLE STATES.—The Director may not make a grant under subsection (a) to a State unless the number of individuals seeking treatment services in the State significantly exceeds the maximum number described in paragraph (1) that is applicable to the State.

“(b) PRIORITY IN MAKING GRANTS.—

“(1) RESIDENTIAL TREATMENT SERVICES FOR PREGNANT WOMEN.—In making grants under subsection (a), the Director shall give priority to States that agree to give priority in the expenditure of the grant to carrying out the purpose described in such subsection as the purpose relates to the provision of residential treatment services to pregnant women.

“(2) ADDITIONAL PRIORITY REGARDING MATCHING FUNDS.—In the case of any application for a grant under subsection (a) that is receiving priority under paragraph (1), the Director shall give further priority to the application if the State involved agrees as a condition of receiving the grant to provide non-Federal contributions under subsection (c) in a greater amount than the amount required under such subsection for the applicable fiscal year.

“(c) REQUIREMENT OF MATCHING FUNDS.—

“(1) IN GENERAL.—Subject to paragraph (3), the Director may not make a grant under subsection (a) unless the State agrees, with respect to the costs of the program to be carried out by the State pursuant to such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is—

“(A) for the first fiscal year for which the State receives such a grant, not less than \$1 for each \$9 of Federal funds provided in the grant;

“(B) for any second or third such fiscal year, not less than \$1 for each \$9 of Federal funds provided in the grant; and

“(C) for any subsequent such fiscal year, not less than \$1 for each \$3 of Federal funds provided in the grant.

“(2) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—Non-Federal contributions required in paragraph (1) may be in

cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

“(3) WAIVER.—The Director may waive the requirement established in paragraph (1) if the Director determines that extraordinary economic conditions in the State justify the waiver.

“(d) LIMITATION REGARDING DIRECT TREATMENT SERVICES.—The Director may not make a grant under subsection (a) unless the State involved agrees that the grant will be expended only for the direct provision of treatment services. The preceding sentence may not be construed to authorize the expenditure of such a grant for the planning or evaluation of treatment services.

“(e) REQUIREMENT OF APPLICATION.—The Secretary may not make a grant under subsection (a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

“(f) DURATION OF GRANT.—The period during which payments are made to a State from a grant under subsection (a) may not exceed 5 years. The provision of such payments shall be subject to annual approval by the Director of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments.

“(g) MAINTENANCE OF EFFORT.—The Director may not make a grant under subsection (a) unless the State involved agrees to maintain State expenditures for treatment services at a level that is not less than the average level of such expenditures maintained by the State for the 2-year period preceding the first fiscal year for which the State receives such a grant.

“(h) RESTRICTIONS ON USE OF GRANT.—The Director may not make a grant under subsection (a) unless the State involved agrees that the grant will not be expended—

“(1) to provide inpatient hospital services;

“(2) to make cash payments to intended recipients of health services;

“(3) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

“(4) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

“(5) to provide financial assistance to any entity other than a public or nonprofit private entity.

“(i) DEFINITIONS.—For purposes of this section—

“(1) The term ‘Director’ means the Director of the Center for Substance Abuse Treatment.

“(2) The term ‘substance abuse’ means the abuse of alcohol or other drugs.

“(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$86,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

“Subpart II—Interim Maintenance Treatment of Narcotics Dependence

“SEC. 1976. INTERIM MAINTENANCE TREATMENT.

“(a) REQUIREMENT REGARDING SECRETARY.—Subject to the following subsections of this section, for the purpose of reducing the incidence of the transmission of HIV disease pursuant to the intravenous abuse of heroin or other morphine-like drugs, the Secretary, in establishing conditions for the use of methadone in public or

nonprofit private programs of treatment for dependence on such drugs, shall authorize such programs—

“(1) to dispense methadone for treatment purposes to individuals who—

“(A) meet the conditions for admission to such programs that dispense methadone as part of comprehensive treatment for such dependence; and

“(B) are seeking admission to such programs that so dispense methadone, but as a result of the limited capacity of the programs, will not gain such admission until 14 or more days after seeking admission to the programs; and

“(2) in dispensing methadone to such individuals, to provide only minimum ancillary services during the period in which the individuals are waiting for admission to programs of comprehensive treatment.

“(b) INAPPLICABILITY OF REQUIREMENT IN CERTAIN CIRCUMSTANCES.—

“(1) IN GENERAL.—The requirement established in subsection (a) for the Secretary does not apply if any or all of the following conditions are met:

“(A) The preponderance of scientific research indicates that the risk of the transmission of HIV disease pursuant to the intravenous abuse of drugs is minimal.

“(B) The preponderance of scientific research indicates that the medically supervised dispensing of methadone is not an effective method of reducing the extent of dependence on heroin and other morphine-like drugs.

“(C) The preponderance of available data indicates that, of treatment programs that dispense methadone as part of comprehensive treatment, a substantial majority admit all individuals seeking services to the programs not later than 14 days after the individuals seek admission to the programs.

“(2) EVALUATION BY SECRETARY.—In evaluating whether any or all of the conditions described in paragraph (1) have been met, the Secretary shall consult with the National Commission on Acquired Immune Deficiency Syndrome.

“(c) CONDITIONS FOR OBTAINING AUTHORIZATION FROM SECRETARY.—

“(1) IN GENERAL.—In carrying out the requirement established in subsection (a), the Secretary shall, after consultation with the National Commission on Acquired Immune Deficiency Syndrome, by regulation issue such conditions for treatment programs to obtain authorization from the Secretary to provide interim maintenance treatment as may be necessary to carry out the purpose described in such subsection. Such conditions shall include conditions for preventing the unauthorized use of methadone.

“(2) COUNSELING ON HIV DISEASE.—The regulations issued under paragraph (1) shall provide that an authorization described in such paragraph may not be issued to a treatment program unless the program provides to recipients of the treatment counseling on preventing exposure to and the transmission of HIV disease.

“(3) PERMISSION OF RELEVANT STATE AS CONDITION OF AUTHORIZATION.—The regulations issued under paragraph (1) shall provide that the Secretary may not provide an authorization described in such paragraph to any treatment program in a State unless the chief public health officer of the State has certified to the Secretary that—

“(A) such officer does not object to the provision of such authorizations to treatment programs in the State; and

“(B) the provision of interim maintenance services in the State will not reduce the capacity of comprehensive treatment programs in the State to admit individuals to the programs (relative to the date on which such officer so certifies).

"(4) DATE CERTAIN FOR ISSUANCE OF REGULATIONS; FAILURE OF SECRETARY.—The Secretary shall issue the final rule for purposes of the regulations required in paragraph (1), and such rule shall be effective, not later than the expiration of the 180-day period beginning on the date of the enactment of the ADAMHA Reorganization Act. If the Secretary fails to meet the requirement of the preceding sentence, the proposed rule issued on March 2, 1989, with respect to part 291 of title 21, Code of Federal Regulations (docket numbered 88N-0444; 54 Fed. Reg. 8973 et seq.) is deemed to take effect as a final rule upon the expiration of such period, and the provisions of paragraph (3) of this subsection are deemed to be incorporated into such rule.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'interim maintenance services' means the provision of methadone in a treatment program under the circumstances described in paragraphs (1) and (2) of subsection (a).

"(2) The term 'HIV disease' means infection with the etiologic agent for acquired immune deficiency syndrome.

"(3) The term 'treatment program' means a public or nonprofit private program of treatment for dependence on heroin or other morphine-like drugs."

SEC. 205. TEMPORARY PROVISIONS REGARDING FUNDING.

(a) REALLOTMENT OF UNPAID PORTION OF ALLOTMENT FOR FISCAL YEAR 1992.—

(1) IN GENERAL.—With respect to allotments made for fiscal year 1992 under part B of title XIX of the Public Health Service Act (as in effect on the day before the date of the enactment of this Act), any portion of the total of such allotments that has not been paid to the States as of the first day of the fourth quarter of such fiscal year shall be reallocated with the result that, subject to paragraph (2), the total allotment made for a State for fiscal year 1992 pursuant to such part (including reallocations under this paragraph) is the amount indicated for the State in the following table:

State	Amount
Alabama	\$18,751,646
Alaska	\$2,734,000
Arizona	\$19,352,828
Arkansas	\$8,927,066
California	\$186,245,891
Colorado	\$17,873,097
Connecticut	\$16,576,000
Delaware	\$3,329,654
District of Columbia	\$4,896,000
Florida	\$63,093,000
Georgia	\$28,383,202
Hawaii	\$6,279,545
Idaho	\$3,422,626
Illinois	\$62,631,938
Indiana	\$28,563,000
Iowa	\$10,017,948
Kansas	\$8,929,313
Kentucky	\$14,691,461
Louisiana	\$19,625,929
Maine	\$5,466,524
Maryland	\$24,896,906
Massachusetts	\$36,009,000
Michigan	\$47,968,489
Minnesota	\$19,061,274
Mississippi	\$10,215,502
Missouri	\$22,952,468
Montana	\$3,523,100
Nebraska	\$6,019,775
Nevada	\$6,975,991
New Hampshire	\$5,290,704
New Jersey	\$47,170,000
New Mexico	\$7,079,374
New York	\$103,643,000
North Carolina	\$27,237,938
North Dakota	\$2,456,891
Ohio	\$56,647,000
Oklahoma	\$13,801,384
Oregon	\$13,824,013

Pennsylvania	\$61,799,000
Rhode Island	\$7,336,000
South Carolina	\$15,403,164
South Dakota	\$3,759,000
Tennessee	\$20,490,809
Texas	\$80,194,508
Utah	\$10,705,633
Vermont	\$3,918,000
Virginia	\$27,883,059
Washington	\$27,284,210
West Virginia	\$7,475,330
Wisconsin	\$20,222,918
Wyoming	\$1,584,892

(2) GRANTS FROM ALLOTMENTS; CERTAIN CONDITIONS REGARDING ALL PAYMENTS PURSUANT TO PART B FOR FISCAL YEAR 1992.—The Secretary shall make a grant to a State of the reallocation made for the State under paragraph (1) if the State agrees that the grant is subject to all conditions upon which allotments and payments under part B of title XIX of the Public Health Service Act are made for fiscal year 1992 (as in effect on the day before the date of the enactment of this Act), except as follows:

(A) Notwithstanding section 1916(c)(6)(A) such part—

(i) the percentage of the total allotment referred to in paragraph (1) that is expended for mental health activities will be not less than the percentage determined under clause (i) of such section 1916(c)(6)(A) for fiscal year 1991; and

(ii) the percentage of such total allotment that is expended for alcohol and drug abuse activities will be not less than the percentage determined under clause (ii) of such section 1916(c)(6)(A) for fiscal year 1991.

(B)(i) In the case of such a grant to the State of California: With respect to any entity that received a grant under section 509E of the Public Health Service Act for fiscal year 1991 (as such section was in effect for such year) to carry out a program of services in such State—

(I) the State will expend the grant to provide financial assistance to the entity for the purpose of continuing the program in such State, subject to clause (ii); and

(II) the amount of such assistance for the fiscal year will be an amount equal to the amount the entity received under such section 509E for fiscal year 1991.

(ii) The Secretary shall waive the requirement established in clause (i) with respect to a program described in such clause if the State of California certifies to the Secretary that the level of services provided by the program is not needed, or that the program has not provided services in an effective manner (as determined under State quality standards).

(3) INAPPLICABILITY TO TERRITORIES.—For purposes of this subsection, the term "State" means each of the several States and the District of Columbia.

(b) CONTINGENT AUTHORITY FOR TRANSFERS BETWEEN ALLOTMENTS.—

(1) SUBPART II TO SUBPART I.—In the case of any State for which an allotment for fiscal year 1993 or 1994 under section 1911 is made in an amount that is less than the mental health portion of the allotment under former section 1912A for fiscal year 1991, the Secretary shall, upon the request of the chief executive officer of the State, transfer from the allotment under section 1921 for the fiscal year involved to the allotment under section 1911 for the fiscal year such amounts as the State may direct, subject to the allotment under section 1911 not exceeding the amount of such mental health portion.

(2) SUBPART I TO SUBPART II.—In the case of any State for which an allotment for fiscal year 1993 or 1994 under section 1921 is made in an amount that is less than the substance-abuse portion of the allotment under former section 1912A for fiscal year 1991, the Sec-

retary shall, upon the request of the chief executive officer of the State, transfer from the allotment under section 1911 for the fiscal year involved to the allotment under section 1921 for the fiscal year such amounts as the State may direct, subject to the allotment under section 1921 not exceeding the amount of such substance-abuse portion.

(3) DEFINITIONS.—For purposes of this subsection:

(A) The term "section 1911" means section 1911 of the Public Health Service Act.

(B) The term "section 1921" means section 1921 of the Public Health Service Act.

(C) The term "former section 1912A" means section 1912A of the Public Health Service Act, as such section was in effect for fiscal year 1991.

(D) The term "former section 1916(c)(6)(A)" means section 1916(c)(6)(A) of the Public Health Service Act, as such section was in effect for fiscal year 1991.

(E) The term "mental health portion", with respect to an allotment under former section 1912A for fiscal year 1991, means the amount of such allotment that was reserved by the State for such year in compliance with clause (i) of former section 1916(c)(6)(A).

(F) The term "substance-abuse portion", with respect to an allotment under former section 1912A for fiscal year 1991, means the amount of such allotment that was reserved by the State for such year in compliance with clause (ii) of former section 1916(c)(6)(A).

(c) PROGRAM FOR PREGNANT AND POSTPARTUM WOMEN.—

(1) IN GENERAL.—Subject to paragraph (2), for the purpose of carrying out section 508 of the Public Health Service Act for fiscal year 1993, the Secretary shall obligate 40 percent of the amounts made available pursuant to section 1935(b) of such Act for such fiscal year.

(2) LIMITATION.—Paragraph (1) shall apply only to the extent necessary to ensure that \$80,000,000 is available for fiscal year 1993 to carry out section 508 of the Public Health Service Act.

(d) DEFINITION OF SECRETARY.—For purposes of this section, the term "Secretary" means the Secretary of Health and Human Services.

TITLE III—MODEL COMPREHENSIVE PROGRAM FOR TREATMENT OF SUBSTANCE ABUSE

SEC. 301. DEMONSTRATION PROGRAM IN NATIONAL CAPITAL AREA.

Title V of the Public Health Service Act, as amended by section 119 of this Act, is amended by adding at the end the following part:

"PART F—MODEL COMPREHENSIVE PROGRAM FOR TREATMENT OF SUBSTANCE ABUSE
"DEMONSTRATION PROGRAM IN NATIONAL CAPITAL AREA

"SEC. 571. (a) IN GENERAL.—The Secretary, in collaboration with the Director of the Treatment Center, shall make a demonstration grant for the establishment, within the national capital area, of a model program for providing comprehensive treatment services for substance abuse.

"(b) PURPOSES.—The Secretary may not make a grant under subsection (a) unless, with respect to the comprehensive treatment services to be offered by the program under such subsection, the applicant for the grant agrees—

"(1) to ensure, to the extent practicable, that the program has the capacity to provide the services to all individuals who seek and could benefit from the services;

"(2) as appropriate, to provide education on obtaining employment and other matters with respect to assisting the individuals in preventing any relapse into substance abuse,

including education on the appropriate involvement of parents and others in preventing such a relapse;

"(3) to provide services in locations accessible to substance abusers and, to the extent practicable, to provide services through mobile facilities;

"(4) to give priority to providing services to individuals who are intravenous drug abusers, to pregnant women, to homeless individuals, and to residents of publicly-assisted housing;

"(5) with respect to women with dependent children, to provide child care to such women seeking treatment services for substance abuse;

"(6) to conduct outreach activities to inform individuals of the availability of the services of the program;

"(7) to provide case management services, including services to determine eligibility for assistance under Federal, State, and local programs providing health services, mental health services, or social services;

"(8) to ensure the establishment of one or more offices to oversee the coordination of the activities of the program, to ensure that treatment is available to those seeking it, to ensure that the program is administered efficiently, and to ensure that the public is informed that the offices are the locations at which individuals may make inquiries concerning the program, including the location of available treatment services within the national capital area; and

"(9) to develop and utilize standards for certifying the knowledge and training of individuals, and the quality of programs, to provide treatment services for substance abuse.

"(c) CERTAIN REQUIREMENTS.—

"(1) REGARDING ELIGIBILITY FOR GRANT.—

"(A) The Secretary may not make the grant under subsection (a) unless the applicant involved is an organization of the general-purpose local governments within the national capital area, or another public or nonprofit private entity, and the applicant submits to the Secretary assurances satisfactory to the Secretary that, with respect to the communities in which services will be offered, the local governments of the communities will participate in the program.

"(B) The Secretary may not make the grant under subsection (a) unless—

"(i) an application for the grant is submitted to the Secretary;

"(ii) with respect to carrying out the purpose for which the grant is to be made, the application provides assurances of compliance satisfactory to the Secretary; and

"(iii) the application otherwise is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(2) AUTHORITY FOR COOPERATIVE AGREEMENTS.—The grantee under subsection (a) may provide the services required by such subsection directly or through arrangements with public and nonprofit private entities.

"(d) REQUIREMENT OF NON-FEDERAL CONTRIBUTIONS.—

"(1) IN GENERAL.—The Secretary may not make a grant under subsection (a) unless the applicant for the grant agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount not less than \$1 for each \$2 of Federal funds provided under the grant.

"(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in paragraph (1) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal

Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(e) EVALUATIONS.—

"(1) BY SECRETARY.—The Secretary shall independently evaluate the effectiveness of the program carried out under subsection (a) and determine its suitability as a model for the United States, particularly regarding the provision of high quality, patient-oriented, coordinated and accessible drug treatment services across jurisdictional lines. The Secretary shall consider the extent to which the program has improved patient retention, accessibility of services, staff retention and quality, reduced patient relapse, and provided a full range of drug treatment and related health and human services. The Secretary shall evaluate the extent to which the program has effectively utilized innovative methods for overcoming the resistance of the residents of communities to the establishment of treatment facilities within the communities.

"(2) BY GRANTEE.—The Secretary may require the grantee under subsection (a) to evaluate any aspect of the program carried out under such subsection, and such evaluation shall, to the extent appropriate, be coordinated with the independent evaluation required in paragraph (1).

