assistance only if the organization lacks the financial resources for operating such a program.

"(c) Special Consideration for Certain Small Businesses.—In making grants under subsection (a), the Director of the Prevention Office shall give special consideration to business organizations with 50 or fewer employers.

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

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

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

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

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

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

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

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

"Subpart I—Block Grants for Community Mental Health Services

SEC. 1911. FORMULA GRANTS TO STATES.

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

"(b) Purpose of Grants.—A funding agreement for a grant under subsection (a) is that, subject to section 1918, the State involved will expend the grant only for the purpose of—

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

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

"(3) planning, administration, and educational activities related to providing services under the plan."
"SEC. 1912. STATE PLAN FOR COMPREHENSIVE COMMUNITY MENTAL
HEALTH SERVICES FOR CERTAIN INDIVIDUALS.

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

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

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

and

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

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

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

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

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

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

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

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

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

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

"(8) The plan provides for the establishment and implementa-
tion of a program of outreach to, and services for, such individu-
als who are homeless.

"(9) In the case of children with a serious emotional distur-
ance,
"(A) subject to subparagraph (B), provides for a system of integrated social services, educational services, juvenile services, and substance abuse services that, together with health and mental health services, will be provided in order for such children to receive care appropriate for their multiple needs (which system includes services provided under the Individuals with Disabilities Education Act);

"(B) provides that the grant under section 111 for the fiscal year involved will not be expended to provide any service of such system other than comprehensive community mental health services; and

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

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

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

"(12) The plan contains a description of the manner in which the State intends to expend the grant under section 111 for the fiscal year involved to carry out the provisions of the plan required in paragraphs (1) through (11).

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

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

"(2) STANDARDIZED METHODS.—The Secretary shall establish standardized methods for making the estimates required in subsection (b)(11) with respect to a State. A funding agreement for a grant under section 111 for the State is that the State will utilize such methods in making the estimates.

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

"(d) REQUIREMENT OF IMPLEMENTATION OF PLAN.—

"(1) COMPLETE IMPLEMENTATION.—Except as provided in paragraph (2), in making a grant under section 111 to a State for a fiscal year, the Secretary shall make a determination of the extent to which the State has implemented the plan required in subsection (a). If the Secretary determines that a State has not completely implemented the plan, the Secretary shall reduce the amount of the allotment under section 111 for the State for the fiscal year involved by an amount equal to 10 percent of the amount determined under section 111 for the State for the fiscal year.

"(2) SUBSISTANTIAL IMPLEMENTATION AND GOOD FAITH EffORT REGARDING FISCAL YEAR 1993.—

"(A) In making a grant under section 111 to a State for fiscal year 1993, the Secretary shall make a determina-
tion of the extent to which the State has implemented the plan required in subsection (a). If the Secretary determines that the State has not substantially implemented the plan, the Secretary shall, subject to subparagraph (B), reduce the amount of the allotment under section 1911 for the State for such fiscal year by an amount equal to 10 percent of the amount determined under section 1918 for the State for the fiscal year.

"(B) In carrying out subparagraph (A), if the Secretary determines that the State is making a good faith effort to implement the plan required in subsection (a), the Secretary may make a reduction under such subparagraph in an amount that is less than the amount specified in such subparagraph, except that the reduction may not be made in an amount that is less than 5 percent of the amount determined under section 1918 for the State for fiscal year 1993.

"SEC. 1913. CERTAIN AGREEMENTS."

"(a) ALLOCATION FOR SYSTEMS OF INTEGRATED SERVICES FOR CHILDREN.—"

"(1) IN GENERAL.—With respect to children with a serious emotional disturbance, a funding agreement for a grant under section 1911 is that—"

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

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

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

"(2) WAIVER.—"

"(A) Upon the request of a State, the Secretary may provide to the State a waiver of all or part of the requirement established in paragraph (1) if the Secretary determines that the State is providing an adequate level of comprehensive community mental health services for children with a serious emotional disturbance, as indicated by a comparison of the number of such children for which such services are sought with the availability in the State of the services.

"(B) The Secretary shall approve or deny a request for a waiver under subparagraph (A) not later than 120 days after the date on which the request is made.

"(C) Any waiver provided by the Secretary under subparagraph (A) shall be applicable only to the fiscal year involved.

"(b) PROVIDERS OF SERVICES.—A funding agreement for a grant under section 1911 for a State is that, with respect to the plan submitted under section 1912(a) for the fiscal year involved—"
“(1) services under the plan will be provided only through appropriate, qualified community programs (which may include community mental health centers, child mental-health programs, psychosocial rehabilitation programs, mental health peer-support programs, and mental-health primary consumer-directed programs); and

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

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

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

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

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

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

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

“(E) Screening for patients being considered for admission to State mental health facilities to determine the appropriateness of such admission.

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

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

SEC. 1914. STATE MENTAL HEALTH PLANNING COUNCIL.

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

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

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

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

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

“(c) MEMBERSHIP.—

SEC. 1915. ADDITIONS TO STATE MENTAL HEALTH PLANNING COUNCIL.

“(a) REVIEW OF STATE MENTAL HEALTH PLANNING COUNCIL.—The Secretary shall review the State mental health planning council only if—

“(1) the plan approved by the State for the council is not in compliance with section 1915(a); or

“(2) the plan approved by the State for the council is not approved by the Secretary and the plan is not barred by the Secretary as not being in compliance with section 1915(a).

“(b) MAINTENANCE OF MENTAL HEALTH SERVICES.—

“(1) IN GENERAL.—A State, in compliance with section 1911, shall not at any time have any expenditure for mental health services that is not less than the amount that is maintained by the State for the fiscal year for which that amount is maintained by the State.

“(2) WAIVER.—The Secretary, in consultation with other State agencies, may waive the requirements of this section for a fiscal year if the Secretary determines that the expenditure of funds for mental health services for the fiscal year is not necessary for the health and welfare of the residents of the State.

“(3) NONCOMPLIANCE.—

“(A) IN GENERAL.—A State, in compliance with section 1911, shall not be deemed to be in noncompliance with the provisions of section 1911 if the State—

“(B) has not been found by the Secretary to be in noncompliance with the provisions of section 1911 for the fiscal year.
"(1) IN GENERAL.—A condition under subsection (a) for a Council is that the Council be composed of residents of the State, including representatives of—
"(A) the principal State agencies with respect to—
"(i) mental health, education, vocational rehabilitation, criminal justice, housing, and social services; and
"(ii) the development of the plan submitted pursuant to title XIX of the Social Security Act;
"(B) public and private entities concerned with the need, planning, operation, funding, and use of mental health services and related support services;
"(C) adults with serious mental illnesses who are receiving (or have received) mental health services; and
"(D) the families of such adults or families of children with emotional disturbance.

"(2) CERTAIN REQUIREMENTS.—A condition under subsection (a) for a Council is that—
"(A) with respect to the membership of the Council, the ratio of parents of children with a serious emotional disturbance to other members of the Council is sufficient to provide adequate representation of such children in the deliberations of the Council; and
"(B) not less than 50 percent of the members of the Council are individuals who are not State employees or providers of mental health services.

"(d) DEFINITION.—For purposes of this section, the term 'Council' means a State mental health planning council.

"SEC. 1915. ADDITIONAL PROVISIONS.

"(a) REVIEW OF STATE PLAN BY MENTAL HEALTH PLANNING COUNCIL.—The Secretary may make a grant under section 1911 to a State only if—
"(1) the plan submitted under section 1912(a) with respect to the grant has been reviewed by the State mental health planning council under section 1914; and
"(2) the State submits to the Secretary any recommendations received by the State from such council for modifications to the plan (without regard to whether the State has made the recommended modifications).

"(b) MAINTENANCE OF EFFORT REGARDING STATE EXPENDITURES FOR MENTAL HEALTH.—

"(1) IN GENERAL.—A funding agreement for a grant under section 1911 is that the State involved will maintain State expenditures for community mental health services at a level that is not less than the average level of such expenditures maintained by the State for the 2-year period preceding the fiscal year for which the State is applying for the grant.

"(2) WAIVER.—The Secretary may, upon the request of a State, waive the requirement established in paragraph (1) if the Secretary determines that extraordinary economic conditions in the State justify the waiver.

"(3) NONCOMPLIANCE BY STATE.—

"(A) In making a grant under section 1911 to a State for a fiscal year, the Secretary shall make a determination of whether, for the previous fiscal year, the State maintained material compliance with the agreement made under paragraph (1). If the Secretary determines that a State
has failed to maintain such compliance, the Secretary shall reduce the amount of the allotment under section 1911 for the State for the fiscal year for which the grant is being made by an amount equal to the amount constituting such failure for the previous fiscal year.

"(B) The Secretary may make a grant under section 1911 for a fiscal year only if the State involved submits to the Secretary information sufficient for the Secretary to make the determination required in subparagraph (A).

42 USC 300x-5. "SEC. 1916. RESTRICTIONS ON USE OF PAYMENTS.

"(a) IN GENERAL.—A funding agreement for a grant under section 1911 is that the State involved will not expend the grant—

"(1) to provide inpatient services;
"(2) to make cash payments to intended recipients of health services;
"(3) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;
"(4) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or
"(5) to provide financial assistance to any entity other than a public or nonprofit private entity.

"(b) LIMITATION ON ADMINISTRATIVE EXPENSES.—A funding agreement for a grant under section 1911 is that the State involved will not expend more than 5 percent of the grant for administrative expenses with respect to the grant.

42 USC 300x-6. "SEC. 1917. APPLICATION FOR GRANT.

"(a) IN GENERAL.—For purposes of section 1911, an application for a grant under such section for a fiscal year in accordance with this section if, subject to subsection (b)—

"(1) the State involved submits the application not later than the date specified by the Secretary as the date after which applications for such a grant will not be considered (in any case in which the Secretary specifies such a date);
"(2) the application contains each funding agreement that is described in this subpart or subpart III for such a grant (other than any such agreement that is not applicable to the State);
"(3) the agreements are made through certification from the chief executive officer of the State;
"(4) with respect to such agreements, the application provides assurances of compliance satisfactory to the Secretary;
"(5) the application contains the plan required in section 1912(a), the information required in section 1915(b)(3)(B), and the report required in section 1942(a);
"(6) the application contains recommendations in compliance with section 1915(a), or if no such recommendations are received by the State, the application otherwise demonstrates compliance with such section; and
"(7) the application (including the plan under section 1912(a)) is otherwise in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this subpart.

"(b) WAIVERS REGARDING CERTAIN TERRITORIES.—In the case of any territory of the United States whose allotment under section

1911 for the fiscal year is based on a grant under section 1918(c)(2)(B), the Secretary may make a grant only if the State involved and subpart II or III is otherwise required in subparagraph (a) in accordance with the

1911.
1911 for the fiscal year is the amount specified in section 1918(c)(2)(B), the Secretary may waive such provisions of this subpart and subpart III as the Secretary determines to be appropriate, other than the provisions of section 1916.

"SEC. 1918. DETERMINATION OF AMOUNT OF ALLOTMENT."

