

for other purposes', approved October 15, 1914, or an Act entitled 'An Act to amend the judicial code and to define and limit the jurisdiction of the courts in equity, and for other purposes', approved March 23, 1932, or an Act entitled 'An Act to provide for the prompt disposition of disputes between carriers and their employees, and for other purposes', approved May 20, 1926, as amended, or an Act entitled 'An Act to diminish the causes of labor disputes burdening or obstructing interstate or foreign commerce, to create a National Labor Relations Board, and for other purposes', approved July 5, 1935."

Approved July 3, 1946.

38 Stat. 731, 738.  
15 U. S. C. § 17; 29  
U. S. C. § 52; Supp. V,  
§ 52.  
47 Stat. 70.  
23 U. S. C. §§ 101-  
115.  
44 Stat. 577.  
45 U. S. C. §§ 151-  
188; Supp. V, § 151 *et*  
*seq.*; 28 U. S. C. §§ 225,  
348; Supp. V, § 225.  
49 Stat. 449.  
29 U. S. C. §§ 151-  
166.

[CHAPTER 538]

AN ACT

To amend the Public Health Service Act to provide for research relating to psychiatric disorders and to aid in the development of more effective methods of prevention, diagnosis, and treatment of such disorders, and for other purposes.

July 3, 1946  
[H. R. 4512]  
[Public Law 487]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "National Mental Health Act".

National Mental  
Health Act.

PURPOSE

SEC. 2. The purpose of this Act is the improvement of the mental health of the people of the United States through the conducting of researches, investigations, experiments, and demonstrations relating to the cause, diagnosis, and treatment of psychiatric disorders; assisting and fostering such research activities by public and private agencies, and promoting the coordination of all such researches and activities and the useful application of their results; training personnel in matters relating to mental health; and developing, and assisting States in the use of, the most effective methods of prevention, diagnosis, and treatment of psychiatric disorders.

DEFINITIONS

SEC. 3. (a) Section 2 of the Public Health Service Act (42 U. S. C., ch. 6A) is amended by striking out the word "and" at the end of paragraph (j), by striking out the period at the end of paragraph (k) and inserting in lieu thereof a semicolon, and by inserting after paragraph (k) the following new paragraphs:

58 Stat. 682.  
42 U. S. C., Supp.  
V, § 201.

"(l) The term 'psychiatric disorders' includes diseases of the nervous system which affect mental health; and

"Psychiatric dis-  
orders."

"(m) The term 'State mental health authority' means the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for administering the mental health program of the State, it means such other State agency."

"State mental  
health authority."

SEC. 4. Section 208 (b) of the Public Health Service Act is amended to read as follows:

58 Stat. 685.  
42 U. S. C., Supp.  
V, § 209 (b).

"(b) (1) Whenever commissioned officers of the Service are not available for the performance of permanent duties requiring highly specialized training and experience in special fields related to public health, the Administrator on recommendation of the Surgeon General shall report that fact to the President and the President is authorized to appoint, by and with the advice and consent of the Senate, not to exceed three persons in any one fiscal year to grades in the Regular Corps of the Service above that of senior assistant, but not to a grade above that of director.

Appointments.

*Post*, p. 1049.

“(2) Officers may be appointed to grades in the Regular Corps of the Service above that of senior assistant, but not to a grade above that of director, to assist in carrying out the purposes of this Act with respect to mental health, but not more than twenty such officers appointed pursuant to this paragraph shall hold office at the same time.

“(3) For purposes of pay and pay period any person appointed under the provisions of this subsection shall be considered as having had on the date of appointment service equal to that of the junior officer of the grade to which appointed.”

NATIONAL ADVISORY MENTAL HEALTH COUNCIL

58 Stat. 686.  
42 U. S. C., Supp.  
V, § 210 (e).  
Compensation for  
attending conferences,  
etc.

SEC. 5. (a) Subsection (e) of section 209 of the Public Health Service Act is amended to read as follows:

“(e) Members of the National Advisory Health Council, members of the National Advisory Mental Health Council, and members of the National Advisory Cancer Council, other than ex officio members, while attending conferences or meetings of their respective Councils or while otherwise serving at the request of the Surgeon General, shall be entitled to receive compensation at a rate to be fixed by the Administrator, but not exceeding \$25 per diem, and shall also be entitled to receive an allowance for actual and necessary traveling and subsistence expenses while so serving away from their places of residence.”

