

Public Law 101-93
101st Congress

An Act

To amend the Public Health Service Act to make technical corrections relating to subtitles A and G of title II of the Anti-Drug Abuse Act of 1988, and for other purposes.

Aug. 16, 1989
[H.R. 1426]

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

Drug Abuse
Treatment
Technical
Corrections Act
of 1989.
42 USC 201 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug Abuse Treatment Technical Corrections Act of 1989".

SEC. 2. TECHNICAL CORRECTIONS WITH RESPECT TO ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH SERVICES BLOCK GRANT.

(a) FORMULA FOR ALLOTMENTS.—

(1) FACILITATING EXECUTION OF AMENDMENT.—Section 2022(a) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690) is amended by striking "Subpart I" and inserting "Subpart 1". 42 USC 300x-1a.

(2) MODIFICATION FOR DISTRICT OF COLUMBIA.—Section 1912A(a)(4) of the Public Health Service Act, as added pursuant to paragraph (1) of this subsection and section 2022 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended by striking subparagraphs (C) and (D) and inserting the following: 42 USC 300x-1a.

"(C) In the case of the several States, for purposes of the formula specified in subparagraph (A)(ii)(II), the term 'S' means the quotient of—

"(i) an amount equal to the most recent 3-year average of the total taxable resources of the State involved, as determined by the Secretary of the Treasury; divided by

"(ii) an amount equal to the term 'P', as determined for the State under subparagraph (B).

"(D) In the case of the several States, for purposes of the formula specified in subparagraph (A)(ii)(II), the term 'N' means the quotient of—

"(i) an amount equal to the sum of—

"(I) the sum of the respective amounts determined for each of the several States under subparagraph (C)(i); and

"(II) an amount equal to the most recent 3-year average of the total taxable resources of the District of Columbia, as determined by the Secretary of the Treasury; divided by

"(ii) an amount equal to the sum of the respective terms 'P' determined for each of the several States, and for the District of Columbia, under subparagraph (B).

"(E) In the case of the District of Columbia, for purposes of the formula specified in subparagraph (A)(ii)(II)—

"(i) the term 'S' means the quotient of—

“(I) an amount equal to the most recent 3-year average of the total personal income in such District, as determined by the Secretary of Commerce; divided by

“(II) an amount equal to the term ‘P’, as determined for such District under subparagraph (B); and

“(ii) the term ‘N’ means the quotient of—

“(I) an amount equal to the most recent 3-year average of the total personal income in the United States, as determined by the Secretary of Commerce; divided by

“(II) an amount equal to the sum of the respective terms ‘P’ determined for each of the several States, and for the District of Columbia, under subparagraph (B).”.

(3) CLARIFICATION WITH RESPECT TO ALLOTMENTS FOR TERRITORIES.—Section 1912A(c) of the Public Health Service Act, as added pursuant to paragraph (1) of this subsection and section 2022(b) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended to read as follows:

42 USC 300x-1a.

“(c)(1) Subject to paragraph (2), the allotment under this subpart for a territory of the United States shall be the product of—

“(A) an amount equal to the amounts reserved under paragraph (3); and

“(B) a percentage equal to the quotient of—

“(i) the population of the territory, as indicated by the most recently available data; divided by

“(ii) the aggregate population of the territories of the United States, as indicated by such data.

“(2) Each territory of the United States shall receive a minimum allotment under this subpart of the greater of—

“(A) \$100,000; and

“(B) an amount equal to 105 percent of the sum of—

“(i) the amount the territory received under section 1913 for fiscal year 1988 (as such section was in effect for such fiscal year); and

“(ii) the amount the territory received under part C for fiscal year 1988 (as such part was in effect for such fiscal year).

“(3) The Secretary shall reserve for the territories of the United States 1.5 percent of the amounts appropriated pursuant to section 1911 for allotments under this subpart for each fiscal year.”.

(4) CERTAIN ADDITIONAL CLARIFICATIONS.—Section 1912A of the Public Health Service Act, as added and amended pursuant to paragraphs (1) through (3) of this subsection and sections 2022 and 2023 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended—

(A) in subparagraph (A) of subsection (a)(4)—

(i) in clause (i), by striking “the term” and all that follows and inserting the following: “the term ‘P’, as determined for the State involved under subparagraph (B); and”; and

(ii) in clause (ii)(II), by inserting “for the State” after “determined”;

(B) in subparagraph (B) of subsection (a)(4), in clauses (ii) through (iv), by striking “years of age,” each place such term appears and inserting “years of age (inclusive)”;

(C) in subsection (b)(2)(B), by inserting before the period the following: “(as such part was in effect for such fiscal year)”;

(D) in subsection (e)—

(i) in paragraph (1)(A), by striking “appropriated” and inserting “available for allotments to the States from appropriations”; and

(ii) in paragraph (2)—

(I) in subparagraph (A), by striking “for the fiscal year involved”; and

(II) in subparagraph (B), by striking “or less than”; and

(E) in subsection (f), by striking “applicable amount” each place it appears and inserting “amount applicable”.