(a) STATES.—

"(1) DETERMINATION UNDER FORMULA.—Subject to subsection (b), the Secretary shall determine the amount of the allotment required in section 1911 for a State for a fiscal year in accordance with the following formula:

\[ A \left( \frac{X}{U} \right) \]

"(2) DETERMINATION OF TERM 'A'.—For purposes of paragraph (1), the term 'A' means the difference between—

"(A) the amount appropriated under section 1920(a) for allotments under section 1911 for the fiscal year involved; and

"(B) an amount equal to 1.5 percent of the amount referred to in subparagraph (A).

"(3) DETERMINATION OF TERM 'U'.—For purposes of paragraph (1), the term 'U' means the sum of the respective terms 'X' determined for the States under paragraph (4).

"(4) DETERMINATION OF TERM 'X'.—For purposes of paragraph (1), the term 'X' means the product of—

"(A) an amount equal to the product of—

"(i) the term 'P', as determined for the State involved under paragraph (5); and

"(ii) the factor determined under paragraph (8) for the State; and

"(B) the greater of—

"(i) 0.4; and

"(ii) an amount equal to an amount determined for the State in accordance with the following formula:

1−.35 \[ \left( \frac{R\%}{P\%} \right) \]

"(5) DETERMINATION OF TERM 'P'.—

"(A) For purposes of paragraph (4), the term 'P' means the sum of—

"(i) an amount equal to the product of 0.107 and the number of individuals in the State who are between 18 and 24 years of age (inclusive);

"(ii) an amount equal to the product of 0.166 and the number of individuals in the State who are between 25 and 44 years of age (inclusive);

"(iii) an amount equal to the product of 0.099 and the number of individuals in the State who are between 25 and 64 years of age (inclusive); and
"(iv) an amount equal to the product of 0.082 and the number of individuals in the State who are 65 years of age or older.

"(B) With respect to data on population that is necessary for purposes of making a determination under subparagraph (A), the Secretary shall use the most recent data that is available from the Secretary of Commerce pursuant to the decennial census and pursuant to reasonable estimates by such Secretary of changes occurring in the data in the ensuing period.

"(6) DETERMINATION OF TERM 'R%'.—

"(A) For purposes of paragraph (4), the term 'R%', except as provided in subparagraph (D), means the percentage constituted by the ratio of the amount determined under subparagraph (B) for the State involved to the amount determined under subparagraph (C).

"(B) The amount determined under this subparagraph for the State involved is the quotient of—

"(i) the most recent 3-year arithmetic mean of the total taxable resources of the State, as determined by the Secretary of the Treasury; divided by

"(ii) the factor determined under paragraph (8) for the State.

"(C) The amount determined under this subparagraph is the sum of the respective amounts determined for the States under subparagraph (B) (including the District of Columbia).

"(D)(i) In the case of the District of Columbia, for purposes of paragraph (4), the term 'R%' means the percentage constituted by the ratio of the amount determined under clause (ii) for such District to the amount determined under clause (iii).

"(ii) The amount determined under this clause for the District of Columbia is the quotient of—

"(I) the most recent 3-year arithmetic mean of total personal income in such District, as determined by the Secretary of Commerce; divided by

"(II) the factor determined under paragraph (8) for the District.

"(iii) The amount determined under this clause is the sum of the respective amounts determined for the States (including the District of Columbia) by making, for each State, the same determination as is described in clause (ii) for the District of Columbia.

"(7) DETERMINATION OF TERM 'P%'.—For purposes of paragraph (4), the term 'P%' means the percentage constituted by the ratio of the term 'P' determined under paragraph (5) for the State involved to the sum of the respective terms 'P' determined for the States.

"(8) DETERMINATION OF CERTAIN FACTOR.—

"(A) The factor determined under this paragraph for the State involved is a factor whose purpose is to adjust the amount determined under clause (i) of paragraph (4)(A), and the amounts determined under each of subparagraphs (B)(i) and (D)(ii)(I) of paragraph (6), to reflect the differences that exist between the State and other States in the costs of providing comprehensive community mental health services and to

"(B) under subparagraph (D)(i), involve a description of the Appalachian Regional Commission for Poverty

"(C) in a corporate entity under the State's definition less than 1.5.

"(D)(i) after correcting the amounts determined in accordance with this subparagraph by the Board, but remain under the Board's recalculation for

"(ii) the Secretary of the Treasury with the

"(b) MINIMUM AMOUNT.—For the years 1993 and 1994, under section 1111 for the greater of—

"(1) the amount determined in accordance with the Board's determination under subparagraph (A) for the State for the fiscal year

"(2) an amount determined by the Board for a fiscal year under the ADAM program.

"(c) TERRITORIAL ISLANDS.—

"(1) DETERMINATION OF TERM 'P'.—For purposes of paragraph (2) and (4), the amount for a territory or island shall be the product of

"(A) the factor determined under paragraph (A)

"(B) the amount determined in accordance with such a factor.

"(2) MINIMUM AMOUNT.—For the fiscal year

"(3) RESOURCES TO DEPARTMENT.—
health services to adults with a serious mental illness and to children with a serious emotional disturbance.

"(B) Subject to subparagraph (C), the factor determined under this paragraph and in effect for the fiscal year involved shall be determined according to the methodology described in the report entitled 'Adjusting the Alcohol, Drug Abuse and Mental Health Services Block Grant Allocations for Poverty Populations and Cost of Service', dated March 30, 1990, and prepared by Health Economics Research, a corporation, pursuant to a contract with the National Institute on Drug Abuse.

"(C) The factor determined under this paragraph for the State involved may not for any fiscal year be greater than 1.1 or less than 0.9.

"(D)(i) Not later than October 1, 1992, the Secretary, after consultation with the Comptroller General, shall in accordance with this section make a determination for each State of the factor that is to be in effect for the State under this paragraph. The factor so determined shall remain in effect through fiscal year 1994, and shall be recalculated every third fiscal year thereafter.

"(ii) After consultation with the Comptroller General, the Secretary shall, through publication in the Federal Register, periodically make such refinements in the methodology referred to in subparagraph (B) as are consistent with the purpose described in subparagraph (A).

"(b) MINIMUM ALLOTMENTS FOR STATES.—For each of the fiscal years 1993 and 1994, the amount of the allotment required in section 1911 for a State for the fiscal year involved shall be the greater of—

"(1) the amount determined under subsection (a) for the State for the fiscal year; and

"(2) an amount equal to 20.6 percent of the amount received by the State from allotments made pursuant to this part for fiscal year 1992 (including reallocations under section 205(a) of the ADAMHA Reorganization Act).

"(c) TERRITORIES.—

"(1) DETERMINATION UNDER FORMULA.—Subject to paragraphs (2) and (4), the amount of an allotment under section 1911 for a territory of the United States for a fiscal year shall be the product of—

"(A) an amount equal to the amounts reserved under paragraph (3) for the fiscal year; and

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

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

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

"(2) MINIMUM ALLOTMENT FOR TERRITORIES.—The amount of an allotment under section 1911 for a territory of the United States for a fiscal year shall be the greater of—

"(A) the amount determined under paragraph (1) for the territory for the fiscal year; and

"(B) $50,000.

"(3) RESERVATION OF AMOUNTS.—The Secretary shall each fiscal year reserve for the territories of the United States 1.5
percent of the amounts appropriated under section 1920(a) for allotments under section 1911 for the fiscal year.

“(4) AVAILABILITY OF DATA ON POPULATION.—With respect to data on the civilian population of the territories of the United States, if the Secretary determines for a fiscal year that recent such data for purposes of paragraph (1)(B) do not exist regarding a territory, the Secretary shall for such purposes estimate the civilian population of the territory by modifying the data on the territory to reflect the average extent of change occurring during the ensuing period in the population of all territories with respect to which recent such data do exist.

“(5) APPLICABILITY OF CERTAIN PROVISIONS.—For purposes of subsection (a), the term ‘State’ does not include the territories of the United States.

42 USC 300x-8.  “SEC. 1919. DEFINITIONS.

“For purposes of this subpart:

“(1) The terms ‘adults with a serious mental illness’ and ‘children with a serious emotional disturbance’ have the meanings given such terms under section 1912(c)(1).

“(2) The term ‘funding agreement’, with respect to a grant under section 1911 to a State, means that the Secretary may make such a grant only if the State makes the agreement involved.

42 USC 300x-9.  “SEC. 1920. FUNDING.

“(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, and subpart III and section 505 with respect to mental health, there are authorized to be appropriated $450,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

“(b) ALLOCATIONS FOR TECHNICAL ASSISTANCE, DATA COLLECTION, AND PROGRAM EVALUATION.—

“(1) IN GENERAL.—For the purpose of carrying out section 1946(a) with respect to mental health and the purposes specified in paragraphs (2) and (3), the Secretary shall obligate 5 percent of the amounts appropriated under subsection (a) for a fiscal year.

“(2) DATA COLLECTION.—The purpose specified in this paragraph is carrying out section 505 with respect to mental health.

“(3) PROGRAM EVALUATION.—The purpose specified in this paragraph is the conduct of evaluations of prevention and treatment programs and services with respect to mental health to determine methods for improving the availability and quality of such programs and services.”.

SEC. 202. ESTABLISHMENT OF SEPARATE BLOCK GRANT REGARDING SUBSTANCE ABUSE.

Part B of title XIX of the Public Health Service Act, as amended by section 201 of this Act, is amended by adding at the end the following:
Subpart II—Block Grants for Prevention and Treatment of Substance Abuse

SEC. 1921. FORMULA GRANTS TO STATES.

(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Center for Substance Abuse Treatment, shall make an allotment each fiscal year for each State in an amount determined in accordance with section 1933. The Secretary shall make a grant to the State of the allotment made for the State for the fiscal year if the State submits to the Secretary an application in accordance with section 1932.

(b) AUTHORIZED ACTIVITIES.—A funding agreement for a grant under subsection (a) is that, subject to section 1931, the State involved will expend the grant only for the purpose of planning, carrying out, and evaluating activities to prevent and treat substance abuse and for related activities authorized in section 1924.

SEC. 1922. CERTAIN ALLOCATIONS.

(a) ALLOCATIONS REGARDING ALCOHOL AND OTHER DRUGS.—A funding agreement for a grant under section 1921 is that, in expending the grant, the State involved will expend—

(1) not less than 35 percent for prevention and treatment activities regarding alcohol; and

(2) not less than 35 percent for prevention and treatment activities regarding other drugs.

(b) ALLOCATION REGARDING PRIMARY PREVENTION PROGRAMS.—A funding agreement for a grant under section 1921 is that, in expending the grant, the State involved—

(1) will expend not less than 20 percent for programs for individuals who do not require treatment for substance abuse, which programs—

(A) educate and counsel the individuals on such abuse; and

(B) provide for activities to reduce the risk of such abuse by the individuals;

(2) will, in carrying out paragraph (1)—

(A) give priority to programs for populations that are at risk of developing a pattern of such abuse; and

(B) ensure that programs receiving priority under subparagraph (A) develop community-based strategies for the prevention of such abuse, including strategies to discourage the use of alcoholic beverages and tobacco products by individuals to whom it is unlawful to sell or distribute such beverages or products.

