Public Law 96-181
96th Congress

An Act

To amend the Drug Abuse Office and Treatment Act of 1972, and for other purposes.

Jan. 2, 1980
[S. 525]

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

Drug Abuse Prevention, Treatment, and Rehabilitation Amendments of 1979.
21 USC 1101 note.

SECTION 1. (a) This Act may be cited as the "Drug Abuse Prevention, Treatment, and Rehabilitation Amendments of 1979".

(b) Whenever in this Act (other than in sections 14 and 15) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Drug Abuse Office and Treatment Act of 1972.

21 USC 1101 note.
Congressional findings.

SEC. 2. Section 101 (21 U.S.C. 1101) is amended by inserting at the end thereof the following new paragraphs:

"(11) Shifts in the usage of various drugs and in the Nation's demographic composition require a Federal strategy to adjust the focus of drug abuse programs to meet new needs and priorities on a cost-effective basis.

"(12) The growing extent of drug abuse indicates an urgent need for prevention and intervention programs designed to reach the general population and members of high risk populations such as youth, women, and the elderly.

"(13) Effective control of drug abuse requires high-level coordination of Federal international and domestic activities relating to both supply of, and demand for, commonly abused drugs.

"(14) Local governments with high concentrations of drug abuse should be actively involved in the planning and coordination of efforts to combat drug abuse.".

Declaration of national policy.

SEC 3. Section 102 (21 U.S.C. 1102) is amended by adding at the end thereof the following: "To reach these goals, the Congress further declares that it is the policy of the United States and the purpose of this Act to meet the problems of drug abuse through—

"(1) comprehensive Federal, State, and local planning for, and effective use of, Federal assistance to States and to community-based programs to meet the urgent needs of special populations, in coordination with all other governmental and nongovernmental sources of assistance;

"(2) the development and support of community-based prevention programs;

"(3) the development and encouragement of effective occupational prevention and treatment programs within the Government and in cooperation with the private sector; and

"(4) increased Federal commitment to research into the behavioral and biomedical etiology of, the treatment of, and the mental and physical health and social and economic consequences of, drug abuse.".

SEC. 4. Title II (21 U.S.C. 1111-1133) is amended to read as follows:

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"TITLE II—DRUG ABUSE POLICY COORDINATION

"Sec.
"201. Concentration of Federal effort.
"202. Designated drug representative.
"203. Officers and employees.
"204. Acceptance of uncompensated services.
"205. Notice relating to the control of dangerous drugs.
"206. Statutory authority unaffected.
"207. Annual report.

21 USC 1111.

"§ 201. Concentration of Federal effort.

"(a) The President shall establish a system for developing recommendations with respect to policies for, objectives of, and establishment of priorities for, Federal drug abuse functions and shall coordinate the performance of such functions by Federal departments and agencies. Recommendations under this subsection shall include recommendations for changes in the organization, management, and personnel of Federal departments and agencies performing drug abuse functions in order to implement the policies, priorities, and objectives recommended under this subsection.

"(b) To carry out subsection (a), the President, shall—

"(1) review the regulations, guidelines, requirements, criteria, and procedures of Federal departments and agencies applicable to the performance of drug abuse functions;

"(2) conduct, or provide for, evaluations of (A) the performance of drug abuse functions by Federal departments and agencies, and (B) the results achieved by such departments and agencies in the performance of such functions; and

"(3) seek to assure that Federal departments and agencies, in the performance of drug abuse functions, construe drug abuse as a health problem requiring treatment and rehabilitation through a broad range of community health and social services.

Reports, submittal to President.

"(c) Federal departments and agencies engaged in drug abuse functions shall submit to the President such information and reports as may reasonably be required to carry out the purposes of this title.

21 USC 1112.

"§ 202. Designated drug representative.

Congressional access.

"(a) The President shall designate a single officer or employee of the United States to direct the activities required by this title. The location of such designee in the Executive Office of the President or elsewhere shall not be construed as affecting access by the Congress or committees of either House (1) to information, documents, and studies in the possession of, or conducted by or at the direction of, such designee, or (2) to personnel involved in carrying out activities under this title.

"(b) The President may direct the officer or employee designated under subsection (a) of this section to represent the Government of the United States in discussions and negotiations relating to drug abuse functions.

21 USC 1113.

"§ 203. Officers and employees.

"In carrying out this title, the President may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to perform the functions vested in him by this title.

21 USC 1114.

"§ 204. Acceptance of uncompensated services.

"In carrying out this title, the President is authorized to accept and employ in furtherance of the purpose of this title voluntary and

uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

"§ 205. Notice relating to the control of dangerous drugs. 21 USC 1115.