"(3) LIMITATION.—Funds made available under subsection (h) may not be utilized to conduct the independent evaluation required in paragraph (1).

"(f) REPORTS.—

"(1) INITIAL CRITERIA.—The Secretary shall make a determination of the appropriate criteria for carrying out the program required in subsection (a), including the anticipated need for, and range of, services under the program in the communities involved and the anticipated costs of the program. Not later than 90 days after the date of the enactment of the ADAMHA Reorganization Act, the Secretary shall submit to the Congress a report describing the findings made as a result of the determination.

"(2) ANNUAL REPORTS.—Not later than 2 years after the date on which the grant is made under subsection (a), and annually thereafter, the Secretary shall submit to the Congress a report describing the extent to which the program carried out under such subsection has been effective in carrying out the purposes of the program.

"(g) DEFINITION.—For purposes of this section, the term 'national capital area' means the metropolitan Washington area, including the District of Columbia, the cities of Alexandria, Falls Church, and Fairfax in the State of Virginia, the counties of Arlington and Fairfax in such State (and the political subdivisions located in such counties), and the counties of Montgomery and Prince George's in the State of Maryland (and the political subdivisions located in such counties).

"(h) OBLIGATION OF FUNDS.—Of the amounts appropriated for each of the fiscal years 1993 and 1994 for the programs of the Department of Health and Human Services, the Secretary shall make available \$10,000,000 for carrying out this section. Of the amounts appropriated for fiscal year 1995 for the programs of such Department, the Secretary shall make available \$5,000,000 for carrying out this section."

TITLE IV—CHILDREN OF SUBSTANCE ABUSERS

SEC. 401. ESTABLISHMENT OF PROGRAM OF SERVICES.

(a) IN GENERAL.—Title III of the Public Health Service Act (42 U.S.C. 301 et seq.) is amended by adding at the end the following new part:

"PART M—SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS

"SEC. 399D. GRANTS FOR SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall make grants to public and nonprofit private entities for the purpose of carrying out programs—

"(A) to provide the services described in subsection (b) to children of substance abusers;

"(B) to provide the applicable services described in subsection (c) to families in which a member is a substance abuser; and

"(C) to identify such children and such families.

"(2) ADMINISTRATIVE CONSULTATIONS.—The Administrator of the Administration for Children, Youth, and Families and the Administrator of the Substance Abuse and Mental Health Services Administration shall be consulted regarding the promulgation of program guidelines and funding priorities under this section.

"(3) REQUIREMENT OF STATUS AS MEDICAID PROVIDER.—

"(A) Subject to subparagraph (B), the Secretary may make a grant under paragraph (1) only if, in the case of any service under such paragraph that is covered in the State plan approved under title XIX of the Social Security Act for the State involved—

"(i) the entity involved will provide the service directly, and the entity has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

"(ii) the entity will enter into an agreement with an organization under which the organization will provide the service, and the organization has entered into such a participation agreement and is qualified to receive such payments.

"(B)(i) In the case of an organization making an agreement under subparagraph (A)(ii) regarding the provision of services under paragraph (1), the requirement established in such subparagraph regarding a participation agreement shall be waived by the Secretary if the organization does not, in providing health or mental health services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits program.

"(ii) A determination by the Secretary of whether an organization referred to in clause (i) meets the criteria for a waiver under such clause shall be made without regard to whether the organization accepts voluntary donations regarding the provision of services to the public.

"(b) SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees to make available (directly or through agreements with other entities) to children of substance abusers each of the following services:

"(1) Periodic evaluation of children for developmental, psychological, and medical problems.

"(2) Primary pediatric care.

"(3) Other necessary health and mental health services.

"(4) Therapeutic intervention services for children, including provision of therapeutic child care.

"(5) Preventive counseling services.

"(6) Counseling related to the witnessing of chronic violence.

"(7) Referrals for, and assistance in establishing eligibility for, services provided under—

“(A) education and special education programs;

“(B) Head Start programs established under the Head Start Act;

“(C) other early childhood programs;

“(D) employment and training programs;

“(E) public assistance programs provided by Federal, State, or local governments; and

“(F) programs offered by vocational rehabilitation agencies, recreation departments, and housing agencies.

“(8) Additional developmental services that are consistent with the provision of early intervention services, as such term is defined in part H of the Individuals with Disabilities Education Act.

“(c) SERVICES FOR AFFECTED FAMILIES.—The Secretary may make a grant under subsection (a) only if, in the case of families in which a member is a substance abuser, the applicant involved agrees to make available (directly or through agreements with other entities) each of the following services, as applicable to the family member involved:

“(1) Services as follows, to be provided by a public health nurse, social worker, or similar professional, or by a trained worker from the community who is supervised by a professional:

“(A) Counseling to substance abusers on the benefits and availability of substance abuse treatment services and services for children of substance abusers.

“(B) Assistance to substance abusers in obtaining and using substance abuse treatment services and in obtaining the services described in subsection (b) for their children.

“(C) Visiting and providing support to substance abusers, especially pregnant women, who are receiving substance abuse treatment services or whose children are receiving services under subsection (b).

“(2) In the case of substance abusers:

“(A) Encouragement and, where necessary, referrals to participate in appropriate substance abuse treatment.

“(B) Primary health care and mental health services, including prenatal and post partum care for pregnant women.

“(C) Consultation and referral regarding subsequent pregnancies and life options, including education and career planning.

“(D) Where appropriate, counseling regarding family conflict and violence.

“(E) Remedial education services.

“(F) Referrals for, and assistance in establishing eligibility for, services described in subsection (b)(7).

“(3) In the case of substance abusers, spouses of substance abusers, extended family members of substance abusers, caretakers of children of substance abusers, and other people significantly involved in the lives of substance abusers or the children of substance abusers:

“(A) An assessment of the strengths and service needs of the family and the assignment of a case manager who will coordinate services for the family.

“(B) Therapeutic intervention services, such as parental counseling, joint counseling sessions for families and children, and family therapy.

“(C) Child care or other care for the child to enable the parent to attend treatment or other activities and respite care services.

“(D) Parenting education services and parent support groups.

“(E) Support services, including, where appropriate, transportation services.

“(F) Where appropriate, referral of other family members to related services such as job training.

“(G) Aftercare services, including continued support through parent groups and home visits.

“(d) CONSIDERATIONS IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall ensure that the grants are

reasonably distributed among the following types of entities:

“(1) Alcohol and drug treatment programs, especially those providing treatment to pregnant women and mothers and their children.

“(2) Public or nonprofit private entities that provide health or social services to disadvantaged populations, and that have—

“(A) expertise in applying the services to the particular problems of substance abusers and the children of substance abusers; and

“(B) an affiliation or contractual relationship with one or more substance abuse treatment programs.

“(3) Consortia of public or nonprofit private entities that include at least one substance abuse treatment program.

“(4) Indian tribes.

“(e) FEDERAL SHARE.—The Federal share of a program carried out under subsection (a) shall be 90 percent. The Secretary shall accept the value of in-kind contributions, including facilities and personnel, made by the grant recipient as a part or all of the non-Federal share of grants.

“(f) COORDINATION WITH OTHER PROVIDERS.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees to coordinate its activities with those of the State lead agency, and the State Interagency Coordinating Council, under part H of the Individuals with Disabilities Education Act.

“(g) RESTRICTIONS ON USE OF GRANT.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that the grant will not be expended—

“(1) to provide inpatient hospital services;

“(2) to make cash payments to intended recipients of services;

“(3) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

“(4) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

“(5) to provide financial assistance to any entity other than a public or nonprofit private entity.

“(h) SUBMISSION TO SECRETARY OF CERTAIN INFORMATION.—The Secretary may make a grant under subsection (a) only if the applicant involved submits to the Secretary—

“(1) a description of the population that is to receive services under this section and a description of such services that are to be provided and measurable goals and objectives;

“(2) a description of the mechanism that will be used to involve the local public agencies responsible for health, mental health, child welfare, education, juvenile justice, developmental disabilities, and substance abuse treatment programs in planning and providing services under this section, as well as evidence that the proposal has been coordinated with the State agencies responsible for administering those programs and the State agency responsible for administering public maternal and child health services;

“(3) information demonstrating that the applicant has established a collaborative relationship with child welfare agencies and child protective services that will enable the applicant, where appropriate, to—

“(A) provide advocacy on behalf of substance abusers and the children of substance abusers in child protective services cases;

“(B) provide services to help prevent the unnecessary placement of children in substitute care; and

“(C) promote reunification of families or permanent plans for the placement of the child; and

“(4) such other information as the Secretary determines to be appropriate.

“(i) REPORTS TO SECRETARY.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that for each fiscal year for which the applicant receives such a grant the applicant, in accordance with uniform standards developed by the Secretary, will submit to the Secretary a report containing—

“(1) a description of specific services and activities provided under the grant;

“(2) information regarding progress toward meeting the program's stated goals and objectives;

“(3) information concerning the extent of use of services provided under the grant, including the number of referrals to related services and information on other programs or services accessed by children, parents, and other caretakers;

“(4) information concerning the extent to which parents were able to access and receive treatment for alcohol and drug abuse and sustain participation in treatment over time until the provider and the individual receiving treatment agree to end such treatment, and the extent to which parents re-enter treatment after the successful or unsuccessful termination of treatment;

“(5) information concerning the costs of the services provided and the source of financing for health care services;

“(6) information concerning—

“(A) the number and characteristics of families, parents, and children served, including a description of the type and severity of childhood disabilities, and an analysis of the number of children served by age;

“(B) the number of children served who remained with their parents during the period in which entities provided services under this section;

“(C) the number of children served who were placed in out-of-home care during the period in which entities provided services under this section;

“(D) the number of children described in subparagraph (C) who were reunited with their families; and

“(E) the number of children described in subparagraph (C) for whom a permanent plan has not been made or for whom the permanent plan is other than family reunification;

“(7) information on hospitalization or emergency room use by the family members participating in the program; and

“(8) such other information as the Secretary determines to be appropriate.

“(j) REQUIREMENT OF APPLICATION.—The Secretary may make any grant under subsection (a) only if—

“(1) an application for the grant is submitted to the Secretary;

“(2) the application contains the agreements required in this section and the information required in subsection (h); and

“(3) the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

“(k) PEER REVIEW.—

“(1) REQUIREMENT.—In making determinations for awarding grants under subsection (a), the Secretary shall rely on the recommendations of the peer review panel established under paragraph (2).

“(2) COMPOSITION.—The Secretary shall establish a review panel to make recommendations under paragraph (1) that shall be composed of—

“(A) national experts in the fields of maternal and child health, substance abuse treatment, and child welfare; and

“(B) representatives of relevant Federal agencies, including the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Adminis-

tration, and the Administration for Children, Youth, and Families.

“(1) EVALUATIONS.—The Secretary shall periodically conduct evaluations to determine the effectiveness of programs supported under subsection (a)—

“(1) in reducing the incidence of alcohol and drug abuse among substance abusers participating in the programs;

“(2) in preventing adverse health conditions in children of substance abusers;

“(3) in promoting better utilization of health and developmental services and improving the health, developmental, and psychological status of children receiving services under the program;

“(4) in improving parental and family functioning;

“(5) in reducing the incidence of out-of-home placement for children whose parents receive services under the program; and

“(6) in facilitating the reunification of families after children have been placed in out-of-home care.

“(m) REPORT TO CONGRESS.—Not later than 2 years after the date on which amounts are first appropriated under subsection (o), the Secretary shall prepare and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report that contains a description of programs carried out under this section. At a minimum, the report shall contain—

“(1) information concerning the number and type of programs receiving grants;

“(2) information concerning the type and use of services offered;

“(3) information concerning—

“(A) the number and characteristics of families, parents, and children served;

“(B) the number of children served who remained with their parents during or after the period in which entities provided services under this section;

“(C) the number of children served who were placed in out-of-home care during the period in which entities provided services under this section;

“(D) the number of children described in subparagraph (C) who were reunited with their families; and

“(E) the number of children described in subparagraph (C) who were permanently placed in out-of-home care;

analyzed by the type of entity described in subsection (d) that provided services;

“(4) an analysis of the access provided to, and use of, related services and alcohol and drug treatment through programs carried out under this section; and

“(5) a comparison of the costs of providing services through each of the types of entities described in subsection (d).

“(n) DATA COLLECTION.—The Secretary shall periodically collect and report on information concerning the numbers of children in substance abusing families, including information on the age, gender and ethnicity of the children, the composition and income of the family, and the source of health care finances.

“(o) DEFINITIONS.—For purposes of this section:

“(1) The term ‘caretaker’, with respect to a child of a substance abuser, means any individual acting in a parental role regarding the child (including any birth parent, foster parent, adoptive parent, relative of such a child, or other individual acting in such a role).

“(2) The term ‘children of substance abusers’ means—

“(A) children who have lived or are living in a household with a substance abuser who is acting in a parental role regarding the children; and

“(B) children who have been prenatally exposed to alcohol or other dangerous drugs.

“(3) The term ‘Indian tribe’ means any tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village (as defined in, or established pursuant to, the Alaska Native Claims Settlement Act), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“(4) The term ‘public or nonprofit private entities that provide health or social services to disadvantaged populations’ includes community-based organizations, local public health departments, community action agencies, hospitals, community health centers, child welfare agencies, developmental disabilities service providers, and family resource and support programs.

“(5) The term ‘substance abuse’ means the abuse of alcohol or other drugs.

“(p) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$50,000,000 for fiscal years 1993, and such sums as may be necessary for fiscal year 1994.

“(2) CONTINGENT AUTHORITY REGARDING TRAINING OF CERTAIN INDIVIDUALS.—Of the amounts appropriated under paragraph (1) for a fiscal year in excess of \$25,000,000, the Secretary may make available not more than 15 percent for the training of health care professionals and other personnel (including child welfare providers) who provide services to children and families of substance abusers.

(b) RULE OF CONSTRUCTION.—With respect to the program established in section 399D of the Public Health Service Act (as added by subsection (a) of this section), nothing in such section 399D may be construed as establishing for any other Federal program any requirement, authority, or prohibition, including with respect to recipients of funds under such other Federal programs.

TITLE V—HOME VISITING SERVICES FOR AT-RISK FAMILIES

SEC. 501. STATEMENT OF PURPOSE.

The purpose of this title is—

(1) to increase the use of, and to provide information on the availability of early, continuous and comprehensive prenatal care;

(2) to reduce the incidence of infant mortality and of infants born prematurely, with low birthweight, or with other impairments including those associated with maternal substance abuse;

(3) for pregnant women and mothers of children below the age of 3 whose children have experienced or are at risk of experiencing a health or developmental complication, to provide assistance in obtaining health and related social services necessary to meet the special needs of the women and their children;

(4) to assist, when requested, women who are pregnant and at-risk for poor birth outcomes, or who have young children and are abusing alcohol or other drugs, in obtaining appropriate treatment; and

(5) to reduce the incidence of child abuse and neglect.

SEC. 502. ESTABLISHMENT OF PROGRAM OF GRANTS.

Part L of title III of the Public Health Service Act (42 U.S.C. 280c et seq.) is amended—

(1) by redesignating sections 399 and 399A as sections 398A and 398B, respectively; and

(2) by adding at the end the following subpart:

“Subpart III—Grants for Home Visiting Services for At-Risk Families

“SEC. 399. PROJECTS TO IMPROVE MATERNAL, INFANT, AND CHILD HEALTH.

“(a) IN GENERAL.—

“(1) ESTABLISHMENT OF PROGRAM.—The Secretary, acting through the Administrator

of the Health Resources and Services Administration, shall make grants to eligible entities to pay the Federal share of the cost of providing the services specified in subsection (b) to families in which a member is—

“(A) a pregnant woman at risk of delivering an infant with a health or developmental complication; or

“(B) a child less than 3 years of age—

“(i) who is experiencing or is at risk of a health or developmental complication, or of child abuse or neglect; or

“(ii) who has been prenatally exposed to maternal substance abuse.

“(2) MINIMUM PERIOD OF AWARDS; ADMINISTRATIVE CONSULTATIONS.—

“(A) The Secretary shall award grants under paragraph (1) for periods of at least three years.

“(B) The Administrator of the Administration for Children, Youth, and Families and the Director of the National Commission to Prevent Infant Mortality shall be consulted regarding the promulgation of program guidelines and funding priorities under this section.

“(3) REQUIREMENT OF STATUS AS MEDICAID PROVIDER.—

“(A) Subject to subparagraph (B), the Secretary may make a grant under paragraph (1) only if, in the case of any service under such paragraph that is covered in the State plan approved under title XIX of the Social Security Act for the State involved—

“(i) the entity involved will provide the service directly, and the entity has entered into a participation agreement under the State plan and is qualified to receive payments under such plan; or

“(ii) the entity will enter into an agreement with an organization under which the organization will provide the service, and the organization has entered into such a participation agreement and is qualified to receive such payments.

“(B)(i) In the case of an organization making an agreement under subparagraph (A)(ii) regarding the provision of services under paragraph (1), the requirement established in such subparagraph regarding a participation agreement shall be waived by the Secretary if the organization does not, in providing health or mental health services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits program.

“(ii) A determination by the Secretary of whether an organization referred to in clause (i) meets the criteria for a waiver under such clause shall be made without regard to whether the organization accepts voluntary donations regarding the provision of services to the public.

“(b) HOME VISITING SERVICES FOR ELIGIBLE FAMILIES.—With respect to an eligible family, each of the following services shall, directly or through arrangement with other public or nonprofit private entities, be available (as applicable to the family member involved) in each project operated with a grant under subsection (a):

“(1) Prenatal and postnatal health care.

“(2) Primary health care for the children, including developmental assessments.

“(3) Education for the parents concerning infant care and child development, including the development and utilization of parent and teacher resource networks and other family resource and support networks where such networks are available.

“(4) Upon the request of a parent, providing the education described in paragraph (3) to other individuals who have responsibility for caring for the children.

“(5) Education for the parents concerning behaviors that adversely affect health.