(c) ALLOCATIONS REGARDING WOMEN.—

(1) IN GENERAL.—Subject to paragraph (2), a funding agreement for a grant under section 1921 for a fiscal year is that—

(A) in the case of a grant for fiscal year 1993, the State involved will expend not less than 5 percent of the grant to increase (relative to fiscal year 1992) the availability of treatment services designed for pregnant women and women with dependent children (either by establishing new programs or expanding the capacity of existing programs);

(B) in the case of a grant for fiscal year 1994, the State will expend not less than 5 percent of the grant
to so increase (relative to fiscal year 1993) the availability of such services for such women; and

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

“(2) WAIVER.—

“(A) Upon the request of a State, the Secretary may provide to the State a waiver of all part of the requirement established in paragraph (1) if the Secretary determines that the State is providing an adequate level of treatments services for women described in such paragraph, as indicated by a comparison of the number of such women seeking the services with the availability in the State of the services.

“(B) The Secretary shall approve or deny a request for a waiver under subparagraph (A) not later than 120 days after the date on which the request is made.

“(C) Any waiver provided by the Secretary under subparagraph (A) shall be applicable only to the fiscal year involved.

“(3) CHILDCARE AND PRENATAL CARE.—A funding agreement for a grant under section 1921 for a State is that each entity providing treatment services with amounts reserved under paragraph (1) by the State will, directly or through arrangements with other public or nonprofit private entities, make available prenatal care to women receiving such services and, while the women are receiving the services, childcare.

42 USC 300x-23. **SEC. 1923. INTRAVENOUS SUBSTANCE ABUSE.**

“(a) CAPACITY OF TREATMENT PROGRAMS.—

“(1) NOTIFICATION OF REACHING CAPACITY.—A funding agreement for a grant under section 1921 is that the State involved will, in the case of programs of treatment for intravenous drug abuse, require that any such program receiving amounts from the grant, upon reaching 90 percent of its capacity to admit individuals to the program, provide to the State a notification of such fact.

“(2) PROVISION OF TREATMENT.—A funding agreement for a grant under section 1921 is that the State involved will, with respect to notifications under paragraph (1), ensure that each individual who requests and is in need of treatment for intravenous drug abuse is admitted to a program of such treatment not later than—

“(A) 14 days after making the request for admission to such a program; or

“(B) 120 days after the date of such request, if no such program has the capacity to admit the individual on the date of such request and if interim services are made available to the individual not later than 48 hours after such request.

“(b) OUTREACH REGARDING INTRAVENOUS SUBSTANCE ABUSE.—A funding agreement for a grant under section 1921 is that the State involved, in providing amounts from the grant to any entity for treatment services for intravenous drug abuse, will require the entity to carry out activities to encourage individuals in need of such treatment to undergo treatment.
"SEC. 1924. REQUIREMENTS REGARDING TUBERCULOSIS AND HUMAN IMMUNODEFICIENCY VIRUS.

(a) TUBERCULOSIS.—

(1) IN GENERAL.—A funding agreement for a grant under section 1921 is that the State involved will require that any entity receiving amounts from the grant for operating a program of treatment for substance abuse—

(A) will, directly or through arrangements with other public or nonprofit private entities, routinely make available tuberculosis services to each individual receiving treatment for such abuse; and

(B) in the case of an individual in need of such treatment who is denied admission to the program on the basis of the lack of the capacity of the program to admit the individual, will refer the individual to another provider of tuberculosis services.

(2) TUBERCULOSIS SERVICES.—For purposes of paragraph (1), the term ‘tuberculosis services’, with respect to an individual, means—

(A) counseling the individual with respect to tuberculosis;

(B) testing to determine whether the individual has contracted such disease and testing to determine the form of treatment for the disease that is appropriate for the individual; and

(C) providing such treatment to the individual.

(b) HUMAN IMMUNODEFICIENCY VIRUS.—

(1) REQUIREMENT FOR CERTAIN STATES.—In the case of a State described in paragraph (2), a funding agreement for a grant under section 1921 is that—

(A) with respect to individuals undergoing treatment for substance abuse, the State will, subject to paragraph (3), carry out 1 or more projects to make available to the individuals early intervention services for HIV disease at the sites at which the individuals are undergoing such treatment;

(B) for the purpose of providing such early intervention services through such projects, the State will make available from the grant the percentage that is applicable for the State under paragraph (4); and

(C) the State will, subject to paragraph (5), carry out such projects only in geographic areas of the State that have the greatest need for the projects.

(2) DESIGNATED STATES.—For purposes of this subsection, a State described in this paragraph is any State whose rate of cases of acquired immune deficiency syndrome is 10 or more such cases per 100,000 individuals (as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control for the most recent calendar year for which such data are available).

(3) USE OF EXISTING PROGRAMS REGARDING SUBSTANCE ABUSE.—With respect to programs that provide treatment services for substance abuse, a funding agreement for a grant under section 1921 for a designated State is that each such program participating in a project under paragraph (1) will be a program that began operation prior to the fiscal year for which the State is applying to receive the grant. A program
that so began operation may participate in a project under paragraph (1) without regard to whether the program has been providing early intervention services for HIV disease.

(4) APPLICABLE PERCENTAGE REGARDING EXPENDITURES FOR SERVICES.—

"(A)(i) For purposes of paragraph (1)(B), the percentage that is applicable under this paragraph for a designated State is, subject to subparagraph (B), the percentage by which the amount of the grant under section 1921 for the State for the fiscal year involved is an increase over the amount specified in clause (ii).

"(ii) The amount specified in this clause is the amount that was reserved by the designated State involved from the allotment of the State under section 1912A for fiscal year 1991 in compliance with section 1916(c)(6)(A)(ii) (as such sections were in effect for such fiscal year).

"(B) If the percentage determined under subparagraph (A) for a designated State for a fiscal year is less than 2 percent (including a negative percentage, in the case of a State for which there is no increase for purposes of such subparagraph), the percentage applicable under this paragraph for the State is 2 percent. If the percentage so determined is 2 percent or more, the percentage applicable under this paragraph for the State is the percentage determined under subparagraph (A), subject to not exceeding 5 percent.

(5) REQUIREMENT REGARDING RURAL AREAS.—

"(A) A funding agreement for a grant under section 1921 for a designated State is that, if the State will carry out 2 or more projects under paragraph (1), the State will carry out 1 such project in a rural area of the State, subject to subparagraph (B).

"(B) The Secretary shall waive the requirement established in subparagraph (A) if the State involved certifies to the Secretary that—

"(i) there is insufficient demand in the State to carry out a project under paragraph (1) in any rural area of the State; or

"(ii) there are no rural areas in the State.

(6) MANNER OF PROVIDING SERVICES.—With respect to the provision of early intervention services for HIV disease to an individual, a funding agreement for a grant under section 1921 for a designated State is that—

"(A) such services will be undertaken voluntarily by, and with the informed consent of, the individual; and

"(B) undergoing such services will not be required as a condition of receiving treatment services for substance abuse or any other services.

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

"(A) The term ‘designated State’ means a State described in paragraph (2).

"(B) The term ‘early intervention services’, with respect to HIV disease, means—

"(i) appropriate pretest counseling;

"(ii) testing individuals with respect to such disease, including tests to confirm the presence of the disease, tests to diagnose the extent of the deficiency in the
immune system, and tests to provide information on appropriate therapeutic measures for preventing and treating the deterioration of the immune system and for preventing and treating conditions arising from the disease;

“(iii) appropriate post-test counseling; and

“(iv) providing the therapeutic measures described in clause (ii).

“(C) The term ‘HIV disease’ means infection with the etiologic agent for acquired immune deficiency syndrome.

“(c) EXPENDITURE OF GRANT FOR COMPLIANCE WITH AGREEMENTS.—

“(1) IN GENERAL.—A grant under section 1921 may be expended for purposes of compliance with the agreements required in this section, subject to paragraph (2).

“(2) LIMITATION.—A funding agreement for a grant under section 1921 for a State is that the grant will not be expended to make payment for any service provided for purposes of compliance with this section to the extent that payment has been made, or can reasonably be expected to be made, with respect to such service—

“(A) under any State compensation program, under any insurance policy, or under any Federal or State health benefits program (including the program established in title XVIII of the Social Security Act and the program established in title XIX of such Act); or

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

“(d) MAINTENANCE OF EFFORT.—With respect to services provided for by a State for purposes of compliance with this section, a funding agreement for a grant under section 1921 is that the State will maintain expenditures of non-Federal amounts for such services at a level that is not less than average level of such expenditures maintained by the State for 2-year period preceding the first fiscal year for which the State receives such a grant.

“(e) APPLICABILITY OF CERTAIN PROVISION.—Section 1931 applies to this section (and to each other provision of this subpart).

“SEC. 1925. GROUP HOMES FOR RECOVERING SUBSTANCE ABUSERS.

“(a) STATE REVOLVING FUNDS FOR ESTABLISHMENT OF HOMES.—For fiscal year 1993 and subsequent fiscal years, the Secretary may make a grant under section 1921 only if the State involved has established, and is providing for the ongoing operation of, a revolving fund as follows:

“(1) The purpose of the fund is to make loans for the costs of establishing programs for the provision of housing in which individuals recovering from alcohol or drug abuse may reside in groups of not less than 6 individuals. The fund is established directly by the State or through the provision of a grant or contract to a nonprofit private entity.

“(2) The programs are carried out in accordance with guidelines issued under subsection (b).

“(3) Not less than $100,000 is available for the fund.

“(4) Loans made from the revolving fund do not exceed $4,000 and each such loan is repaid to the revolving fund by the residents of the housing involved not later than 2 years after the date on which the loan is made.
“(5) Each such loan is repaid by such residents through
monthly installments, and a reasonable penalty is assessed
for each failure to pay such periodic installments by the date
specified in the loan agreement involved.

“(6) Such loans are made only to nonprofit private entities
agreeing that, in the operation of the program established
pursuant to the loan—
   “(A) the use of alcohol or any illegal drug in the housing
       provided by the program will be prohibited;
   “(B) any resident of the housing who violates such pro-
       hibition will be expelled from the housing;
   “(C) the costs of the housing, including fees for rent
       and utilities, will be paid by the residents of the housing;
       and
   “(D) the residents of the housing will, through a majority
       vote of the residents, otherwise establish policies governing
       residence in the housing, including the manner in which
       applications for residence in the housing are approved.

“(b) ISSUANCE BY SECRETARY OF GUIDELINES.—The Secretary shall
ensure that there are in effect guidelines under this subpart for
the operation of programs described in subsection (a).

“(c) APPLICABILITY TO TERRITORIES.—The requirements established
in subsection (a) shall not apply to any territory of the
United States other than the Commonwealth of Puerto Rico.

42 USC 300x-26.

"SEC. 1926. STATE LAW REGARDING SALE OF TOBACCO PRODUCTS
TO INDIVIDUALS UNDER AGE OF 18.

(a) RELEVANT LAW.—
   
   “(1) IN GENERAL.—Subject to paragraph (2), for fiscal year
       1994 and subsequent fiscal years, the Secretary may make
       a grant under section 1921 only if the State involved has
       in effect a law providing that it is unlawful for any manufac-
       turer, retailer, or distributor of tobacco products to sell or
       distribute any such product to any individual under the age
       of 18.

   “(2) DELAYED APPLYABILITY FOR CERTAIN STATES.—In the
       case of a State whose legislature does not convene a regular
       session in fiscal year 1993, and in the case of a State whose
       legislature does not convene a regular session in fiscal year
       1994, the requirement described in paragraph (1) as a condition
       of a receipt of a grant under section 1921 shall apply only
       for fiscal year 1995 and subsequent fiscal years.

