

88TH CONGRESS
1ST SESSION

H. R. 7033

IN THE HOUSE OF REPRESENTATIVES

JUNE 13, 1963

Mr. FOGARTY introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To assist in combating mental retardation through grants for construction of research centers, grants to States for construction of facilities for the mentally retarded, and grants for construction of university-affiliated facilities for the mentally retarded.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Mental Retardation Facili-
4 ties Construction Act of 1963".

1 TITLE I—GRANTS FOR CONSTRUCTION OF CEN-
2 TERS FOR RESEARCH ON MENTAL RETARDA-
3 TION AND RELATED ASPECTS OF HUMAN
4 DEVELOPMENT

5 SEC. 101. Title VII of the Public Health Service Act
6 is amended by inserting “AND MENTAL RETARDA-
7 TION RESEARCH CENTERS” after “FACILITIES”
8 in the heading thereof, by inserting immediately below such
9 heading “PART A—GRANTS FOR CONSTRUCTION OF
10 HEALTH RESEARCH FACILITIES” and by changing the
11 words “this title” to “this part” wherever they appear, ex-
12 cept in sections 702, 707, and 708, and by adding at the
13 end of such title the following new part:

14 “PART B—CENTERS FOR RESEARCH ON MENTAL RETARDA-
15 TION AND RELATED ASPECTS OF HUMAN DEVELOP-
16 MENT

17 “AUTHORIZATION OF APPROPRIATIONS

18 “SEC. 721. There are authorized to be appropriated
19 \$6,000,000 for the fiscal year ending June 30, 1964,
20 \$8,000,000 for the fiscal year ending June 30, 1965, and
21 \$6,000,000 each for the fiscal year ending June 30, 1966,
22 and the fiscal year ending June 30, 1967, and \$4,000,000
23 for the fiscal year ending June 30, 1968, for project grants
24 to assist in meeting the costs of construction of facilities for
25 research, or research and related purposes, relating to human

1 development, whether biological, medical, social, or be-
2 havioral, which may assist in finding the causes, and means
3 of prevention, of mental retardation, or in finding means of
4 ameliorating the effects of mental retardation. Sums so ap-
5 propriated shall remain available until expended for pay-
6 ments with respect to projects for which applications have
7 been filed under this part before July 1, 1968, and approved
8 by the Surgeon General thereunder before July 1, 1969.

9 "APPLICATIONS

10 "SEC. 722. (a) Applications for grants under this part
11 with respect to any facility may be approved by the Surgeon
12 General only if—

13 "(1) the applicant is a public or nonprofit institu-
14 tion which the Surgeon General determines is competent
15 to engage in the type of research for which the facility
16 is to be constructed;

17 "(2) the application contains or is supported by
18 reasonable assurances that (A) for not less than ten
19 years after completion of construction, the facility will
20 be used for the research, or research and related pur-
21 poses, for which it was constructed, (B) sufficient funds
22 will be available for meeting the non-Federal share
23 of the cost of constructing the facility, (C) sufficient
24 funds will be available, when the construction is com-
25 pleted, for effective use of the facility for the research,

1 or research and related purposes, for which it was con-
2 structed, and (D) all laborers and mechanics employed
3 by contractors or subcontractors in the performance of
4 work on construction of the center will be paid wages
5 at rates not less than those prevailing on similar con-
6 struction in the locality as determined by the Secretary
7 of Labor in accordance with the Davis-Bacon Act, as
8 amended (40 U.S.C. 276a—276a-5), and will receive
9 compensation at rates not less than the rates determined
10 in accordance with and subject to the provisions of the
11 Contract Work Hours Standards Act (Public Law
12 87-581); and the Secretary of Labor shall have, with
13 respect to the labor standards specified in this clause
14 (D) the authority and functions set forth in Reorganiza-
15 tion Plan Numbered 14 of 1950 (15 F.R. 3176; 64
16 Stat. 1267), and section 2 of the Act of June 13, 1934,
17 as amended (40 U.S.C. 276c).

18 “(b) In acting on applications for grants, the Surgeon
19 General shall take into consideration the relative effective-
20 ness of the proposed facilities in expanding the Nation’s
21 capacity for research and related purposes in the field of
22 mental retardation and related aspects of human develop-
23 ment, and such other factors as he, after consultation with
24 the national advisory council or councils concerned with the
25 field or fields of research involved, may by regulation pre-

1 scribe in order to assure that the facilities constructed with
2 such grants, severally and together, will best serve the pur-
3 pose of advancing scientific knowledge pertaining to mental
4 retardation and related aspects of human development.