“(6) Assistance in obtaining necessary health, mental health, developmental, social, housing, and nutrition services and other assistance, including services and other assistance under maternal and child health programs; the special supplemental food program for women, infants, and children; section 17 of the Child Nutrition Act of 1966; title V of the Social Security Act; title XIX of such Act (including the program for early and periodic screening, diagnostic, and treatment services described in section 1905(r) of such Act); titles IV and XIX of the Social Security Act; housing programs; other food assistance programs; and appropriate alcohol and drug dependency treatment programs, according to need.

“(c) CONSIDERATIONS IN MAKING GRANTS.—In awarding grants under subsection (a), the Secretary shall take into consideration—

“(1) the ability of the entity involved to provide, either directly or through linkages, a broad range of preventive and primary health care services and related social, family support, and developmental services;

“(2) different combinations of professional and lay home visitors utilized within programs that are reflective of the identified service needs and characteristics of target populations;

“(3) the extent to which the population to be targeted has limited access to health care, and related social, family support, and developmental services; and

“(4) whether such grants are equitably distributed among urban and rural settings and whether entities serving Native American communities are represented among the grantees.

“(d) FEDERAL SHARE.—With respect to the costs of carrying out a project under subsection (a), a grant under such subsection for the project may not exceed 90 percent of such costs. To be eligible to receive such a grant, an applicant must provide assurances that the applicant will obtain at least 10 percent of such costs from non-Federal funds (and such contributions to such costs may be in cash or in-kind, including facilities and personnel).

“(e) RULE OF CONSTRUCTION REGARDING AT-RISK BIRTHS.—For purposes of subsection (a)(1), a pregnant woman shall be considered to be at risk of delivering an infant with a health or developmental complication if during the pregnancy the woman—

“(1) lacks appropriate access to, or information concerning, early and routine prenatal care;

“(2) lacks the transportation necessary to gain access to the services described in subsection (b);

“(3) lacks appropriate child care assistance, which results in impeding the ability of such woman to utilize health and related social services;

“(4) is fearful of accessing substance abuse services or child and family support services; or

“(5) is a minor with a low income.

“(f) DELIVERY OF SERVICES AND CASE MANAGEMENT.—

“(1) CASE MANAGEMENT MODEL.—Home visiting services provided under this section shall be delivered according to a case management model, and a registered nurse, licensed social worker, or other licensed health care professional with experience and expertise in providing health and related social services in home and community settings shall be assigned as the case manager for individual cases under such model.

“(2) CASE MANAGER.—A case manager assigned under paragraph (1) shall have primary responsibility for coordinating and overseeing the development of a plan for each family that is to receive home visiting services under this section, and for coordi-

nating the delivery of such services provided through appropriate personnel.

“(3) APPROPRIATE PERSONNEL.—In determining which personnel shall be utilized in the delivery of services, the case manager shall consider—

“(A) the stated objective of the project to be operated with the grant, as determined after considering identified gaps in the current service delivery system; and

“(B) the nature of the needs of the family to be served, as determined at the initial assessment of the family that is conducted by the case manager, and through follow-up contacts by other providers of home visiting services.

“(4) FAMILY SERVICE PLAN.—A case manager, in consultation with a team established in accordance with paragraph (5) for the family involved, shall develop a plan for the family following the initial visit to the home of the family. Such plan shall reflect—

“(A) an assessment of the health and related social service needs of the family;

“(B) a structured plan for the delivery of home visiting services to meet the identified needs of the family;

“(C) the frequency with which such services are to be provided to the family;

“(D) ongoing revisions made as the needs of family members change; and

“(E) the continuing voluntary participation of the family in the plan.

“(5) HOME VISITING SERVICES TEAM.—The team to be consulted under paragraph (4) on behalf of a family shall include, as appropriate, other nursing professionals, physician assistants, social workers, child welfare professionals, infant and early childhood specialists, nutritionists, and laypersons trained as home visitors. The case manager shall ensure that the plan is coordinated with those physician services that may be required by the mother or child.

“(g) OUTREACH.—Each grantee under subsection (a) shall provide outreach and casefinding services to inform eligible families of the availability of home visiting services from the project.

“(h) CONFIDENTIALITY.—In accordance with applicable State law, an entity receiving a grant under subsection (a) shall maintain confidentiality with respect to services provided to families under this section.

“(i) CERTAIN ASSURANCES.—The Secretary may award a grant under subsection (a) only if the entity involved provides assurances satisfactory to the Secretary that—

“(1) the entity will provide home visiting services with reasonable frequency—

“(A) to families with pregnant women, as early in the pregnancy as is practicable, and until the infant reaches at least 2 years of age; and

“(B) to other eligible families, for at least 2 years; and

“(2) the entity will coordinate with public health and related social service agencies to prevent duplication of effort and improve the delivery of comprehensive health and related social services.

“(j) SUBMISSION TO SECRETARY OF CERTAIN INFORMATION.—The Secretary may award a grant under subsection (a) only if the entity involved submits to the Secretary—

“(1) a description of the population to be targeted for home visiting services and methods of outreach and casefinding for identifying eligible families, including the use of lay home visitors where appropriate;

“(2) a description of the types and qualifications of home visitors used by the entity and the process by which the entity will provide continuing training and sufficient support to the home visitors; and

“(3) such other information as the Secretary determines to be appropriate.

“(k) LIMITATION REGARDING ADMINISTRATIVE EXPENSES.—Not more than 10 percent of

a grant under subsection (a) may be expended for administrative expenses with respect to the grant. The costs of training individuals to serve in the project involved are not subject to the preceding sentence.

“(l) RESTRICTIONS ON USE OF GRANT.—To be eligible to receive a grant under this section, an entity must agree that the grant will not be expended—

“(1) to provide inpatient hospital services;

“(2) to make cash payments to intended recipients of services;

“(3) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;

“(4) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

“(5) to provide financial assistance to any entity other than a public or nonprofit private entity.

“(m) REPORTS TO SECRETARY.—To be eligible to receive a grant under this section, an entity must agree to submit an annual report on the services provided under this section to the Secretary in such manner and containing such information as the Secretary by regulation requires. At a minimum, the entity shall report information concerning eligible families, including—

“(1) the characteristics of the families and children receiving services under this section;

“(2) the usage, nature, and location of the provider, of preventive health services, including prenatal, primary infant, and child health care;

“(3) the incidence of low birthweight and premature infants;

“(4) the length of hospital stays for pre- and post-partum women and their children;

“(5) the incidence of substantiated child abuse and neglect for all children within participating families;

“(6) the number of emergency room visits for routine health care;

“(7) the source of payment for health care services and the extent to which the utilization of health care services, other than routine screening and medical care, available to the individuals under the program established under title XIX of the Social Security Act, and under other Federal, State, and local programs, is reduced;

“(8) the number and type of referrals made for health and related social services, including alcohol and drug treatment services, and the utilization of such services provided by the grantee; and

“(9) the incidence of developmental disabilities.

“(n) REQUIREMENT OF APPLICATION.—The Secretary may make a grant under subsection (a) only if—

“(1) an application for the grant is submitted to the Secretary;

“(2) the application contains the agreements and assurances required in this section, and the information required in subsection (j);

“(3) the application contains evidence that the preparation of the application has been coordinated with the State agencies responsible for maternal and child health and child welfare, and coordinated with services provided under part H of the Individuals with Disabilities Education Act; and

“(4) the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

“(o) PEER REVIEW.—

“(1) REQUIREMENT.—In making determinations for awarding grants under subsection (a), the Secretary shall rely on the rec-

ommendations of the peer review panel established under paragraph (2).

“(2) COMPOSITION.—The Secretary shall establish a review panel to make recommendations under paragraph (1) that shall be composed of—

“(A) national experts in the fields of maternal and child health, child abuse and neglect, and the provision of community-based primary health services; and

“(B) representatives of relevant Federal agencies, including the Health Resources and Services Administration, the Substance Abuse and Mental Health Services Administration, the Administration for Children, Youth, and Families, the U.S. Advisory Board on Child Abuse and Neglect, and the National Commission to Prevent Infant Mortality.

“(p) EVALUATIONS.—

“(1) IN GENERAL.—The Secretary shall, directly or through contracts with public or private entities—

“(A) conduct evaluations to determine the effectiveness of projects under subsection (a) in reducing the incidence of children born with health or developmental complications, the incidence among children less than 3 years of age of such complications, and the incidence of child abuse and neglect; and

“(B) not less than once during each 3-year period, prepare and submit to the appropriate committees of Congress a report concerning the results of such evaluations.

“(2) CONTENTS.—The evaluations conducted under paragraph (1) shall—

“(A) include a summary of the data contained in the annual reports submitted under subsection (m);

“(B) assess the relative effectiveness of projects under subsection (a) in urban and rural areas, and among programs utilizing differing combinations of professionals and trained home visitors recruited from the community to meet the needs of defined target service populations; and

“(C) make further recommendations necessary or desirable to increase the effectiveness of such projects.

“(q) DEFINITIONS.—For purposes of this section:

“(1) The term ‘eligible entity’ includes public and nonprofit private entities that provide health or related social services, including community-based organizations, visiting nurse organizations, hospitals, local health departments, community health centers, Native Hawaiian health centers, nurse managed clinics, family service agencies, child welfare agencies, developmental service providers, family resource and support programs, and resource mothers projects.

“(2) The term ‘eligible family’ means a family described in subsection (a).

“(3) The term ‘health or developmental complication’, with respect to a child, means—

“(A) being born in an unhealthy or potentially unhealthy condition, including premature birth, low birthweight, and prenatal exposure to maternal substance abuse;

“(B) a condition arising from a condition described in subparagraph (A);

“(C) a physical disability or delay; and

“(D) a developmental disability or delay.

“(4) The term ‘home visiting services’ means the services specified in subsection (b), provided at the residence of the eligible family involved or provided pursuant to arrangements made for the family (including arrangements for services in community settings).

“(5) The term ‘home visitors’ means providers of home visiting services.

“(r) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated \$30,000,000 for each of the fiscal years 1993 and 1994.”

TITLE VI—TRAUMA CENTERS AND DRUG-RELATED VIOLENCE

SEC. 601. ESTABLISHMENT OF PROGRAM OF GRANTS.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.), as added by section 3 of Public Law 101-590 (104 Stat. 2915), is amended by adding at the end the following new part:

“PART D—TRAUMA CENTERS OPERATING IN AREAS SEVERELY AFFECTED BY DRUG-RELATED VIOLENCE

“SEC. 1241. GRANTS FOR CERTAIN TRAUMA CENTERS.

“(a) IN GENERAL.—The Secretary may make grants for the purpose of providing for the operating expenses of trauma centers that have incurred substantial uncompensated costs in providing trauma care in geographic areas with a significant incidence of violence arising directly or indirectly from illicit trafficking in drugs. Grants under this subsection may be made only to such trauma centers.

“(b) MINIMUM QUALIFICATIONS OF CENTERS.—

“(1) SIGNIFICANT INCIDENCE OF TREATING CERTAIN PATIENTS.—

“(A) The Secretary may not make a grant under subsection (a) to a trauma center unless the population of patients that has been served by the center for the period specified in subparagraph (B) includes a significant number of patients who were treated for—

“(i) trauma resulting from the penetration of the skin by knives, bullets, or any other implement that can be used as a weapon; or

“(ii) trauma that the center reasonably believes results from violence arising directly or indirectly from illicit trafficking in drugs.

“(B) The period specified in this subparagraph is the 2-year period preceding the fiscal year for which the trauma center involved is applying to receive a grant under subsection (a).

“(2) PARTICIPATION IN TRAUMA CARE SYSTEM OPERATING UNDER CERTAIN PROFESSIONAL GUIDELINES.—The Secretary may not make a grant under subsection (a) unless the trauma center involved is a participant in a system that—

“(A) provides comprehensive medical care to victims of trauma in the geographic area in which the trauma center is located;

“(B) is established by the State or political subdivision in which such center is located; and

“(C)(i) has adopted guidelines for the designation of trauma centers, and for triage, transfer, and transportation policies, equivalent to (or more protective than) the applicable guidelines developed by the American College of Surgeons or utilized in the model plan established under section 1213(c); or

“(ii) agrees that such guidelines will be adopted by the system not later than 6 months after the date on which the trauma center submits to the Secretary the application for the grant.

“(3) SUBMISSION AND APPROVAL OF LONG-TERM PLAN.—The Secretary may not make a grant under subsection (a) unless the trauma center involved—

“(A) submits to the Secretary a plan satisfactory to the Secretary that—

“(i) is developed on the assumption that the center will continue to incur substantial uncompensated costs in providing trauma care; and

“(ii) provides for the long-term continued operation of the center with an acceptable standard of medical care, notwithstanding such uncompensated costs; and

“(B) agrees to implement the plan according to a schedule approved by the Secretary.

“SEC. 1242. PREFERENCES IN MAKING GRANTS.

“(a) IN GENERAL.—In making grants under section 1241(a), the Secretary shall give preference to any application—

“(1) made by a trauma center that, for the purpose specified in such section, will receive financial assistance from the State or political subdivision involved for each fiscal year during which payments are made to the center from the grant, which financial assistance is exclusive of any assistance provided by the State or political subdivision as a non-Federal contribution under any Federal program requiring such a contribution; or

“(2) made by a trauma center that, with respect to the system described in section 1241(b)(2) in which the center is a participant—

“(A) is providing trauma care in a geographic area in which the availability of trauma care has significantly decreased as a result of a trauma center in the area permanently ceasing participation in such system as of a date occurring during the 2-year period specified in section 1241(b)(1)(B); or

“(B) will, in providing trauma care during the 1-year period beginning on the date on which the application for the grant is submitted, incur uncompensated costs in an amount rendering the center unable to continue participation in such system, resulting in a significant decrease in the availability of trauma care in the geographic area.

“(b) FURTHER PREFERENCE FOR CERTAIN APPLICATIONS.—With respect to applications for grants under section 1241 that are receiving preference for purposes of subsection (a), the Secretary shall give further preference to any such application made by a trauma center for which a disproportionate percentage of the uncompensated costs of the center result from the provision of trauma care to individuals who neither are citizens nor aliens lawfully admitted to the United States for permanent residence.

“SEC. 1243. CERTAIN AGREEMENTS.

“(a) COMMITMENT REGARDING CONTINUED PARTICIPATION IN TRAUMA CARE SYSTEM.—The Secretary may not make a grant under subsection (a) of section 1241 unless the trauma center involved agrees that—

“(1) the center will continue participation in the system described in subsection (b) of such section throughout the 3-year period beginning on the date that the center first receives payments under the grant; and

“(2) if the agreement made pursuant to paragraph (1) is violated by the center, the center will be liable to the United States for an amount equal to the sum of—

“(A) the amount of assistance provided to the center under subsection (a) of such section; and

“(B) an amount representing interest on the amount specified in subparagraph (A).

“(b) MAINTENANCE OF FINANCIAL SUPPORT.—With respect to activities for which a grant under section 1241 is authorized to be expended, the Secretary may not make such a grant unless the trauma center involved agrees that, during the period in which the center is receiving payments under the grant, the center will maintain expenditures for such activities at a level that is not less than the level maintained by the center during the fiscal year preceding the first fiscal year for which the center receives such payments.

“(c) TRAUMA CARE REGISTRY.—The Secretary may not make a grant under section 1241(a) unless the trauma center involved agrees that—

“(1) the center will operate a registry of trauma cases in accordance with the applicable guidelines described in section 1241(b)(2)(C), and will begin operation of the registry not later than 6 months after the

date on which the center submits to the Secretary the application for the grant; and

"(2) in carrying out paragraph (1), the center will maintain information on the number of trauma cases treated by the center and, for each such case, the extent to which the center incurs uncompensated costs in providing trauma care.

"SEC. 1244. GENERAL PROVISIONS.

"(a) APPLICATION.—The Secretary may not make a grant under section 1241(a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this part.

"(b) LIMITATION ON DURATION OF SUPPORT.—The period during which a trauma center receives payments under section 1241(a) may not exceed 3 fiscal years, except that the Secretary may waive such requirement for the center and authorize the center to receive such payments for 1 additional fiscal year.

"(c) LIMITATION ON AMOUNT OF GRANT.—A grant under section 1241 may not be made in amount exceeding \$2,000,000.

"SEC. 1245. AUTHORIZATION OF APPROPRIATIONS.

"For the purpose of carrying out this part, there are authorized to be appropriated \$100,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994. Such authorization of appropriations is in addition to any other authorization of appropriations or amounts that are available for such purpose."

SEC. 602. CONFORMING AMENDMENTS.

Title XII of the Public Health Service Act (42 U.S.C. 300d et seq.) is amended—

(1) in the heading for part C, by inserting "REGARDING PARTS A AND B" after "PROVISIONS";

(2) in section 1231, in the matter preceding paragraph (1), by striking "this title" and inserting "this part and parts A and B"; and

(3) in section 1232(a), by striking "this title" and inserting "parts A and B".

TITLE VII—STUDIES

SEC. 701. REPORT BY THE INSTITUTE ON MEDICINE.

(a) STUDY.—The Secretary of Health and Human Services shall enter into a contract with a public or nonprofit private entity to conduct a study concerning—

(1) the role of the private sector in the development of anti-addiction medications, including legislative proposals designed to encourage private sector development of such medications;

(2) the process by which anti-addiction medications receive marketing approval from the Food and Drug Administration, including an assessment of the feasibility of expediting the marketing approval process in a manner consistent with maintaining the safety and effectiveness of such medications;

(3) with respect to pharmacotherapeutic treatments for drug addiction—

(A) recommendations with respect to a national strategy for developing such treatments and improvements in such strategy;

(B) the state of the scientific knowledge concerning such treatments; and

(C) an assessment of the progress toward the development of safe, effective pharmacological treatments for drug addiction; and

(4) other related information determined appropriate by the authors of the study.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Academy declines to conduct the study,

the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary of Health and Human Services shall ensure that, not later than 18 months after the date of enactment of this Act, the study required in subsection (a) is completed and a report describing the findings made as a result of the study is submitted to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Labor and Human Resources of the Senate.

(d) AVAILABILITY.—The report prepared under subsection (c) shall be made available for use by the general public.

SEC. 702. SENSE OF THE SENATE.