(b) ENFORCEMENT.—
   
   “(1) IN GENERAL.—For the first applicable fiscal year and
       for subsequent fiscal years, a funding agreement for a grant
       under section 1921 is that the State involved will enforce
       the law described in subsection (a) in a manner that can reason-
       ably be expected to reduce the extent to which tobacco products
       are available to individuals under the age of 18.

   “(2) ACTIVITIES AND REPORTS REGARDING ENFORCEMENT.—For
       the first applicable fiscal year and for subsequent fiscal years,
       a funding agreement for a grant under section 1921 is that the
       State involved will—

       “(A) annually conduct random, unannounced inspections
           to ensure compliance with the law described in subsection
           (a); and

"SEC. 1927. TREATMENT OF STATE LAWS PROVIDING FOR
ENFORCEMENT.

(a) IN GENERAL.—For fiscal year 1921 is that the State

   “(1) who seeks or receives federal funds to carry out
       a State law providing for the enforcement of a State law
       requiring the distribution of tobacco products to minors
       to be prohibited.

   “(2) will, in the case of a State law providing for the
       enforcement of a State law requiring the distribution of
       tobacco products to minors to be prohibited, in the case
       of such fiscal year, the Secretary shall—

   “(a)(1) —

   “(1) refer to the Secretary for treatment as a State
       law providing for enforcement of a State law requiring
       the distribution of tobacco products to minors to be
       prohibited.

   “(2) refer to the Secretary for treatment as a State
       law providing for enforcement of a State law requiring
       the distribution of tobacco products to minors to be
       prohibited.
“(B) annually submit to the Secretary a report describing—
   “(i) the activities carried out by the State to enforce such law during the fiscal year preceding the fiscal year for which the State is seeking the grant;
   “(ii) the extent of success the State has achieved in reducing the availability of tobacco products to individuals under the age of 18; and
   “(iii) the strategies to be utilized by the State for enforcing such law during the fiscal year for which the grant is sought.

“(c) NONCOMPLIANCE OF STATE.—Before making a grant under section 1921 to a State for the first applicable fiscal year or any subsequent fiscal year, the Secretary shall make a determination of whether the State has maintained compliance with subsections (a) and (b). If, after notice to the State and an opportunity for a hearing, the Secretary determines that the State is not in compliance with such subsections, the Secretary shall reduce the amount of the allotment under such section for the State for the fiscal year involved by an amount equal to—
   “(1) in the case of the first applicable fiscal year, 10 percent of the amount determined under section 1933 for the State for the fiscal year;
   “(2) in the case of the first fiscal year following such applicable fiscal year, 20 percent of the amount determined under section 1933 for the State for the fiscal year;
   “(3) in the case of the second such fiscal year, 30 percent of the amount determined under section 1933 for the State for the fiscal year; and
   “(4) in the case of the third such fiscal year or any subsequent fiscal year, 40 percent of the amount determined under section 1933 for the State for the fiscal year.

“(d) DEFINITION.—For purposes of this section, the term ‘first applicable fiscal year’ means—
   “(1) fiscal year 1995, in the case of any State described in subsection (a)(2); and
   “(2) fiscal year 1994, in the case of any other State.

“SEC. 1927. TREATMENT SERVICES FOR PREGNANT WOMEN.

“(a) IN GENERAL.—A funding agreement for a grant under section 1921 is that the State involved—
   “(1) will ensure that each pregnant woman in the State who seeks or is referred for and would benefit from such services is given preference in admissions to treatment facilities receiving funds pursuant to the grant; and
   “(2) will, in carrying out paragraph (1), publicize the availability to such women of services from the facilities and the fact that the women receive such preference.

“(b) REFERRALS REGARDING STATES.—A funding agreement for a grant under section 1921 is that, in carrying out subsection (a)(1)—
   “(1) the State involved will require that, in the event that a treatment facility has insufficient capacity to provide treatment services to any woman described in such subsection who seeks the services from the facility, the facility refer the woman to the State; and
“(2) the State, in the case of each woman for whom a referral
under paragraph (1) is made to the State—
   (A) will refer the woman to a treatment facility that
has the capacity to provide treatment services to the
woman;
   (B) will, if no treatment facility has the capacity to
admit the woman, make available interim services avail-
able to the woman not later than 48 hours after the women
seeks the treatment services.

42 USC 300x−28. “SEC. 1928. ADDITIONAL AGREEMENTS.

   (a) IMPROVEMENT OF PROCESS FOR APPROPRIATE REFERRALS FOR
   TREATMENT.—With respect to individuals seeking treatment
   services, a funding agreement for a grant under section 1921 is that
   the State involved will improve (relative to fiscal year 1992) the
   process in the State for referring the individuals to treatment
   facilities that can provide to the individuals the treatment modality
   that is most appropriate for the individuals.

   (b) CONTINUING EDUCATION.—With respect to any facility for
   treatment services or prevention activities that is receiving
   amounts from a grant under section 1921, a funding agreement
   for a State for a grant under such section is that continuing educa-
   tion in such services or activities (or both, as the case may be) will be
   made available to employees of the facility who provide the
   services or activities.

   (c) COORDINATION OF VARIOUS ACTIVITIES AND SERVICES.—A
   funding agreement for a grant under section 1921 is that the State
   involved will coordinate prevention and treatment activities
   with the provision of other appropriate services (including health,
   social, correctional and criminal justice, educational, vocational
   rehabilitation, and employment services).

   (d) WAIVER OF REQUIREMENT.—
   (1) IN GENERAL.—Upon the request of a State, the Secretary
   may provide to a State a waiver of any or all of the require-
   ments established in this section if the Secretary determines
   that, with respect to services for the prevention and treatment
   of substance abuse, the requirement involved is unnecessary
   for maintaining quality in the provision of such services in
   the State.

   (2) DATE CERTAIN FOR ACTING UPON REQUEST.—The Sec-
   retary shall approve or deny a request for a waiver under
   paragraph (1) not later than 120 days after the date on which
   the request is made.

   (3) APPLICABILITY OF WAIVER.—Any waiver provided by the
   Secretary under paragraph (1) shall be applicable only to the
   fiscal year involved.

42 USC 300x−29. “SEC. 1929. SUBMISSION TO SECRETARY OF STATEWIDE ASSESSMENT
   OF NEEDS.

   The Secretary may make a grant under section 1921 only if
   the State submits to the Secretary an assessment of the need
   in the State for authorized activities (which assessment is conducted
   in accordance with criteria issued by the Secretary), both by locality
   and by the State in general, which assessment includes a description of—

   (1) the incidence and prevalence in the State of drug abuse
   and the incidence and prevalence in the State of alcohol abuse
   and alcoholism;

   (2) current—
   (3) the need—
   (4) the actions—
   (5) the capacity—

   “SEC. 1930. MAINSTREAMING OF STATE EXISTING AND NEW PROGRAMS
   (a) IN GENERAL.—The Secretary shall ensure that the State for carry-
   ing out such actions for a grant under section 1921 is that the State
   is sufficiently able to provide for the delivery of services to the
   State for the 2 fiscal years following the fiscal year in which the State is
   (b) WAIVER.—
   (1) IN GENERAL.—The Secretary may waive any require-
   ments established in section (a) in case of economic condi-
   tions of the State involved.

   (2) DATE CERTAIN FOR ACTING UPON REQUEST.—The Sec-
   retary shall approve or deny a request for a waiver under
   paragraph (1) not later than 120 days after the date on which
   the request is made.

   (3) APPLICABILITY OF WAIVER.—Any waiver provided by the
   Secretary under paragraph (1) shall be applicable only to the
   fiscal year involved.

   “SEC. 1931. RESTRICTIONS ON FUNDING
   (a) IN GENERAL.—The Secretary may not provide any grant
   under section 1921 to a State for any obligation or activity that—
   (A) is inconsistent with the purpose and substance of the
   grant;

   (B) is inconsistent with the purpose and substance of the
   grant.

   The Secretary may not provide any grant under section 1921 to a State for any obligation or activity that—
   (A) is inconsistent with the purpose and substance of the
   grant;

   (B) is inconsistent with the purpose and substance of the
   grant.

   The Secretary may not provide any grant under section 1921 to a State for any obligation or activity that—
   (A) is inconsistent with the purpose and substance of the
   grant;

   (B) is inconsistent with the purpose and substance of the
   grant.
"(2) current prevention and treatment activities in the State;
"(3) the need of the State for technical assistance to carry
out such activities;
"(4) efforts by the State to improve such activities; and
"(5) the extent to which the availability of such activities
is insufficient to meet the need for the activities, the interim
services to be made available under sections 1923(a) and
1927(b), and the manner in which such services are to be
so available.

"SEC. 1930. MAINTENANCE OF EFFORT REGARDING STATE EXPENDI-
TURES.

"(a) IN GENERAL.—With respect to the principal agency of a
State for carrying out authorized activities, a funding agreement
for a grant under section 1921 for the State for a fiscal year
is that such agency will for such year maintain aggregate State
expenditures for authorized activities at a level that is not less
than the average level of such expenditures maintained by the
State for the 2-year period preceding the fiscal year for which
the State is applying for the grant.

"(b) WAIVER.—
"(1) IN GENERAL.—Upon the request of a State, the Secretary
may waive all or part of the requirement established in sub-
section (a) if the Secretary determines that extraordinary econ-
omic conditions in the State justify the waiver.

"(2) DATE CERTAIN FOR ACTING UPON REQUEST.—The Sec-
retary shall approve or deny a request for a waiver under
paragraph (1) not later than 120 days after the date on which
the request is made.

"(3) APPLICABILITY OF WAIVER.—Any waiver provided by the
Secretary under paragraph (1) shall be applicable only to the
fiscal year involved.

"(c) NONCOMPLIANCE BY STATE.—
"(1) IN GENERAL.—In making a grant under section 1921
to a State for a fiscal year, the Secretary shall make a deter-
mination of whether, for the previous fiscal year, the State
maintained material compliance with any agreement made
under subsection (a). If the Secretary determines that a State
has failed to maintain such compliance, the Secretary shall
reduce the amount of the allotment under section 1921 for
the State for the fiscal year for which the grant is being
made by an amount equal to the amount constituting such
failure for the previous fiscal year.

"(2) SUBMISSION OF INFORMATION TO SECRETARY.—The Sec-
etary may make a grant under section 1921 for a fiscal year
only if the State involved submits to the Secretary information
sufficient for the Secretary to make the determination required
in paragraph (1).

"SEC. 1931. RESTRICTIONS ON EXPENDITURE OF GRANT.

"(a) IN GENERAL.—
"(1) CERTAIN RESTRICTIONS.—A funding agreement for a grant
under section 1921 is that the State involved will not expend
the grant:
"(A) to provide inpatient hospital services, except as pro-
vided in subsection (b);
"(B) to make cash payments to intended recipients of
health services;
“(C) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;  
“(D) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds;  
“(E) to provide financial assistance to any entity other than a public or nonprofit private entity; or  
“(F) to carry out any program prohibited by section 256(b) of the Health Omnibus Programs Extension of 1988 (42 U.S.C. 300ee-5).