"Whenever the Attorney General determines that there is evidence that—

"(1) a drug or other substance, which is not a controlled substance (as defined in section 102(6) of the Controlled Substances Act), has a potential for abuse, or 21 USC 802.

"(2) a controlled substance should be transferred or removed from a schedule under section 202 of such Act, 21 USC 812.

he shall, prior to initiating any proceeding under section 201(a) of such Act, give the President timely notice of such determination. 21 USC 811. Information forwarded to the Attorney General pursuant to section 201(f) of such Act shall also be forwarded by the Secretary of Health, Education, and Welfare to the President.

"§ 206. Statutory authority unaffected. 21 USC 1116.

"Nothing in this title shall be construed to limit the authority of the Secretary of Defense with respect to the operation of the Armed Forces or the authority of the Administrator of Veterans' Affairs with respect to the furnishing of health care and related services to veterans.

"§ 207. Annual report. 21 USC 1117.

"The President shall submit to the Congress, prior to March 1 of each year, a written report on the activities conducted under this title. The report shall specify the objectives, nature, and results of such activities, and shall contain an accounting of funds expended under this title.".

SEC. 5. (a) Section 302 (21 U.S.C. 1162) is amended by striking out "Director of the Office of Drug Abuse Policy" and inserting in lieu thereof "representative designated under section 202 of this Act". Strategy Council. *Ante*, p. 1310.

(b) Section 302 is further amended by striking out "three members from outside the Federal Government." and inserting in lieu thereof "five members from outside the Federal Government, at least one of whom shall be a representative of State government who is responsible for dealing with drug abuse problems and one of whom shall be a representative of local government who is responsible for dealing with such problems.".

(c) Section 304 (21 U.S.C. 1164) is amended by striking out "Director of the Office of Drug Abuse Policy" and inserting in lieu thereof "President".

SEC. 6. (a) The first sentence of section 409(a) (21 U.S.C. 1176(a)) is amended (1) by striking out "and" after "1978,", and (2) by inserting after "1979," the following: "September 30, 1980, and September 30, 1981,". Formula grants.

(b) Section 409(e) is amended—

(1) by inserting "(including women and the elderly)" after "population groups" in paragraph (3);

(2) by amending paragraph (4) to read as follows:

"(4) describe the drug abuse prevention functions to be carried out under the plan with assistance under this section, set forth in detail the changes in emphasis among such functions resulting from shifts in demographic and drug abuse patterns within the State, and describe all other drug abuse prevention functions to be carried out within the State with assistance under this Act;";

(3) by inserting ", by the elderly," after "by women" in clause (B) of paragraph (5), by striking out "and (B)" in paragraph (5) and inserting in lieu thereof "(B)", and by inserting before the semicolon at the end of paragraph (5) the following: "; and (C) provide assurances satisfactory to the Secretary that, insofar as practicable, the survey conducted pursuant to clause (A) is coordinated with and not duplicative of the alcohol abuse and alcoholism survey conducted pursuant to section 303 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970";

42 USC 4573.

(4) by inserting "(A)" after "in the State" in paragraph (7) and by inserting before the semicolon in paragraph (7) the following: ", (B) to review and comment on the plan prior to its submission to the Secretary, and (C) to submit to the Secretary as an appendix to the plan such comments as such political subdivisions believe are relevant to approval of the plan under subsection (f)";

(5) by inserting "and to the extent feasible a survey of the extent to which other State programs and political subdivisions throughout the State are dealing effectively with the problems related to drug abuse and drug dependence," after "under the plan," in paragraph (10); and

(6) by striking out "and" at the end of paragraph (12), by redesignating paragraph (13) as paragraph (17), and by inserting after paragraph (12) the following new paragraphs:

"(13) contain, to the extent feasible, a complete inventory of all public and private resources available in the State for the purpose of drug abuse and drug dependence treatment, prevention, and rehabilitation, including programs funded under State and local laws, occupational programs, voluntary organizations, education programs, military and Veterans' Administration resources, and available public and private third-party payment plans;

"(14) provide assurance that the State agency will coordinate its planning with local drug abuse planning agencies, with State and local alcoholism and alcohol abuse planning agencies, and with other State and local health planning agencies;

"(15) provide assurance that the State agency—

"(A) will foster and encourage the development of drug abuse and drug dependence prevention, treatment, and rehabilitation programs and services in State and local governments and in private businesses and industry;

"(B) will make available to all business concerns and governmental entities within such State information and materials concerning such model programs suitable for replication on a cost-effective basis as are developed pursuant to section 413(b)(2) of this Act; and

Post, p. 1314.

"(C) will furnish technical assistance as feasible to such business concerns and governmental entities;

"(16) include a needs assessment of the severity of drug abuse problems within urban and nonurban areas of the State, an accounting of the existing and proposed allocation of resources among such areas, and a description of the role of units of general purpose local government in planning and coordinating the use of such resources; and".