(5) REALIGNMENT OF MARGINS.—Section 1912A(a) of the Public Health Service Act, as added and amended pursuant to paragraphs (1) through (4) of this subsection and section 2022 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended—

42 USC 300x-1a.

(A) by moving paragraph (2), including the subparagraphs of such paragraph, 2 ems to the left, so that the left margin of such paragraph is indented 2 ems and the left margins of such subparagraphs are indented 4 ems;

(B) by moving paragraph (3) 2 ems to the left, so that the left margin of such paragraph is indented 2 ems; and

(C) by moving paragraph (4), including the subparagraphs, clauses, and subclauses of such paragraph, 2 ems to the left, so that—

(i) the left margin of such paragraph is indented 2 ems;

(ii) the left margins of clauses (i) and (ii) of subparagraph (A) are indented 4 ems and the left margins of subclauses (I) and (II) of such clause (ii) are indented 6 ems; and

(iii) the left margins of subparagraphs (B) through (E) are indented 2 ems, the left margins of the clauses of such subparagraphs are indented 4 ems, and the left margins of the subclauses of such clauses are indented 6 ems.

(b) CERTAIN PROVISIONS WITH RESPECT TO ALLOTMENTS.—Section 1913(a) of the Public Health Service Act, as amended by section 2022(d) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended—

42 USC 300x-1b.

(1) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively; and

(2) in the matter after and below paragraph (3) (as so redesignated), by striking “this paragraph.” and inserting “this subsection.”.

(c) PAYMENTS UNDER ALLOTMENTS.—

(1) CORRECTIONS OF CERTAIN REFERENCES.—Paragraph (1) of section 1914(a) of the Public Health Service Act (42 U.S.C. 300x-2(a)) is amended—

(A) by striking “section 203” and all that follows through the comma and inserting the following: “section 6503 of title 31, United States Code,”;

(B) by striking “1913(b)” and inserting “1912A”; and

(C) by striking “1913(c)” and inserting “1913(b)”.

42 USC 300x-2
note.

(2) ESTABLISHMENT OF WAIVER WITH RESPECT TO AVAILABILITY OF PAYMENTS.—

(A) Notwithstanding paragraph (2) of section 1914(a) of the Public Health Service Act, as amended by section 2022(e) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), the Secretary of Health and Human Services, upon the request of a State, may waive, with respect to fiscal year 1989, the requirement established in such paragraph if the Secretary determines that it is not practicable for the State to comply with such requirement.

(B) If the Secretary approves a request for a waiver under subparagraph (A), amounts paid to a State for fiscal year 1989 under subpart 1 of part B of title XIX of the Public Health Service Act—

(i) shall remain available for obligation by the State until October 1, 1990; and

(ii) shall remain available for expenditure by the State until such date.

(d) PREVENTION AND TREATMENT WITH RESPECT TO INTRAVENOUS DRUG ABUSE.—Section 1915(c) of the Public Health Service Act, as amended by section 2025 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended—

42 USC 300x-3.

(1) in paragraph (1)(C), by inserting “intravenous” before “drug”; and

(2) in paragraph (2), by striking “and” at the end of subparagraph (A) and inserting “or”.

(e) NEW MENTAL HEALTH SERVICES AND PROGRAMS.—Section 1916(c)(2)(A) of the Public Health Service Act, as amended by section 2027 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended by striking “this part” and inserting “this subpart”.

42 USC 300x-4.

(f) INDEPENDENT PEER REVIEW AND MANNER OF COMPLIANCE.—

42 USC 300x-4.

(1) FACILITATING EXECUTION OF AMENDMENT.—Section 2028 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690) is amended in the matter preceding paragraph (1) by striking “1916” and inserting “1916(c)”.

(2) CORRECTION OF SENTENCE STRUCTURE.—Section 1916(c)(5) of the Public Health Service Act, as amended pursuant to paragraph (1) of this subsection and section 2028 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended by striking “the State will” and inserting “The State agrees to”.

(g) INTRASTATE ALLOCATIONS.—

(1) IN GENERAL.—Section 1916(c)(6)(A) of the Public Health Service Act (42 U.S.C. 300x-4(c)(6)(A)) is amended by amending the matter preceding clause (i) to read as follows: “Except as provided in subparagraph (B), the State agrees to use the funds allotted to it each fiscal year under section 1912A for the mental health and alcohol and drug abuse activities authorized in section 1915 as follows:”.