“(2) LIMITATION ON ADMINISTRATIVE EXPENSES.—A funding agreement for a grant under section 1921 is that the State involved will not expend more than 5 percent of the grant to pay the costs of administering the grant.

“(3) LIMITATION REGARDING PENAL AND CORRECTIONAL INSTITUTIONS.—A funding agreement for a State for a grant under section 1921 is that, in expending the grant for the purpose of providing treatment services in penal or correctional institutions of the State, the State will not expend more than an amount equal to the amount expended for such purpose by the State from the grant made under section 1912A to the State for fiscal year 1991 (as section 1912A was in effect for such fiscal year).

“(b) EXCEPTION REGARDING INPATIENT HOSPITAL SERVICES.—

“(1) MEDICAL NECESSITY AS PRECONDITION.—With respect to compliance with the agreement made under subsection (a), a State may expend a grant under section 1921 to provide inpatient hospital services as treatment for substance abuse only if it has been determined, in accordance with guidelines issued by the Secretary, that such treatment is a medical necessity for the individual involved, and that the individual cannot be effectively treated in a community-based, nonhospital, residential program of treatment.

“(2) RATE OF PAYMENT.—In the case of an individual for whom a grant under section 1921 is expended to provide inpatient hospital services described in paragraph (1), a funding agreement for the grant for the State involved is that the daily rate of payment provided to the hospital for providing the services to the individual will not exceed the comparable daily rate provided for community-based, nonhospital, residential programs of treatment for substance abuse.

“(c) WAIVER REGARDING CONSTRUCTION OF FACILITIES.—

“(1) IN GENERAL.—The Secretary may provide to any State a waiver of the restriction established in subsection (a)(1) for the purpose of authorizing the State to expend a grant under section 1921 for the construction of a new facility or rehabilitation of an existing facility, but not for land acquisition.

“(2) STANDARD REGARDING NEED FOR WAIVER.—The Secretary may approve a waiver under paragraph (1) only if the State demonstrates to the Secretary that adequate treatment cannot be provided through the use of existing facilities and that alternative facilities in existing suitable buildings are not available.

“(3) AMOUNT.—In granting a waiver under paragraph (1), the Secretary shall allow the use of a specified amount of
funds to construct or rehabilitate a specified number of beds for residential treatment and a specified number of slots for outpatient treatment, based on reasonable estimates by the State of the costs of construction or rehabilitation. In considering waiver applications, the Secretary shall ensure that the State has carefully designed a program that will minimize the costs of additional beds.

"(4) MATCHING FUNDS.—The Secretary may grant a waiver under paragraph (1) only if the State agrees, with respect to the costs to be incurred by the State in carrying out the purpose of the waiver, to make available non-Federal contributions in cash toward such costs in an amount equal to not less than $1 for each $1 of Federal funds provided under section 1921.

"(5) DATE CERTAIN FOR ACTING UPON REQUEST.—The Secretary shall act upon a request for a waiver under paragraph (1) not later than 120 days after the date on which the request is made.

"SEC. 1923. APPLICATION FOR GRANT; APPROVAL OF STATE PLAN. 42 USC 300x-32.

"(a) IN GENERAL.—For purposes of section 1921, an application for a grant under such section for a fiscal year is in accordance with this section if, subject to subsections (c) and (d)(2) —

"(1) the State involved submits the application not later than the date specified by the Secretary;

"(2) the application contains each funding agreement that is described in this subpart or subpart III for such a grant (other than any such agreement that is not applicable to the State);

"(3) the agreements are made through certification from the chief executive officer of the State;

"(4) with respect to such agreements, the application provides assurances of compliance satisfactory to the Secretary;

"(5) the application contains the information required in section 1929, the information required in section 1930(c)(2), and the report required in section 1942(a);

"(6) (A) the application contains a plan in accordance with subsection (b) and the plan is approved by the Secretary; and

"(B) the State provides assurances satisfactory to the Secretary that the State complied with the provisions of the plan under subparagraph (A) that was approved by the Secretary for the most recent fiscal year for which the State received a grant under section 1921; and

"(7) the application (including the plan under paragraph (6)) is otherwise in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this subpart.

"(b) STATE PLAN.—

"(1) IN GENERAL.—A plan submitted by a State under subsection (a)(6) is in accordance with this subsection if the plan contains detailed provisions for complying with each funding agreement for a grant under section 1921 that is applicable to the State, including a description of the manner in which the State intends to expend the grant.

"(2) AUTHORITY OF SECRETARY REGARDING MODIFICATIONS.—As a condition of making a grant under section 1921 to a State for a fiscal year, the Secretary may require that the
State modify any provision of the plan submitted by the State under subsection (a)(6) (including provisions on priorities in carrying out authorized activities). If the Secretary approves the plan and makes the grant to the State for the fiscal year, the Secretary may not during such year require the State to modify the plan.

"(3) AUTHORITY OF CENTER FOR SUBSTANCE ABUSE PREVENTION.—With respect to plans submitted by the States under subsection (a) (6), the Secretary, acting through the Director of the Center for Substance Abuse Prevention, shall review and approve or disapprove the provisions of the plans that relate to prevention activities.

"(c) WAIVERS REGARDING CERTAIN TERRITORIES.—In the case of any territory of the United States whose allotment under section 1921 for the fiscal year is the amount specified in section 1933(c)(2)(B), the Secretary may waive such provisions of this subpart and part III as the Secretary determines to be appropriate, other than the provisions of section 1931.

"(d) ISSUANCE OF REGULATIONS; PRECONDITION TO MAKING GRANTS.—

"(1) REGULATIONS.—Not later than August 25, 1992, the Secretary, acting as appropriate through the Director of the Center for Treatment Improvement and the Director of the Center for Substance Abuse Prevention, shall by regulation establish standards specifying the circumstances in which the Secretary will consider an application for a grant under section 1921 to be in accordance with this section.

"(2) ISSUANCE AS PRECONDITION TO MAKING GRANTS.—The Secretary may not make payments under any grant under section 1921 for fiscal year 1993 on or after January 1, 1993, unless the Secretary has issued standards under paragraph (1).

42 USC 300x-33. "SEC. 1933. DETERMINATION OF AMOUNT OF ALLOTMENT.

"(a) STATES.—

"(1) IN GENERAL.—Subject to subsection (b), the Secretary shall determine the amount of the allotment required in section 1921 for a State for a fiscal year as follows:

"(A) The formula established in paragraph (1) of section 1918(a) shall apply to this subsection to the same extent and in the same manner as the formula applies for purposes of section 1918(a), except that, in the application of such formula for purposes of this subsection, the modifications described in subparagraph (B) shall apply.

"(B) For purposes of subparagraph (A), the modifications described in this subparagraph are as follows:

"(i) The amount specified in paragraph (2)(A) of section 1918(a) is deemed to be the amount appropriated under section 1935(a) for allotments under section 1921 for the fiscal year involved.

"(ii) The term 'P' is deemed to have the meaning given in paragraph (2) of this subsection. Section 1918(a)(5)(B) applies to the data used in determining such term for the States.

"(iii) The factor determined under paragraph (8) of section 1918(a) is deemed to have the purpose of reflecting the differences that exist between the State
involved and other States in the costs of providing authorized services.

"(2) **DETERMINATION OF TERM 'P'.**—For purposes of this subsection, the term 'P' means the percentage that is the arithmetic mean of the percentage determined under subparagraph (A) and the percentage determined under subparagraph (B), as follows:

"(A) The percentage constituted by the ratio of—
   "(i) an amount equal to the sum of the total number of individuals who reside in the State involved and are between 18 and 24 years of age (inclusive) and the number of individuals in the State who reside in urbanized areas of the State and are between such years of age; to
   "(ii) an amount equal to the total of the respective sums determined for the States under clause (i).

"(B) The percentage constituted by the ratio of—
   "(i) the total number of individuals in the State who are between 25 and 64 years of age (inclusive); to
   "(ii) an amount equal to the sum of the respective amounts determined for the States under clause (i).

"(b) **MINIMUM ALLOTMENTS FOR STATES.**—For each of the fiscal years 1983 and 1994, the amount of the allotment required in section 1921 for a State for the fiscal year involved shall be the greater of—

"(1) the amount determined under subsection (a) for the State for the fiscal year; and

"(2) an amount equal to 79.4 percent of the amount received by the State from allotments made pursuant to this part for fiscal year 1992 (including reallocations under section 205(a) of the ADAMHA Reorganization Act).

"(c) **TERRITORIES.**—

"(1) **DETERMINATION UNDER FORMULA.**—Subject to paragraphs (2) and (4), the amount of an allotment under section 1921 for a territory of the United States for a fiscal year shall be the product of—

   "(A) an amount equal to the amounts reserved under paragraph (3) for the fiscal year; and

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

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

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

"(2) **MINIMUM ALLOTMENT FOR TERRITORIES.**—The amount of an allotment under section 1921 for a territory of the United States for a fiscal year shall be the greater of—

   "(A) the amount determined under paragraph (1) for the territory for the fiscal year; and

   "(B) $50,000.

"(3) **RESERVATION OF AMOUNTS.**—The Secretary shall each fiscal year reserve for the territories of the United States 1.5 percent of the amounts appropriated under section 1935(a) for allotments under section 1921 for the fiscal year.

"(4) **AVAILABILITY OF DATA ON POPULATION.**—With respect to data on the civilian population of the territories of the
United States, if the Secretary determines for a fiscal year that recent such data for purposes of paragraph (1)(B) do not exist regarding a territory, the Secretary shall for such purposes estimate the civilian population of the territory by modifying the data on the territory to reflect the average extent of change occurring during the ensuing period in the population of all territories with respect to which recent such data do exist.

“(5) APPLICABILITY OF CERTAIN PROVISIONS.—For purposes of subsections (a) and (b), the term ‘State’ does not include the territories of the United States.

“(d) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

“(1) IN GENERAL.—If the Secretary—

“(A) receives a request from the governing body of an Indian tribe or tribal organization within any State that funds under this subpart be provided directly by the Secretary to such tribe or organization; and

“(B) makes a determination that the members of such tribe or tribal organization would be better served by means of grants made directly by the Secretary under this subpart, the Secretary shall reserve from the allotment under section 1921 for the State for the fiscal year involved an amount that bears the same ratio to the allotment as the amount provided under this subpart to the tribe or tribal organization for fiscal year 1991 for activities relating to the prevention and treatment of the abuse of alcohol and other drugs bore to the amount of the portion of the allotment under this subpart for the State for such fiscal year that was expended for such activities.

“(2) TRIBE OR TRIBAL ORGANIZATION AS GRANTEE.—The amount reserved by the Secretary on the basis of a determination under this paragraph shall be granted to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

“(3) APPLICATION.—In order for an Indian tribe or tribal organization to be eligible for a grant for a fiscal year under this paragraph, it shall submit to the Secretary a plan for such fiscal year that meets such criteria as the Secretary may prescribe.

“(4) DEFINITION.—The terms ‘Indian tribe’ and ‘tribal organization’ have the same meaning given such terms in subsections (b) and (c) of section 4 of the Indian Self-Determination and Education Assistance Act.

SEC. 304. DEFINITIONS.

“For purposes of this subpart:

“(1) The term ‘authorized activities’, subject to section 1931, means the activities described in section 1921(b).