58 Stat. 691.  
42 U. S. C., Supp.  
V, § 213.

(b) The title of section 217 of such Act is amended to read “National Advisory Health, Cancer, and Mental Health Councils”.

(c) Subsection (b) of section 217 of such Act is amended to read as follows:

National Advisory  
Health Council.  
Duties.

“(b) The National Advisory Health Council shall advise, consult with, and make recommendations to, the Surgeon General on matters relating to health activities and functions of the Service. The Surgeon General is authorized to utilize the services of any member or members of the Council, and where appropriate, any member or members of the National Advisory Cancer Council or of the National Advisory Mental Health Council, in connection with matters related to the work of the Service, for such periods, in addition to conference periods, as he may determine.”

(d) Section 217 of such Act is further amended by adding at the end thereof the following new subsections:

Members.

“(d) The National Advisory Mental Health Council shall consist of the Surgeon General, ex officio, who shall be chairman, and six members to be appointed without regard to the civil-service laws by the Surgeon General with the approval of the Administrator. The six appointed members shall be selected from leading medical or scientific authorities who are outstanding in the study, diagnosis, or treatment of psychiatric disorders. Each appointed member shall hold office for a term of three years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the first terms of the original appointed members shall expire, as designated by the Surgeon General at the time of appointment, two at the end of one year, two at the end of two years, and two at the end of three years. An appointed member shall not be eligible to serve continuously for more than three years but shall be eligible for reappointment if he has not served immediately preceding his reappointment.

National Advisory  
Mental Health Council.  
Duties.

“(e) The National Advisory Mental Health Council shall advise, consult with, and make recommendations to, the Surgeon General on matters relating to the activities and functions of the Service in the field

of mental health. The Council is authorized (1) to review research projects or programs submitted to or initiated by it in the field of mental health and recommend to the Surgeon General, for prosecution under this Act, any such projects which it believes show promise of making valuable contributions to human knowledge with respect to the cause, prevention, or methods of diagnosis and treatment of psychiatric disorders; and (2) to collect information as to studies being carried on in the field of mental health and, with the approval of the Surgeon General, make available such information through the appropriate publications for the benefit of health and welfare agencies or organizations (public or private), physicians, or any other scientists, and for the information of the general public. The Council is also authorized to recommend to the Surgeon General, for acceptance pursuant to section 501 of this Act, conditional gifts for work in the field of mental health; and the Surgeon General shall recommend acceptance of any such gifts only after consultation with the Council."

58 Stat. 709.  
42 U. S. C., Supp.  
V, § 219.  
*Post*, p. 425.

#### DETAIL OF PERSONNEL

SEC. 6. Subsection (b) of section 214 of the Public Health Service Act is amended to read as follows:

58 Stat. 690.  
42 U. S. C., Supp.  
V, § 215 (b).  
Details to States.

"(b) Upon the request of any State health authority or, in the case of work relating to mental health, any State mental health authority, personnel of the Service may be detailed by the Surgeon General for the purpose of assisting such State or a political subdivision thereof in work related to the functions of the Service."

#### RESEARCH, INVESTIGATIONS, AND TRAINING

SEC. 7. (a) Paragraph (d) of section 301 of the Public Health Service Act is amended to read as follows:

58 Stat. 692.  
42 U. S. C., Supp.  
V, § 241 (d).  
Grants in aid to  
institutions, etc.

"(d) Make grants in aid to universities, hospitals, laboratories, and other public or private institutions, and to individuals for such research projects as are recommended by the National Advisory Health Council, or, with respect to cancer, recommended by the National Advisory Cancer Council, or, with respect to mental health, recommended by the National Advisory Mental Health Council;".

(b) Paragraph (g) of such section is amended to read as follows:

Adoption of addi-  
tional means.

"(g) Adopt, upon recommendation of the National Advisory Health Council, or, with respect to cancer, upon recommendation of the National Advisory Cancer Council, or, with respect to mental health, upon recommendation of the National Advisory Mental Health Council, such additional means as he deems necessary or appropriate to carry out the purposes of this section."

(c) Part A of title III of the Public Health Service Act is further amended by adding at the end thereof the following new section:

58 Stat. 691.  
42 U. S. C., Supp.  
V, §§ 241, 242.

#### "MENTAL HEALTH

"SEC. 303. In carrying out the purposes of section 301 with respect to mental health, the Surgeon General is authorized—

*Supra.*

"(a) For purposes of study, to admit and treat at the National Institute of Mental Health, voluntary patients, whether or not otherwise eligible for such treatment by the Service, and patients of Saint Elizabeths Hospital transferred from the hospital pursuant to arrangements made between the Surgeon General and the Superintendent of the hospital with the approval of the Administrator: *Provided*, That consent of a legal guardian shall be obtained before the transfer of any patient from Saint Elizabeths Hospital for such treatment.

