

1980, 93 Stat. 1311; Pub. L. 97-35, title IX, §973(b), Aug. 13, 1981, 95 Stat. 598, related to establishment and membership of a Strategy Council, interim provision of services by the Director, and review and commentary on the national drug abuse strategy by those Federal officials participating in its preparation.

Section 1163, Pub. L. 92-255, title III, §303, Mar. 21, 1972, 86 Stat. 75, related to contents of the national drug abuse strategy.

Section 1164, Pub. L. 92-255, title III, §304, Mar. 21, 1972, 86 Stat. 75; Pub. L. 94-237, §4(c)(4), Mar. 19, 1976, 90 Stat. 244; Pub. L. 96-181, §5(c), Jan. 2, 1980, 93 Stat. 1311, related to preparation of the national drug abuse strategy.

Section 1165, Pub. L. 92-255, title III, §305, Mar. 21, 1972, 86 Stat. 75; Pub. L. 94-237, §5, Mar. 19, 1976, 90 Stat. 244; Pub. L. 98-24, §4(a), Apr. 26, 1983, 97 Stat. 183, related to submission by the President to the Congress, on or before Aug. 1, 1984, and every two years thereafter, of a written report describing the national drug abuse strategy, and prescribed the contents of the report.

#### SUBCHAPTER IV—OTHER FEDERAL PROGRAMS

##### § 1171. Drug abuse prevention function appropriations

Any request for appropriations by a department or agency of the Government submitted after March 21, 1972, shall specify (1) on a line item basis, that part of the appropriations which the department or agency is requesting to carry out its drug abuse prevention functions, and (2) the authorization of the appropriations requested to carry out each of its drug abuse prevention functions.

(Pub. L. 92-255, title IV, §404, Mar. 21, 1972, 86 Stat. 77.)

##### § 1172. Repealed. Pub. L. 98-24, §2(c)(2), Apr. 26, 1983, 97 Stat. 182

Section, Pub. L. 92-255, title IV, §405, Mar. 21, 1972, 86 Stat. 77; Pub. L. 95-461, §3(b), Oct. 14, 1978, 92 Stat. 1268; Pub. L. 97-35, title IX, §973(c)(1), Aug. 13, 1981, 95 Stat. 598, required that the Secretary of Health and Human Services make periodic reports to the Congress and to the President on drug abuse in the United States. See section 290aa-4 of Title 42, The Public Health and Welfare.

##### § 1173. Transferred and Omitted

###### CODIFICATION

Section, Pub. L. 92-255, title IV, §406, Mar. 21, 1972, 86 Stat. 78; Pub. L. 97-35, title IX, §968(a), Aug. 13, 1981, 95 Stat. 595, established additional drug abuse prevention functions of the Secretary of Health and Human Services.

Subsec. (a) was redesignated as section 503(e) of the Public Health Service Act by Pub. L. 98-24, §2(b)(5), Apr. 26, 1983, 97 Stat. 177, and was classified to former section 290aa-2(e) of Title 42, The Public Health and Welfare, prior to repeal by Pub. L. 102-321, title I, §101(b), July 10, 1992, 106 Stat. 331.

Subsec. (b), which directed that the Secretary carry out his functions under subsec. (a) of this section through the National Institute on Drug Abuse, was omitted.

##### §§ 1174, 1175. Transferred

###### CODIFICATION

Section 1174, Pub. L. 92-255, title IV, §407, Mar. 21, 1972, 86 Stat. 78; Pub. L. 94-237, §6(a), Mar. 19, 1976, 90 Stat. 244; Pub. L. 94-581, title I, §111(c)(2), Oct. 21, 1976, 90 Stat. 2852, which prohibited discrimination against

drug abusers by general hospitals, was redesignated section 526 of the Public Health Service Act by Pub. L. 98-24, §2(b)(16)(B), Apr. 26, 1983, 97 Stat. 182, and is classified to section 290ee-2 of Title 42, The Public Health and Welfare.

Section 1175, Pub. L. 92-255, title IV, §408, Mar. 21, 1972, 86 Stat. 79; Pub. L. 93-282, title III, §303(a), (b), May 14, 1974, 88 Stat. 137, 138; Pub. L. 94-237, §4(c)(5)(A), (B), Mar. 19, 1976, 90 Stat. 244; Pub. L. 94-581, title I, §111(c)(3), Oct. 21, 1976, 90 Stat. 2852; Pub. L. 97-35, title IX, §973(d), Aug. 13, 1981, 95 Stat. 598, which related to confidentiality of patients' records, was redesignated section 527 of the Public Health Service Act by Pub. L. 98-24, §2(b)(16)(B), Apr. 26, 1983, 97 Stat. 182, and is classified to section 290ee-3 of Title 42.