5 "AMOUNT OF GRANTS; PAYMENTS

6 "SEC. 723. (a) The total of the grants with respect to
7 any project for the construction of a facility under this part
8 may not exceed 75 per centum of the necessary cost of con-
9 struction of the center as determined by the Surgeon General.

10 "(b) Payments of grants under this part shall be made
11 in advance or by way of reimbursement, in such installments
12 consistent with construction progress, and on such conditions
13 as the Surgeon General may determine."

14 TITLE II—GRANTS FOR CONSTRUCTION OF FA-
15 CILITIES FOR THE MENTALLY RETARDED

16 AUTHORIZATION OF APPROPRIATIONS

17 SEC. 201. There are authorized to be appropriated, for
18 grants for construction of public and other nonprofit fa-
19 cilities for the mentally retarded, for the fiscal year ending
20 June 30, 1965, and each of the next four fiscal years such
21 sums as the Congress may determine.

22 ALLOTMENTS TO STATES

23 SEC. 202 (a) For each fiscal year, the Secretary shall,
24 in accordance with regulations, make allotments from the
25 sums appropriated under section 201 to the several States

1 on the basis of (1) the population, (2) the extent of the
2 need for facilities for the mentally retarded, and (3) the
3 financial need of the respective States; except that no such
4 allotment to any State, other than the Virgin Islands,
5 American Samoa, and Guam, for any fiscal year may be less
6 than \$100,000. Sums so allotted to a State for a fiscal year
7 for construction and remaining unobligated at the end of such
8 year shall remain available to such State for such purpose for
9 the next fiscal year (and for such year only), in addition
10 to the sums allotted to such State for such next fiscal year.

11 (b) In accordance with regulations of the Secretary,
12 any State may file with him a request that a specified portion
13 of its allotment under this title be added to the allotment
14 of another State under this title for the purpose of meeting a
15 portion of the Federal share of the cost of a project for the
16 construction of a facility for the mentally retarded in such
17 other State. If it is found by the Secretary that construc-
18 tion of the facility with respect to which the request is made
19 would meet needs of the State making the request and that
20 use of the specified portion of such State's allotment, as
21 requested by it, would assist in carrying out the purposes of
22 this title, such portion of such State's allotment shall be
23 added to the allotment of the other State under this title,
24 to be used for the purpose referred to above.

REGULATIONS

1
2 SEC. 203. Within six months after enactment of this
3 title, the Secretary shall, after consultation with the Federal
4 Hospital Council (established by section 633 of the Public
5 Health Service Act and hereinafter in this title referred to as
6 the "Council"), by regulations prescribe—
7 (a) the kinds of services needed to provide adequate
8 services for mentally retarded persons residing in a
9 State;
10 (b) the general manner in which the State agency
11 (designated as provided in the State plan approved
12 under this title) shall determine the priority of projects
13 based on the relative need of different areas, giving
14 special consideration to facilities which will provide
15 comprehensive services for a particular community or
16 communities;
17 (c) general standards of construction and equipment
18 for facilities of different classes and in different types of
19 location;
20 (d) that the State plan shall provide for adequate
21 facilities for the mentally retarded residing in the State,
22 and shall provide for adequate facilities for the mentally
23 retarded to furnish needed services for persons unable to
24 pay therefor. Such regulations may require that before

1 approval of an application for a facility or addition to a
2 facility is recommended by a State agency, assurance
3 shall be received by the State from the applicant that
4 there will be made available in such facility or addition
5 a reasonable volume of services to persons unable to pay
6 therefor, but an exception shall be made if such a require-
7 ment is not feasible from a financial viewpoint.