(2) DETERMINATION OF ALLOCATION FOR MENTAL HEALTH PROGRAMS.—Clause (i) of section 1916(c)(6)(A) of the Public Health Service Act (42 U.S.C. 300x-4(c)(6)(A)) is amended—

(A) by inserting “and” after “Systems Act”;

(B) by striking “State in fiscal year 1980” and inserting “State (I) in fiscal year 1980”; and

(C) by inserting before the period the following: “, (II) in fiscal year 1988 under part C of this title (as such part was in effect for such fiscal year), and (III) in fiscal year 1989

under appropriations made in the Anti-Drug Abuse Act of 1988 to carry out this subpart”.

(3) DETERMINATION OF ALLOCATION FOR PROGRAMS WITH RESPECT TO TREATMENT OF SUBSTANCE ABUSE.—

(A) Clause (ii) of section 1916(c)(6)(A) of the Public Health Service Act, as amended by section 2029(1) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended to read as if the amendment made by such section 2029(1) had not been enacted.

42 USC 300x-4.

(B) Clause (ii) of section 1916(c)(6)(A) of the Public Health Service Act, as amended by subparagraph (A), is further amended—

(i) by striking “State in fiscal year 1980” and inserting “State (I) in fiscal year 1980”;

(ii) by striking “Rehabilitation Act bore to” and inserting the following: “Rehabilitation Act, (II) in fiscal year 1988 under part C of this title (as such part was in effect for such fiscal year), and (III) in fiscal year 1989 under appropriations made in the Anti-Drug Abuse Act of 1988 to carry out this subpart bore to”;

and
(iii) by striking “such fiscal year under such sections” and inserting “such fiscal years under such provisions of law”.

(4) CERTAIN CLARIFICATIONS.—Section 1916(c)(6)(B) of the Public Health Service Act, as amended by section 2029(2) of the Anti-Drug Abuse Act of 1988, is amended—

(A) by striking “under section 1913” and all that follows through “fiscal year 1984” and inserting the following: “under section 1912A for fiscal years beginning after 1988”;

and
(B) by striking “activities prescribed” and all that follows and inserting the following: “activities authorized in section 1915 as required in subparagraph (A).”.

(h) SET-ASIDE FOR SERVICES FOR INTRAVENOUS DRUG ABUSE.—

(1) TECHNICAL CORRECTION FOR FACILITATION OF ESTABLISHMENT OF WAIVER.—Section 1916(c)(7) of the Public Health Service Act, as amended by section 2030 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended to read as if the amendment made by such section 2030 had not been enacted.

(2) ESTABLISHMENT OF WAIVER.—Section 1916(c)(7) of the Public Health Service Act, as amended by paragraph (1), is further amended—

(A) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(B) by inserting “(A)” after the paragraph designation; and

(C) by adding at the end the following new subparagraph:
“(B)(i) For fiscal year 1990 and subsequent fiscal years, the State agrees that, of the amounts reserved by the State to carry out subparagraph (A)(ii), the State will expend not less than 50 percent to provide services described in section 1915(c).

State and local governments.

“(ii) The Secretary may, upon the request of a State, waive all or part of the requirement established in clause (i) for the State if the Secretary determines that the incidence of intravenous drug abuse in the State does not require the level of funding required in such clause. The Secretary shall act upon a request

for such a waiver not later than 120 days after the date on which the request is made. The Secretary may approve such request only after providing interested persons in the State an opportunity to comment upon the request.”

(i) **MAINTENANCE OF EFFORT.**—Section 1916(c)(11) of the Public Health Service Act, as amended by section 2031 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended by striking “that the State” and all that follows through “this subpart” and inserting the following: “to maintain State expenditures for alcohol, drug abuse, and community mental health services”.

42 USC 300x-4.

(j) **SET-ASIDE FOR WOMEN AND CHILDREN.**—Section 1916(c)(14) of the Public Health Service Act, as amended by section 2032 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended—

- (1) by striking “this part” and inserting “this subpart”; and
- (2) by inserting “alcohol and drug abuse” before “programs”.

(k) **SET-ASIDE FOR MENTAL HEALTH SERVICES FOR CHILDREN.**—Section 1916(c)(15) of the Public Health Service Act, as amended by section 2033 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended by adding a period at the end of subparagraph (B).

(l) **ESTABLISHMENT OF REQUIREMENT OF MENTAL HEALTH SERVICES PLANNING COUNCIL.**—Section 1916(e) of the Public Health Service Act, as amended and designated by subsections (a) and (b) of section 2035 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended—

(1) in paragraph (1), by striking “The State agrees” and inserting the following: “As part of the annual application required by subsection (a), the chief executive officer of each State shall certify that the State agrees”; and

(2) in paragraph (5), by striking “section 1925” and inserting “subsection (d)”.