Voluntary patients

Patients from Saint  
Elizabeths Hospital.

Training and instruction.

“(b) (1) To provide training and instruction, in matters relating to psychiatric disorders, to persons found by him to have proper qualifications, and to fix and pay to any of such persons as he may designate a per diem allowance during such training and instruction of not to exceed \$10, the number of such persons receiving such training and instruction to be fixed by the National Advisory Mental Health Council; and (2) to provide such training and instruction, and demonstrations, through grants, upon recommendation of the National Advisory Mental Health Council, to public and other nonprofit institutions, but only to the extent necessary for the purposes of such training and instruction.”

#### HEALTH CONFERENCES

58 Stat. 693,  
42 U. S. C., Supp.  
V, § 244.

SEC. 8. Section 312 of the Public Health Service Act is amended to read as follows:

#### “HEALTH CONFERENCES

“SEC. 312. A conference of the health authorities of the several States shall be called annually by the Surgeon General. Whenever in his opinion the interests of the public health would be promoted by a conference, the Surgeon General may invite as many of such health authorities to confer as he deems necessary or proper. Upon the application of health authorities of five or more States it shall be the duty of the Surgeon General to call a conference of all State and Territorial health authorities joining in the request. Each State represented at any conference shall be entitled to a single vote. Whenever at any such conference matters relating to mental health are to be discussed, the mental health authorities of the respective States shall be invited to attend.”

#### GRANTS TO STATES

58 Stat. 694,  
42 U. S. C., Supp.  
V, § 246 (c).

SEC. 9. (a) Subsection (c) of section 314 of the Public Health Service Act is amended to read as follows:

Appropriation authorized.  
*Post*, p. 691.

“(c) To enable the Surgeon General to assist, through grants and as otherwise provided in this section, States, counties, health districts, and other political subdivisions of the States in establishing and maintaining adequate public health services, including grants for demonstrations and for the training of personnel for State and local health work, there is hereby authorized to be appropriated for each fiscal year a sum not to exceed \$30,000,000. Of the sum appropriated for each fiscal year pursuant to this subsection there shall be available an amount, not to exceed \$3,000,000, to enable the Surgeon General to provide demonstrations and to train personnel for State and local health work and to meet the cost of pay, allowances, and traveling expenses of commissioned officers and other personnel of the Service detailed to assist States in carrying out the purposes of this subsection.”

Determination of allotments.

(b) Subsection (d) of such section is amended to read as follows:

“(d) For each fiscal year, the Surgeon General, with the approval of the Administrator, shall determine the total sum from the appropriation under subsection (a), the total sum from the appropriation under subsection (b), and, within the limits specified in subsection (c), the total sum from the appropriation under that subsection which shall be available for allotment among the several States. He shall, in accordance with regulations, from time to time make allotments from such sums to the several States on the basis of (1) the population, (2) the extent of the venereal-disease problem, the extent of the tuberculosis problem, and the extent of the mental health problem and other special health problems, respectively, and (3) the financial need of

the respective States. Upon making such allotments the Surgeon General shall notify the Secretary of the Treasury of the amounts thereof."

(c) Subsection (f) of such section is amended to read as follows:

"(f) The moneys so paid to any State shall be expended solely in carrying out the purposes specified in subsection (a), or subsection (b), or subsection (c) of this section, as the case may be, and in accordance with plans, approved by the Surgeon General, which have been presented by the health authority of such State and, to the extent any such plan contains provisions relating to mental health, by the mental health authority of such State."

Expenditures.

(d) Subsection (h) of such section is amended to read as follows:

"(h) Whenever the Surgeon General, after reasonable notice and opportunity for hearing to the health authority or, where appropriate, the mental health authority of the State, finds that, with respect to money paid to the State out of appropriations under subsection (a), or subsection (b), or subsection (c), as the case may be, there is a failure to comply substantially with either—

Failure to comply with requirements.

