

110TH CONGRESS  
1ST SESSION

# H. R. 4899

To amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 19, 2007

Mr. KENNEDY (for himself and Mrs. BONO) introduced the following bill;  
which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Community-Based  
5 Mental Health Infrastructure Improvements Act”.

6 **SEC. 2. COMMUNITY-BASED MENTAL HEALTH INFRASTRUC-**  
7 **TURE IMPROVEMENT.**

8 Title V of the Public Health Service Act (42 U.S.C.  
9 280g et seq.) is amended by adding at the end the fol-  
10 lowing:

1 **“PART H—COMMUNITY-BASED MENTAL HEALTH**  
2 **INFRASTRUCTURE IMPROVEMENTS**

3 **“SEC. 560. GRANTS FOR COMMUNITY-BASED MENTAL**  
4 **HEALTH INFRASTRUCTURE IMPROVEMENTS.**

5 “(a) GRANTS AUTHORIZED.—The Secretary may  
6 award grants to eligible entities to expend funds for the  
7 construction or modernization of facilities used to provide  
8 mental health and behavioral health services to individ-  
9 uals.

10 “(b) ELIGIBLE ENTITY.—In this section, the term  
11 ‘eligible entity’ means—

12 “(1) a State that is the recipient of a Commu-  
13 nity Mental Health Services Block Grant under sub-  
14 part I of part B of title XIX and a Substance Abuse  
15 Prevention and Treatment Block Grant under sub-  
16 part II of such part; or

17 “(2) an Indian tribe or a tribal organization (as  
18 such terms are defined in sections 4(b) and 4(c) of  
19 the Indian Self-Determination and Education Assist-  
20 ance Act).

21 “(c) APPLICATION.—A eligible entity desiring a grant  
22 under this section shall submit to the Secretary an appli-  
23 cation at such time, in such manner, and containing—

24 “(1) a plan for the construction or moderniza-  
25 tion of facilities used to provide mental health and  
26 behavioral health services to individuals that—

1           “(A) designates a single State or tribal  
2 agency as the sole agency for the supervision  
3 and administration of the grant;

4           “(B) contains satisfactory evidence that  
5 such agency so designated will have the author-  
6 ity to carry out the plan;

7           “(C) provides for the designation of an ad-  
8 visory council, which shall include representa-  
9 tives of nongovernmental organizations or  
10 groups, and of the relevant State or tribal agen-  
11 cies, that aided in the development of the plan  
12 and that will implement and monitor any grant  
13 awarded to the eligible entity under this section;

14           “(D) in the case of an eligible entity that  
15 is a State, includes a copy of the State plan  
16 under section 1912(b) and section 1932(b);

17           “(E)(i) includes a listing of the projects to  
18 be funded by the grant; and

19           “(ii) in the case of an eligible entity that  
20 is a State, explains how each listed project  
21 helps the State in accomplishing its goals and  
22 objectives under the Community Mental Health  
23 Services Block Grant under subpart I of part B  
24 of title XIX and the Substance Abuse Preven-

1           tion and Treatment Block Grant under subpart  
2           II of such part;

3           “(F) includes assurances that the facilities  
4           will be used for a period of not less than 10  
5           years for the provision of community-based  
6           mental health or substance abuse services for  
7           those who cannot pay for such services, subject  
8           to subsection (e); and

9           “(G) in the case of a facility that is not a  
10          public facility, includes the name and executive  
11          director of the entity who will provide services  
12          in the facility; and

13          “(2) with respect to each construction or mod-  
14          ernization project described in the application—

15               “(A) a description of the site for the  
16               project;

17               “(B) plans and specifications for the  
18               project and State or tribal approval for the  
19               plans and specifications;

20               “(C) assurance that the title for the site is  
21               or will be vested with either the public entity or  
22               private nonprofit entity who will provide the  
23               services in the facility;

24               “(D) assurance that adequate financial re-  
25               sources will be available for the construction or

1 major rehabilitation of the project and for the  
2 maintenance and operation of the facility;

3 “(E) estimates of the cost of the project;  
4 and

5 “(F) the estimated length of time for com-  
6 pletion of the project.

7 “(d) SUBGRANTS BY STATES.—

8 “(1) IN GENERAL.—A State that receives a  
9 grant under this section may award a subgrant to  
10 a qualified community program (as such term is  
11 used in section 1913(b)(1)).