It is the sense of the Senate that the Medications Development Division of the National Institute on Drug Abuse shall devote special attention and adequate resources to achieve the following urgent goals—

(1) the development of medications in addition to methadone;

(2) the development of a long-acting narcotic antagonist;

(3) the development of agents for the treatment of cocaine abuse and dependency, including those that act as a narcotic antagonist;

(4) the development of medications to treat addiction to drugs that are becoming increasingly prevalent, such as methamphetamine;

(5) the development of additional medications to treat safely pregnant addicts and their fetuses; and

(6) the development of medications to treat the offspring of addicted mothers.

SEC. 703. PROVISION OF MENTAL HEALTH SERVICES TO INDIVIDUALS IN CORRECTIONAL FACILITIES.

Not later than 18 months after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Director of the Center for Mental Health Services, shall prepare and submit to the appropriate committees of Congress a report concerning the most effective methods for providing mental health services to individuals who come into contact with the criminal justice system, including those individuals incarcerated in correctional facilities (including local jails and detention facilities), and the obstacles to providing such services. Such study shall be carried out in consultation with the National Institute of Mental Health, the Department of Justice, and other appropriate public and private entities.

SEC. 704. STUDY OF BARRIERS TO INSURANCE COVERAGE OF TREATMENT FOR MENTAL ILLNESS AND SUBSTANCE ABUSE.

(a) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the National Institute of Mental Health and in consultation with the Administrator of the Health Care Financing Administration, shall conduct a study of the barriers to insurance coverage for the treatment of mental illness and substance abuse. The study shall include—

(1) an assessment of the effect of managed care on the quality and financing of such treatment;

(2) an assessment of the appropriateness and cost effectiveness of treatment provided in non-profit, non-hospital settings; and

(3) an assessment of the need for equitable coverage of severe mental illnesses as part of national health care reform.

(b) ASSESSMENT REGARDING MENTAL ILLNESS.—In making an assessment under paragraph (3) of subsection (a), the study required in such subsection shall provide for the following:

(1) The clarification of what is meant by mental health coverage differentiating be-

tween the need of individuals with severe, long-term mental illnesses and individuals with mental health problems of situational nature.

(2) Identification of the particular treatments and services required by persons with severe mental illnesses to maintain optimum functioning in the community.

(3) Evaluation of various approaches to providing equitable coverage of severe mental illnesses in private insurance and public health care financing programs. These approaches should include the following:

(A) The diagnostic approach as exemplified by certain State legislation (e.g., California State Code, section 101123.15; Texas Employers Uniform Group Insurance Benefits Act, section 11.106–11.113 (Insurance for Serious Mental Illnesses); and Maine, H.P. 1064: An Act to provide equitable insurance coverage for mental illnesses).

(B) The Service-Based Approach, as exemplified in the Model Mental Health Benefit developed the auspices of NIMH Grant MH43703.

(C) The Functional (Severity of Disability) Approach.

(4) Evaluation of the cost benefit to insurers and the Federal Government of providing equal coverage for severe mental illness.

(5) Financing mechanisms for coverage of the rehabilitative and long-term care needs of persons with severe mental illnesses.

(c) REPORT TO CONGRESS.—Not later than October 1, 1993, the Secretary shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

SEC. 705. STUDY ON FETAL ALCOHOL EFFECT AND FETAL ALCOHOL SYNDROME.

(a) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall enter into a contract with a public or nonprofit private entity to conduct a study on the prevalence of fetal alcohol effect and fetal alcohol syndrome in the general population of the United States and on the adequacy of Federal efforts to reduce the incidence of such conditions (including efforts regarding appropriate training for health care providers in identifying such effect or syndrome). The Secretary shall ensure that the study—

(1) describes diagnostic tools for identifying such conditions;

(2) compares the rate of each of such conditions with the rates of other drug-related congenital conditions;

(3) evaluates the effectiveness and availability of treatment for such conditions; and

(4) evaluates the plans of Federal agencies to conduct research on such conditions and determines the adequacy of such plans in relation to the impact on public health of the conditions.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary shall ensure that, not later than 18 months after the date of the enactment of this Act, the study required in subsection (a) is completed and a report describing the findings made as a result of the study is submitted to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Labor and Human Resources of the Senate.

SEC. 706. STUDY BY NATIONAL ACADEMY OF SCIENCES.

(a) IN GENERAL.—In the case of programs in the United States that provide both sterile hypodermic needles and bleach to individuals in order to provide for a reduction in the risk of the individuals contracting acquired immune deficiency syndrome or related conditions, the Secretary of Health and Human Services (in this section referred to as the "Secretary"), acting through the Director of the National Institute on Drug Abuse, shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies to make determinations of the following:

(1) The extent to which the programs promote, directly or indirectly, the abuse of drugs through providing information or devices (or both) regarding the manner in which the adverse health consequences of such abuse can be minimized.

(2) In the case of individuals participating in the programs, the number of individuals who have engaged in the abuse of drugs prior to admission to the programs and the number of individuals who have not engaged in such abuse prior to such admission.

(3) The extent to which participation in the programs has altered any behaviors constituting a substantial risk of contracting acquired immune deficiency syndrome or hepatitis, or of transmitting either of the diseases.

(4) The number of programs that provide referrals for the treatment of such abuse and the number of programs that do not provide such referrals.

(5) The extent to which programs safely dispose of used hypodermic syringes and needles.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study or studies described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through other public or nonprofit private entities.

(c) LIMITATION REGARDING EXISTING PROGRAMS.—The study required in subsection (a) may not be conducted with respect to programs established after the date of the enactment of this Act.

(d) DATE FOR COMPLETION.—The Secretary shall ensure that, not later than 18 months after the date of the enactment of this Act, the study required in subsection (a) is completed and a report describing the findings made as a result of the study is submitted to the Committee on Energy and Commerce of the House of Representatives and to the Committee on Labor and Human Resources of the Senate.

(e) FUNDING.—Of the aggregate amounts appropriated under the Public Health Service Act for fiscal years 1993 and 1994 for research on drug abuse, the Secretary shall make available \$5,000,000 for conducting the study required in subsection (a).

SEC. 707. REPORT ON ALLOTMENT FORMULA.

(a) STUDY.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies concerning the statutory formulae under which funds made available under sections 1911 and 1921 of the Public Health Service Act are allocated among the States and territories. Such study or studies shall include—

(1) an assessment of the degree to which the formula allocates funds according to the respective needs of the States and territories;

(2) a review of relevant epidemiological research regarding the incidence of substance abuse and mental illness among various age groups and geographic regions of the country;

(3) the identification of factors not included in the formula that are reliable predictors of the incidence of substance abuse and mental illness;

(4) an assessment of the validity and relevance of factors currently included in the formula, such as age, urban population and cost; and

(5) any other information that would contribute to a thorough assessment of the appropriateness of the current formula.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary shall ensure that not later than 6 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made as a result of such study is submitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(d) CONSULTATION.—The entity preparing the report required under subsection (c), shall consult with the Comptroller General of the United States. The Comptroller General shall review the study after its transmittal to the committees described in subsection (c) and within three months make appropriate recommendations concerning such report to such committees.

SEC. 708. REPORT BY SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION.

(a) INTERIM REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator of the Substance Abuse and Mental Health Services Administration shall compile and directly transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate an interim report that includes the following information:

(1) A compilation and summary of the scientific literature and research concerning the provision of health insurance, by both public and private entities, for substance abuse (including alcohol abuse) and mental health services.

(2) A review of the scientific literature evaluating the medical effectiveness of substance abuse (including alcohol abuse) and mental health services.

(3) An examination of past practices and emerging trends of health insurance coverage for substance abuse (including alcohol abuse) and mental health services, including an examination of trends in copayments, lifetime coverage maximums, number of visits, and inclusion or exclusion of such services.

(4) An identification of issues attendant to and analysis of barriers to health insurance coverage for substance abuse (including alcohol abuse) and mental illness services. Such analysis shall include a discussion of how substance abuse (including alcohol abuse) and mental health services would be affected by the various health care reform under consideration in Congress.

(5) An examination of the issues attendant to limitations placed on the use of Medicaid program funds for adults receiving substance abuse (including alcoholism services) and mental health services in intermediate care residential settings.

(b) FINAL REPORT.—Not later than October 1, 1993, such Administrator shall compile and transmit directly to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report that identifies the relevant policy issues and research questions that need to be answered to address current barriers to the provision of substance abuse and mental health services. The Administrator shall design a research and demonstration strategy that examines such barriers and tests alternative solutions to the problems of providing health insurance and treatment services for substance abuse and mental health services. As soon as practicable but not later than January 1, 1994, the Secretary shall initiate research and demonstration projects that, consistent with the information contained in the reports required under this section, will study the issues identified with, and possible alternative mechanisms of, providing health insurance and treatment services for substance abuse (including alcohol abuse) and mental illness.

TITLE VIII—GENERAL PROVISIONS**SEC. 801. EFFECTIVE DATES.**

(a) IN GENERAL.—This Act takes effect on the date of the enactment of this Act, subject to subsections (b) through (d).

(b) AMENDMENTS.—The amendments described in this Act are made on the date of the enactment of this Act and take effect on such date, except as provided in subsections (c) and (d).

(c) REORGANIZATION UNDER TITLE I.—Title I takes effect on October 1, 1992. The amendments described in such title are made on such date and take effect on such date.

(d) PROGRAMS PROVIDING FINANCIAL ASSISTANCE.—

(1) FISCAL YEAR 1993 AND SUBSEQUENT YEARS.—In the case of any program making awards of grants, cooperative agreements, or contracts, the amendments made by this Act are effective for awards made on or after October 1, 1992.

(2) PRIOR FISCAL YEARS.—

(A) Except as provided in subparagraph (B), in the case of any program making awards of grants, cooperative agreements, or contracts, if the program began operation prior to the date of the enactment of this Act and the program is amended by this Act, awards made prior to October 1, 1992, shall continue to be subject to the terms and conditions upon which such awards were made, notwithstanding the amendments made by this Act.

(B) Subparagraph (A) does not apply with respect to the amendments made by this Act to part B of title XIX of the Public Health Service Act. Section 205(a) applies with respect to the program established in such part.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment to the title of the bill insert the following: "An Act to amend the Public Health Service Act to restructure the Alcohol, Drug Abuse, and Mental Health Administration and the authorities of such Administration, including establishing separate block grants to enhance the delivery of services regarding substance abuse and mental health, and for other purposes."

And the House agree to the same.

JOHN D. DINGELL,
HENRY A. WAXMAN,
ROY J. ROWLAND,
NORMAN F. LENT,
THOMAS J. BLILEY,

Managers on the Part of the House

EDWARD M. KENNEDY,
CLAIBORNE PELL,
HOWARD M. METZENBAUM,
CHRISTOPHER J. DODD,
TOM HARKIN,
BROCK ADAMS,
ORRIN HATCH,
DAN COATS,
STROM THURMOND,
DAVE DURENBERGER,

Managers on the Part of the Senate.

The SPEAKER pro tempore, Mr. MAZZOLI, recognized Mr. WAXMAN and Mr. BLILEY, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said conference report?

The SPEAKER pro tempore, Mr. MAZZOLI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. BILIRAKIS demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. MAZZOLI, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed.

¶56.5 WHALING MORATORIUM

Mr. STUDDS moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 177); as amended:

Whereas whales are marine resources of great aesthetic, educational, and scientific interest and are a vital part of the marine ecosystem;

Whereas the International Whaling Commission adopted in 1982 an indefinite moratorium on commercial whaling, which was scheduled to go into effect in 1986, establishing zero global catch limits for 11 species of whales;

Whereas despite the moratorium on commercial whaling, thousands of whales have been killed since its inception by the commercial whaling nations;

Whereas there remain uncertainties as to the status of whale populations due to the difficulty of studying them, their slow reproductive rate, and the unpredictability of their recovery even when fully protected;

Whereas the consequences of removing whale populations from the marine ecosystem are not understood and cannot be predicted;

Whereas whales are subject to increasingly grave environmental threats from nonhunting causes, such as pollution, loss of habitat, oil spills, and the use of large-scale driftnets, which underscore the need for special safeguards for whale protection;

Whereas in addition, many of the more than 60 species of small cetaceans are subject to direct commercial harvest;

Whereas there is significant widespread support in the international community for the view that, for scientific, ecological, aesthetic, and educational reasons, whales should no longer be commercially hunted;

Whereas efforts made at the 1991 meeting of the International Whaling Commission to overturn the moratorium on commercial whaling were defeated; and

Whereas there is concern that, at future International Whaling Commission meetings, some countries will again press for an immediate resumption of commercial whaling on some stocks: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) United States policy should promote the conservation and protection of whale, dolphin, and porpoise populations;

(2) toward that goal, the United States should work to strengthen and maintain an International Whaling Commission moratorium on the commercial killing of whales, and work toward a similar moratorium on the direct commercial harvest of dolphins and porpoises;

(3) the United States should work to strengthen the International Whaling Commission by reaffirming its competence to regulate direct commercial whaling on all cetaceans, and should encourage the Commission to utilize the expertise of its Scientific Committee by seriously considering the Committee's recommendations; and

(4) in so promoting the conservation and protection of the world's whale populations, the United States should make the fullest use of diplomatic channels, appropriate domestic and international law, and all other available means.

The SPEAKER pro tempore, Mr. MAZZOLI, recognized Mr. STUDDS and Mr. YOUNG of Alaska, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said concurrent resolution, as amended?

The SPEAKER pro tempore, Mr. MAZZOLI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said concurrent resolution, as amended, was agreed to.

By unanimous consent, the title was amended so as to read: "A concurrent resolution calling for a United States policy of strengthening and maintaining an International Whaling Commission moratorium on the commercial killing of whales, and otherwise expressing the sense of the Congress with respect to conserving and protecting the world's whale populations."

A motion to reconsider the votes whereby the rules were suspended and said concurrent resolution, as amended, was agreed to and the title was amended was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said concurrent resolution.

¶56.6 RATIFICATION OF 27TH AMENDMENT TO THE CONSTITUTION

Mr. BROOKS moved to suspend the rules and agree to the following concurrent resolution (H. Con. Res. 320):

Resolved by the House of Representatives (the Senate concurring), That Congress declares that the proposed article of amendment providing as follows:

"No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

has been ratified by a sufficient number of the States and has become a part of the Constitution.

The SPEAKER pro tempore, Mr. MAZZOLI, recognized Mr. BROOKS and Mr. FISH, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and agree to said concurrent resolution?

The SPEAKER pro tempore, Mr. MAZZOLI, announced that two-thirds of the Members present had voted in the affirmative.

Mr. FISH demanded that the vote be taken by the yeas and nays, which demand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The SPEAKER pro tempore, Mr. MAZZOLI, pursuant to clause 5, rule I, announced that further proceedings on the motion were postponed until Wednesday, May 20, 1992, pursuant to the prior announcement of the Chair.

¶56.7 COBALT STOCKPILE

Mr. BENNETT moved to suspend the rules and pass the bill (H.R. 4880) to reduce the stockpile requirement for, and authorize the disposal of, cobalt from the National Defense Stockpile.

The SPEAKER pro tempore, Mr. MAZZOLI, recognized Mr. BENNETT and Mr. SPENCE, each for 20 minutes.

After debate,

The question being put, *viva voce*,

Will the House suspend the rules and pass said bill?

The SPEAKER pro tempore, Mr. MAZZOLI, announced that two-thirds of the Members present had voted in the affirmative.

So, two-thirds of the Members present having voted in favor thereof, the rules were suspended and said bill was passed.

A motion to reconsider the vote whereby the rules were suspended and said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶56.8 PROVIDING FOR THE CONSIDERATION OF H.R. 4691

Mr. FROST, by direction of the Committee on Rules, called up the following resolution (H. Res. 457):

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4691) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1993 and 1994, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed two hours, with one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, and with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science, Space, and Technology, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Public Works and Transportation now print-

ed in the bill, as modified by the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution, as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered by title instead of by section and each title shall be considered as having been read, and all points of order against said substitute, as modified, are hereby waived. It shall be in order to consider en bloc the amendments printed in part 3 of the report of the Committee on Rules, if offered by Representative Walker of Pennsylvania or his designee, and said amendments en bloc shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. After the disposition of all other amendments to said substitute, as modified, it shall be in order to consider the amendment printed in part 2 of the report of the Committee on Rules, if offered by Representative Rostenkowski of Illinois or his designee, and all points of order against said amendment are hereby waived. Said amendment shall not be subject to amendment, or to a demand for a division of the question in the House or in the Committee of the Whole, except for pro forma amendments for the purpose of debate. Upon disposition of said amendment no further amendment to the amendment in the nature of substitute, as modified, shall be in order. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. FROST, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

156.9 AVIATION REAUTHORIZATION

The SPEAKER pro tempore, Mr. MAZZOLI, pursuant to House Resolution 457 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4691) to amend the Airport and Airway Improvement Act of 1982 to authorize appropriations for fiscal years 1993 and 1994, and for other purposes.

The SPEAKER pro tempore, Mr. MAZZOLI, by unanimous consent, designated Mr. BARNARD as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. DURBIN, assumed the Chair.