##### § 1176. Repealed. Pub. L. 97-35, title IX, §969(a), Aug. 13, 1981, 95 Stat. 595

Section, Pub. L. 92-255, title IV, §409, Mar. 21, 1972, 86 Stat. 80; Pub. L. 94-237, §§7, 8(a), 9(a)(1), (b)(1), Mar. 19, 1976, 90 Stat. 245-247; Pub. L. 94-371, §10(a)(1), (b)(1), July 26, 1976, 90 Stat. 1040; Pub. L. 95-83, title III, §311(a)(3), Aug. 1, 1977, 91 Stat. 397; Pub. L. 95-461, §2(a), 4, Oct. 14, 1978, 92 Stat. 1268, 1269; Pub. L. 96-79, title I, §115(j)(2), Oct. 4, 1979, 93 Stat. 610; Pub. L. 96-181, §6, Jan. 2, 1980, 93 Stat. 1311, provided for creation and funding through the fiscal year ending Sept. 30, 1981, of a program of formula grants to States to operate State plans for the establishment, conduct, and coordination of projects for the development of more effective drug abuse prevention functions in the States and for the evaluation of such programs.

##### § 1177. Special project grants and contracts

###### (a) Scope of programs; priority

The Secretary<sup>1</sup> acting through the National Institute on Drug Abuse, may make grants to and enter into contracts with individuals and public and private nonprofit entities—

(1) to provide training seminars, educational programs, and technical assistance for the development, demonstration, and evaluation of drug abuse prevention, treatment, and rehabilitation programs; and

(2) to conduct demonstration and evaluation projects, with a high priority on prevention and early intervention projects and on identifying new and more effective drug abuse prevention, treatment, and rehabilitation programs.

In the implementation of his authority under this section, the Secretary shall accord a high priority to applications for grants or contracts for primary prevention programs. For purposes of the preceding sentence, primary prevention programs include programs designed to discourage persons from beginning drug abuse. To the extent that appropriations authorized under this section are used to fund treatment services, the Secretary shall not limit such funding to treatment for opiate abuse, but shall also provide support for treatment for non-opiate drug abuse including polydrug abuse. Furthermore, nothing shall prevent the use of funds provided under this section for programs and projects aimed at the prevention, treatment, and rehabilitation of alcohol abuse and alcoholism as well as drug abuse.

###### (b) Authorization of appropriations

There are authorized to be appropriated \$25,000,000 for the fiscal year ending June 30,

<sup>1</sup> So in original. Probably should be followed by a comma.

1972; \$65,000,000 for the fiscal year ending June 30, 1973; \$100,000,000 for the fiscal year ending June 30, 1974; \$160,000,000 for each of the fiscal years ending June 30, 1975 and June 30, 1976; \$40,000,000 for the period July 1, 1976, through September 30, 1976; and \$160,000,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978, to carry out this section. For the fiscal year ending September 30, 1979, there is authorized to be appropriated (1) \$153,000,000 for grants and contracts under paragraphs (3) and (6) of subsection (a) of this section for drug abuse treatment programs, and (2) \$24,000,000 for grants and contracts under such subsection for other programs and activities. For grants and contracts under paragraphs (3) and (6) of subsection (a) of this section 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. For carrying out the purposes of this section, there are authorized to be appropriated \$15,000,000 for the fiscal year ending September 30, 1982. Of the funds appropriated under the preceding sentence, at least 25 per centum of the funds shall be obligated for grants and contracts for primary prevention and intervention programs designed to discourage individuals, particularly individuals in high risk populations, from abusing drugs.

**(c) Coordination of applications for programs in a State; precedence restriction; project evaluation; application approval; criteria; proposed performance standards or research protocol**

(1) In carrying out this section, the Secretary shall require coordination of all applications for programs in a State and shall not give precedence to public agencies over private agencies, institutions, and organizations, or to State agencies over local agencies.

(2) Each applicant within a State, upon filing its application with the Secretary for a grant or contract under this section, shall submit a copy of its application for review by the State agency (if any) responsible for the administration of drug abuse prevention activities. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation shall include comments on the relationship of the project to other projects pending and approved and to any State compre-

hensive plan for treatment and prevention of drug abuse. The State shall furnish the applicant a copy of any such evaluation. A State if it so desires may, in writing, waive its rights under this paragraph.

(3) Approval of any application for a grant or contract under this section by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria that—

(A) provide that the activities and services for which assistance under this section is sought will be substantially administered by or under the supervision of the applicant;

(B) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects; and

(C) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant.

(4) Each applicant within a State, upon filing its application with the Secretary for a grant or contract to provide treatment or rehabilitation services shall provide a proposed performance standard or standards, to measure, or research protocol to determine, the effectiveness of such treatment or rehabilitation program or project.