8 STATE PLANS

9 SEC. 204. (a) After such regulations have been issued,
10 any State desiring to take advantage of this title shall submit
11 a State plan for carrying out its purposes. Such State plan
12 must—

13 (1) designate a single State agency as the sole
14 agency for the administration of the plan, or designate
15 such agency as the sole agency for supervising the
16 administration of the plan;

17 (2) contain satisfactory evidence that the State
18 agency designated in accordance with paragraph (1)
19 hereof will have authority to carry out such plan in con-
20 formity with this title;

21 (3) provide for the designation of a State advisory
22 council which shall include representatives of State agen-
23 cies concerned with planning, operation, or utilization
24 of facilities for the mentally retarded and of nongovern-
25 ment organizations or groups concerned with education,

1 employment, rehabilitation, welfare, and health, and in-
2 cluding representatives of consumers of the services pro-
3 vided by such facilities;

4 (4) set forth a program for construction of facilities
5 for the mentally retarded (A) which is based on a state-
6 wide inventory of existing facilities and survey of need;
7 (B) which conforms with the regulations prescribed
8 under section 203 (a) ; and (C) which meets the re-
9 quirements for furnishing needed services to persons
10 unable to pay therefor, included in regulations prescribed
11 under section 203 (d) ;

12 (5) set forth the relative need determined in ac-
13 cordance with the regulations prescribed under section
14 203 (b) for the several projects included in such pro-
15 grams, and provide for the construction, insofar as finan-
16 cial resources available therefor and for maintenance and
17 operation make possible, in the order of such relative
18 need;

19 (6) provide such methods of administration of the
20 State plan, including methods relating to the establish-
21 ment and maintenance of personnel standards on a merit
22 basis (except that the Secretary shall exercise no au-
23 thority with respect to the selection, tenure of office,
24 or compensation of any individual employed in accord-

1 ance with such methods), as are found by the Secretary
2 to be necessary for the proper and efficient operation of
3 the plan;

4 (7) provide minimum standards (to be fixed in the
5 discretion of the State) for the maintenance and opera-
6 tion of facilities which receive Federal aid under this
7 title;

8 (8) provide for affording to every applicant for a
9 construction project an opportunity for hearing before
10 the State agency;

11 (9) provide that the State agency will make such
12 reports in such form and containing such information as
13 the Secretary may from time to time reasonably require,
14 and will keep such records and afford such access thereto
15 as the Secretary may find necessary to assure the cor-
16 rectness and verification of such reports;

17 (10) provide that the State agency will from time
18 to time, but not less often than annually, review its
19 State plan and submit to the Secretary any modi-
20 fications thereof which it considers necessary.

21 (b) The Secretary shall approve any State plan and
22 any modification thereof which complies with the provisions
23 of subsection (a). The Secretary shall not finally disapprove
24 a State plan except after reasonable notice and opportunity
25 for a hearing to the State.

1 (c) The State plan may include standards for de-
2 termination of the Federal share of the cost of projects ap-
3 proved in the State. Such standards shall provide equitably
4 (and, to the extent practicable, on the basis of objective
5 criteria) for variations between projects or classes of projects
6 on the basis of the economic status of areas and other rele-
7 vant factors. No such standards shall provide for a Federal
8 share of more than 75 per centum or less than 45 per centum
9 of the cost of construction of any project. The Secretary shall
10 approve any such standards and any modifications thereof
11 which comply with the provisions of this subsection.

12 APPROVAL OF PROJECTS AND PAYMENTS FOR
13 CONSTRUCTION

14 SEC. 205. (a) For each project for construction pur-
15 suant to a State plan approved under this title, there shall
16 be submitted to the Secretary through the State agency an
17 application by the State or a political subdivision thereof
18 or by a public or other nonprofit agency. If two or more
19 such agencies join in the construction of the project, the
20 application may be filed by one or more of such agencies.

21 Such application shall set forth—

- 22 (1) a description of the site for such project;
- 23 (2) plans and specifications therefor in accordance
24 with the regulations prescribed by the Secretary under
25 section 203 (c) ;

1 (3) reasonable assurance that title to such site is
2 or will be vested in one or more of the agencies filing
3 the application or in a public or other nonprofit agency
4 which is to operate the facility;

5 (4) reasonable assurance that adequate financial
6 support will be available for the construction of the proj-
7 ect and for its maintenance and operation when com-
8 pleted;

9 (5) reasonable assurance that all laborers and me-
10 chanics employed by contractors or subcontractors in
11 the performance of construction of the project will be
12 paid wages at rates not less than those prevailing on
13 similar construction in the locality as determined by the
14 Secretary of Labor in accordance with the Davis-Bacon
15 Act, as amended (40 U.S.C. 276a—276a-5), and shall
16 receive overtime pay in accordance with and subject
17 to the provisions of the Contract Works Hours Stand-
18 ards Act (Public Law 87-581); and the Secretary of
19 Labor shall have with respect to the labor standards
20 specified in this paragraph the authority and functions
21 set forth in Reorganization Plan Numbered 14 of 1950
22 (15 F.R. 3176; 5 U.S.C. 133z-15) and section 2 of
23 the Act of June 13, 1934, as amended (40 U.S.C.
24 276c); and

1 (6) a certification by the State agency of the Fed-
2 eral share for the project.