When Mr. BARNARD, Chairman, pursuant to House Resolution 457, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole

House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Airport and Airway Safety, Capacity, and Intermodal Transportation Act of 1992".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Nation's aviation system must be part of an intermodal transportation system consisting of hubs and interconnections with other forms of transportation that will move people and goods in the fastest, most efficient manner;

(2) our Nation's airports are our interconnections with the global economy; expanded flight capacity and greatly improved ground access for passengers and cargo are essential to our Nation's ability to compete in the international marketplace;

(3) without significant additional financial resources, the Nation's airports will be unable to accommodate fully the growing aviation and ground traffic demands of the 1990's;

(4) 27 of the Nation's top 100 airports are now unacceptably congested and the resulting delays in flights are costing our economy billions of dollars a year in lost productivity and undermining the Nation's ability to compete in the global economy;

(5) unless the capacity of our airports is increased substantially, the problem of flight delays will escalate dramatically and, by the year 2000, 40 major airports will be congested and incurring more than 20,000 hours of flight delay a year;

(6) the Nation must undertake an airport improvement and development program costing at least \$7,000,000,000 a year over the next decade just to prevent the problem of airport delay from growing worse in the 21st century;

(7) neither State, local, nor Federal Government can independently finance the needed airport and intermodal development and there must be a combined effort relying on all levels of government;

(8) both the Federal airport improvement program and local passenger facility charge programs are essential to funding the development, as part of an intermodal transportation system, of airports (including necessary ground access eligible for funding under such programs) which meet our Nation's needs;

(9) the Nation's air traffic control system must be modernized with the highest advanced technology to enable it to continue to move traffic safely and efficiently and the necessary development and procurement of capital equipment will cost at least \$18,000,000,000 over the next decade;

(10) the modernization of the air traffic control system will result in productivity and safety benefits of \$257,000,000,000 over the life of the equipment purchased; these benefits include the value of time saved by airline passengers, reductions in airline operating costs, and reduced government expenditures and benefits from increased safety;

(11) there will need to be a continuing increase in staffing for the air traffic control system to enable controllers to handle, safely and efficiently, the increased workload which will arise as air transportation grows over the next decade;

(12) the Federal Government must play a major role in developing our aviation system; full use must be made of the more than \$5,000,000,000 which aviation users contribute to the Airport and Airway Trust Fund each year and the \$7,400,000,000 surplus which has accumulated in the Trust Fund;

(13) although survival of a strong and competitive airline industry is essential to our Nation's economic future—the Nation's air-

lines are in a financial and competitive crisis which threatens our entire aviation system and our Nation's ability to move people; major airlines have lost more than \$6,000,000,000 over the past 2 years; many airlines have merged or discontinued operations; and new entry into the industry has ceased;

(14) the opportunities for new entrants and financially weak airlines to compete successfully can be maximized by the development of new airport capacity, particularly terminal facilities and gates, which will facilitate the ability of new airlines to compete against the airlines which now dominate the facilities at major hub airports;

(15) investment in the aviation transportation infrastructure of the United States will pay immediate and long-term dividends in jobs and economic productivity and provide the foundation for the Nation's continued leadership in the global economic competition of the 21st century;

(16) infrastructure investment differs significantly from other forms of government spending because it creates new wealth for the Nation;

(17) the wealth and economic strength of the United States is in the Nation's infrastructure which provides the foundation for all aspects of life;

(18) failure to invest in the transportation infrastructure, including aviation, has placed the United States in danger of becoming a service-oriented economy, rather than having a strong and independent manufacturing-based economy;

(19) the creation of a national intermodal transportation system is central to the transportation issues of the coming decades and will create the new wealth of the Nation to provide the funds for the Nation to meet the challenges of the 21st century;

(20) our Nation should devote greater efforts to integrating the aviation system with highway and mass transit facilities providing access to airports;

(21) transportation planning, taking account of commerce and land-use patterns, must be improved at all levels and local officials must have a significant role in transportation decisions affecting their areas;

(22) failure to develop an improved intermodal transportation system for the 1990's and the 21st century will result in continuing the two decade trend of decline in United States competitiveness in the global economy and the accompanying decline in the Nation's standard of living;

(23) the safety of the traveling public is of paramount national importance; and

(24) aircraft deicing is an important element of aviation safety and past aircraft incidents suggest that both the Federal Government and private industries should focus on methods to improve aircraft deicing procedures and facilities.

TITLE I—AIRPORT AND AIRWAY IMPROVEMENT ACT AMENDMENTS

SEC. 101. NATIONAL TRANSPORTATION POLICY.

Section 502 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2201) is amended by adding at the end the following:

"(c) NATIONAL TRANSPORTATION POLICY.—

"(1) It is a goal of the United States to develop a national intermodal transportation system that moves people and goods in an efficient manner. The Nation's future economic direction is dependent on its ability to confront directly the enormous challenges of the global economy, declining productivity growth, energy vulnerability, air pollution, and the need to rebuild the Nation's infrastructure.

"(2) United States leadership in the world economy, the expanding wealth of the Nation, the competitiveness of the Nation's in-

dustry, the standard of living, and the quality of life are at stake.

"(3) A national intermodal transportation system is a coordinated, flexible network of diverse but complementary forms of transportation which moves people and goods in the most efficient manner. By reducing transportation costs, these intermodal systems will enhance United States industry's ability to compete in the global marketplace.

"(4) All forms of transportation, including aviation and other transportation systems of the future, will be full partners in the effort to reduce energy consumption and air pollution while promoting economic development.

"(5) An intermodal transportation system consists of transportation hubs which connect different forms of appropriate transportation and provides users with the most efficient means of transportation and with access to commercial centers, business locations, population centers, and the Nation's vast rural areas, as well as providing links to other forms of transportation and to intercity connections.

"(6) Intermodality and flexibility are paramount issues in the process of developing an integrated system that will obtain the optimum yield of United States resources.

"(7) The United States transportation infrastructure must be reshaped to provide the economic underpinnings for the Nation to compete in the 21st century global economy. The United States can no longer rely on the sheer size of its economy to dominate international economic rivals and must recognize fully that its economy is no longer a separate entity but is part of the global marketplace. The Nation's future economic prosperity depends on its ability to compete in an international marketplace that is teeming with competitors but where a full one-quarter of the Nation's economic activity takes place.

"(8) The United States must make a national commitment to rebuild its infrastructure through development of a national intermodal transportation system. The United States must provide the foundation for its industries to improve productivity and their ability to compete in the global economy with a system that will move people and goods faster in an efficient manner."

SEC. 102. AIRPORT IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 505(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2204(a)) is amended—

(1) by striking "and" following "1991,"; and
(2) by inserting before the period at the end of the first sentence the following: "\$15,916,700,000 for fiscal years ending before October 1, 1993, and \$18,016,700,000 for fiscal years ending before October 1, 1994".

(b) OBLIGATIONAL AUTHORITY.—Section 505(b)(1) of such Act is amended by striking "1992" and inserting "1994".

SEC. 103. AIRWAY IMPROVEMENT PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 506(a)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2205(a)(1)) is amended—

(1) by striking "and" following "1991" and inserting a comma; and

(2) by inserting before the period at the end of the first sentence the following: "\$8,200,000,000 for fiscal years ending before October 1, 1993, and \$11,100,000,000 for fiscal years ending before October 1, 1994".

(b) CAPITAL INVESTMENT PLAN AUGMENTATION.—Section 506(a)(2) of such Act is amended to read as follows:

"(2) CAPITAL INVESTMENT PLAN AUGMENTATION.—If the Secretary determines that it is necessary to augment or substantially modify elements of the Airway Capital Investment Plan submitted to Congress under sec-

tion 504 of this title (including a determination that it is necessary to establish more than 23 area control facilities), there is authorized to be appropriated from the Trust Fund for fiscal year 1994 to carry out such augmentation or modification \$100,000,000. Amounts appropriated under this paragraph shall remain available until expended."

(c) OTHER EXPENSES.—

(1) EXTENSION.—Section 506(c)(4) of such Act is amended—

(A) in the paragraph heading by striking "1992" and inserting "1994"; and

(B) by striking "and 1992" and inserting "1992, 1993, and 1994".

(2) CONFORMING AMENDMENT.—Section 506(e)(5) of such Act is amended by striking "1992" and inserting "1994".

(d) WEATHER SERVICES.—Section 506(d) of such Act is amended by striking the second sentence and inserting the following new sentence: "Expenditures for the purposes of carrying out this subsection shall be limited to \$35,596,000 for fiscal year 1993 and \$37,800,000 for fiscal year 1994."

SEC. 104. FAA OPERATIONS.

Section 106(k) of title 49, United States Code, is amended—

(1) by striking "and" and inserting a comma; and

(2) by inserting before the period at the end of the following: "\$4,634,500,000 for fiscal year 1993, and \$5,014,500,000 for fiscal year 1994".

SEC. 105. LINKAGE WITH PASSENGER FACILITY CHARGES PROGRAM.

Paragraph (4) of section 1113(e) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1513(e)(4)) is amended by striking "under this subsection on or before" and all that follows through the period at the end of such paragraph and inserting the following: "under this subsection—

"(A) on or before September 30, 1993—

"(i) if, during fiscal year 1993, the amount available for obligation under section 505 of the Airport and Airway Improvement Act of 1982 is less than \$2,000,000,000; or

"(ii) if, during fiscal year 1993, the amount available for obligation under section 419 of this Act is less than \$38,600,000; or

"(B) on or before September 30, 1994—

"(i) if, during fiscal year 1994, the amount available for obligation under section 505 of the Airport and Airway Improvement Act of 1982 is less than \$2,100,000,000; or

"(ii) if, during fiscal year 1994, the amount available for obligation under section 419 of this Act is less than \$38,600,000.

The provisions of this paragraph shall not affect the authority of the Secretary to approve the imposition of a fee or the use of revenues derived from a fee imposed pursuant to an approval made under this subsection by a public agency which has received an approval to impose a fee under this subsection prior to September 30, 1993, in the case of subparagraph (A) or prior to September 30, 1994, in the case of subparagraph (B), regardless of whether such fee is being imposed on the date set forth in such subparagraph."

SEC. 106. APPORTIONMENTS.

(a) INCREASE FOR CARGO HUBS.—Section 507(a)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2206(a)(2)) is amended—

(1) by striking "3 percent" and inserting "4 percent"; and

(2) by striking "(but not to exceed \$50,000,000)".

(b) LIMITS.—Section 507(b)(1) of such Act is amended by striking "\$300,000 nor more than \$16,000,000" and inserting "\$400,000 nor more than \$22,000,000".

SEC. 107. MILITARY AIRPORTS.

(a) SET-ASIDE.—Section 508(d)(5) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2207(d)(5)) is amended by insert-

ing after "1992" the following: "; not less than 2.25 percent of the funds made available under section 505 in fiscal year 1993, and not less than 2.5 percent of the funds made available under section 505 in fiscal year 1994".

(b) DESIGNATION.—Section 508(f)(1) of such Act is amended—

(1) by striking "not more than 8"; and

(2) by striking the second sentence.

(c) CONSTRUCTION OF PARKING LOTS, FUEL FARMS, AND UTILITIES.—

(1) FUNDING.—Section 508(f) of such Act is amended by adding at the end the following new paragraph:

"(6) FUNDING FOR CONSTRUCTION OF PARKING LOTS, FUEL FARMS, AND UTILITIES.—Not to exceed \$4,000,000 per airport of the sums to be distributed at the discretion of the Secretary under section 507(c) for fiscal years 1993 and 1994 may be used in the aggregate by the sponsor of a current or former military airport designated by the Secretary under this subsection for construction, improvement, or repair of airport surface parking lots, fuel farms, and utilities."

(2) CONFORMING AMENDMENT.—Section 513(c) of such Act is amended by inserting after "this section" the following: "and section 508(f)(6) of this title".

SEC. 108. NOISE SET-ASIDE.

Section 508(d)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2207(d)(2)) is amended by adding at the end the following new sentence: "If the Secretary finds that one or more units of local government in the areas surrounding primary airports have adopted control measures that ensure or are likely to ensure land use compatible with such airports, the Secretary shall make available to carry out such planning and programs to sponsors of such airports and to such units of local government not less than an additional 2.5 percent of the funds made available under section 505."

SEC. 109. MAXIMUM OBLIGATION OF THE UNITED STATES.

Section 512(b) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2211(b)) is amended by striking the period at the end of paragraph (3) and inserting the following: "; except that, for fiscal year 1993 and thereafter, the maximum obligation of the United States may be increased for an airport, other than a primary airport, by an amount not to exceed 25 percent of the total increase in allowable project costs attributable to an acquisition of land or interests in land, based on current credible appraisals or a court award in a condemnation proceeding."

SEC. 110. DISADVANTAGED BUSINESS ENTERPRISE.

(a) ASSURANCE.—Section 511(a)(17) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2210(a)(17)) is amended by inserting after "or other consumer products" the following: "or which provide ground transportation, baggage carts, automobile rentals, or other consumer services".

(b) ADMINISTRATION OF DBE ASSURANCE.—Section 511 of such Act is further amended by adding at the end the following new subsection:

"(h) ADMINISTRATION OF DBE ASSURANCE.—

"(1) MANAGEMENT CONTRACTS; PURCHASE OF GOODS AND SERVICES.—In administering subsection (a)(17) of this section, the Secretary may allow an airport operator or owner to meet the 10 percent goal set forth in such subsection by including businesses operated through management contracts or by including the purchase of goods or services which are used in a business conducted on the airport, if the Secretary finds that it would not be practicable for such business to be included toward compliance with such goal through direct ownership arrangements. In

appropriate cases, the Secretary may determine, by regulation, that the inclusions specified in the preceding sentence will be allowed for particular types of businesses at all airports.

"(2) LIMITATION WITH RESPECT TO CORPORATE STRUCTURE.—Nothing in this subsection and subsection (a)(17) of this section shall require a corporation to change its corporate structure to provide for direct ownership arrangements in order to meet the requirements of this subsection and subsection (a)(17).

"(3) EXCLUSION OF AIR CARRIER SERVICES.—Air carriers in providing passenger or freight-carrying services and other businesses that conduct aeronautical activities at an airport shall not be included in the 10 percent goal set forth in subsection (a)(17) of this section for participation of small business concerns at the airport."

(c) BASIC PROGRAM.—Section 505(d)(2)(A) of such Act (49 U.S.C. App. 2204(d)(2)(A)) is amended by striking "\$14,000,000" and inserting "\$16,015,000".

(d) REGULATIONS.—Not later than the 180th day following the date of the enactment of this Act, the Secretary of Transportation shall issue regulations to carry out sections 511(a)(17) and 511(h) of the Airport and Airway Improvement Act of 1982, as amended by subsections (a) and (b) of this section, relating to the disadvantaged business enterprise assurance.

SEC. 111. TERMINAL DEVELOPMENT.

(a) ALLOWABLE PROJECT COSTS.—Section 513(b)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2212(b)(1)) is amended by adding at the end the following new sentence: "In the case of a commercial service airport which annually has .05 percent or less of the total enplanements in the United States, the Secretary may approve, under the preceding sentence as allowable project costs of a project for airport development at such airport, terminal development in revenue-producing areas and construction, reconstruction, repair, and improvement of nonrevenue-producing parking lots if the sponsor certifies that no project for needed airport development affecting safety, security, or capacity will be deferred by such approval."

(b) FEDERAL SHARE.—Section 513(b)(5) of such Act is amended by inserting before the period at the end the following: "except that the United States share of project costs allowable for any project under such paragraph at a commercial service airport which annually has .05 percent or less of the total enplanements in the United States shall be 85 percent".

SEC. 112. LETTERS OF INTENT.

Section 513(d)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2212(d)(1)) is amended by adding at the end the following new subparagraph:

"(G) OTHER CONSIDERATIONS.—A letter of intent issued under this paragraph shall not condition the obligation of any funds on the imposition of a passenger facility charge."

SEC. 113. AIRPORT DEVELOPMENT DEFINED.

(a) AIRCRAFT DEICING EQUIPMENT.—Section 503(a)(2)(B) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2202(a)(2)(B)) is amended—

(1) by striking "or" at the end of clause (v);

(2) by inserting "or" after the semicolon at the end of clause (vi); and

(3) by inserting after clause (vi) the following:

"(vii) aircraft deicing equipment and structures (other than aircraft deicing fluids and storage facilities for such equipment and fluids);"

(b) CONTROL TOWER AND NAVIGATIONAL AIDS RELOCATION; MEETING MANDATES OF CERTAIN

FEDERAL LAWS; AIRCRAFT DEICING FACILITIES.—Section 503(a)(2) of such Act is further amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(E) the relocation of an air traffic control tower and any navigational aid (including radar) if such relocation is necessary to carry out a project approved by the Secretary under this title;

"(F) any construction, reconstruction, repair, or improvement of an airport (or any purchase of capital equipment for an airport) which is necessary for compliance with the responsibilities of the operator or owner of the airport under the Americans with Disabilities Act of 1990, the Clean Air Act, and the Federal Water Pollution Control Act with respect to the airport, other than construction or purchase of capital equipment which would primarily benefit a revenue producing area of the airport used by a nonaeronautical business; and

"(G) any acquisition of land for, or work necessary to construct, a pad suitable for deicing aircraft prior to takeoff at a commercial service airport, including construction or reconstruction of paved areas, drainage collection structures, treatment and discharge systems, appropriate lighting, and paved access for deicing vehicles and aircraft, but excluding acquisition of aircraft deicing equipment and fluids and construction and reconstruction of storage facilities for such equipment and fluids."

SEC. 114. EXTENSION OF STATE BLOCK GRANT PILOT PROGRAM.

(a) EXTENSION.—Section 534(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2227(a)) is amended by striking "1992" and inserting "1994".

(b) PARTICIPATING STATES.—Section 534(b) of such Act is amended—

(1) by striking "3" and inserting "7"; and

(2) by adding at the end the following new sentence: "The 7 States to be selected for participation in the program in fiscal years 1993 and 1994 shall include the 3 States selected for the participation in the program in fiscal year 1992 (Illinois, Missouri, and North Carolina)."

(c) REPORT.—Section 534(d) of such Act is amended by striking "1992" and inserting "1995".

SEC. 115. EXTENSION OF CERTAIN RESTRICTIONS ON CONTRACT AND GRANT AWARDS.

(a) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—Section 9130 of the Aviation Safety and Capacity Expansion Act of 1990 (49 U.S.C. App. 2226b) is amended by inserting "section 106(k) of title 49, United States Code, or the Airport and Airway Improvement Act of 1982 (other than section 506(b))" after "subtitle".

(b) FOREIGN GOVERNMENTS DISCRIMINATING AGAINST U.S. PRODUCTS.—Section 9131 of such Act (49 U.S.C. App. 2226c) is amended by inserting "section 106(k) of title 49, United States Code, or the Airport and Airway Improvement Act of 1982 (other than section 506(b))" after "subtitle".

SEC. 116. ACQUISITION OR CONSTRUCTION OF FACILITIES FOR ADVANCED TRAINING OF MAINTENANCE TECHNICIANS FOR AIR CARRIER AIRCRAFT.

