Public Law 96-142
96th Congress

An Act

Dec. 12, 1979
[S. 497]

To extend for three fiscal years the authorizations of appropriations under section 789 and title XII of the Public Health Service Act relating to emergency medical services, to revise and improve the authorities for assistance under such title XII, to increase the authorizations of appropriations and revise and improve the authorities for assistance under part B of title XI of such Act for sudden infant death syndrome counseling and information projects, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

Public Health Service Act, amendments.

TITLE I—EMERGENCY MEDICAL SERVICES SYSTEMS AMENDMENTS

Emergency Medical Services Systems Amendments of 1979.

SHORT TITLE

SEC. 101. This title may be cited as the "Emergency Medical Services Systems Amendments of 1979".

42 USC 201 note.

TRAINING IN EMERGENCY MEDICAL SERVICES

SEC. 102. Section 789(g)(1) (42 U.S.C. 295g-9(g)(1)) is amended by inserting before the period a comma and "$5,000,000 for the fiscal year ending September 30, 1980, $7,000,000 for the fiscal year ending September 30, 1981, and $8,000,000 for the fiscal year ending September 30, 1982".

ASSISTANCE FOR FEASIBILITY STUDIES AND PLANNING

SEC. 103. Section 1202(f) (42 U.S.C. 300d-1(f)) is amended to read as follows:

"(f) Priority for making grants or entering into contracts under this section shall be afforded to eligible entities applying for such grants or contracts under subsection (a) of this section.".

ASSISTANCE FOR EXPANSION AND IMPROVEMENT

SEC. 104. (a) Subsection (b) of section 1204 (42 U.S.C. 300d-3(a)) is amended by (1) redesignating paragraph (2) as paragraph (3), and (2) adding after paragraph (1) the following new paragraph:

"(2) The Secretary may make a third grant or enter into a third contract under subsection (a) for an emergency medical services system if—

"(A) Federal financial assistance under this Act for emergency medical services for the geographical area with respect to which such grant or contract would be made or entered into was first provided under a grant or contract under this section, or

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"(B) the Secretary determines that the applicant (i) demonstrates an exceptional need for such grant or contract, and (ii) is making substantial progress toward achieving financial support to implement the plan described in subsection (d)(1)(B)(ii).

A third grant or contract under subsection (a) may not be used to replace equipment or facilities acquired with a previous grant or contract under such subsection.".

(b)(1) Subsection (b)(1) of such section is amended by striking out "If a" and inserting in lieu thereof "Except as provided in paragraph (2), if a".

(2) Subsection (b)(3)(B) of such section (as so redesignated by subsection (a) of this section) is amended by striking out "the second grant or contract" and inserting in lieu thereof "a grant or contract (other than the first grant or contract)".

(3) Subsection (d)(2) of such section is amended by striking out "A second grant or contract" and inserting in lieu thereof "A grant or contract (other than the first grant or contract)".

(4) Subsection (e) of such section is amended by striking out "second such grant" and inserting in lieu thereof "last such grant".

(c) Section 1206(b)(1)(B) (42 U.S.C. 300d-5(b)(1)(B)) is amended by inserting before the period at the end "or a third grant or contract received under section 1204".

42 USC 300d-3; *Ante*, p. 1067.

AUTHORIZATION OF APPROPRIATIONS

SEC. 105. (a) Section 1207(a)(1) (42 U.S.C. 300d-6(a)(1)) is amended by—

(1) striking out "(a)(1) For" and inserting in lieu thereof "(a)(1)(A) Except as provided in subparagraph (B), for",

(2) striking out "and" after "1977",

(3) striking out "1978; and for the purpose of making payments pursuant to grants and contracts under sections 1202, 1203, and 1204, there are authorized to be appropriated" and inserting in lieu thereof "1978,",

(4) inserting before the period at the end thereof a comma and "and $40,000,000 for the fiscal year ending September 30, 1980, and for each of the next two fiscal years", and

(5) adding at the end the following new subparagraph:

"(B) No funds appropriated under subparagraph (A) may be used to make payments under a third grant or contract made or entered into under section 1204. For the purpose of making payments under such a grant or contract, there are authorized to be appropriated $6,000,000 for the fiscal year ending September 30, 1981.".