“(2) The term ‘funding agreement’, with respect to a grant under section 1921 to a State, means that the Secretary may make such a grant only if the State makes the agreement involved.

“(3) The term ‘prevention activities’, subject to section 1931, means activities to prevent substance abuse.

“(4) The term ‘substance abuse’ means the abuse of alcohol or other drugs.

SEC. 305. FUNDING.

“(a) AUTHORIZATION.—In carrying out this subpart, the Secretary shall ensure that grants shall be appropriated for such fiscal year to carry out each program referred to in section 1921(a) as may be necessary.

“(b) ALLOCATIONS BASED ON DATA COLLECTED.—

“(1) IN GENERAL.—

“(A) For fiscal year 1992, the Secretary shall allocate such grants in proportion to the population of the States as specified in section 1921(c).

“(B) The collection of data under section 1921(c) shall be used in determining the appropriate allocation of grants under this subpart for fiscal years subsequent to 1992.

“(C) The Secretary shall submit a report to Congress at the end of each fiscal year that compares the funding of programs under this subpart with the results of the survey conducted under section 1921(c).

SEC. 206. GENERAL PROVISIONS.

Subsection (b) of section 1921(b) of the Indian Self-Determination and Education Assistance Act, as amended by section 12(b) of the Act of October 31, 1991, is amended—

“Subject to appropriations, in the fiscal year 1992, the Secretary shall—

“(a) authorize the use of such grants to carry out activities relating to alcohol and other drug abuse in Indian tribes and tribal organizations in areas with a high incidence of alcohol and other drug abuse;

“(b) in coordination with the Indian Health Service, the Bureau of Indian Education, and the Office of Indian Education, carry out programs to improve the quality of education for children living on reservations and in Indian areas; and

“(c) in coordination with the Indian Health Service, carry out programs to improve the quality of health services for persons living on reservations and in Indian areas.
“(5) The term ‘treatment activities’ means treatment services and, subject to section 1931, authorized activities that are related to treatment services.

“(6) The term ‘treatment facility’ means an entity that provides treatment services.

“(7) The term ‘treatment services’, subject to section 1931, means treatment for substance abuse.

“SEC. 1935. FUNDING.

“(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, subpart III, and section 505 with respect to substance abuse, and section 515(d), there are authorized to be appropriated $1,500,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

“(b) ALLOCATIONS FOR TECHNICAL ASSISTANCE, NATIONAL DATA BASE, DATA COLLECTION, AND PROGRAM EVALUATIONS.—

“(1) IN GENERAL.—

“(A) For the purpose of carrying out section 1948(a) with respect to substance abuse, section 515(d), and the purposes specified in subparagraphs (B) and (C), the Secretary shall obligate 5 percent of the amounts appropriated under subsection (a) each fiscal year.

“(B) The purpose specified in this subparagraph is the collection of data in this paragraph is carrying out section 505 with respect to substance abuse.

“(C) The purpose specified in this subparagraph is the conduct of evaluations of authorized activities to determine methods for improving the availability and quality of such activities.

“(2) ACTIVITIES OF CENTER FOR SUBSTANCE ABUSE PREVENTION.—Of the amounts reserved under paragraph (1) for a fiscal year, the Secretary, acting through the Director of the Center for Substance Abuse Prevention, shall obligate 20 percent for carrying out paragraph (1)(C), section 1949(a) with respect to prevention activities, and section 515(d).”

SEC. 203. GENERAL PROVISIONS REGARDING BLOCK GRANTS.

(a) IN GENERAL.—Part B of title XIX of the Public Health Service Act, as amended by section 202 of this Act, is amended by adding at the end the following:

“Subpart III—General Provisions

“SEC. 1941. OPPORTUNITY FOR PUBLIC COMMENT ON STATE PLANS.

“A funding agreement for a grant under section 1911 or 1921 is that the State involved will make the plan required in section 1912, and the plan required in section 1932, respectively, public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during the development of the plan (including any revisions) and after the submission of the plan to the Secretary.

“SEC. 1942. REQUIREMENT OF REPORTS AND AUDITS BY STATES.

“(a) REPORT.—A funding agreement for a grant under section 1911 or 1921 is that the State involved will submit to the Secretary a report in such form and containing such information as the Secretary determines (after consultation with the States and the
Comptroller General) to be necessary for securing a record and a description of—

"(1) the purposes for which the grant received by the State for the preceding fiscal year under the program involved were expended and a description of the activities of the State under the program; and

"(2) the recipients of amounts provided in the grant.

"(b) AUDITS.—A funding agreement for a grant under section 1911 or 1921 is that the State will, with respect to the grant, comply with chapter 75 of title 31, United States Code.

"(c) AVAILABILITY TO PUBLIC.—A funding agreement for a grant under section 1911 or 1921 is that the State involved will—

"(1) make copies of the reports and audits described in this section available for public inspection within the State; and

"(2) provide copies of the report under subsection (a), upon request, to any interested person (including any public agency).

SEC. 1943. ADDITIONAL REQUIREMENTS.

"(a) IN GENERAL.—A funding agreement for a grant under section 1911 or 1921 is that the State involved will—

"(1) for the fiscal year for which the grant involved is provided, provide for independent peer review to assess the quality, appropriateness, and efficacy of treatment services provided in the State to individuals under the program involved; and

"(B) ensure that, in the conduct of such peer review, not fewer than 5 percent of the entities providing services in the State under such program are reviewed (which 5 percent is representative of the total population of such entities); and

"(2) permit and cooperate with Federal investigations undertaken in accordance with section 1945; and

"(3) provide to the Secretary any data required by the Secretary pursuant to section 515 and will cooperate with the Secretary in the development of uniform criteria for the collection of data pursuant to such section.

"(b) PATIENT RECORDS.—The Secretary may make a grant under section 1911 or 1921 only if the State involved has in effect a system to protect from inappropriate disclosure patient records maintained by the State in connection with an activity funded under the program involved or by any entity which is receiving amounts from the grant.

SEC. 1944. DISPOSITION OF CERTAIN FUNDS APPROPRIATED FOR ALLOTMENTS.

"(a) IN GENERAL.—Amounts described in subsection (b) and available for a fiscal year pursuant to section 1911 or 1921, as the case may be, shall be allotted by the Secretary and paid to the States receiving a grant under the program involved, other than any State referred to in subsection (b) with respect to such program. Such amounts shall be allotted in a manner equivalent to the manner in which the allotment under the program involved was determined.

"(b) SPECIFICATION OF AMOUNTS.—The amounts referred to in subsection (a) are any amounts that—

"(1) are not paid to States under the program involved as a result of—

"(A) the failure of any State to submit an application in accordance with the program;
"(B) the failure of any State to prepare such application in compliance with the program; or

"(C) any State informing the Secretary that the State does not intend to expend the full amount of the allotment made to the State under the program;

"(2) are terminated, repaid, or offset under section 1945;

"(3) in the case of the program established in section 1911, are available as a result of reductions in allotments under such section pursuant to section 1912(d) or 1915(b); or

"(4) in the case of the program established in section 1921, are available as a result of reductions in allotments under such section pursuant to section 1926 or 1930.

"SEC. 1945. FAILURE TO COMPLY WITH AGREEMENTS.

"(a) SUSPENSION OR TERMINATION OF PAYMENTS.—Subject to subsection (e), if the Secretary determines that a State has materially failed to comply with the agreements or other conditions required for the receipt of a grant under the program involved, the Secretary may in whole or in part suspend payments under the grant, terminate the grant for cause, or employ such other remedies (including the remedies provided for in subsections (b) and (c)) as may be legally available and appropriate in the circumstances involved.

"(b) REPAYMENT OF PAYMENTS.—

"(1) In general.—Subject to subsection (e), the Secretary may require a State to repay with interest any payments received by the State under section 1911 or 1921 that the Secretary determines were not expended by the State in accordance with the agreements required under the program involved.

"(2) OFFSET AGAINST PAYMENTS.—If a State fails to make a repayment required in paragraph (1), the Secretary may offset the amount of the repayment against the amount of any payment due to be paid to the State under the program involved.

"(c) WITHOLDING OF PAYMENTS.—

"(1) In general.—Subject to subsections (e) and (g)(3), the Secretary may withhold payments due under section 1911 or 1921 if the Secretary determines that the State involved is not expending amounts received under the program involved in accordance with the agreements required under the program.

"(2) TERMINATION OF WITHOLDING.—The Secretary shall cease withholding payments from a State under paragraph (1) if the Secretary determines that there are reasonable assurances that the State will expend amounts received under the program involved in accordance with the agreements required under the program.

"(d) APPLICABILITY OF REMEDIES TO CERTAIN VIOLATIONS.—

"(1) In general.—With respect to agreements or other conditions for receiving a grant under the program involved, in the case of the failure of a State to maintain material compliance with a condition referred to in paragraph (2), the provisions for noncompliance with the condition that are provided in the section establishing the condition shall apply in lieu of subsections (a) through (c) of this section.

"(2) RELEVANT CONDITIONS.—For purposes of paragraph (1):

"(A) In the case of the program established in section 1911, a condition referred to in this paragraph is the condi-
tion established in section 1912(d) and the condition established in section 1915(b).

(B) In the case of the program established in section 1921, a condition referred to in this paragraph is the condition established in section 1926 and the condition established in section 1930.

(c) OPPORTUNITY FOR HEARING.—Before taking action against a State under any of subsections (a) through (c) (or under a section referred to in subsection (d)(2), as the case may be), the Secretary shall provide to the State involved adequate notice and an opportunity for a hearing.

(f) REQUIREMENT OF HEARING IN CERTAIN CIRCUMSTANCES.—

(1) IN GENERAL.—If the Secretary receives a complaint that a State has failed to maintain material compliance with the agreement or other conditions required for receiving a grant under the program involved (including any condition referred to for purposes of subsection (d)), and there appears to be reasonable evidence to support the complaint, the Secretary shall promptly conduct a hearing with respect to the complaint.

(2) FINDING OF MATERIAL NONCOMPLIANCE.—If in a hearing under paragraph (1) the Secretary finds that the State involved has failed to maintain material compliance with the agreement or other condition involved, the Secretary shall take such action under this section as may be appropriate to ensure that material compliance is so maintained, or such action as may be required in a section referred to in subsection (d)(2), as the case may be.

(g) CERTAIN INVESTIGATIONS.—

(1) REQUIREMENT REGARDING SECRETARY.—The Secretary shall in fiscal year 1994 and each subsequent fiscal year conduct in not less than 10 States investigations of the expenditure of grants received by the States under section 1911 or 1921 in order to evaluate compliance with the agreements required under the program involved.

(2) PROVISION OF RECORDS ETC. UPON REQUEST.—Each State receiving a grant under section 1911 or 1921, and each entity receiving funds from the grant, shall make appropriate books, documents, papers, and records available to the Secretary or the Comptroller General, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request therefor.

(3) LIMITATIONS ON AUTHORITY.—The Secretary may not institute proceedings under subsection (c) unless the Secretary has conducted an investigation concerning whether the State has expended payments under the program involved in accordance with the agreements required under the program. Any such investigation shall be conducted within the State by qualified investigators.

SEC. 1947. NONDISCRIMINATION AGAINST PERSONS WITH DISABILITIES.

(a) IN GENERAL.