(m) **GROUP HOMES FOR RECOVERING SUBSTANCE ABUSERS.**—

42 USC 300x-4a.

(1) **FACILITATING EXECUTION OF AMENDMENT.**—Section 2036 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690) is amended by striking “Subpart I” and inserting “Subpart 1”.

42 USC 300x-4a.

(2) **INAPPLICABILITY OF REQUIREMENT TO TERRITORIES OTHER THAN PUERTO RICO.**—Section 1916A of the Public Health Service Act, as added pursuant to paragraph (1) of this subsection and section 2036 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended by adding at the end the following new subsection:

“(d) The requirements established in subsections (a) and (b) shall not apply to any territory of the United States other than the Commonwealth of Puerto Rico.”

(n) **SERVICE RESEARCH ON COMMUNITY-BASED ALCOHOL AND DRUG ABUSE TREATMENT PROGRAMS.**—

42 USC 300x-9a.

(1) **CLARIFICATION IN PUBLIC HEALTH SERVICE ACT.**—Section 1922 of the Public Health Service Act, as added by section 2039 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended in the second sentence by striking “programs” and inserting “evaluations”.

42 USC 300x-9a note.

(2) **CLARIFICATION IN ANTI-DRUG ABUSE ACT OF 1988.**—Section 2039(b) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690) is amended by striking “the program to be established under” and inserting “carrying out the evaluations required in”.

(o) **STATE COMPREHENSIVE MENTAL HEALTH SERVICE PLAN.**—

(1) **NULLIFICATION OF INCORRECT EXPRESSION OF CONGRESSIONAL INTENT.**—Section 1925(d) of the Public Health Service

Act, as amended by section 2041(a) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended to read as if the amendment made by such section 2041(a) had not been enacted. 42 USC 300x-11.

(2) EFFECTUATION OF CONGRESSIONAL INTENT.—Section 1926(d) of the Public Health Service Act, as redesignated by section 2038 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended to read as follows: 42 USC 300x-12.

“(d) The amount referred to in subsections (a), (b), and (c) with respect to a State is the total amount that the State is permitted to expend for administrative expenses under section 1915(d) for fiscal year 1986 from amounts paid to the State under subpart 1 for such fiscal year. If in the judgment of the Secretary, the State is making a good faith effort to comply with this subpart, the Secretary may assess the State a penalty that is less than the maximum penalty, but in no event shall the penalty be less than 2 percent of the amount the State is permitted to expend for administrative expenses.” State and local governments.

(3) CORRECTION OF CROSS-REFERENCE IN ANTI-DRUG ABUSE ACT OF 1988.—Section 2041(b)(2)(D) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690) is amended by striking “this title.” and inserting “such section 1925.” 42 USC 300x-11 note.

(p) MISCELLANEOUS CORRECTIONS.—Subpart 1 of part B of title XIX of the Public Health Service Act (42 U.S.C. 300x-4) is amended—

(1) in section 1916—

(A) in subsection (a), in the first sentence, by striking “1913(b)” and inserting “1912A”; and

(B) in subsection (b), by striking “After the expiration” and all that follows through “such section unless” and inserting the following: “No funds shall be allotted to a State for a fiscal year under section 1912A unless”; and

(2) in section 1917(b)(3), in the last sentence, by striking “1913.” and inserting “1912A.” 42 USC 300x-4.

(q) SERIOUSLY MENTALLY ILL.—

(1) MENTAL HEALTH SERVICES PLANNING COUNCIL.—Section 1916(e)(3)(iii) of the Public Health Service Act (42 U.S.C. 300x-4(e)(3)(iii)) is amended by striking out “chronically” and inserting in lieu thereof “seriously”.

(2) COMMUNITY-BASED MENTAL HEALTH TREATMENT.—Section 1923(c)(1) of such Act (42 U.S.C. 300x-9b(c)(1)) is amended by striking out “chronically” and inserting in lieu thereof “seriously” each place that such occurs.

SEC. 3. TECHNICAL CORRECTIONS WITH RESPECT TO CERTAIN PROGRAMS OF ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION.

(a) OFFICE FOR SUBSTANCE ABUSE PREVENTION.—Section 508 of the Public Health Service Act, as amended by subsections (a) and (c) of section 2051 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended—

(1) in subsection (d)(1), by inserting a comma after “509F”; and

(2) in subsection (b)(11)(B), by striking “subparagraph (a)” and inserting “subparagraph (A)”. 42 USC 290aa-6.

(b) REQUIREMENT OF ANNUAL COLLECTION BY SECRETARY OF CERTAIN DATA WITH RESPECT TO MENTAL ILLNESS AND SUBSTANCE ABUSE.—Section 509D(c) of the Public Health Service Act, as added by section 2052 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended—

42 USC
290aa-11.

(1) in paragraph (1)(A), by striking “alcohol and” and inserting “alcohol or”; and

(2) in paragraph (2), by striking “this section.” and inserting “this subsection.”.