3 The Secretary shall approve such application if sufficient
4 funds to pay the Federal share of the cost of construction
5 of such project are available from the allotment to the State,
6 and if the Secretary finds (A) that the application contains
7 such reasonable assurance as to title, financial support, and
8 payment of prevailing rates of wages; (B) that the plans
9 and specifications are in accord with the regulations pre-
10 scribed pursuant to section 203; (C) that the application
11 is in conformity with the State plan approved under section
12 204 and contains an assurance that in the operation of the
13 facility there will be compliance with the applicable require-
14 ments of the State plan and of the regulations prescribed
15 under section 203 (d) for furnishing needed facilities for
16 persons unable to pay therefor, and with State standards for
17 operation and maintenance; and (D) that the application
18 has been approved and recommended by the State agency
19 and is entitled to priority over other projects within the
20 State in accordance with the regulations prescribed pursuant
21 to section 203 (b). No application shall be disapproved by
22 the Secretary until he has afforded the State agency an
23 opportunity for a hearing.

1 (b) Amendment of any approved application shall be
2 subject to approval in the same manner as an original appli-
3 cation.

4 PAYMENTS FOR CONSTRUCTION

5 SEC. 206. (a) Upon certification to the Secretary by the
6 State agency, based upon inspection by it, that work has
7 been performed upon a project, or purchases have been
8 made, in accordance with the approved plans and specifica-
9 tions, and that payment of an installment is due to the
10 applicant, such installment shall be paid to the State, from
11 the applicable allotment of such State, except that (1) if
12 the State is not authorized by law to make payments to the
13 applicant, the payment shall be made directly to the appli-
14 cant, (2) if the Secretary, after investigation or otherwise,
15 has reason to believe that any act (or failure to act) has
16 occurred requiring action pursuant to section 207, payment
17 may, after he has given the State agency notice of opportu-
18 nity for hearing pursuant to such section, be withheld, in
19 whole or in part, pending corrective action or action based
20 on such hearing, and (3) the total of payments under this
21 subsection with respect to such project may not exceed an
22 amount equal to the Federal share of the cost of construction
23 of such project.

24 (b) In case an amendment to an approved application
25 is approved as provided in section 205 or the estimated

1 cost of a project is revised upward, any additional payment
2 with respect thereto may be made from the applicable allot-
3 ment of the State for the fiscal year in which such amend-
4 ment or revision is approved.

5 WITHHOLDING OF PAYMENTS

6 SEC. 207. Whenever the Secretary, after reasonable
7 notice and opportunity for hearing to the State agency desig-
8 nated as provided in section 204 (a) (1), finds—

9 (1) that the State agency is not complying sub-
10 stantially with the provisions required by section 204 to
11 be included in its State plan or with regulations under
12 this title; or

13 (2) that any assurance required to be given in an
14 application filed under section 205 is not being or can-
15 not be carried out; or

16 (3) that there is a substantial failure to carry out
17 plans and specifications approved by the Secretary
18 under section 205; or

19 (4) that adequate State funds are not being pro-
20 vided annually for the direct administration of the State
21 plan,

22 the Secretary may forthwith notify the State agency that—

23 (5) no further payments will be made to the State
24 under this title, or

25 (6) no further payments will be made under this

1 title for any project or projects designated by the Sec-
2 retary as being affected by the action or inaction referred
3 to in paragraph (1), (2), (3), or (4) of this section,
4 as the Secretary may determine to be appropriate under
5 the circumstances; and, except with regard to any project
6 for which the application has already been approved and
7 which is not directly affected, further payments may be with-
8 held, in whole or in part, until there is no longer any failure
9 to comply (or to carry out the assurance or plans and specifi-
10 cations or to provide adequate State funds, as the case may
11 be) or, if such compliance (or other action) is impossible,
12 until the State repays or arranges for the repayment of Fed-
13 eral moneys to which the recipient was not entitled.