(1) RULE OF LAW.—For the purpose of this section, the Civil Rights Act of 1964, the Equal Employment Opportunity Act of 1978, and the Rehabilitation Act of 1973, as amended, shall be applied to persons with disabilities in the same manner as they are applied to persons without disabilities.

(2) PROHIBITION AGAINST DISCRIMINATION.—No otherwise qualified person with a disability shall, solely by reason of his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

SEC. 1948. PROHIBITIONS REGARDING RECEIPT OF FUNDS.

(a) ESTABLISHMENT.—

(1) CERTAIN FALSE STATEMENTS AND REPRESENTATIONS.—A person shall not knowingly and willfully make or cause to be made any false statement or representation of a material fact in connection with the furnishing of items or services.
for which payments may be made by a State from a grant made to the State under section 1911 or 1921.

"(2) CONCEALING OR FAILING TO DISCLOSE CERTAIN EVENTS.—A person with knowledge of the occurrence of any event affecting the initial or continued right of the person to receive any payments from a grant made to a State under section 1911 or 1921 shall not conceal or fail to disclose any such event with an intent fraudulently to secure such payment either in a greater amount than is due or when no such amount is due.

"(b) CRIMINAL PENALTY FOR VIOLATION OF PROHIBITION.—Any person who violates any prohibition established in subsection (a) shall for each violation be fined in accordance with title 18, United States Code, or imprisoned for not more than 5 years, or both.

"SEC. 1947. NONDISCRIMINATION.

"(a) IN GENERAL.—

"(1) RULE OF CONSTRUCTION REGARDING CERTAIN CIVIL RIGHTS LAWS.—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975, on the basis of handicap under section 504 of the Rehabilitation Act of 1973, on the basis of sex under title IX of the Education Amendments of 1972, or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964, programs and activities funded in whole or in part with funds made available under section 1911 or 1921 shall be considered to be programs and activities receiving Federal financial assistance.

"(2) PROHIBITION.—No person shall on the ground of sex (including, in the case of a woman, on the ground that the woman is pregnant), or on the ground of religion, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under section 1911 or 1921.

"(b) ENFORCEMENT.—

"(1) REFERRALS TO ATTORNEY GENERAL AFTER NOTICE.—Whenever the Secretary finds that a State, or an entity that has received a payment pursuant to section 1911 or 1921, has failed to comply with a provision of law referred to in subsection (a)(1), with subsection (a)(2), or with an applicable regulation (including one prescribed to carry out subsection (a)(2)), the Secretary shall notify the chief executive officer of the State and shall request the chief executive officer to secure compliance. If within a reasonable period of time, not to exceed 60 days, the chief executive officer fails or refuses to secure compliance, the Secretary may—

"(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

"(B) exercise the powers and functions provided by the Age Discrimination Act of 1975, section 504 of the Rehabilitation Act of 1973, title IX of the Education Amendments of 1972, or title VI of the Civil Rights Act of 1964, as may be applicable; or

"(C) take such other actions as may be authorized by law.
“(2) AUTHORITY OF ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to paragraph (1)(A), or whenever the Attorney General has reason to believe that a State or an entity is engaged in a pattern or practice in violation of a provision of law referred to in subsection (a)(1) or in violation of subsection (a)(2), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

SEC. 1948. TECHNICAL ASSISTANCE AND PROVISION OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.

“(a) TECHNICAL ASSISTANCE.—The Secretary shall, without charge to a State receiving a grant under section 1911 or 1921, provide to the State (or to any public or nonprofit private entity within the State) technical assistance with respect to the planning, development, and operation of any program or service carried out pursuant to the program involved. The Secretary may provide such technical assistance directly, through contract, or through grants.

“(b) PROVISION OF SUPPLIES AND SERVICES IN LIEU OF GRANT FUNDS.—

“(1) IN GENERAL.—Upon the request of a State receiving a grant under section 1911 or 1921, the Secretary may, subject to paragraph (2), provide supplies, equipment, and services for the purpose of aiding the State in carrying out the program involved and, for such purpose, may detail to the State any officer or employee of the Department of Health and Human Services.

“(2) CORRESPONDING REDUCTION IN PAYMENTS.—With respect to a request described in paragraph (1), the Secretary shall reduce the amount of payments under the program involved to the State by an amount equal to the costs of detailing personnel and the fair market value of any supplies, equipment, or services provided by the Secretary. The Secretary shall, for the payment of expenses incurred in complying with such request, expend the amounts withheld.

SEC. 1949. REPORT BY SECRETARY.

“Not later than January 24, 1994, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report on the activities of the States carried out pursuant to the programs established in sections 1911 and 1921. Such report may include any recommendations of the Secretary for appropriate changes in legislation.

SEC. 1950. RULE OF CONSTRUCTION REGARDING DELEGATION OF AUTHORITY TO STATES.

“With respect to States receiving grants under section 1911 or 1921, this part may not be construed to authorize the Secretary to delegate to the States the primary responsibility for interpreting the governing provisions of this part.

SEC. 1951. SOLICITATION OF VIEWS OF CERTAIN ENTITIES.

“In carrying out this part, the Secretary, as appropriate, shall solicit the views of the States and other appropriate entities.

SEC. 1952. AVAILABLE FUNDS.

“(a) IN GENERAL.—The amounts made available under sections 1911 and 1921, less any amounts provided under subsection (b), shall be available for grants to the States for fiscal year 1919, and shall be available for grants to States for fiscal years 1921 and 1922.

“(b) DEFINITIONS.—In this section:

“(1) The terms "appropriations", "fiscal year", and "grant" shall be defined in section 1203 of this Act.

“(2) The terms "section 1203" and "section 1204" shall be defined in section 1203 of this Act.

SEC. 1953. CONTINUING GRANTS.

“(a) IN GENERAL.—Under section 1911 and section 1921, an amount not less than the amount available under section 1911 or section 1921, as the case may be, shall be paid to the States, to be available to the States for the purpose of aiding the States in carrying out the programs established under this section, for each fiscal year beginning on or after the date of the enactment of this Act.

“(b) DEFINITIONS.—In this section:

“(1) The terms "appropriations", "fiscal year", and "grant" shall be defined in section 1203 of this Act.

“(2) The terms "section 1203", "section 1204", and "section 1205" shall be defined in section 1203 of this Act.

SEC. 1954. DEFINITIONS.

“(a) DEFINITIONS.—

“(1) The term "Indian" shall mean any Indian described in section 1824(b)(2)(B) of title 25, United States Code.

“(2) The term "Indian health care system" shall mean any Indian health care system described in section 180b-1 of title 25, United States Code.

“(b) DEFINITIONS.—

“(1) The term "Indian" shall mean any Indian described in section 1824(b)(2)(B) of title 25, United States Code.

“(2) The term "Indian health care system" shall mean any Indian health care system described in section 180b-1 of title 25, United States Code.
"SEC. 1952. AVAILABILITY TO STATES OF GRANT PAYMENTS.

"(a) IN GENERAL.—Subject to subsection (b), any amounts paid to a State under the program involved shall be available for obligation until the end of the fiscal year for which the amounts were paid, and if obligated by the end of such year, shall remain available for expenditure until the end of the succeeding fiscal year.

"(b) EXCEPTION REGARDING NONCOMPLIANCE OF SUBGRANTEES.—If a State has in accordance with subsection (a) obligated amounts paid to the State under the program involved, in any case in which the Secretary determines that the obligation consists of a grant or contract awarded by the State, and that the State has terminated or reduced the amount of such financial assistance on the basis of the failure of the recipient of the assistance to comply with the terms upon which the assistance was conditioned—

"(1) the amounts involved shall be available for reobligation by the State through September 30 of the fiscal year following the fiscal year for which the amounts were paid to the State; and

"(2) any of such amounts that are obligated by the State in accordance with paragraph (1) shall be available for expenditure through such date.

"SEC. 1953. CONTINUATION OF CERTAIN PROGRAMS.

"(a) IN GENERAL.—Of the amount allotted to the State of Hawaii under section 1911, and the amount allotted to such State under section 1921, an amount equal to the proportion of Native Hawaiians residing in the State to the total population of the State shall be available, respectively, for carrying out the program involved for Native Hawaiians.

"(b) EXPENDITURE OF AMOUNTS.—The amount made available under subsection (a) may be expended only through contracts entered into by the State of Hawaii with public and private non-profit organizations to enable such organizations to plan, conduct, and administer comprehensive substance abuse and treatment programs for the benefit of Native Hawaiians. In entering into contracts under this section, the State of Hawaii shall give preference to Native Hawaiian organizations and Native Hawaiian health centers.

"(c) DEFINITIONS.—For the purposes of this subsection, the terms 'Native Hawaiian', 'Native Hawaiian organization', and 'Native Hawaiian health center' have the meaning given such terms in section 2305 of subtitle D of title II of the Anti-Drug Abuse Act of 1988.

"SEC. 1954. DEFINITIONS.

"(a) DEFINITIONS FOR SUBPART III.—For purposes of this subpart:

"(1) The term 'program involved' means the program of grants established in section 1911 or 1921, or both, as indicated by whether the State involved is receiving or is applying to receive a grant under section 1911 or 1921, or both.

"(2)(A) The term 'funding agreement', with respect to a grant under section 1911, has the meaning given such term in section 1919.

"(B) The term 'funding agreement', with respect to a grant under section 1921, has the meaning given such term in section 1934.

"(b) DEFINITIONS FOR PART B.—For purposes of this part:
Federal contribution to a State for a fiscal year shall not exceed $100,000,000, unless the State agrees in writing to meet all the requirements of this section.

(c) REQUIREMENTS.

(1) In general.—A State may not make a grant under subsection (a) to a State unless the number of individuals seeking treatment services in the State significantly exceeds the maximum number described in paragraph (1) that is applicable to the State.

(2) ADDITIONAL REQUIREMENTS REGARDING MATCHING FUNDS.—In the case of any application for a grant under subsection (a) that is receiving priority under paragraph (1), the State shall make a grant under section 1915(e) of the Public Health Service Act to provide non-Federal contributions for the treatment services to pregnant women.
Federal contributions under subsection (c) in a greater amount than the amount required under such subsection for the applicable fiscal year.

"(c) REQUIREMENT OF MATCHING FUNDS.—

"(1) IN GENERAL.—Subject to paragraph (3), the Director may not make a grant under subsection (a) unless the State agrees, with respect to the costs of the program to be carried out by the State pursuant to such subsection, to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is—

"(A) for the first fiscal year for which the State receives such a grant, not less than $1 for each $9 of Federal funds provided in the grant;

"(B) for any second or third such fiscal year, not less than $1 for each $9 of Federal funds provided in the grant; and

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

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

"(3) WAIVER.—The Director may waive the requirement established in paragraph (1) if the Director determines that extraordinary economic conditions in the State justify the waiver.

"(d) LIMITATION REGARDING DIRECT TREATMENT SERVICES.—The Director may not make a grant under subsection (a) unless the State involved agrees that the grant will be expended only for the direct provision of treatment services. The preceding sentence may not be construed to authorize the expenditure of such a grant for the planning or evaluation of treatment services.

"(e) REQUIREMENT OF APPLICATION.—The Secretary may not make a grant under subsection (a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(f) DURATION OF GRANT.—The period during which payments are made to a State from a grant under subsection (a) may not exceed 5 years. The provision of such payments shall be subject to annual approval by the Director of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments.