(c) **REDUCTION OF WAITING PERIOD FOR DRUG ABUSE TREATMENT.**—Section 509E(d) of the Public Health Service Act, as added by section 2053 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended to read as follows:

42 USC
290aa-12.

“(d) With respect to a public or nonprofit private entity, the Secretary may not, under subsection (a), make more than one grant to the entity.”.

(d) **DRUG ABUSE DEMONSTRATION PROJECTS OF NATIONAL SIGNIFICANCE.**—Section 509G of the Public Health Service Act, as added by section 2055 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended—

42 USC
290aa-14.

(1) in subsection (a)(2)—

(A) by striking “subsection (a)” and inserting “paragraph (1)”; and

(B) by inserting “a” before “result”; and

(2) in subsection (b)—

(A) in paragraph (2), in the matter preceding subparagraph (A), by striking “subsection (a)” and inserting “paragraph (1)”; and

(B) in paragraph (3), in the matter preceding subparagraph (A), by striking “subsection (a)” and inserting “paragraph (1)”; and

(C) in paragraph (4)—

(i) by striking “subsection (a)” and inserting “paragraph (1)”; and

(ii) by striking “by regulation”;

(D) in paragraph (5), by striking “subsection (a)” and inserting “paragraph (1)”; and

(E) in paragraph (6), by striking “this section” and inserting “paragraph (1)”; and

(F) in paragraph (7)—

(i) by striking “this section” the first place it appears and inserting “paragraph (1)”; and

(ii) by striking “this section” the second place it appears and inserting “such paragraph”.

(e) **ESTABLISHMENT OF GRANT PROGRAMS FOR RESEARCH WITH RESPECT TO MENTAL HEALTH SERVICES.**—

(1) **CERTAIN REDESIGNATIONS.**—

(A) Subpart 3 of part B of title V of the Public Health Service Act, as added by section 2057(3) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended by redesignating sections 519 through 520A as sections 518 through 520, respectively.

(B) Section 520(a) of the Public Health Service Act, as redesignated by subparagraph (A), is amended—

(i) by redesignating paragraph (5) as paragraph (4); and

(ii) in paragraphs (2) through (4) (as so redesignated), by inserting “for” before “demonstration” each place such term appears.

(2) **CORRECTION TO CERTAIN SECTION TITLE.**—Section 520 of the Public Health Service Act, as redesignated by paragraph (1)(A),

42 USC
290cc-11—
290cc-13.

42 USC 290cc-13.

is amended in the title by striking "PROGRAM" and inserting "PROGRAMS".

(f) MISCELLANEOUS AMENDMENTS.—

(1) REFERENCE TO OFFICE FOR SUBSTANCE ABUSE PREVENTION.—Section 501(b)(4) of the Public Health Service Act, as added by section 2058(a)(2)(A) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended by striking "of" and inserting "for".

42 USC 290aa.

(2) AUTHORITY FOR ESTABLISHMENT OF PROGRAM ADVISORY COMMITTEES.—Section 501(j) of the Public Health Service Act (42 U.S.C. 290aa(j)) is amended in the first sentence—

(A) by striking "section 507" and all that follows through "groups," and inserting the following: "section 507, establish program advisory committees, and pay members of such groups and committees,"; and

(B) by striking "as members of such groups." and inserting "as members of such groups or committees.".

(g) SERIOUSLY MENTALLY ILL.—Section 520A of the Public Health Service Act (42 U.S.C. 290cc-13) is amended by striking out "chronically" and inserting in lieu thereof "seriously" each place that such occurs.

SEC. 4. TECHNICAL CORRECTIONS WITH RESPECT TO COMMUNITY YOUTH ACTIVITY PROGRAM.

Chapter 3 of subtitle B of title III of the Anti-Drug Abuse Act of 1988 (Public Law 100-690) is amended—

(1) in section 3521—

42 USC 11841.

(A) in subsection (b)(2), by striking "subsections (c)(3)(B) and (e)" and inserting "subsection (e)"; and

(B) in subsection (c)(3)(A), in the matter preceding clause (i), by striking "subsection (h)" and inserting "subsection (g)"; and

(2) in section 3522(a), by striking "(as defined in section 3601(6))".

42 USC 11842.

SEC. 5. TECHNICAL CORRECTIONS WITH RESPECT TO HEALTH OMNIBUS PROGRAMS EXTENSION OF 1988.

(a) NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS AND STROKE.—Section 457 of the Public Health Service Act, as amended by section 2(3)(B) of the National Institute on Deafness and Other Communication Disorders Act (Public Law 100-553), section 101(3)(B) of the Health Omnibus Programs Extension of 1988 (Public Law 100-607), and section 2613 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended by striking "disease and and" and inserting "disease and".