(a) GRANTS.—The Administrator of the Federal Aviation Administration may make grants to not to exceed 4 vocational technical institutions for the purpose of acquiring or constructing facilities to be used for the advanced training of maintenance technicians for air carrier aircraft.

(b) ELIGIBILITY CRITERIA.—The Administrator may only make a grant under this

section to a vocational technical educational institution if such institution has a training curriculum which prepares aircraft maintenance technicians who hold an airframe and power plant certificate issued under subpart D of part 65 of title 14 of the Code of Federal Regulations to maintain, without direct supervision, air carrier aircraft.

(c) LIMITATION ON AMOUNTS OF GRANTS.—The maximum amount of Federal funds which a vocational technical educational institution may receive, in the aggregate, through grants made under this section shall be \$5,000,000.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, from the Airport and Airway Trust Fund, such sums as may be necessary for carrying out this section for fiscal years 1993 and 1994. Such sums shall remain available until expended.

SEC. 117. AIR TRAFFIC CONTROLLER STAFFING.

The Administrator of the Federal Aviation Administration shall develop and submit annually to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the staffing standards used to determine the number of air traffic controllers needed to operate the air traffic control system of the United States, a 3-year projection of the number of air traffic controllers needed to be employed to operate such system to meet such standards, and a detailed plan for employing such controllers, including projected budget requests.

SEC. 118. MINIMUM NUMBER OF AIR TRAFFIC CONTROLLERS.

The Administrator of the Federal Aviation Administration shall hire such additional persons as are necessary to make the number of persons employed in the air traffic control work force of such Administration on September 30, 1993, not less than 18,128.

SEC. 119. LIMITATION ON PRIVATIZATION OF OPERATION OF CERTAIN AIRPORT CONTROL TOWERS.

The Administrator of the Federal Aviation Administration shall not enter into any contract on or before September 30, 1994, with a private person for operation of an airport control tower at any airport which in fiscal year 1990 had 5,500 or more air carrier operations and 40,000 or more air taxi operations unless the owner or operator of such airport first agrees, in writing, to the Administrator entering into such contract.

SEC. 120. STUDY ON REFLECTORIZATION OF TAXIWAY AND RUNWAY MARKINGS.

(a) STUDY.—The Secretary of Transportation shall conduct a study to determine whether the safety benefits derived from the reflectorization of runways and taxiways of all military airfields under Federal Specification TT-B-1325B should be extended to runways and taxiways of public use airports.

(b) REPORT.—Not later than December 31, 1992, the Secretary shall transmit to Congress a report on the results of the study conducted under this section, together with recommendations concerning requirements for upgraded reflectorization of runways and taxiways at public use airports.

SEC. 121. LANDBANKING AND OPTIONS TO PURCHASE LAND.

(a) STUDY.—The Secretary of Transportation shall conduct a study on the following types of projects:

(1) LANDBANKING.—The purchase of land for airport development to be carried out more than 5 years after the date of the purchase.

(2) OPTIONS TO PURCHASE.—The purchase of options to purchase land for airport development.

(b) CONTENT.—In conducting the study under subsection (a), the Secretary shall examine the following:

(1) ELIGIBILITY FOR FUNDING.—Whether or not the projects described in paragraphs (1) and (2) of subsection (a) should be eligible for funding under the Airport Improvement Program.

(2) CONDITIONS.—If the projects described in paragraphs (1) and (2) of subsection (a) become eligible for funding under the Airport Improvement Program—

(A) whether or not certain limitations should be imposed on such projects;

(B) whether or not priority should be afforded to the funding of such projects in relation to other airport development projects; and

(C) whether or not certain environmental requirements should be imposed on such projects.

(c) REPORT.—Not later than December 31, 1993, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a), together with any appropriate recommendations for legislative and administrative action.

SEC. 122. LIGHTING SYSTEMS FOR AIRCRAFT OBSTRUCTIONS AND AIRPORT RUNWAYS.

(a) STUDY.—The Secretary of Transportation shall conduct a study to assess the current Federal program for monitoring the installation and operation of lighting systems for aircraft obstructions and airport runways.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the results of the study conducted under this section, together with recommendations on methods to ensure that the best available technologies are utilized in lighting systems described in subsection (a).

SEC. 123. ECONOMIC BENEFITS OF AIRPORT DEVELOPMENT PROJECTS.

(a) STUDY.—The Secretary of Transportation shall conduct a study to assess the economic benefits of carrying out airport development projects in areas designated as "redevelopment areas" under section 401 of the Public Works and Economic Development Act of 1965.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations on whether or not airport development projects in areas described in subsection (a) should receive priority consideration in the distribution of grants under the Airport Improvement Program.

SEC. 124. SOUNDPROOFING OF CERTAIN RESIDENTIAL BUILDINGS IN AREAS SURROUNDING AIRPORTS.

During the 2-year period beginning on the date of the enactment of this Act, the Secretary may make grants under section 104(c)(2) of the Aviation Safety and Noise Abatement Act of 1979 for projects to soundproof residential buildings—

(1) if the operator of the airport involved received approval for a grant for a project to soundproof residential buildings under section 301(d)(4)(B) of the Airport and Airway Safety and Capacity Expansion Act of 1987;

(2) if the operator of the airport involved submits updated noise exposure contours, as required by the Secretary; and

(3) if the Secretary determines that the proposed projects are compatible with the purposes of the Aviation Safety and Noise Abatement Act of 1979.

SEC. 125. LAREDO INTERNATIONAL AIRPORT, LAREDO, TEXAS.

Section 313(c)(2)(C) of the Airport and Airway Safety and Capacity Expansion Act of

1987 (101 Stat. 1531) is amended by striking "20 years" and inserting "40 years".

SEC. 126. STUDY OF SMALL AIRPORT RUNWAY MAINTENANCE.

(a) STUDY.—The Secretary of Transportation shall conduct a study to assess the ability of airports which annually enplane .05 percent or less of total enplanements in the United States to finance the maintenance of runways, aprons and taxiways constructed under the Airport Improvement Program, whether or not it would be desirable to make maintenance of runways, aprons, and taxiways eligible to receive grants under the Airport Improvement Program, and whether or not the result of making such maintenance eligible would be to reduce the long-term costs of airport development.

(b) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing the results of the study conducted under subsection (a), together with recommendations.

TITLE II—FEDERAL AVIATION ACT AMENDMENTS

SEC. 201. PROCUREMENT REFORM.

(a) IN GENERAL.—Section 303 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1344) is amended by adding at the end the following new subsections:

"(g) LIMITED SOURCES OF PROCUREMENT.—The Administrator shall have the same authority as the Administrator would have under section 2304(c)(1) of title 10, United States Code, if the Federal Aviation Administration were an agency listed under section 2303(a) of title 10, United States Code.

"(h) CONTRACT TOWER PROGRAM.—The Administrator may enter into a contract, on a sole source basis, with a State or political subdivision thereof for the purpose of permitting such State or political subdivision to operate an airport traffic control tower classified as a level I visual flight rules tower by the Administrator if the Administrator determines that the State or political subdivision has the capability to comply with the requirements of this subsection. Any such contract shall require that the State or political subdivision comply with all applicable safety regulations in its operation of the facility and with applicable competition requirements in the subcontracting of any work to be performed under the contract."

(b) CONFORMING AMENDMENT.—The portion of the table of contents contained in the first section of such Act relating to section 303 is amended by adding at the end the following:

"(g) Limited sources of procurement.

"(h) Contract tower program."

SEC. 202. CREDIT FOR FEES.

Section 313(f)(4) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1354(f)(4)) is amended by inserting "or as a charge permitted under section 334 of title 49, United States Code," after "subsection".

SEC. 203. AVIATION SECURITY TRAINING.

Section 316(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1357(c)) is amended by inserting "(1)" after "(c)" and by adding at the end the following new paragraph:

"(2) REIMBURSEMENT FOR CERTAIN EXPENSES.—At the discretion of the Administrator, reimbursement may be made for travel, transportation, and subsistence expenses for the security training of non-Federal domestic and foreign security personnel whose services will contribute significantly to carrying out civil aviation security programs under this section. To the extent practicable, air travel reimbursed under this paragraph shall be conducted on United States air carriers."

SEC. 204. NOTICE OF CONSTRUCTION.

Section 1101(a) of the Federal Aviation Act of 1958 (49 U.S.C. App. 1501(a)) is amended—

(1) by inserting after "of the construction or alteration," the following: "or the establishment or expansion,";

(2) by inserting after "or of the proposed construction or alteration," the following: "or of the proposed establishment or expansion,"; and

(3) by inserting "or sanitary landfill" after "structure".

SEC. 205. NATIONAL COMMISSION TO PROMOTE A STRONG AND COMPETITIVE AIRLINE INDUSTRY.

(a) FINDINGS.—Congress finds the following:

(1) The Nation's airlines must be part of an intermodal transportation system that will move people and goods in the fastest, most efficient manner.

(2) The Nation's airlines provide our connections with the global economy; a strong airline industry is essential to our Nation's ability to compete in the international marketplace.

(3) The Nation's airlines are in a state of financial distress, having lost more than \$6,000,000,000 in 1990 and 1991. These losses threaten the ability of our airlines to accommodate the growing aviation traffic demands of the 1990's which threaten to undermine our Nation's ability to compete in the global economy.

(4) Because of the airline industry's financial distress and the absence of government policies to promote competition, there has been a precipitous decline in the number of major airlines. Of the 22 airlines which entered the industry following airline deregulation, only 2 are now operating. The rest have either gone out of business or merged with other carriers.

(5) Concentration in the airline industry has advanced rapidly in the past few years. The top 4 major airlines now control 67 percent of aviation traffic and the top 7 airlines now control 91 percent of aviation traffic. Three major airlines, carrying 19 percent of aviation traffic, are in chapter 11 bankruptcy and their survival is in doubt.

(6) The continued success of a deregulated airline system requires the spur of effective actual and potential competition to force airlines to provide high quality service at the lowest possible fares.

(7) Further reductions in the number of major airlines may leave the industry without sufficient competition to ensure a continuation of the benefits consumers have received under airline deregulation.

(b) ESTABLISHMENT.—There is established a commission to be known as the "National Commission to Ensure a Strong Competitive Airline Industry" (in this section referred to as the "Commission").

(c) FUNCTIONS.—The Commission shall make a complete investigation and study of the financial condition of the airline industry, the adequacy of competition in the airline industry, and legal impediments to a financially strong and competitive airline industry. Based on such investigation and study, the Commission shall recommend those policies which need to be adopted to achieve the national goal of a strong and competitive airline system which will facilitate the ability of our Nation to compete in the global economy, provide adequate levels of competition and service at reasonable fares at cities of all sizes, and provide a stable work environment for its employees. In carrying out such study and investigation the Commission shall take into account aircraft noise abatement, a priority established by Congress by enactment of the Airport Noise and Capacity Act of 1990.

(d) SPECIFIC MATTERS TO BE ADDRESSED.—The Commission shall specifically investigate and study the following:

(1) FINANCIAL CONDITION OF AIRLINE INDUSTRY.—The Commission shall determine the current financial condition of the airline industry and how the industry's financial condition is likely to change over the next 5 years. The issues to be considered shall include the following: the profits or losses likely to be achieved by the airline industry over the next 5 years; whether or not any profits realized will be adequate to permit airlines to acquire the capital equipment necessary to meet the demand of the traveling public in a safe and efficient manner, while complying with environmental regulations; and whether or not any major airlines are likely to fail or sell major assets in order to survive.

(2) ADEQUACY OF COMPETITION.—The Commission shall investigate the current state of competition in the airline industry, how the structure of airline industry competition is likely to change over the next 5 years, and whether or not the expected level of competition will be sufficient to continue the consumer benefits of airline deregulation.

(3) LEGAL IMPEDIMENTS TO A FINANCIALLY STRONG AND COMPETITIVE AIRLINE INDUSTRY.—The Commission shall examine whether the Federal Government should take any legislative or administrative actions to improve the financial conditions of the airline industry or to enhance airline competition. The matters to be investigated shall include whether or not any changes are needed in the legal and administrative policies which govern—

(A) the initial award and the transfer of international airline routes;

(B) the allocation of slots at high density airports;

(C) the allocation of gates, particularly at airports dominated by 1 or a limited number of airlines;

(D) frequent flier programs;

(E) airline computer reservations systems;

(F) the rights of foreign investors to invest in United States airlines;

(G) the taxes and user fees imposed on United States airlines;

(H) the regulatory responsibilities imposed on United States airlines;

(I) the bankruptcy laws of the United States and related fitness rules administered by the Department of Transportation as they apply to airlines; and

(J) the obligations of failing airlines to meet pension obligations.

(4) INTERNATIONAL AVIATION POLICY.—The Commission shall investigate whether or not the policies and strategies followed by the United States in international aviation are promoting the ability of United States airlines to achieve long-term competitive success in international markets. The matters to be investigated shall include the following: the Government's general negotiating policy; the desirability of multilateral rather than bilateral negotiations; whether or not foreign countries have developed the necessary infrastructure of airports and airways to enable our airlines to provide the service needed to meet the demand for aviation service between the United States and such countries; the rights granted foreign airlines to provide service in United States domestic markets ("cabotage"); and the rights granted foreign investors to invest in United States airlines.

(e) MEMBERSHIP.—

(1) APPOINTMENT.—The Commission shall be composed of 11 members as follows:

(A) 3 members appointed by the President.

(B) 2 members appointed by the Speaker of the House of Representatives.

(C) 2 members appointed by the minority leader of the House of Representatives.

(D) 2 members appointed by the majority leader of the Senate.

(E) 2 members appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—Members appointed pursuant to paragraph (1) shall be appointed from among individuals who are experts in transportation policy (including representatives of Federal, State, and local governments and other public authorities owning or operating airports) and organizations representing airlines, passengers, shippers, airline employees, aircraft manufacturers, general aviation, and the financial community. Members appointed pursuant to paragraph (1) shall be appointed in a manner such that the interests of both large hub airports and small airports with commercial air service will be taken into consideration.

(3) TERMS.—Members shall be appointed for the life of the Commission.

(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(6) CHAIRMAN.—The Chairman of the Commission shall be elected by the members.

(f) STAFF.—The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(g) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(h) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(i) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission.

(j) REPORT.—Not later than May 1, 1993, the Commission shall transmit to Congress a final report on the results of the investigation and study conducted under this section.

(k) TERMINATION.—The Commission shall terminate on the 180th day following the date of transmittal of the report under subsection (j). All records and papers of the Commission shall thereupon be delivered by the Administrator of General Services for deposit in the National Archives.

TITLE III—RESEARCH, ENGINEERING, AND DEVELOPMENT

SEC. 301. SHORT TITLE.

This title may be cited as the "Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1992".

SEC. 302. AVIATION RESEARCH AUTHORIZATION OF APPROPRIATIONS.

Section 506(b)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2205(b)(2)) is amended by striking subparagraph (A) and all that follows and inserting in lieu thereof the following:

“(A) for fiscal year 1993—

“(i) \$14,700,000 solely for management and analysis projects and activities;

“(ii) \$87,000,000 solely for capacity and air traffic management technology projects and activities;

“(iii) \$28,000,000 solely for communications, navigation, and surveillance projects and activities;

“(iv) \$7,700,000 solely for weather projects and activities;

“(v) \$6,800,000 solely for airport technology projects and activities;

“(vi) \$44,000,000 solely for aircraft safety technology projects and activities;

“(vii) \$41,100,000 solely for system security technology projects and activities;

“(viii) \$31,000,000 solely for human factors and aviation medicine projects and activities;

“(ix) \$4,500,000 for environment and energy projects and activities; and

“(x) \$5,200,000 for innovative/cooperative research projects and activities; and

“(B) for fiscal year 1994, \$297,000,000.

Not less than 15 percent of the amount appropriated pursuant to this paragraph shall be for long-term research projects, and not less than 3 percent of the amount appropriated under this paragraph shall be available to the Administrator for making grants under section 312(g) of the Federal Aviation Act of 1958.”.

SEC. 303. DEICING STUDY.

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall report to the Congress on the feasibility of requiring commercial airports and/or commercial airlines to employ portable equipment to deice commercial aircraft immediately prior to takeoff by placing deicing equipment close to the departure end of the active runway. In addition, the Secretary shall undertake research to develop new techniques and to develop more efficient fluids and technologies for deicing.

SEC. 304. AIRCRAFT NOISE RESEARCH PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall jointly conduct a research program to develop new technologies for quieter subsonic jet aircraft engines and airframes.

(b) GOAL.—The goal of the research program established by subsection (a) is to develop by the year 2000 technologies for subsonic jet aircraft engines and airframes which would permit a subsonic jet aircraft to operate at reduced noise levels.

(c) PARTICIPATION.—In carrying out the program established by subsection (a), the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall encourage the participation of representatives of the aviation industry and academia.

(d) REPORT TO CONGRESS.—The Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration shall jointly submit to Congress, on an annual basis during the term of the program established by subsection (a), a report on the progress being made under the program toward meeting the goal described in subsection (b).

SEC. 305. USE OF DOMESTIC PRODUCTS.

(a) PROHIBITION AGAINST FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—(1) A person shall not intentionally affix a label bearing the inscription of "Made in America", or any inscription with that meaning, to any product sold in or shipped to the United States, if that product is not a domestic product.

(2) A person who violates paragraph (1) shall not be eligible for any contract for a procurement carried out with amounts authorized under this title, including any sub-

contract under such a contract pursuant to the debarment, suspension, and ineligibility procedures in subpart 9.4 of chapter 1 of title 48, Code of Federal Regulations, or any successor procedures thereto.

(b) COMPLIANCE WITH BUY AMERICAN ACT.—(1) Except as provided in paragraph (2), the head of each agency which conducts procurements shall ensure that such procurements are conducted in compliance with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a through 10c, popularly known as the "Buy American Act").

(2) This subsection shall apply only to procurements made for which—

(A) amounts are authorized by this title to be made available; and

(B) solicitations for bids are issued after the date of enactment of this Act.

(3) The Secretary of Transportation, before January 1, 1994, shall report to the Congress on procurements covered under this subsection of products that are not domestic products.