14 JUDICIAL REVIEW

15 SEC. 208. (a) If the Secretary refuses to approve any
16 application for a project submitted under section 205, the
17 State agency through which such application was submitted,
18 or if any State is dissatisfied with his action under section
19 204 (b) or section 207, such State, may appeal to the United
20 States court of appeals for the circuit in which such State
21 is located, by filing a petition with such court within sixty
22 days after such action. A copy of the petition shall be forth-
23 with transmitted by the clerk of the court to the Secretary,
24 or any officer designated by him for that purpose. The

1 Secretary thereupon shall file in the court the record of the
2 proceedings on which he based his action, as provided in
3 section 2112 of title 28, United States Code. Upon the
4 filing of such petition, the court shall have jurisdiction to
5 affirm the action of the Secretary or to set it aside, in whole
6 or in part, temporarily or permanently, but until the filing of
7 the record, the Secretary may modify or set aside his order.
8 The findings of the Secretary as to the facts, if supported by
9 substantial evidence, shall be conclusive, but the court, for
10 good cause shown, may remand the case to the Secretary to
11 take further evidence, and the Secretary may thereupon
12 make new or modified findings of fact and may modify his
13 previous action, and shall file in the court the record of the
14 further proceedings. Such new or modified findings of fact
15 shall likewise be conclusive if supported by substantial
16 evidence. The judgment of the court affirming or setting
17 aside, in whole or in part, any action of the Secretary shall
18 be final, subject to review by the Supreme Court of the
19 United States upon certiorari or certification as provided in
20 section 1254 of title 28, United States Code. The com-
21 mencement of proceedings under this subsection shall not,
22 unless so specifically ordered by the court, operate as a stay
23 of the Secretary's action.

RECOVERY

1 SEC. 209. If any facility with respect to which funds
2 have been paid under section 206 shall, at any time within
3 twenty years after the completion of construction—
4 (1) be sold or transferred to any person, agency,
5 or organization (A) which is not qualified to file an ap-
6 plication under section 205, or (B) which is not ap-
7 proved as a transferee by the State agency designated
8 pursuant to section 204, or its successor, or
9 (2) cease to be a public or other nonprofit facility
10 for the mentally retarded, unless the Secretary deter-
11 mines, in accordance with regulations, that there is good
12 cause for releasing the applicant or other owner from the
13 obligation to continue as such a facility,
14 the United States shall be entitled to recover from either the
15 transferor or the transferee (or, in the case of a facility
16 which has ceased to be a public or other nonprofit facility
17 for the mentally retarded, from the owners thereof) an
18 amount bearing the same ratio to the then value (as deter-
19 mined by the agreement of the parties or by action brought
20 in the district court of the United States for the district in
21 which the facility is situated) of so much of the facility as
22 constituted an approved project or projects, as the amount
23 of the Federal participation bore to the cost of the construc-

1 tion of such project or projects. Such right of recovery shall
2 not constitute a lien upon said facility prior to judgment.

3 STATE CONTROL OF OPERATIONS

4 SEC. 210. Except as otherwise specifically provided,
5 nothing in this title shall be construed as conferring on any
6 Federal officer or employee the right to exercise any super-
7 vision or control over the administration, personnel, mainte-
8 nance, or operation of any facility with respect to which
9 any funds have been or may be expended under this title.

10 DEFINITIONS

11 SEC. 211. For purposes of this title—

12 (a) The term "State" includes the Commonwealth
13 of Puerto Rico, Guam, American Samoa, the Virgin
14 Islands, and the District of Columbia;

15 (b) The term "facility for the mentally retarded"
16 means a facility specially designed for the diagnosis,
17 treatment, education, training, or custodial care of the
18 mentally retarded, including facilities for training spe-
19 cialists and sheltered workshops for the mentally re-
20 tardated, but only if such workshops are part of facilities
21 which provide or will provide comprehensive services
22 for the mentally retarded;

23 (c) The term "nonprofit facility for the mentally
24 retarded" means a facility for the mentally retarded

1 which is owned and operated by one or more nonprofit
2 corporations or associations no part of the net earnings
3 of which inures, or may lawfully inure, to the benefit of
4 any private shareholder or individual;