42 USC 285j.

(b) NATIONAL INSTITUTE ON DEAFNESS AND OTHER COMMUNICATION DISORDERS.—Section 464D(k) of the Public Health Service Act, as added and amended by section 2(4) of the National Institute on Deafness and Other Communication Disorders Act (Public Law 100-553), section 101(4) of the Health Omnibus Programs Extension of 1988 (Public Law 100-607), and section 2613 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended by striking "90 days" and all that follows and inserting "April 1, 1989.".

42 USC 285m-4.

(c) NATIONAL CANCER INSTITUTE.—Section 413(a) of the Public Health Service Act, as amended by section 122(1)(A)(ii) of the Health Omnibus Programs Extension of 1988 (Public Law 100-607), is amended in the second sentence by striking "Institute and and" and inserting "Institute and".

42 USC 285a-2.

- (d) NATIONAL RESEARCH SERVICE AWARDS.—Section 487(d)(3) of the Public Health Service Act, as similarly amended by sections 151(2) and 635 of the Health Omnibus Programs Extension of 1988 (Public Law 100-607), is amended to read as if the amendment made by such section 635 had not been enacted.
- 42 USC 288.
- (e) PREVENTION OF ACQUIRED IMMUNE DEFICIENCY SYNDROME.—
- (1) CORRECTION IN TITLE DESIGNATION.—Title XV of the Public Health Service Act (relating to prevention of acquired immune deficiency syndrome), as inserted after title XXIV of such Act by section 221 of the Health Omnibus Programs Extension of 1988, is amended by redesignating such title XV as title XXV.
- 42 USC 300ee,
300ee-11—
300ee-34.
- (2) CLARIFICATION WITH RESPECT TO AVAILABILITY OF APPROPRIATIONS.—Section 2507(a) of the Public Health Service Act, as added by section 221 of the Health Omnibus Programs Extension of 1988 (Public Law 100-607) and amended by section 2619(e) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended by striking “The allotment” and inserting the following: “Subject to the extent of amounts made available in appropriation Acts, the allotment”.
- 42 USC
300ee-17.
- (3) CERTAIN CROSS-REFERENCE IN CONFORMING AMENDMENTS.—Section 2620(b)(3) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended to read as follows:
- 42 USC 242c.
- “(3) in section 305(i), by striking ‘2511’ and inserting ‘2611’”.
- (f) IMMUNOSUPPRESSIVE DRUG THERAPY BLOCK GRANT.—
- (1) CONFORMING AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Title XIX of the Public Health Service Act, as amended by section 408 of the Health Omnibus Programs Extension of 1988 (Public Law 100-607) and by section 2038(1) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended—
- 42 USC prec.
300y-21.
42 USC 300y-27.
- (A) by redesignating part D as part C; and
- (B) in section 1937, by striking “The amendments” and all that follows through “Act” and inserting “This part”.
- (2) CONFORMING AMENDMENT TO HEALTH OMNIBUS PROGRAMS EXTENSION OF 1988.—Section 408(b)(1) of the Health Omnibus Programs Extension of 1988 (Public Law 100-607) is amended by striking “part D” and all that follows and inserting the following: “part C of title XIX of the Public Health Service Act.”.
- 42 USC 300y-21
note.
- (g) SCOPE AND DURATION OF FEDERAL LOAN INSURANCE PROGRAM.—
- (1) IN GENERAL.—The second sentence of section 728(a) of the Public Health Service Act, as similarly amended by sections 602(b)(1) and 707(1) of the Health Omnibus Programs Extension of 1988 (Public Law 100-607) and as further amended by section 2615(b) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended by striking “to that fiscal year” and all that follows and inserting the following: “to that fiscal year, and if in any fiscal year no ceiling has been established, any difference carried over shall constitute the ceiling for making new loans (including loans to new borrowers) and paying installments for such fiscal year.”.
- 42 USC 294a.
- (2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if such amendment had been enacted on November 4, 1988.
- (h) EDUCATIONAL ASSISTANCE TO INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.—
- (1) REPEAL OF INEFFECTUAL PROVISION.—Section 2615(d) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690) is repealed.
- 42 USC 295g-7.

(2) EFFECTUATION OF CONGRESSIONAL INTENT.—Section 787(a)(2)(G) of the Public Health Service Act, as added and amended by sections 611(a)(3) and 629(b) of the Health Omnibus Programs Extension of 1988 (Public Law 100-607), is amended by striking “, except schools of medicine, osteopathic medicine, or dentistry”.