42 USC 300d-3; *Ante*, p. 1067.

(b)(1) Paragraph (5)(A) of subsection (a) of section 1207 is amended by adding at the end the following new sentence: "Of the sums appropriated under paragraph (1)(A)—

"(i) at least 1 per centum of the sums appropriated for the fiscal year ending September 30, 1980, at least three-fourths of 1 per centum of the sums appropriated for the fiscal year ending September 30, 1981, and at least one-half of 1 per centum of the sums appropriated for the fiscal year ending September 30, 1982, and

"(ii) not more than 5 per centum of the sums appropriated for any such fiscal year,

shall be used for grants and contracts under section 1202.".

42 USC 300d-1; *Ante*, p. 1067.

(2) Paragrah (5)(B) of subsection (a) of such section is amended by (A) striking out "paragraph (1)" and inserting in lieu thereof "paragraph (1)(A)", (B) striking out "such fiscal years" and inserting in lieu

thereof "such fiscal year", and (C) striking out "two" and inserting in lieu thereof "five".

(c) Section 1207(b) is amended by inserting before the period at the end a comma and "$3,000,000 for the fiscal year ending September 30, 1980, $3,500,000 for the fiscal year ending September 30, 1981, and $3,500,000 for the fiscal year ending September 30, 1982". 42 USC 300d-6.

INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES

SEC. 106. Section 1209(c) (42 U.S.C. 300d-8(c)) is amended by inserting "the Federal Emergency Management Agency (established pursuant to Reorganization Plan Number 3 of June 19, 1978)," after "Commission,". 5 USC app.

BURN, POISON, AND TRAUMA INJURIES

SEC. 107. (a) Section 1221(a) (42 U.S.C. 300d-21(a)) is amended by—

(1) inserting "and organizational arrangements" after "different methods", and

(2) inserting a comma and "trauma, or poison" after "burns" both times it appears.

(b) Section 1221(b) is amended by adding at the end the following sentence: "No grant or contract under subsection (a) for a program relating to poison injuries may be made for an amount in excess of 50 per centum of the costs of the program for which it is made.".

(c) Section 1221(c) is amended by— Appropriation authorization.

(1) striking out "and" after "1978,",

(2) inserting before the period a comma and "$6,000,000 for the fiscal year ending September 30, 1980, $12,000,000 for the fiscal year ending September 30, 1981, and $10,000,000 for the fiscal year ending September 30, 1982", and

(3) adding at the end the following new sentences: "Not less than 50 per centum of the funds appropriated under this subsection for the fiscal year ending September 30, 1980, shall be obligated for grants and contracts under subsection (a) for programs relating to poison injuries. Not less than 25 per centum of the funds appropriated under this subsection for each of the fiscal years ending September 30, 1981, and September 30, 1982, shall be obligated for grants and contracts under subsection (a) for programs relating to poison injuries and not less than 25 per centum of such funds shall be obligated for grants and contracts under subsection (a) for programs relating to trauma injuries.".

(d)(1) The title of part B of title XII is amended by striking out "BURN INJURIES" and inserting in lieu thereof "BURN, TRAUMA, AND POISON INJURIES". 42 USC 300d-21.

(2) The heading for section 1221 is amended by striking out "BURN INJURIES" and inserting in lieu thereof "BURN, TRAUMA, AND POISON INJURIES".

EFFECTIVE DATE

SEC. 108. The amendments made by this title to section 789 and title XII of the Public Health Service Act shall take effect with respect to appropriations made under those provisions for fiscal years beginning after September 30, 1979. 42 USC 295g-9 note. 42 USC 295g-9; *Ante*, p. 1067. 42 USC 300d.

TITLE II—SUDDEN INFANT DEATH SYNDROME AMENDMENTS

SHORT TITLE

Sudden Infant Death Syndrome Amendments of 1979.
42 USC 201 note.

SEC. 201. This title may be cited as the "Sudden Infant Death Syndrome Amendments of 1979".