(c) DEFINITIONS.—For the purposes of this section, the term "domestic product" means a product—

(1) that is manufactured or produced in the United States; and

(2) at least 50 percent of the cost of the articles, materials, or supplies of which are mined, produced, or manufactured in the United States.

TITLE IV—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND

SEC. 401. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) of the Internal Revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking "October 1, 1992" and inserting "October 1, 1994"; and

(2) by striking in subparagraph (A) "(as such Acts were in effect on the date of the enactment of the Aviation Safety and Capacity Expansion Act of 1990)" and inserting "or any Act which contains only provisions which are substantially identical to provisions contained in H.R. 4691 of the 102d Congress, as reported by the Committee on Public Works and Transportation or H.R. 4557 of the 102d Congress, as reported by the Committee on Science, Space, and Technology (as such Acts were in effect on the date of the enactment of the last-enacted Act referred to in this subparagraph)".

SEC. 402. CLARIFICATION OF TRUST FUND REVENUES.

(a) IN GENERAL.—Paragraph (1) of section 9502(e) of the Internal Revenue Code of 1986 (relating to special rules for transfers into trust fund) is amended to read as follows:

"(1) INCREASES IN TAX REVENUES BEFORE 1993 TO REMAIN IN GENERAL FUND.—In the case of taxes imposed before January 1, 1993, the amounts required to be appropriated under paragraphs (1), (2), and (3) of subsection (b) shall be determined without regard to any increase in a rate of tax enacted by the Revenue Reconciliation Act of 1990."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in section 11213 of the Revenue Reconciliation Act of 1990 on the date of the enactment of such Act.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce, Will the House pass said bill?

The SPEAKER pro tempore, Mr. DURBIN, announced that the yeas had it.

Mr. ROE demanded that the vote be taken by the yeas and nays, which de-

mand was supported by one-fifth of the Members present, so the yeas and nays were ordered.

The vote was taken by electronic device.

It was decided in the affirmative { Yeas 410 Nays 2

56.10 [Roll No. 127] YEAS—410

- Abercrombie Downey Johnson (TX)
Ackerman Dreier Johnston
Alexander Duncan Jones (NC)
Allard Durbin Jontz
Andrews (ME) Dwyer Kanjorski
Andrews (NJ) Dymally Kaptur
Andrews (TX) Early Kasich
Annunzio Eckart Kennedy
Applegate Edwards (CA) Kennelly
Archer Edwards (TX) Kildee
Armey Emerson Kleczka
Aspin Engel Klug
Bacchus English Kolbe
Baker Erdreich Kolter
Ballenger Espy Kostmayer
Barnard Evans Kyl
Barrett Ewing LaFalce
Barton Fawell Lagomarsino
Bateman Fawell Lancaster
Beilenson Fazio Lantos
Bennett Fields LaRocco
Bentley Fish Laughlin
Bereuter Flake Leach
Berman Foglietta Lehman (CA)
Bevill Ford (MI) Lehman (FL)
Bilbray Ford (TN) Lent
Bilirakis Frank (MA) Levin (MI)
Blackwell Franks (CT) Lewis (CA)
Bliley Frost Lewis (FL)
Boehlert Gallegly Lewis (GA)
Boehner Gallo Lightfoot
Bonior Gaydos Lipinski
Borski Gejdenson Livingston
Boucher Gekas Lloyd
Brewster Geren Long
Brooks Gibbons Lowery (CA)
Browder Gilchrest Lowey (NY)
Brown Gillmor Luken
Bruce Gilman Machtley
Bryant Gingrich Manton
Bunning Glickman Martin
Burton Gonzalez Martinez
Bustamante Goodling Matsui
Byron Gordon Mavroules
Callahan Goss Mazzoli
Camp Gradison McCandless
Campbell (CO) Green McCloskey
Cardin Guarini McCollum
Carper Gunderson McCreery
Carr Hall (OH) McDade
Chandler Hall (TX) McDermott
Chapman Hamilton McEwen
Clay Hammerschmidt McGrath
Clement Hancock McHugh
Clinger Hansen McMillan (NC)
Coble Harris McMillen (MD)
Coleman (MO) Hastert McNulty
Coleman (TX) Hayes (IL) Meyers
Collins (IL) Hayes (LA) Mfume
Collins (MI) Hefley Michel
Combest Hefner Miller (CA)
Condit Henry Miller (OH)
Conyers Herger Miller (WA)
Cooper Hertel Mineta
Costello Hoagland Mink
Coughlin Hobson Moakley
Cox (CA) Hochbrueckner Molinari
Cox (IL) Holloway Mollohan
Coyne Hopkins Montgomery
Cramer Horn Moody
Cunningham Horton Moorhead
Darden Houghton Moran
Davis Hoyer Morella
de la Garza Hubbard Morrison
DeFazio Huckaby Mrazek
DeLauro Hughes Murphy
DeLay Hunter Murtha
Dellums Hutto Myers
Derrick Hyde Nagle
Dickinson Inhofe Natcher
Dicks Ireland Neal (MA)
Dingell Jacobs Neal (NC)
Dixon James Nichols
Dooley Jefferson Nowak
Doolittle Jenkins Nussle
Dorgan (ND) Johnson (CT) Oakar
Dornan (CA) Johnson (SD) Oberstar

- Obey Rostenkowski Stump
Olin Roth Sundquist
Olver Roukema Swett
Ortiz Rowland Swift
Orton Roybal Synar
Owens (NY) Russo Tallon
Owens (UT) Sabo Tanner
Oxley Sanders Tauzin
Packard Sangmeister Taylor (MS)
Pallone Santorum Taylor (NC)
Panetta Sarpalius Thomas (CA)
Parker Savage Thomas (GA)
Pastor Sawyer Thomas (WY)
Patterson Saxton Thornton
Paxon Schaefer Torres
Payne (NJ) Schueer Torricelli
Payne (VA) Schiff Towns
Pease Schroeder Trafficant
Pelosi Schulze Traxler
Penny Schumer Unsoeld
Perkins Sensenbrenner Upton
Peterson (FL) Serrano Valentine
Peterson (MN) Sharp Vander Jagt
Petri Shaw Vento
Pickett Shays Vislosky
Pickle Shuster Volkmer
Porter Sikorski Vucanovich
Poshard Siskey Walker
Price Skaggs Walsh
Quillen Skeen Washington
Rahall Skelton Waters
Ramstad Slattery Waxman
Rangel Slaughter Weiss
Ravenel Smith (FL) Weldon
Ray Smith (IA) Wheat
Reed Smith (NJ) Whitten
Regula Smith (OR) Williams
Rhodes Smith (TX) Wilson
Richardson Snow Wise
Ridge Solarz Wolf
Riggs Solomon Wolpe
Rinaldo Spence Wyden
Ritter Spratt Wylie
Roberts Staggers Yates
Roe Stallings Yatron
Roemer Stark Young (AK)
Rogers Stearns Young (FL)
Rohrabacher Stenholm Zeliff
Ros-Lehtinen Stokes Zimmer
Rose Studds

NAYS—2

- Atkins Crane
NOT VOTING—22
Allen Donnelly Levine (CA)
Anderson Edwards (OK) Markey
Anthony Feighan Marlenee
AuCoin Gephardt McCurdy
Boxer Grandy Pursell
Broomfield Hatcher Weber
Campbell (CA) Jones (GA)
Dannemeyer Kopetski

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

56.11 S. 1306—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mrs. COLLINS of Michigan, pursuant to clause 5, rule I, announced the unfinished business to be the motion to suspend the rules and agree to the conference report on the bill of the Senate (S. 1306) to amend title V of the Public Health Service Act to revise and extend certain programs, to restructure the Alcohol, Drug Abuse and Mental Health Administration, and for other purposes.

The question being put, Will the House suspend the rules and agree to said conference report?

The vote was taken by electronic device.

It was decided in the negative { Yeas 264 Nays 148 Answered present 1

¶56.12

[Roll No. 128]

YEAS—264

Abercrombie	Harris	Owens (UT)
Ackerman	Hayes (IL)	Oxley
Alexander	Hefner	Pallone
Andrews (ME)	Hertel	Panetta
Andrews (NJ)	Hoagland	Parker
Annunzio	Hobson	Pastor
Applegate	Hochbrueckner	Patterson
Aspin	Horn	Payne (NJ)
Atkins	Horton	Payne (VA)
Barnard	Houghton	Pease
Bateman	Hoyer	Pelosi
Beilenson	Hubbard	Penny
Bentley	Hughes	Perkins
Berman	Jacobs	Peterson (MN)
Bevill	Jefferson	Pickett
Bilbray	Jenkins	Poshard
Blackwell	Johnson (CT)	Price
Bliley	Johnson (SD)	Quillen
Boehlert	Jones (NC)	Rahall
Bonior	Jontz	Ray
Borski	Kanjorski	Reed
Boucher	Kaptur	Richardson
Brewster	Kasich	Rinaldo
Browder	Kennedy	Roemer
Brown	Kennelly	Rose
Bruce	Kildee	Rostenkowski
Bustamante	Klecza	Rowland
Byron	Kolbe	Roybal
Callahan	Kolter	Russo
Campbell (CO)	Kostmayer	Sabo
Cardin	LaFalce	Sanders
Carper	Lagomarsino	Sangmeister
Carr	Lancaster	Savage
Chandler	Lantos	Sawyer
Clement	Leach	Saxton
Clinger	Lehman (CA)	Scheuer
Collins (IL)	Lent	Schumer
Collins (MI)	Lewis (CA)	Serrano
Condit	Lewis (GA)	Sharp
Conyers	Lipinski	Shays
Cooper	Lloyd	Sikorski
Costello	Long	Sisisky
Coughlin	Lowery (CA)	Skelton
Cox (IL)	Lowey (NY)	Slattery
Coyne	Luken	Slaughter
Cramer	Machtley	Smith (IA)
Darden	Manton	Smith (NJ)
DeFazio	Marlenee	Solarz
DeLauro	Martinez	Spence
Dellums	Matsui	Spratt
Derrick	Mavroules	Staggers
Dickinson	McCloskey	Stark
Dicks	McDade	Stokes
Dingell	McDermott	Studds
Dixon	McGrath	Sundquist
Dooley	McHugh	Sweet
Dorgan (ND)	McMillan (NC)	Swift
Downey	McMillen (MD)	Synar
Durbin	McNulty	Tallon
Dwyer	Mfume	Tanner
Dymally	Miller (CA)	Taylor (MS)
Eckart	Miller (OH)	Thomas (GA)
Edwards (CA)	Miller (WA)	Thomas (WY)
Engel	Mineta	Thornton
Erdreich	Mink	Torres
Espy	Moakley	Torrice
Evans	Molinari	Towns
Fazio	Mollohan	Traficant
Flake	Montgomery	Traxler
Foglietta	Moody	Unsoeld
Ford (MI)	Moran	Upton
Ford (TN)	Morella	Valentine
Frank (MA)	Morrison	Vento
Franks (CT)	Mrazek	Visclosky
Gallegly	Murphy	Volkmer
Gallo	Murtha	Walsh
Gaydos	Nagle	Waters
Gejdenson	Natcher	Waxman
Gilchrist	Neal (MA)	Weiss
Gilman	Neal (NC)	Wheat
Glickman	Nowak	Whitten
Gonzalez	Nussle	Williams
Gordon	Oberstar	Wise
Green	Obey	Wolpe
Guarini	Olin	Wyden
Hall (OH)	Olver	Yates
Hamilton	Orton	Yatron
Hammerschmidt	Owens (NY)	Young (AK)

NAYS—148

Allard	Ballenger	Brooks
Allen	Barrett	Bryant
Andrews (TX)	Barton	Bunning
Archer	Bennett	Burton
Army	Bereuter	Camp
Bacchus	Bilirakis	Chapman
Baker	Boehner	Clay

Coble	Huckaby	Roberts
Coleman (MO)	Hunter	Rogers
Coleman (TX)	Hutto	Rohrabacher
Combest	Hyde	Ros-Lehtinen
Cox (CA)	Inhofe	Roth
Crane	Ireland	Roukema
Cunningham	James	Santorum
Davis	Johnson (TX)	Sarpaluis
de la Garza	Johnston	Schaefer
DeLay	Klug	Schiff
Doolittle	Kyl	Schroeder
Dornan (CA)	LaRocco	Schulze
Dreier	Laughlin	Sensenbrenner
Duncan	Lehman (FL)	Shaw
Early	Lewis (FL)	Shuster
Edwards (TX)	Lightfoot	Skaggs
Emerson	Livingston	Skeen
English	Martin	Smith (FL)
Ewing	Mazzoli	Smith (OR)
Fascell	McCandless	Smith (TX)
Fawell	McCollum	Snowe
Fields	McCrery	Solomon
Fish	McEwen	Stallings
Frost	Meyers	Stearns
Gekas	Michel	Stenholm
Gerren	Moorhead	Stump
Gibbons	Myers	Tauzin
Gillmor	Nichols	Taylor (NC)
Gingrich	Ortiz	Thomas (CA)
Goodling	Packard	Vander Jagt
Goss	Paxon	Vucanovich
Gradison	Peterson (FL)	Walker
Gunderson	Petri	Washington
Hall (TX)	Pickle	Weber
Hancock	Porter	Weldon
Hansen	Ramstad	Wilson
Hastert	Rangel	Wolf
Hayes (LA)	Ravenel	Wylie
Hefley	Regula	Young (FL)
Henry	Rhodes	Zeliff
Herger	Ridge	Zimmer
Holloway	Riggs	
Hopkins	Ritter	

ANSWERED "PRESENT"—1

Levin (MI)

NOT VOTING—21

Anderson	Donnelly	Kopetski
Anthony	Edwards (OK)	Levine (CA)
AuCoin	Feighan	Markey
Boxer	Gephardt	McCurdy
Broomfield	Grandy	Oakar
Dannell (CA)	Hatcher	Pursell
Campemeyer	Jones (GA)	Roe

So, two-thirds of the Members present having not voted in favor thereof, the rules were not suspended and said conference report was not agreed to.

¶56.13 JOB TRAINING REFORM

On motion of Mr. PERKINS, by unanimous consent, the bill (H.R. 3033) to amend the Job Training Partnership Act to improve the delivery of services to hard-to-serve youth and adults, and for other purposes; together with the amendments of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. PERKINS, it was,

Resolved, That the House disagree to the amendments of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Thereupon, the SPEAKER pro tempore, Mr. HOYER, by unanimous consent, appointed Messrs. FORD of Michigan, WILLIAMS, PERKINS, ANDREWS of New Jersey, OLVER, GOODLING, GUNDERSON, and HENRY, as managers on the part of the House at said conference.

Ordered, That the Clerk notify the Senate thereof.

¶56.14 SUBPOENA RESPONSE

The SPEAKER pro tempore, Mrs. COLLINS of Michigan, laid before the

House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 20, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have previously notified you of my receipt of a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JOE KOLTER,
Member of Congress.

¶56.15 SUBPOENA RESPONSE

The SPEAKER pro tempore, Mrs. COLLINS of Michigan, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
May 19, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have previously notified you of my receipt of a subpoena issued by the United States District Court for the District of Columbia.

After consultation with counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

DAN ROSTENKOWSKI,
Member of Congress.

¶56.16 SUBPOENA RESPONSE

The SPEAKER pro tempore, Mrs. COLLINS of Michigan, laid before the House a communication, which was read as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 18, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have previously notified you of my receipt of a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Very truly yours,

AUSTIN J. MURPHY,
Member of Congress.

¶56.17 SUBPOENA RESPONSE

The SPEAKER pro tempore, Mrs. COLLINS of Michigan, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
May 18, 1992.

Hon. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have previously notified you of my receipt of a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

WERNER W. BRANDT,
Sergeant at Arms.

¶56.18 SUBPOENA RESPONSE

The SPEAKER pro tempore, Mrs. COLLINS of Michigan, laid before the House a communication, which was read as follows:

WASHINGTON, DC,
May 18, 1992.

Hon. THOMAS S. FOLEY,
The Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I have previously notified you of my receipt of a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel to the Clerk, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

DONNALD K. ANDERSON,
Clerk, U.S. House of Representatives.

¶56.19 PERMISSION TO FILE REPORT

On motion of Mr. FROST, by unanimous consent, the Committee on Rules was granted permission until midnight tonight to file a privileged report (Rept. No. 102-528) on the bill (H.R. 776) to provide for improved energy efficiency.

¶56.20 SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2342. An Act to amend the Act entitled "An Act to provide for the disposition of funds appropriated to pay judgment in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359, 360, 361, 362, and 363, and for other purposes", approved October 25, 1972 (86 Stat. 1168 et seq.); to the Committee on Interior and Insular Affairs.

¶56.21 SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 254. Joint resolution commending the New York Stock Exchange on the occasion of its bicentennial.

¶56.22 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. ANTHONY, for today through May 21; and

To Mr. GRANDY, for today, May 20 and May 21.

And then,

¶56.23 ADJOURNMENT

On motion of Mr. FROST, pursuant to the special order agreed to on Monday, May 18, 1992, at 7 o'clock and 44 minutes p.m., the House adjourned until 11 o'clock a.m. on Wednesday, May 20, 1992.

¶56.24 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ASPIN: Committee on Armed Services. H.R. 5006. A bill to authorize appropriations for fiscal year 1993 for military functions of

the Department of Defense, to prescribe military personnel levels for fiscal year 1993, and for other purposes; with amendments (Rept. No. 102-527). Referred to the Committee of the Whole House on the State of the Union.

Mr. DERRICK: Committee on Rules. House Resolution 459. Resolution providing for the consideration of H.R. 776, a bill to provide for improved energy efficiency (Rept. No. 102-528). Referred to the House Calendar.

¶56.25 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COSTELLO:

H.R. 5198. A bill to amend the Federal Election Campaign Act of 1971 to control House of Representatives campaign spending, and for other purposes; to the Committee on House Administration.

By Mr. CUNNINGHAM:

H.R. 5199. A bill to amend title 10, United States Code, and title XVIII of the Social Security Act to permit the reimbursement of expenses incurred by a medical facility of the uniformed services or the Department of Veterans Affairs in providing health care to persons eligible for care under Medicare; jointly, to the Committees on Armed Services, Ways and Means, Energy and Commerce, and Veterans' Affairs.