42 USC 295g-7.

(i) GRANTS FOR MINORITY EDUCATION.—

(1) FACILITATING EXECUTION OF AMENDMENT.—Section 614(a) of the Health Omnibus Programs Extension of 1988 (Public Law 100-607) is amended by striking “Section 778A” and inserting “Section 788A”.

42 USC 295g-2.

(2) CORRECTION OF CERTAIN CROSS-REFERENCE.—Section 782(c)(2) of the Public Health Service Act, as added pursuant to paragraph (1) of this subsection and section 614(c) of the Health Omnibus Programs Extension of 1988 (Public Law 100-607), is amended by striking “under section 788A” and all that follows and inserting the following: “under section 788B for fiscal year 1987 (as such section was in effect for such fiscal year).”.

42 USC 295g-2.

(j) GRADUATE PROGRAMS IN HEALTH ADMINISTRATION.—Section 791(c)(2)(A)(i) of the Public Health Service Act, as amended by section 618(a)(2) of the Health Omnibus Programs Extension of 1988 (Public Law 100-607), is amended by striking “submitted,” and all that follows and inserting “submitted; and”.

42 USC 295h.

(k) TRAINING WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME.—

(1) REDESIGNATION.—Section 788B of the Public Health Service Act, as amended by section 622 of the Health Omnibus Programs Extension of 1988 (Public Law 100-607), is redesignated as section 788A.

42 USC 295g-8b.

(2) CORRECTION OF CERTAIN CROSS-REFERENCE.—Section 788A of the Public Health Service Act, as redesignated by paragraph (1) of this subsection, is amended in paragraphs (1) and (2) of subsection (f) by striking “section 788(e)(4)(B)” each place such term appears and inserting “section 789(b)(4)(B)”.

(l) DEFINITION OF ALLIED HEALTH PROFESSIONAL.—

(1) REPEAL OF INEFFECTUAL PROVISION.—Section 623(b)(1) of the Health Omnibus Programs Extension of 1988 (Public Law 100-607) is repealed.

42 USC 292a.

(2) EFFECTUATION OF CONGRESSIONAL INTENT.—Section 701(13) of the Public Health Service Act is amended in the matter preceding subparagraph (A) by striking “an individual—” and inserting “a health professional—”.

42 USC 292a.

(m) HEALTH PROFESSIONS DATA.—Section 708(h)(2) of the Public Health Service Act, as added by section 626 of the Health Omnibus Programs Extension of 1988 (Public Law 100-607) and amended by section 2615(a) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended to read as follows:

42 USC 292h.

“(2) With respect to reports required in subsection (d), each such report made on or after October 1, 1991, shall include a description and analysis of data collected pursuant to paragraph (1).”.

(n) HEALTH CARE FOR RURAL AREAS.—

(1) REPEAL OF INEFFECTUAL PROVISION.—Section 637(b) of the Health Omnibus Programs Extension of 1988 (Public Law 100-607) is repealed.

42 USC 295j.

(2) EFFECTUATION OF CONGRESSIONAL INTENT.—Title VII of the Public Health Service Act, as amended by section 637(a) of the Health Omnibus Programs Extension of 1988 (Public Law 100-

42 USC 295j.

- 690) and section 714 of the Indian Health Care Amendments of 1988 (Public Law 100-713), is amended to read as if the amendment made by such section 714 had not been enacted.
- (3) **STRIKING OF SUPERFLUOUS COMMA.**—Title VII of the Public Health Service Act, as amended by paragraph (2) of this subsection and by the second subsection (g) of section 2615 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended in section 799A(f)(4) by striking the comma.
- (o) **REFERENCES WITH RESPECT TO OSTEOPATHIC MEDICINE.**—Title VII of the Public Health Service Act, as amended by title VI of the Health Omnibus Programs Extension of 1988 (Public Law 100-607) and by section 2615 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), is amended—
- (1) by striking “school of medicine, dentistry, osteopathy” and “schools of medicine, dentistry, osteopathy” each place such terms appear and inserting “school of medicine, dentistry, osteopathic medicine” and “schools of medicine, dentistry, osteopathic medicine”, respectively;
- (2) by striking “Schools of medicine, osteopathy” each place such term appears and inserting “Schools of medicine, osteopathic medicine”;
- (3) by striking “schools of medicine and osteopathy”, “schools of medicine or osteopathy”, and “school of medicine or osteopathy”, each place such terms appear and inserting “schools of medicine and osteopathic medicine”, “schools of medicine or osteopathic medicine”, and “school of medicine or osteopathic medicine”, respectively;
- (4) by striking “schools and graduate departments of medicine, nursing, osteopathy” each place such term appears and inserting “schools and graduate departments of medicine, nursing, osteopathic medicine”;
- (5) by striking “medical or osteopathic” each place such term precedes “schools” or “students” and inserting “medical (M.D. and D.O.)”; and
- (6) by striking “medical and osteopathic” each place such term precedes “schools” or “students” and inserting “medical (M.D. and D.O.)”.
- (p) **DETAIL TO DEPARTMENT OF DEFENSE OF COMMISSIONED OFFICERS OF PUBLIC HEALTH SERVICE.**—Section 206(e) of the Public Health Service Act (42 U.S.C. 207(e)) is amended by striking “the office of Assistant Secretary of Defense for Health Affairs” and inserting “the Department of Defense”.
- (q) **NURSE PRACTITIONER AND NURSE MIDWIFE PROGRAMS.**—Section 822(b)(3) of the Public Health Service Act, as amended by section 703(b) of the Health Omnibus Programs Extension of 1988 (Public Law 100-607), is amended by adding a period at the end.
- (r) **CERTAIN CROSS-REFERENCE IN PROGRAM OF LOAN REPAYMENTS FOR SERVICE IN CERTAIN HEALTH FACILITIES.**—Section 836(h)(6)(C) of the Public Health Service Act, as added by section 714(c) of the Health Omnibus Programs Extension of 1988 (Public Law 100-607), is amended by striking “means an intermediate care facility” and all that follows and inserting the following: “means a skilled nursing facility, as such term is defined in section 1861(j) of the Social Security Act, and an intermediate care facility, as such term is defined in section 1905(c) of such Act.”
- (s) **CERTAIN CROSS-REFERENCE IN PROGRAM OF NURSING SCHOLARSHIPS.**—Section 843(e)(3) of the Public Health Service Act, as added