5 (d) The term "construction" includes construction
6 of new buildings, expansion, remodeling, and alteration
7 of existing buildings, and initial equipment of any such
8 buildings (including medical transportation facilities);
9 including architects' fees, but excluding the cost of off-site
10 improvements and the cost of the acquisition of land;

11 (e) The term "cost of construction" means the
12 amount found by the Secretary to be necessary for the
13 construction of a project;

14 (f) The term "title", when used with reference to
15 a site for a project, means a fee simple, or such other
16 estate or interest (including a leasehold on which the
17 rental does not exceed 4 per centum of the value of the
18 land) as the Secretary finds sufficient to assure for a
19 period of not less than fifty years undisturbed use and
20 possession for the purposes of construction and opera-
21 tion of the project;

22 (g) The term "Federal share" with respect to any
23 project means—

24 (1) if the State plan, as of the date of ap-
25 proval of the project application, contains standards

1 approved by the Secretary pursuant to section
2 204 (c), the amount determined by the State
3 agency in accordance with such standards; or

4 (2) if the State plan does not contain such
5 standards, the amount (not less than 45 per centum
6 and not more than either 75 per centum or the
7 State's Federal percentage, whichever is the lower)
8 established by the State agency for all projects in
9 the State: *Provided*, That prior to the approval of
10 the first project in the State during any fiscal year
11 the State agency shall give to the Secretary written
12 notification of the Federal share established under
13 this subparagraph for projects in such State to be
14 approved by the Secretary during such fiscal year,
15 and the Federal share for projects in such State
16 approved during such fiscal year shall not be changed
17 after such approval;

18 (h) The Federal percentage for any State shall be
19 100 per centum less that percentage which bears the
20 same ratio to 40 per centum as the per capita income of
21 such State bears to the per capita income of the United
22 States, except that the Federal percentage for Puerto
23 Rico, Guam, American Samoa, and the Virgin Islands
24 shall be 75 per centum;

25 (i) (1) The Federal percentages shall be promul-

1 gated by the Secretary between July 1 and August 31
2 of each even-numbered year, on the basis of the average
3 of the per capita incomes of the States and of the United
4 States for the three most recent consecutive years for
5 which satisfactory data are available from the Depart-
6 ment of Commerce. Such promulgation shall be con-
7 clusive for each of the two fiscal years in the period
8 beginning July 1 next succeeding such promulgation;
9 except that the Secretary shall promulgate such per-
10 centages as soon as possible after the enactment of this
11 title, which promulgation shall be conclusive for the
12 fiscal year ending June 30, 1965;

13 (2) The term "United States" means (but only for
14 purposes of this subsection and subsection (h)) the fifty
15 States and the District of Columbia;

16 (j) The term "Secretary" means the Secretary of
17 Health, Education, and Welfare.

18 CONFORMING AMENDMENT

19 SEC. 212. (a) The first sentence of section 633 (b) of
20 the Public Health Service Act is amended by striking out
21 "eight" and inserting in lieu thereof "twelve". The second
22 sentence thereof is amended to read: "Six of the twelve ap-
23 pointed members shall be persons who are outstanding in
24 fields pertaining to medical facility and health activities, and
25 three of such six shall be authorities in matters relating to

1 the operation of hospitals or other medical facilities and one
2 of such six shall be an authority in matters relating to the
3 mentally retarded, and the other six members shall be ap-
4 pointed to represent the consumers of services provided by
5 such facilities and shall be persons familiar with the need for
6 such services in urban or rural areas.”

7 (b) The terms of office of the additional members of
8 the Federal Hospital Council authorized by the amendment
9 made by subsection (a) who first take office after enactment
10 of this Act shall expire, as designated by the Secretary of
11 Health, Education, and Welfare at the time of appointment,
12 one at the end of the first year, one at the end of the second
13 year, one at the end of the third year, and one at the end
14 of the fourth year after the date of appointment.