By Mr. BROOMFIELD:

H.R. 5200. A bill to amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation; to the Committee on Foreign Affairs.

By Mr. DARDEN:

H.R. 5201. A bill to entitle Federal employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employees' employment and benefit rights; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. FRANK of Massachusetts:

H.R. 5202. A bill to require the Federal Communications Commission to take actions to prevent long distance toll fraud, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GOODLING (for himself and Mr. BALLENGER):

H.R. 5203. A bill to extend and amend the Rehabilitation Act of 1973, to improve rehabilitation services for individuals with disabilities, to modify certain discretionary grant programs providing essential services and resources specifically designed for individuals with disabilities, to change certain terminology, and for other purposes; to the Committee on Education and Labor.

By Mr. LEWIS of Georgia:

H.R. 5204. A bill to authorize the rehabilitation and expansion of the African American Panoramic Experience Center within the Martin Luther King, Junior, Historic Site and Preservation District; to the Committee on Interior and Insular Affairs.

By Ms. MOLINARI (for herself, Mr. OWENS of New York, Mr. GOODLING, Mr. FAWELL, Mr. PAYNE of New Jersey, Mr. BALLENGER, and Mr. MARTINEZ):

H.R. 5205. A bill to amend the Child Abuse Prevention and Treatment Act with respect to issues of confidentiality and accountability; to the Committee on Education and Labor.

By Mr. ROEMER (for himself, Mr. BROWN, Mr. VALENTINE, Mr. SWETT, Ms. HORN, Mr. OLVER, and Mr. THORNTON):

H.R. 5206. A bill amending the Stevenson-Wylder Technology Innovation Act of 1980 to make improvements in the Malcolm Baldrige National Quality Award, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. SANDERS:

H.R. 5207. A bill to provide that elections for President, Vice President, and Members of the Congress be held on Saturday and Sunday; to the Committee on House Administration.

By Mrs. SCHROEDER (for herself, Mr. STUDDS, Mr. FRANK of Massachusetts, Mr. WEISS, Mr. MINETA, Mr. KENNEDY, Mr. ABERCROMBIE, Mr. TOWNS, Mr. AUCCOIN, Ms. NORTON, Mr. STARK, Mr. WAXMAN, Mr. CONYERS, Mr. GREEN of New York, Mr. MATSUI, Mr. DELLUMS, Mr. EDWARDS of California, Mr. SCHEUER, Mr. ROYBAL, Mr. WASHINGTON, Ms. PELOSI, Mr. KOSTMAYER, Mr. HAYES of Illinois, Mr. FEIGHAN, Mr. MCDERMOTT, Mr. SABO, Mr. GONZALEZ, Mr. ATKINS, Mrs. UNSOELD, Mr. EVANS, Mr. DEFazio, Mr. BERMAN, and Mr. MARTINEZ):

H.R. 5208. A bill to prohibit discrimination by the Armed Forces on the basis of sexual orientation; to the Committee on Armed Services.

By Mr. STARK (for himself and Mr. EVANS):

H.R. 5209. A bill to establish a program of world nuclear security; to the Committee on Foreign Affairs.

By Mr. LEVINE of California (for himself and Mr. WOLF):

H.J. Res. 486. Joint resolution designating September 10, 1992, as "National D.A.R.E. Day"; to the Committee on Post Office and Civil Service.

By Mr. OWENS of Utah:

H.J. Res. 487. Joint resolution to designate June 10, 1992, through June 16, 1992, as "International Student Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. BROOKS:

H. Con. Res. 320. Concurrent resolution declaring the ratification of the proposed amendment to the Constitution relating to compensation for Representatives and Senators; considered under the suspension of the rules and postponed until May 20, 1992.

¶56.26 MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

433. By the SPEAKER: Memorial of the Legislature of the State of California, relative to Radio Free Asia; to the Committee on Foreign Affairs.

434. Also, memorial of the Legislature of the State of Missouri, relative to a national health policy; jointly, to the Committees on Energy and Commerce and Ways and Means.

¶56.27 PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. RICHARDSON introduced a bill (H.R. 5210) for the relief of Haydee Josphine McBride; which was referred to the Committee on the Judiciary.

¶56.28 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 75: Mr. MCCREERY.

H.R. 78: Mr. MARLENEE.

H.R. 258: Mr. MCCREERY.

H.R. 431: Mr. MCCREERY.

H.R. 755: Mr. FRANKS of Connecticut and Mr. ROGERS.

H.R. 784: Mr. MAVROULES.
 H.R. 911: Mr. GALLEGLY, Mr. DORNAN of California, and Mr. JONES of North Carolina.
 H.R. 951: Mr. BLACKWELL, Mr. TORRICELLI, Mr. DWYER of New Jersey, Mr. PETERSON of Minnesota, and Mr. JOHNSTON of Florida.
 H.R. 1124: Mr. CRAMER and Mr. PASTOR.
 H.R. 1130: Mr. WILLIAMS and Mrs. MINK.
 H.R. 1241: Mr. MCMILLAN of North Carolina, Mr. KOSTMAYER, and Mr. FRANKS of Connecticut.
 H.R. 1269: Mr. GLICKMAN.
 H.R. 1300: Mr. SABO.
 H.R. 1468: Mr. BACCHUS.
 H.R. 1472: Mr. TOWNS.
 H.R. 1502: Mr. CLAY, Mr. BEILENSON, Mr. SPENCE, and Mr. MORRISON.
 H.R. 1536: Mr. SKEEN.
 H.R. 1665: Mr. SANDERS.
 H.R. 1987: Mr. MATSUI and Mr. MORAN.
 H.R. 2070: Mr. GEJDENSON and Mr. MCCLOSKEY.
 H.R. 2248: Mr. HOAGLAND.
 H.R. 2258: Mr. JEFFERSON and Mr. WYDEN.
 H.R. 2355: Mr. LEVINE of California, Mr. FEIGHAN, and Mr. BERMAN.
 H.R. 2559: Mr. LEVINE of California.
 H.R. 2782: Mr. KENNEDY, Mr. PETERSON of Minnesota, Mr. HOAGLAND, and Mr. CAMPBELL of Colorado.
 H.R. 2879: Ms. KAPTUR and Mr. SANDERS.
 H.R. 3015: Mr. HUGHES.
 H.R. 3138: Ms. HORN.
 H.R. 3164: Mr. TORRES and Mr. CLINGER.
 H.R. 3220: Mr. MRZEK.
 H.R. 3250: Mr. HERTEL, Mr. LEVIN of Michigan, and Mr. CLAY.
 H.R. 3360: Mr. FRANKS of Connecticut, Mr. SIKORSKI, Mr. GILCHREST, Mr. VANDER JAGT, Mr. BRYANT, Mr. LANTOS, Mr. HORTON, and Mr. HOAGLAND.
 H.R. 3369: Mr. ENGEL.
 H.R. 3450: Mr. ACKERMAN, Mr. JEFFERSON, Mr. SHAYS, Mr. TORRES, and Mr. WYDEN.
 H.R. 3555: Mr. HATCHER.
 H.R. 3598: Mr. RAHALL and Mr. TAYLOR of North Carolina.
 H.R. 3625: Mr. MURPHY.
 H.R. 3748: Mr. HOAGLAND.
 H.R. 3836: Mr. HUGHES.
 H.R. 3986: Mr. WAXMAN.
 H.R. 4025: Mr. SKEEN and Mr. WYLIE.
 H.R. 4045: Mr. MANTON, Mr. OWENS of Utah, Mr. DE LUGO, Mr. CLAY, and Mr. KENNEDY.
 H.R. 4057: Mr. FIELDS.
 H.R. 4083: Mrs. MEYERS of Kansas, Mr. ORTIZ, Mr. SPENCE, Mr. HATCHER, Mr. CARPER, and Mrs. PATTERSON.
 H.R. 4127: Mr. INHOFE.
 H.R. 4161: Mr. MANTON.
 H.R. 4168: Mr. MCCOLLUM.
 H.R. 4206: Mr. ACKERMAN.
 H.R. 4312: Ms. DELAURO, Mr. BONIOR, Mr. LEWIS of Georgia, Mr. JEFFERSON, and Ms. WATERS.
 H.R. 4406: Mr. BARTON of Texas.
 H.R. 4414: Mr. HOLLOWAY and Mr. CARPER.
 H.R. 4476: Mr. JEFFERSON.
 H.R. 4498: Mr. ROEMER.
 H.R. 4533: Mr. MATSUI.
 H.R. 4537: Mrs. BOXER and Mr. ATKINS.
 H.R. 4725: Mr. HOAGLAND.
 H.R. 4748: Mr. JEFFERSON and Ms. NORTON.
 H.R. 4761: Mr. YATRON.
 H.R. 4790: Mr. CHANDLER.
 H.R. 4831: Mr. BOEHLERT.
 H.R. 4896: Mr. BRYANT.
 H.R. 4897: Mr. BLAZ and Mr. WEBER.
 H.R. 4902: Mr. HUGHES.
 H.R. 5014: Mr. ENGLISH, Mr. SOLOMON, Mr. TOWNS, Mr. JONES of North Carolina, Mr. COLEMAN of Missouri, and Mr. POSHARD.
 H.R. 5019: Mr. SCHIFF, Mr. THOMAS of Wyoming, Mr. BALLENGER, and Mr. RIGGS.
 H.R. 5034: Mr. HUGHES and Mr. LAFALCE.
 H.R. 5116: Mrs. BOXER, Ms. KAPTUR, Mr. ORTON, and Mr. VENTO.
 H.R. 5117: Mr. SABO, Mr. VENTO, Mr. TOWNS, Mr. HOCHBRUECKNER, and Ms. SLAUGHTER.

H.R. 5162: Ms. SLAUGHTER and Mr. MARTINEZ.
 H.J. Res. 143: Mr. EDWARDS of Oklahoma.
 H.J. Res. 351: Mr. BRUCE.
 H.J. Res. 391: Mr. GAYDOS, Mr. CLINGER, Mr. BALLENGER, and Mr. VALENTINE.
 H.J. Res. 399: Mr. HOBSON, Mr. BUSTAMANTE, Mr. BILBRAY, Mr. BENNETT, Mr. COBLE, Mr. DORNAN of California, and Mr. DE LA GARZA.
 H.J. Res. 411: Mr. MCCOLLUM, and Mr. GRANDY.
 H.J. Res. 426: Ms. HORN.
 H.J. Res. 431: Mr. VANDER JAGT, Mr. MFUME, Mr. DICKS, Mr. ENGEL, Mr. SWETT, Mr. VOLKMER, Mr. SUNDQUIST, Mr. LEWIS of Georgia, Mr. CARPER, Mr. THOMAS of Wyoming, Mr. SERRANO, and Mr. DURBIN.
 H.J. Res. 442: Mr. MINETA, Mr. DUNCAN, Mr. MORRISON, Mr. HUCKABY, Mr. WOLPE, Ms. DELAURO, Mr. RICHARDSON, Mr. JOHNSON of South Dakota, Mr. MONTGOMERY, Mr. HUBBARD, Mr. HARRIS, Mr. SABO, Mr. BLACKWELL, Mr. CHAPMAN, Mr. FAWELL, Mr. SCHUMER, Mr. RINALDO, Mr. VOLKMER, Mr. ROWLAND, Mr. SCHAEFER, Mr. WYLIE, Mr. THOMAS of Georgia, Mr. COOPER, Mr. McNULTY, Mr. SOLARZ, Mr. CONYERS, Mr. TANNER, Mr. SUNDQUIST, Mr. BURTON of Indiana, Mr. STUMP, Mr. BREWSTER, Mr. BUNNING, Mr. SARPALIUS, Mr. McMILLEN of Maryland, Mr. STEARNS, Mr. HOYER, Mr. APPEGATE, Mr. BATEMAN, and Mr. PERKINS.
 H.J. Res. 444: Mr. PALLONE, Mr. RAHALL, Mr. WYDEN, Mr. RITTER, Mr. COUGHLIN, Mr. GREEN of New York, Mr. RAVENEL, Mr. MAVROULES, Mr. GILCHREST, Mr. DUNCAN, Mr. SWIFT, Mr. MAZZOLI, AND Mr. VENTO.
 H.J. Res. 445: Mr. DE LUGO, Mr. HAMMERSCHMIDT, Mr. BENNETT, Mr. HOYER, Mr. JOHNSON of South Dakota, Mr. HUTTO, Mr. LEWIS of California, Mr. LANTOS, Mr. LEWIS of Florida, Mr. DINGELL, Mr. MCCOLLUM, Mrs. KENNELLY, Mr. TORRICELLI, Mr. McDADE, Mr. MCHUGH, Mrs. MEYERS of Kansas, Mr. NEAL of Massachusetts, Mr. OWENS of New York, Mr. OBERSTAR, Mr. PAXON, Mr. YATRON, Mr. VOLKMER, Mr. TAUZIN, Mr. TRAFICANT, Mr. SPENCE, Mr. SAVAGE, Mr. SANDERS, Mr. WYLIE, Mr. TALLON, Mr. LEVIN of Michigan, Mr. TORRES, Mr. FAWELL, Mr. COYNE, Mr. SKEEN, Mr. ASPIN, and Mr. SYNAR.
 H.J. Res. 470: Mr. SISISKY, Mr. JACOBS, Mr. ENGEL, and Mr. VENTO.
 H.J. Res. 478: Mr. MILLER of Washington, Mr. MILLER of Ohio, Mr. RITTER, Mr. GUARINI, Mr. EMERSON, Mrs. VUCANOVICH, Mr. HUNTER, Mr. MRZEK, Mr. HUBBARD, Mr. TOWNS, Mr. BOEHLERT, Mr. MONTGOMERY, Mr. FISH, Mr. SISISKY, Mr. MOORHEAD, and Mr. KLECZKA.
 H.J. Res. 479: Mr. FIELDS, Mr. FRANKS of Connecticut, Mr. BILIRAKIS, Mr. HUBBARD, Mr. BEREUTER, Mr. CAMP, Mr. ERDREICH, Mr. BLAZ, and Mr. SKEEN.
 H.J. Res. 482: Mr. REED, Mrs. MINK, Mr. APPEGATE, Mr. GUARINI, Mr. MARTIN, Ms. HORN, Mr. LIPINSKI, Mr. BOEHLERT, Ms. MOLINARI, Mr. MONTGOMERY, Mr. TOWNS, Mr. WALSH, Mr. NOWAK, and Mr. ENGEL.
 H.J. Res. 483: Mr. LIVINGSTON and Mrs. MINK.
 H. Con. Res. 92: Mr. HORTON and Mr. MONTGOMERY.
 H. Con. Res. 156: Mr. MORAN, Mr. WILLIAMS, and Mr. PACKARD.
 H. Con. Res. 180: Mr. ANDREWS of New Jersey.
 H. Con. Res. 192: Mr. DINGELL, Mr. LOWERY of California, Mr. LEVINE of California, Mr. THOMAS of Wyoming, Mr. YATES, Ms. PELOSI, Mr. WOLF, Mr. BURTON of Indiana, Mr. HOCKBRUECKNER, Mr. CLINGER, Mr. RITTER, Mr. SCHUMER, Mr. TORRES, and Mr. JOHNSON of Texas.
 H. Con. Res. 248: Mr. PORTER.
 H. Con. Res. 282: Mr. COX of Illinois, Mr. VOLKMER, Mr. MINETA, Mr. MAVROULES, Mr. SPENCE, Mr. OWENS of Utah, Mr. CARPER, Mr.

NEAL of Massachusetts, Mr. SLATTERY, and Mr. BUSTAMANTE.
 H. Con. Res. 317: Mr. PAYNE of Virginia, Ms. HORN, Mr. RITTER, Mr. ALLARD, Mr. OXLEY, Mr. LIVINGSTON, Mr. SCHAEFER, and Mr. WILSON.
 H. Res. 271: Mr. CLAY, Mr. OWENS of Utah, and Mr. MOODY.
 H. Res. 321: Mr. MORAN.
 H. Res. 372: Mr. DELLUMS, Mr. YATES, Mr. SWETT, Mr. TOWNS, Mr. SIKORSKI, Mr. MCGRATH, Mr. DORNAN of California, and Mrs. LOWEY of New York.
 H. Res. 399: Mr. CRAMER, Mr. LIPINSKI, Mrs. LOWEY of New York, Ms. MOLINARI, Mr. MONTGOMERY, Mr. SISISKY, Mr. WALSH, and Mr. WILSON.
 H. Res. 404: Mr. FIELDS.

156.29 DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3030: Mr. WILSON.
 H. Res. 194: Mr. BUNNING.

WEDNESDAY, MAY 20, 1992 (57)

The House was called to order by the SPEAKER.

157.1 APPROVAL OF THE JOURNAL

The SPEAKER announced he had examined and approved the Journal of the proceedings of Tuesday, May 19, 1992.

Mr. BUNNING, pursuant to clause 1, rule I, objected to the Chair's approval of the Journal.

The question being put, viva voce, Will the House agree to the Chair's approval of said Journal?

The SPEAKER announced that the yeas had it.

Mr. BUNNING objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present, The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared

Yeas	287
Nays	115
Answered present	1

157.2 [Roll No. 129] YEAS—287

Ackerman	Brown	DeFazio
Alexander	Bruce	DeLauro
Anderson	Bryant	Dellums
Andrews (ME)	Bustamante	Derrick
Andrews (NJ)	Byron	Dicks
Andrews (TX)	Callahan	Dingell
Annunzio	Campbell (CO)	Dixon
Applegate	Cardin	Dooley
Archer	Carper	Dorgan (ND)
Aspin	Carr	Downey
Atkins	Chapman	Dreier
Bacchus	Clement	Durbin
Barnard	Clinger	Dwyer
Bateman	Coleman (TX)	Dymally
Beilenson	Collins (IL)	Early
Bennett	Collins (MI)	Eckart
Berman	Combest	Edwards (TX)
Bevill	Condit	English
Bilbray	Conyers	Erdreich
Bonior	Cooper	Espy
Borski	Costello	Evans
Boucher	Cox (IL)	Ewing
Brewster	Coyne	Fascell
Brooks	Cramer	Fazio
Broomfield	Darden	Feighan
Browder	de la Garza	Fish