"(g) MAINTENANCE OF EFFORT.—The Director may not make a grant under subsection (a) unless the State involved agrees to maintain State expenditures for treatment services at a level that is not less than the average level of such expenditures maintained by the State for the 2-year period preceding the first fiscal year for which the State receives such a grant.

"(h) RESTRICTIONS ON USE OF GRANT.—The Director may not make a grant under subsection (a) unless the State involved agrees that the grant will not be expended—

"(1) to provide inpatient hospital services;
“(2) to make cash payments to intended recipients of health services;
“(3) to purchase or improve land, purchase, construct, or permanently improve (other than minor remodeling) any building or other facility, or purchase major medical equipment;
“(4) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or
“(5) to provide financial assistance to any entity other than a public or nonprofit private entity.

(i) DEFINITIONS.—For purposes of this section—
“(1) The term ‘Director’ means the Director of the Center for Substance Abuse Treatment.
“(2) The term ‘substance abuse’ means the abuse of alcohol or other drugs.

(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $86,000,000 for fiscal year 1993, and such sums as may be necessary for fiscal year 1994.

AIDS.

“Subpart II—Interim Maintenance Treatment of Narcotics Dependence

42 USC 300y-11. “SEC. 1976. INTERIM MAINTENANCE TREATMENT.

“(a) REQUIREMENT REGARDING SECRETARY.—Subject to the following subsections of this section, for the purpose of reducing the incidence of the transmission of HIV disease pursuant to the intravenous abuse of heroin or other morphine-like drugs, the Secretary, in establishing conditions for the use of methadone in public or nonprofit private programs of treatment for dependence on such drugs, shall authorize such programs—

“(1) to dispense methadone for treatment purposes to individuals who—
“(A) meet the conditions for admission to such programs that dispense methadone as part of comprehensive treatment for such dependence; and
“(B) are seeking admission to such programs that so dispense methadone, but as a result of the limited capacity of the programs, will not gain such admission until 14 or more days after seeking admission to the programs; and

“(2) in dispensing methadone to such individuals, to provide only minimum ancillary services during the period in which the individuals are waiting for admission to programs of comprehensive treatment.

(b) INAPPLICABILITY OF REQUIREMENT IN CERTAIN CIRCUMSTANCES.—

“(1) IN GENERAL.—The requirement established in subsection (a) for the Secretary does not apply if any or all of the following conditions are met:
“(A) The preponderance of scientific research indicates that the risk of the transmission of HIV disease pursuant to the intravenous abuse of drugs is minimal.
“(B) The preponderance of scientific research indicates that the medically supervised dispensing of methadone is not an effective method of reducing the extent of dependence on heroin and other morphine-like drugs.
"(C) The preponderance of available data indicates that, of treatment programs that dispense methadone as part of comprehensive treatment, a substantial majority admit all individuals seeking services to the programs not later than 14 days after the individuals seek admission to the programs.

"(2) EVALUATION BY SECRETARY.—In evaluating whether any or all of the conditions described in paragraph (1) have been met, the Secretary shall consult with the National Commission on Acquired Immune Deficiency Syndrome.

"(C) CONDITIONS FOR OBTAINING AUTHORIZATION FROM SECRETARY.—

"(1) IN GENERAL.—In carrying out the requirement established in subsection (a), the Secretary shall, after consultation with the National Commission on Acquired Immune Deficiency Syndrome, by regulation issue such conditions for treatment programs to obtain authorization from the Secretary to provide interim maintenance treatment as may be necessary to carry out the purpose described in such subsection. Such conditions shall include conditions for preventing the unauthorized use of methadone.

"(2) COUNSELING ON HIV DISEASE.—The regulations issued under paragraph (1) shall provide that an authorization described in such paragraph may not be issued to a treatment program unless the program provides to recipients of the treatment counseling on preventing exposure to and the transmission of HIV disease.

"(3) PERMISSION OF RELEVANT STATE AS CONDITION OF AUTHORIZATION.—The regulations issued under paragraph (1) shall provide that the Secretary may not provide an authorization described in such paragraph to any treatment program in a State unless the chief public health officer of the State has certified to the Secretary that—

(A) such officer does not object to the provision of such authorizations to treatment programs in the State; and

(B) the provision of interim maintenance services in the State will not reduce the capacity of comprehensive treatment programs in the State to admit individuals to the programs (relative to the date on which such officer so certifies).

"(4) DATE CERTAIN FOR ISSUANCE OF REGULATIONS; FAILURE OF SECRETARY.—The Secretary shall issue the final rule for purposes of the regulations required in paragraph (1), and such rule shall be effective, not later than the expiration of the 180-day period beginning on the date of the enactment of the ADAMHA Reorganization Act. If the Secretary fails to meet the requirement of the preceding sentence, the proposed rule issued on March 2, 1989, with respect to part 221 of title 21, Code of Federal Regulations (docket numbered 86N–0444; 54 Fed. Reg. 8973 et seq.) is deemed to take effect as a final rule upon the expiration of such period, and the provisions of paragraph (3) of this subsection are deemed to be incorporated into such rule.

"(d) DEFINITIONS.—For purposes of this section:

"(1) The term 'interim maintenance services' means the provision of methadone in a treatment program under the cir-
cumstances described in paragraphs (1) and (2) of subsection (a).

"(2) The term 'HIV disease' means infection with the etiologic agent for acquired immune deficiency syndrome.

"(3) The term 'treatment program' means a public or nonprofit private program of treatment for dependence on heroin or other morphine-like drugs."

SEC. 205. TEMPORARY PROVISIONS REGARDING FUNDING.

(a) REALLOTTMENT OF UNPAID PORTION OF ALLOTMENT FOR FISCAL YEAR 1992.—

(1) IN GENERAL.—With respect to allotments made for fiscal year 1992 under part B of title XIX of the Public Health Service Act (as in effect on the day before the date of the enactment of this Act), any portion of the total of such allotments that has not been paid to the States as of the first day of the fourth quarter of such fiscal year shall be reallocated with the result that, subject to paragraph (2), the total allotment made for a State for fiscal year 1992 pursuant to such part (including reallocations under this paragraph) is the amount indicated for the State in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Alabama</td>
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</table>

(b) CONTINGENT AMENDMENTS.—

(1) SUBPART IV.—In accordance with paragraph (2)(E), the Secretary shall make an allotment under this section to each State for fiscal year 1991 for the purpose of supporting a health services delivery system for the uninsured. The amount of such grant shall be equal to the amount indicated for the State in the following table:

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(2) GRANTS FOR PROVIDING ALL PAYMENTS TO REHABILITATION FACILITIES.—The Secretary shall make a grant to each State for the purposes of this section. The amount of such grant shall be equal to the amount indicated for the State in the following table:

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Washington ......................................... $27,984,210
West Virginia ....................................... $7,475,330
Wisconsin ........................................... $20,222,918
Wyoming ........................................... $1,884,892

(2) GRANTS FROM ALLOTMENTS; CERTAIN CONDITIONS REGARDING ALL PAYMENTS PURSUANT TO PART B FOR FISCAL YEAR 1992. —
The Secretary shall make a grant to a State of the reallocation made for the State under paragraph (1) if the State agrees that the grant is subject to all conditions upon which allotments and payments under part B of title XIX of the Public Health Service Act are made for fiscal year 1992 (as in effect on the day before the date of the enactment of this Act), except as follows:

(A) Notwithstanding section 1916(c)(6)(A) of such part—
   (i) the percentage of the total allotment referred to in paragraph (1) that is expended for mental health activities will be not less than the percentage determined under clause (i) of such section 1916(c)(6)(A) for fiscal year 1991; and
   (ii) the percentage of such total allotment that is expended for alcohol and drug abuse activities will be not less than the percentage determined under clause (ii) of such section 1916(c)(6)(A) for fiscal year 1991.

(B)(i) In the case of such a grant to the State of California: With respect to any entity that received a grant under section 509E of the Public Health Service Act for fiscal year 1981 (as such section was in effect for such year) to carry out a program of services in such State—
   (I) the State will expend the grant to provide financial assistance to the entity for the purpose of continuing the program in such State, subject to clause (ii); and
   (II) the amount of such assistance for the fiscal year will be an amount equal to the amount the entity received under such section 509E for fiscal year 1991.

(ii) The Secretary shall waive the requirement established in clause (i) with respect to a program described in such clause if the State of California certifies to the Secretary that the level of services provided by the program is not needed, or that the program has not provided services in an effective manner (as determined under State quality standards).

(3) INAPPLICABILITY TO TERRITORIES.—For purposes of this subsection, the term "State" means each of the several States and the District of Columbia.

(b) CONTINGENT AUTHORITY FOR TRANSFERS BETWEEN ALLOTMENTS.—

(1) SUBPART II TO SUBPART I.—In the case of any State for which an allotment for fiscal year 1993 or 1994 under section 1911 is made in an amount that is less than the mental health portion of the allotment under former section 1912A for fiscal year 1991, the Secretary shall, upon the request of the chief executive officer of the State, transfer from the allotment under section 1921 for the fiscal year involved to
the allotment under section 1911 for the fiscal year such amounts as the State may direct, subject to the allotment under section 1911 not exceeding the amount of such mental health portion.

(2) **SUBPART I TO SUBPART II.**—In the case of any State for which an allotment for fiscal year 1993 or 1994 under section 1921 is made in an amount that is less than the substance-abuse portion of the allotment under former section 1912A for fiscal year 1991, the Secretary shall, upon the request of the chief executive officer of the State, transfer from the allotment under section 1911 for the fiscal year involved to the allotment under section 1921 for the fiscal year such amounts as the State may direct, subject to the allotment under section 1921 not exceeding the amount of such substance-abuse portion.

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

(A) The term “section 1911” means section 1911 of the Public Health Service Act.

(B) The term “section 1921” means section 1921 of the Public Health Service Act.

(C) The term “former section 1912A” means section 1912A of the Public Health Service Act, as such section was in effect for fiscal year 1991.

(D) The term “former section 1916(c)(6)(A)” means section 1916(c)(6)(A) of the Public Health Service Act, as such section was in effect for fiscal year 1991.

(E) The term “mental health portion”, with respect to an allotment under former section 1912A for fiscal year 1991, means the amount of such allotment that was reserved by the State for such year in compliance with clause (i) of former section 1916(c)(6)(A).

(F) The term “substance-abuse portion”, with respect to an allotment under former section 1912A for fiscal year 1991, means the amount of such allotment that was reserved by the State for such year in compliance with clause (ii) of former section 1916(c)(6)(A).

(c) **PROGRAM FOR PREGNANT AND POSTPARTUM WOMEN.**

(1) **IN GENERAL.**—Subject to paragraph (2), for the purpose of carrying out section 508 of the Public Health Service Act for fiscal year 1993, the Secretary shall obligate 40 percent of the amounts made available pursuant to section 1935(b) of such Act for such fiscal year.

(2) **LIMITATION.**—Paragraph (1) shall apply only to the extent necessary to ensure that $80,000,000 is available for fiscal year 1993 to carry out section 508 of the Public Health Service Act.

(d) **DEFINITION OF SECRETARY.**—For purposes of this section, the term “Secretary” means the Secretary of Health and Human Services.