15 TITLE III—PROJECT GRANTS FOR CONSTRUC-
16 TION OF UNIVERSITY-AFFILIATED FACILI-
17 TIES FOR THE MENTALLY RETARDED

18 AUTHORIZATION OF APPROPRIATIONS

19 SEC. 301. For the purpose of assisting in the construc-
20 tion of clinical facilities providing, as nearly as practicable, a
21 full range of inpatient and outpatient services for the mentally
22 retarded and facilities which will aid in demonstrating pro-
23 vision of specialized services for the diagnosis and treatment,
24 education, training, or care of the mentally retarded or in
25 the clinical training of physicians and other specialized per-

1 sonnel needed for research, diagnosis and treatment, educa-
2 tion, training, or care of the mentally retarded, there are
3 authorized to be appropriated for the fiscal year ending
4 June 30, 1965, and each of the next 4 fiscal years such
5 sums as the Congress may determine. The sums so appro-
6 priated shall be used for project grants for construction of
7 public and other nonprofit facilities for the mentally re-
8 tarder which are associated with a college or university.

9 APPLICATIONS

10 SEC. 302. Applications for grants under this title with
11 respect to any facility may be approved by the Secretary
12 only if the application contains or is supported by reason-
13 able assurances that—

14 (1) the facility will be associated, to the extent
15 prescribed in regulations of the Secretary, with a col-
16 lege or university hospital (including affiliated hospi-
17 tals), or with such other part of a college or university
18 as the Secretary may find appropriate in the light of the
19 purposes of this title;

20 (2) the plans and specifications are in accord with
21 regulations prescribed by the Secretary under section
22 203 (c) ;

1 (3) title to the site for the project is or will be
2 vested in one or more of the agencies or institutions
3 filing the application or in a public or other nonprofit
4 agency or institution which is to operate the facility;

5 (4) adequate financial support will be available for
6 construction of the project and for its maintenance and
7 operation when completed; and

8 (5) all laborers and mechanics employed by con-
9 tractors or subcontractors in the performance of con-
10 struction of the project will be paid wages at rates not
11 less than those prevailing on similar construction in the
12 locality as determined by the Secretary of Labor in
13 accordance with the Davis-Bacon Act, as amended (40
14 U.S.C. 276a—276a-5), and shall receive overtime pay
15 in accordance with and subject to the provisions of the
16 Contract Work Hours Standards Act (Public Law 87-
17 581); and the Secretary of Labor shall have with re-
18 spect to the labor standards specified in this paragraph
19 the authority and functions set forth in Reorganization
20 Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C.
21 133z-15) and section 2 of the Act of June 13, 1934,
22 as amended (40 U.S.C. 276c).

1 AMOUNT OF GRANTS; PAYMENTS

2 SEC. 303. (a) The total of the grants with respect to
3 any project for the construction of a facility under this title
4 may not exceed 75 per centum of the necessary cost of con-
5 struction thereof as determined by the Secretary.

6 (b) Payments of grants under this title shall be made
7 in advance or by way of reimbursement, in such installments
8 consistent with construction progress, and on such condi-
9 tions as the Secretary may determine.

10 RECOVERY

11 SEC. 304. If any facility with respect to which funds
12 have been paid under this title shall, at any time within
13 twenty years after the completion of construction—

14 (1) be sold or transferred to any person, agency,
15 or organization which is not qualified to file an applica-
16 tion under this title, or

17 (2) cease to be a public or other nonprofit facility
18 for the mentally retarded, unless the Secretary deter-
19 mines, in accordance with regulations, that there is good
20 cause for releasing the applicant or other owner from
21 the obligation to continue as such a facility,

22 the United States shall be entitled to recover from either the
23 transferor or the transferee (or, in the case of a facility which
24 has ceased to be a public or other nonprofit facility for the
25 mentally retarded, from the owners thereof) an amount bear-

1 ing the same ratio to the then value (as determined by the
2 agreement of the parties or by action brought in the district
3 court of the United States for the district in which the facility
4 is situated) of so much of the facility as constituted an ap-
5 proved project or projects, as the amount of the Federal
6 participation bore to the cost of the construction of such
7 project or projects.

8

DEFINITIONS

9 SEC. 305. For purposes of this title, the terms "facility
10 for the mentally retarded", "nonprofit facility for the men-
11 tally retarded", "construction", "cost of construction",
12 "title", and "Secretary" shall have the meaning assigned
13 to them in title II.

89TH CONGRESS
1ST SESSION

H. R. 7033

A BILL

To assist in combating mental retardation through grants for construction of research centers, grants to States for construction of facilities for the mentally retarded, and grants for construction of university-affiliated facilities for the mentally retarded.

By Mr. FOGARTY

JUNE 13, 1963

Referred to the Committee on Interstate and Foreign
Commerce