Special project grants and contracts.

SEC. 7. (a) Section 410(a) (21 U.S.C. 1177(a)) is amended—

(1) by inserting the following after "development" in paragraph (1): ", demonstration, and evaluation";

(2) by inserting "and detoxification" before "techniques" in paragraph (5); and

(3) by inserting before the period in paragraph (6) the following: ", with particular emphasis on replicating effective prevention and treatment programs".

(b) Section 410(b) is amended by adding at the end the following: "For grants and contracts under paragraphs (3) and (6) of subsection (a) for drug abuse treatment programs there is authorized to be appropriated $149,000,000 for the fiscal year ending September 30, 1980, and $155,000,000 for the fiscal year ending September 30, 1981; and for grants and contracts under such subsection for other programs and activities there is authorized to be appropriated $20,000,000 for the fiscal year ending September 30, 1980, and $30,000,000 for the fiscal year ending September 30, 1981. Of the funds appropriated under the preceding sentence for the fiscal year ending September 30, 1980, at least 7 percent of the funds shall be obligated for grants and contracts for primary prevention and intervention programs designed to discourage individuals, particularly those in high risk populations, from abusing drugs; and of the funds appropriated under the preceding sentence for the next fiscal year, at least 10 percent of the funds shall be obligated for such grants and contracts.". 21 USC 1177. Appropriation authorizations.

(c) Subsection (d) of section 410 is amended to read as follows:

"(d) The Secretary shall encourage the submission of and give special consideration to applications under this section for programs and projects—

"(1) for the prevention and treatment of drug abuse and drug dependence by women,

"(2) for the prevention and treatment of drug abuse and drug dependence by the elderly, and

"(3) for the prevention and treatment of drug abuse and drug dependence by individuals under the age of 18.".

(d) Section 410 is amended by adding at the end the following new subsection:

"(f) Projects and programs for which grants and contracts are made or entered into under this section shall, in the case of prevention and treatment services, seek to (1) be responsive to special requirements of handicapped individuals in receiving such services; (2) whenever possible, be community based, insure care of good quality in general community care facilities and under health insurance plans, and be integrated with, and provide for the active participation of, a wide range of public and nongovernmental agencies, organizations, institutions, and individuals; (3) where a substantial number of the individuals in the population served by the project or program are of limited English-speaking ability (A) utilize the services of outreach workers fluent in the language spoken by a predominant number of such individuals and develop a plan and make arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and (B) identify an individual who is fluent both in that language and English and whose responsibilities shall include providing guidance to the individuals of limited English-speaking ability and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences; and (4) where appropriate, utilize existing community resources (including community mental health centers).". Handicapped persons. Persons of limited English-speaking ability.

SEC. 8. (a) Section 413(a) (21 U.S.C. 1180(a)) is amended— Drug abuse among employees.

(1) by striking out "Civil Service Commission" and inserting in lieu thereof "Office of Personnel Management";

(2) by striking out "Director" and inserting in lieu thereof "President, with the Secretary (acting through the National Institute on Drug Abuse),";

5 USC 7101.

(3) by inserting "and in accordance with the provisions of subpart F of part III of title 5, United States Code," after "other Federal agencies and departments"; and

(4) by inserting "Such agencies and departments are encouraged to extend, to the extent feasible, these programs and services to the families of employees and to employees who have family members who are drug abusers." before the last sentence.

21 USC 1180.

(b)(1) Section 413(b) is amended to read as follows:

"(b)(1) The Secretary, acting through the National Institute on Drug Abuse, shall be responsible for fostering and encouraging similar drug abuse prevention, treatment, and rehabilitation programs and services in State and local governments and in private industry.

Model programs.

"(2)(A) Consistent with such responsibility, the Secretary, acting through the National Institute on Drug Abuse, shall develop a variety of model programs suitable for replication on a cost-effective basis in different types of business concerns and State and local governmental entities.

"(B) The Secretary, acting through the Institute, shall disseminate information and materials relative to such model programs to single State agencies designated pursuant to section 409(e)(1) of this Act, and, shall to the extent feasible, provide technical assistance to such agencies as requested.

21 USC 1176.

"(3) Model programs developed under paragraph (2) shall, in the case of business concerns and governmental entities which employ individuals represented by labor organizations, be designed for implementation through cooperative agreements between the concerns and entities and the organizations.

"(4) To the extent feasible, model programs developed under paragraph (2) shall be capable of coordination with model programs developed pursuant to section 201(b) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.".

Ante, p. 1302.

(2)(A) The heading for section 413 is amended by striking out "Federal civilian employees" and inserting in lieu thereof "government and other employees".