SUDDEN INFANT DEATH SYNDROME PROGRAM

SEC. 202. Part B of title XI (42 U.S.C. 300c-11) is amended to read as follows:

"PART B—SUDDEN INFANT DEATH SYNDROME

"SUDDEN INFANT DEATH SYNDROME COUNSELING, INFORMATION, EDUCATIONAL, AND STATISTICAL PROGRAMS; PLANS AND REPORTS

42 USC 300c-11.

"SEC. 1121. (a)(1) The Secretary, through an identifiable administrative unit under the supervision of the Assistant Secretary for Health, shall carry out a program to develop public information and professional educational materials relating to sudden infant death syndrome, and to disseminate such information and materials to persons providing health care, to public safety officials, and to the general public. The Secretary shall administer, through such unit, the functions assigned in this section, and shall provide such unit with such full-time professional and clerical staff and with the services of such consultants and of such management and supporting staff as may be necessary for it to carry out such functions effectively.

"(2) The Secretary shall—

"(A) develop and implement a system for the periodic reporting to the Department, and dissemination by the Department, of information collected under grants and contracts made under subsection (b)(1) of this section; and

"(B) carry out coordinated clearinghouse activities on sudden infant death syndrome, including the collection and dissemination to the public, health and educational institutions, professional organizations, voluntary groups with a demonstrated interest in sudden infant death syndrome, and other interested parties of information pertaining to sudden infant death syndrome and related issues such as death investigation systems, personnel training, biomedical research activities, and information on the utilization and availability of treatment or prevention procedures and techniques, such as home monitors.

The Secretary is authorized to enter into contracts with public or private entities to carry out the information and clearinghouse activities required under this subsection.

Grants to and contracts with public or private entities.

"(b)(1) The Secretary is authorized to make grants to public or nonprofit private entities, and enter into contracts with public or private entities, for projects which include both—

"(A) the collection, analysis, and furnishing of information (derived from post mortem examinations and other means) relating to the causes and other appropriate aspects of sudden infant death syndrome; and

"(B) the provision of information and counseling to families affected by sudden infant death syndrome.

"(2) No grant may be made or contract entered into under this subsection unless an application therefor has been submitted to and

approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall, by regulation, prescribe. Each application shall—

"(A) provide that the project for which assistance under this subsection is sought will be administered by or under the supervision of the applicant;

"(B) provide for appropriate community representation (including appropriate involvement of voluntary groups with a demonstrated interest in sudden infant death syndrome) in the development and operation of such project;

"(C) set forth such fiscal controls and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this subsection; and

"(D) provide for making such reports in such form, at such times, and containing such information as the Secretary may reasonably require, including such reports as will assist in carrying out the provisions of subsection (a)(2) of this section.

"(c)(1) Not later than February 1 of each year after 1979, the Secretary shall submit to the Committee on Labor and Human Resources of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives a comprehensive report on the administration of this part (including funds and positions allocated for personnel) and the results obtained from activities thereunder, including the extent of allocations made to rural and urban areas. The report submitted on or before February 1, 1980, shall also set forth a plan to— Report to congressional committees.

"(A) extend counseling and information services to the fifty States and the District of Columbia by July 1, 1980; and

"(B) extend counseling and information services to all possessions and territories of the United States by July 1, 1981.

"(2) The Secretary shall conduct or provide for the conduct of a study on State laws, practices, and systems relating to death investigation and their impact on sudden and unexplained infant deaths, and any appropriate means (such as model State laws governing death investigations) for improving the quality, frequency, and uniformity of the post mortem examinations performed under such laws, practices, and systems in the case of sudden and unexplained infant deaths. Not later than December 31, 1980, the Secretary shall report to the Congress the results of such study, including recommendations as to any appropriate actions by the Department of Health, Education, and Welfare with respect to the conduct of post mortem investigations in all cases of sudden and unexplained infant death (including the desirability and feasibility of establishing pilot projects for centralized post mortem and specimen examination systems on a statewide or regional basis). Study. Report to Congress.

"(d)(1) For the purpose of making grants and contracts under and otherwise carrying out this section, there are authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1975; $3,000,000 for the fiscal year ending June 30, 1976; $4,000,000 for fiscal year 1977; $3,650,000 for fiscal year 1978; $3,500,000 for fiscal year 1979; $5,000,000 for fiscal year 1980; and $7,000,000 for fiscal year 1981. Appropriation authorization.