"(1) the provisions of this section;

"(2) the plan submitted under subsection (f); or

"(3) the regulations;

the Surgeon General shall notify such State health authority or mental health authority either that further payments will not be made to the State from appropriations under such subsection (or in his discretion that further payments will not be made to the State from such appropriations for activities in which there is such failure), until he is satisfied that there will no longer be any such failure. Until he is so satisfied the Surgeon General shall make no further certification for payment to such State from appropriations under such subsection, or shall limit payment to activities in which there is no such failure."

(e) Subsection (i) of such section is amended to read as follows:

"(i) All regulations and amendments thereto with respect to grants to States under this section shall be made after consultation with a conference of the State health authorities and, in the case of regulations or amendments which relate to or in any way affect grants under subsection (c) for work in the field of mental health, the State mental health authorities. Insofar as practicable, the Surgeon General shall obtain the agreement, prior to the issuance of any such regulations or amendments, of the State health authorities and, in the case of regulations or amendments which relate to or in any way affect grants under subsection (c) for work in the field of mental health, the State mental health authorities."

Regulations, etc., respecting grants.

*Ante*, p. 424.

#### GIFTS

SEC. 10. Section 501 (e) of the Public Health Service Act is amended to read as follows:

"(e) Donations of \$50,000 or over in aid of research may be acknowledged by the establishment of suitable memorials to the donors, within the National Institute of Health or, where appropriate, within the National Institute of Mental Health."

58 Stat. 709.  
42 U. S. C., Supp.  
V, § 219 (e).  
Memorials to donors.

#### NATIONAL INSTITUTE OF MENTAL HEALTH

SEC. 11. There is hereby authorized to be appropriated a sum not to exceed \$7,500,000 for the erection and equipment, for the use of the Public Health Service in carrying out the provisions of this Act, of suitable and adequate hospital buildings and facilities, including necessary living quarters for personnel, and of suitable and adequate

Appropriation authorized.

Sites and buildings. laboratory buildings and facilities, and such buildings and facilities shall be known as the National Institute of Mental Health. The Federal Works Administrator is authorized to acquire, by purchase, condemnation, donation, or otherwise, a suitable and adequate site or sites, selected on the advice of the Surgeon General of the Public Health Service, in or near the District of Columbia for such buildings and facilities, and to erect thereon, furnish, and equip such buildings and facilities. The amount authorized to be appropriated in this section shall include the cost of preparation of drawings and specifications, supervision of construction, and other administrative expenses incident to the work: *Provided*, That the Federal Works Agency shall prepare the plans and specifications, make all necessary contracts, and supervise construction.

Plans and specifications.

Approved July 3, 1946.

[CHAPTER 539]

AN ACT

To authorize the appointment of additional Foreign Service officers in the classified grades.

July 3, 1946  
[H. R. 5244]  
[Public Law 488]

Foreign Service.  
Authority to appoint additional officers.  
*Post*, p. 999

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President is authorized under the provisions of this Act to appoint, by and with the advice and consent of the Senate, not to exceed two hundred and fifty persons to positions as Foreign Service officers. Each such appointment shall be by commission to a classified grade and shall be in addition to all other appointments of Foreign Service officers.

Commission.

SEC. 2. A person appointed under this Act may, under such regulations as the Board of Foreign Service Personnel for the Foreign Service may prescribe, be commissioned as a Foreign Service officer of any classified grade, depending upon his age, experience, and ability. Upon appointment, any such Foreign Service officer shall receive the lowest basic salary of the classified grade to which he or she is appointed.

Salary.

Eligibility for appointment.

SEC. 3. No person shall be eligible for appointment as a Foreign Service officer under this Act unless he or she—

(a) is an American citizen and has been such at least fifteen years; and

(b) has served (1) in the active military or naval service of the United States on or after September 16, 1940, and has been separated or released therefrom under honorable conditions after active service of ninety days or more, or by reason of an injury or disability incurred in service in line of duty, or (2) in the merchant marine as such service is defined by section 1 of the Act of June 23, 1943 (57 Stat. 162; 50 U. S. C. 1471), or (3) since December 7, 1941, for not less than two years in a position or positions of responsibility as an officer or employee of the legislative, executive, or judicial branches of the United States Government, or of any corporation, wholly or partly owned by the United States, which is an instrumentality of the United States, whose service and experience can qualify him or her as a Foreign Service officer; and

50 U. S. C., Supp.  
V, app. § 1471.  
*Post*, pp. 905, 945.

(c) has been designated by the Secretary of State as a candidate for examination for appointment as a Foreign Service officer and has passed such examination as the Secretary may prescribe; and

(d) was at least thirty-one years of age at the time of application.