12 “(2) USE OF FUNDS.—Subgrants awarded pur-  
13 suant to paragraph (1) may be used for activities  
14 such as—

15 “(A) the construction, expansion, and mod-  
16 ernization of facilities used to provide mental  
17 and behavioral health services to individuals;

18 “(B) acquiring and leasing facilities and  
19 equipment (including paying the costs of amor-  
20 tizing the principal of, and paying the interest  
21 on, loans for such facilities and equipment) to  
22 support or further the operation of the sub-  
23 grantee; and

24 “(C) the construction and structural modi-  
25 fication (including equipment acquisition) of fa-

1           ilities to permit the integrated delivery of be-  
2           havioral health and primary care of specialty  
3           medical services to individuals with co-occurring  
4           mental illnesses and chronic medical or surgical  
5           diseases at a single service site.

6           “(e) REQUEST TO TRANSFER OBLIGATION.—An eli-  
7           gible entity that receives a grant under this section may  
8           submit a request to the Secretary for permission to trans-  
9           fer the 10-year obligation of facility use, as described in  
10          subsection (e)(1)(F), to another facility.

11          “(f) AGREEMENT TO FEDERAL SHARE.—As a condi-  
12          tion of receipt of a grant under this section, an eligible  
13          entity shall agree, with respect to the costs to be incurred  
14          by the entity in carrying out the activities for which such  
15          grant is awarded, that the entity will make available non-  
16          Federal contributions (which may include State or local  
17          funds, or funds from the qualified community program)  
18          in an amount equal to not less than \$1 for every \$1 of  
19          Federal funds provided under the grant.

20          “(g) REPORTING.—

21                  “(1) REPORTING BY STATES.—During the 10-  
22                  year period referred to in subsection (e)(1)(F), the  
23                  Secretary shall require that a State that receives a  
24                  grant under this section submit, as part of the re-  
25                  port of the State required under the Community

1 Mental Health Services Block Grant under subpart  
2 I of part B of title XIX and the Substance Abuse  
3 Prevention and Treatment Block Grant under sub-  
4 part II of such part, a description of the progress  
5 on—

6 “(A) the projects carried out pursuant to  
7 the grant under this section; and

8 “(B) the assurances that the facilities in-  
9 volved continue to be used for the purpose for  
10 which they were funded under such grant dur-  
11 ing such 10-year period.

12 “(2) REPORTING BY INDIAN TRIBES AND TRIB-  
13 AL ORGANIZATIONS.—The Secretary shall establish  
14 reporting requirements for Indian tribes and tribal  
15 organizations that receive a grant under this section.  
16 Such reporting requirements shall include that such  
17 Indian tribe or tribal organization provide a descrip-  
18 tion of the progress on—

19 “(A) the projects carried out pursuant to  
20 the grant under this section; and

21 “(B) the assurances that the facilities in-  
22 volved continue to be used for the purpose for  
23 which they were funded under such grant dur-  
24 ing the 10-year period referred to in subsection  
25 (c)(1)(F).

1 “(h) FAILURE TO MEET OBLIGATIONS.—

2 “(1) IN GENERAL.—If an eligible entity that re-  
3 ceives a grant under this section fails to meet any  
4 of the obligations of the entity required under this  
5 section, the Secretary shall take appropriate steps,  
6 which may include—

7 “(A) requiring that the entity return the  
8 unused portion of the funds awarded under this  
9 section for the projects that are incomplete; and

10 “(B) extending the length of time that the  
11 entity must ensure that the facility involved is  
12 used for the purposes for which it is intended,  
13 as described in subsection (c)(1)(F).

14 “(2) HEARING.—Prior to requesting the return  
15 of the funds under paragraph (1)(B), the Secretary  
16 shall provide the entity notice and opportunity for a  
17 hearing.

18 “(i) COLLABORATION.—The Secretary may establish  
19 intergovernmental and interdepartmental memorandums  
20 of agreement as necessary to carry out this section.

21 “(j) AUTHORIZATION OF APPROPRIATIONS.—There  
22 is authorized to be appropriated to carry out this section  
23 \$20,000,000 for fiscal year 2008 and such sums as may  
24 be necessary for each of fiscal years 2009 through 2012.”.

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