"(2) Payments under grants under this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary.

"(3) Contracts under this section may be entered into without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

Equitable distribution of funds.

"(4) The Secretary shall seek to make equitable distribution of funds appropriated under this section among the various regions of the country and to ensure that the needs of rural and urban areas are appropriately addressed.

"SUDDEN INFANT DEATH SYNDROME RESEARCH AND RESEARCH REPORTS

42 USC 300c-12.

"SEC. 1122. (a) From the sums appropriated to the National Institute of Child Health and Human Development under section 441, the Secretary shall assure that there are applied to research of the type described in subparagraphs (A) and (B) of subsection (b)(1) of this section such amounts each year as will be adequate, given the leads and findings then available from such research, in order to make maximum feasible progress toward identification of infants at risk of sudden infant death syndrome and prevention of sudden infant death syndrome.

Report to congressional committees.

"(b)(1) Not later than ninety days after the close of the fiscal year ending September 30, 1979, and of each fiscal year thereafter, the Secretary shall report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committee on Interstate and Foreign Commerce of the House of Representatives specific information for such fiscal year on—

"(A) the (i) number of applications approved by the Secretary in the fiscal year reported on for grants and contracts under this Act for research which relates specifically to sudden infant death syndrome, (ii) total amount requested under such applications, (iii) number of such applications for which funds were provided in such fiscal year, and (iv) total amount of such funds; and

"(B) the (i) number of applications approved by the Secretary in such fiscal year for grants and contracts under this Act for research which relates generally to sudden infant death syndrome, including high-risk pregnancy and high-risk infancy research which directly relates to sudden infant death syndrome, (ii) relationship of the high-risk pregnancy and high-risk infancy research to sudden infant death syndrome, (iii) total amount requested under such applications, (iv) number of such applications for which funds were provided in such fiscal year, and (v) total amount of such funds.

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"(2) Each report submitted under paragraph (1) of this subsection shall—

"(A) contain a summary of the findings of intramural and extramural research supported by the National Institute of Child Health and Human Development relating to sudden infant death syndrome as described in subparagraphs (A) and (B) of such paragraph (1), and the plan of such Institute for taking maximum advantage of such research leads and findings; and

"(B) provide an estimate of the need for additional funds over each of the next five fiscal years for grants and contracts under this Act for research activities described in such subparagraphs.

Report to congressional committees.

"(c) Within five days after the Budget is transmitted by the President to the Congress for each fiscal year after fiscal year 1980, the Secretary shall transmit to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Labor and Human Resources of the Senate, and the Committee on

Interstate and Foreign Commerce of the House of Representatives an estimate of the amounts requested for the National Institute of Child Health and Human Development and any other Institutes of the National Institutes of Health, respectively, for research relating to sudden infant death syndrome as described in subparagraphs (A) and (B) of subsection (b)(1) of this section, and a comparison of such amounts with the amounts requested for the preceding fiscal year.".

TITLE III—MISCELLANEOUS

MISCELLANEOUS

SEC. 301. (a)(1) Subsection (a) of section 340 (42 U.S.C. 256(a)) is amended by striking out "which provide health services". 92 Stat. 3567.

(2) Subsections (c)(1) and (g)(4) of such section are each amended by striking out "section 301" and inserting in lieu thereof "section 301, 304, or 305". 42 USC 241, 242b, 242c.

(b) The amendments made by subsection (a) of this section shall take effect with respect to appropriations made under section 340 of the Public Health Service Act for fiscal years beginning after September 30, 1979. 42 USC 256 note. *Supra.*

Approved December 12, 1979.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-185 accompanying H.R. 3642 (Comm. on Interstate and Foreign Commerce).
SENATE REPORT No. 96-102 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 9, considered and passed Senate.
Sept. 28, H.R. 3642 considered and passed House; passage vacated and S. 497, amended, passed in lieu.
Nov. 15, Senate agreed to House amendment with an amendment.
Nov. 29, House concurred in Senate amendment.

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