(B) The item in the table of sections for title IV relating to section 413 is amended by striking out "Federal civilian employees" and inserting in lieu thereof "government and other employees".

SEC. 9. (a) Title IV is amended by adding at the end the following new section:

21 USC 1181.

"§ 414. Contract authority.

"The authority of the Secretary to enter into contracts under this title and title V shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriation Acts.".

(b) The table of sections of such title IV is amended by adding at the end the following new item:

"414. Contract authority.".

National Institute on Drug Abuse, administration of programs.

SEC. 10. Section 501 (21 U.S.C. 1191) is amended by adding at the end thereof the following new subsection:

"(d)(1) The Director shall make special efforts to develop and coordinate prevention, treatment, research, and administrative poli-

cies and programs which focus on the needs of underserved populations.

"(2) The Secretary shall include in the annual report to the President and the Congress required by section 405(b) a description of the actions taken by the Director under paragraph (1).".

Report to President and Congress. 21 USC 1172.

SEC. 11. Section 502 (21 U.S.C. 1192) is amended by inserting at the end thereof the following new subsection:

"(d) On the request of any State, the Secretary shall, to the extent feasible, make available technical assistance for the purposes of developing and improving systems for data collection; program management, accountability, and evaluation; certification, accreditation, or licensure of treatment facilities and personnel; monitoring compliance with the requirements of section 407 by hospitals and other facilities; and eliminating exclusions in health insurance coverage offered in the State which are based on drug abuse or drug dependence. Insofar as practicable, such technical assistance shall be provided in such a manner as to improve coordination between activities funded under this Act and under the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.".

Technical assistance.

21 USC 1174.

SEC. 12. (a) Section 503(a) (21 U.S.C. 1193(a)) is amended—

42 USC 4541 note. Research and development.

(1) by striking out "to create, develop, and test" and inserting in lieu thereof the following: ", investigations, experiments, demonstrations, and studies, into";

(2) by inserting "the creation, development, and testing of" after "(1)", "(2)", and "(3)", respectively; and

(3) by striking out "and" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; and", and by inserting after paragraph (3) the following new paragraph;

"(4) the social, behavioral, and biomedical etiology, mental and physical health consequences, and social and economic consequences of drug abuse and drug dependence.".

(b) Section 503 is amended (1) by striking out "(a)", and (2) by striking out subsection (b).

SEC. 13. Within sixty days of the date of the enactment of this Act, the Director of the National Institute on Drug Abuse shall report to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate—

Report to congressional committees. 21 USC 1193 note.

(1) the number of grants and contracts made or entered into by the Director before such date of enactment for research which was not completed before July 1, 1979,

(2) the identity of the persons who received such grants and contracts,

(3) the amount of funds authorized to be paid under each such grant and contract and the amount of funds expended by the recipient of each such grant and contract by such date of enactment,

(4) the purpose of the research project funded under each such grant and contract, and

(5) the progress made in each such research project by such date of enactment.

SEC. 14. Section 217(e)(1) of the Public Health Service Act (42 U.S.C. 218(e)(1)) is amended—

National advisory councils.

(1) by inserting the following before the period in the third sentence: ", including officers or employees of State and local drug abuse agencies"; and

(2) by inserting at the end thereof the following new sentence: "Appointed members may serve after the expiration of their terms until their successors have taken office.".

21 USC 1101 note.

SEC. 15. (a) Section 1 is amended by striking out "Drug Abuse Office and Treatment Act of 1972" and inserting in lieu thereof "Drug Abuse Prevention, Treatment, and Rehabilitation Act".

42 USC 300*l*-2. *Ante*, p. 621.

(b) Sections 1513(e)(1) and 1524(c)(6) of the Public Health Service Act (42 U.S.C. 300l-2(e)(1), 300m-3(c)(6)) and section 303(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3733(a)(18)) are each amended by striking out "Drug Abuse Office and Treatment Act of 1972" and inserting in lieu thereof "Drug Abuse Prevention, Treatment, and Rehabilitation Act". Whenever reference is made in any other Federal law, regulation, ruling, or order to the Drug Abuse Office and Treatment Act of 1972, the reference shall be considered to be made to the Drug Abuse Prevention, Treatment, and Rehabilitation Act.

Approved January 2, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 96-193 accompanying H.R. 3916 (Comm. on Interstate and Foreign Commerce).
SENATE REPORT No. 96-104 (Comm. on Labor and Human Resources).
CONGRESSIONAL RECORD, Vol. 125 (1979):
May 7, considered and passed Senate.
Oct. 16, H.R. 3916 considered and passed House; passage vacated and S. 525, amended, passed in lieu.
Dec. 19, Senate concurred in House amendment with an amendment; House concurred in Senate amendment.