42 USC 295j.

42 USC 295j.

42 USC 292a et seq.

42 USC 296m.

42 USC 297b.

by section 715 of the Health Omnibus Programs Extension of 1988 (Public Law 100-607), is amended by striking "means an intermediate care facility" and all that follows and inserting the following: "means a skilled nursing facility, as such term is defined in section 1861(j) of the Social Security Act, and an intermediate care facility, as such term is defined in section 1905(c) of such Act."

42 USC 297j.

(t) PROVISIONS WITH RESPECT TO HOMELESS INDIVIDUALS.—

(1) NULLIFICATION OF REDUNDANT ENACTMENT OF PROVISIONS WITH RESPECT TO HEALTH SERVICES.—

(A) The provisions of law specified in subparagraph (B), as similarly amended by title VIII of the Health Omnibus Programs Extension of 1988 (Public Law 100-607) and title VI of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628), are amended to read as if the amendments made by title VI of Public Law 100-628 had not been enacted.

(B) The provisions of law referred to in subparagraph (A) are—

(i) section 612(a) of the Stewart B. McKinney Homeless Assistance Act; and

(ii) section 340 of the Public Health Service Act and title V of such Act.

42 USC 290aa-3
note.
42 USC 256.
42 USC 290aa et
seq.

(2) MENTAL HEALTH DEMONSTRATION PROGRAMS.—The first sentence of section 612(a) of the Stewart B. McKinney Homeless Assistance Act, as amended by paragraph (1) of this subsection and by section 821 of the Health Omnibus Programs Extension of 1988 (Public Law 100-607), is amended by striking "section 504(f)" and inserting "section 520".

(3) OPTIONAL PROVISION OF CERTAIN SERVICES.—Section 340(g) of the Public Health Service Act (42 U.S.C. 256(g)) is amended—

(A) by striking "providing" and all that follows and inserting the following: "providing to homeless individuals mental health services, dental services (including dentures), services with respect to vision, and podiatry services."; and

(B) in the subsection heading, by striking "MENTAL HEALTH" and inserting "CERTAIN".

SEC. 6. COLLEGES OF OSTEOPATHIC MEDICINE.

Section 2313(c) of the Public Health Service Act (42 U.S.C. 300cc-13(c)) is amended by inserting "and osteopathic medicine" after "schools of medicine".

SEC. 7. TECHNICAL AMENDMENT CONCERNING TIME PERIOD FOR PAYMENTS TO CERTAIN LENDERS.

Section 733(h)(2) of the Public Health Service Act (42 U.S.C. 294f(h)(2)) is amended by striking out "the eligible institution" and all that follows through the period and inserting in lieu thereof "the Secretary determines that the lender or holder has made reasonable

efforts to secure a judgment and collect on the judgment entered into pursuant to this subsection.”.

Approved August 16, 1989.

LEGISLATIVE HISTORY—H.R. 1426:

CONGRESSIONAL RECORD, Vol. 135 (1989):

Mar. 21, considered and passed House.

Apr. 19, considered and passed Senate, amended.

June 13, House disagreed to certain Senate amendments and concurred in others.

July 12, Senate receded from certain amendments, from another with an amendment.

July 31, House concurred in Senate amendment.