**(d) Programs and projects aimed at underserved groups; encouragement and special consideration given to applications**

The Secretary shall encourage the submission of and give special consideration to applications under this section to programs and projects aimed at underserved populations such as racial and ethnic minorities, Native Americans (including Native Hawaiians and Native American Pacific Islanders), youth, the elderly, women, handicapped individuals, and families of drug abusers.

**(e) Payments; advances; reimbursement; installments**

Payment under grants or contracts under this section may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

**(f) Prevention and treatment services**

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).

**(g) Authorization by chief executive officer of State required; maximum amount and duration of grants**

(1) No grant may be made under this section to a State or to any entity within the government of a State unless the grant application has been duly authorized by the chief executive officer of such State.

(2) No grant or contract may be made under this section for a period in excess of five years.

(3)(A) The amount of any grant or contract under this section may not exceed 100 per centum of the cost of carrying out the grant or contract in the first fiscal year for which the grant or contract is made under this section, 80 per centum of such cost in the second fiscal year for which the grant or contract is made under this section, 70 per centum of such cost in the third fiscal year for which the grant or contract is made under this section, and 60 per centum of such cost in each of the fourth and fifth fiscal years for which the grant or contract is made under this section.

(B) For purposes of this paragraph, no grant or contract shall be considered to have been made under this section for a fiscal year ending before September 30, 1981.

(Pub. L. 92-255, title IV, §410, Mar. 21, 1972, 86 Stat. 82; Pub. L. 94-237, §§10, 11, Mar. 19, 1976, 90 Stat. 247; Pub. L. 94-371, §10(c)(1), July 26, 1976, 90 Stat. 1040; Pub. L. 95-461, §§2(b), 6(a), Oct. 14, 1978, 92 Stat. 1268, 1270; Pub. L. 96-181, §7, Jan. 2, 1980, 93 Stat. 1312; Pub. L. 97-35, title IX, §970(b)-(f), Aug. 13, 1981, 95 Stat. 596, 597; Pub. L. 98-24, §5(a)(3), Apr. 26, 1983, 97 Stat. 183.)

AMENDMENTS

1983—Subsec. (d). Pub. L. 98-24 substituted “Native Americans (including Native Hawaiians and Native American Pacific Islanders)” for “native Americans”.

1981—Subsec. (a). Pub. L. 97-35, §970(b), substituted “The Secretary acting through the National Institute on Drug Abuse, may make grants to and enter into contracts with individuals, and public and private nonprofit entities” for “The Secretary shall” in introductory provision preceding par. (1), reduced the enumeration of authorized activities of the Secretary from six paragraphs to two paragraphs thereby eliminating provisions relating to the recruitment, training, and employment of participants in treatment programs, the establishment, conduct, and evaluation of drug abuse prevention, treatment, and rehabilitation programs, the development of methods to deal with drug abuse in particular areas, the improvement of drug maintenance techniques or programs, and the establishment, conduct, and evaluation of drug abuse prevention and treatment programs, and inserted provision that nothing shall prevent the use of funds provided under this section for programs and projects aimed at the prevention, treatment, and rehabilitation of alcohol abuse and alcoholism as well as drug abuse.

Subsec. (b). Pub. L. 97-35, §970(c), inserted provisions relating to fiscal year ending Sept. 30, 1982.

Subsec. (c)(2). Pub. L. 97-35, §970(d)(1), substituted “responsible for the administration of drug abuse prevention activities” for “designated or established under section 1176 of this title” and “any State” for “the State” and struck out reference to drug abuse under section 1176 of this title.

Subsec. (c)(3)(D). Pub. L. 97-35, §970(d)(2), struck out subpar. (D) which had provided that approval of a grant or contract could be granted only if the application provided for reasonable assurances that Federal funds made available under this section would be used to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this section and would not supplant State or local funds.

Subsec. (d). Pub. L. 97-35, §970(e), inserted applicability to racial and ethnic minorities, handicapped, native Americans, and families of drug abusers.

Subsec. (g). Pub. L. 97-35, §970(f), added subsec. (g).

1980—Subsec. (a)(1). Pub. L. 96-181, §7(a)(1), substituted “development, demonstration and evaluation of drug abuse” for “development of drug abuse”.

Subsec. (a)(5). Pub. L. 96-181, §7(a)(2), substituted “drug maintenance and detoxification techniques” for “drug maintenance techniques”.

Subsec. (a)(6). Pub. L. 96-181, §7(a)(3), in provisions relating to evaluation of drug abuse prevention and treatment programs, inserted provision that such evaluation be with particular emphasis on replicating effective prevention and treatment programs.

Subsec. (b). Pub. L. 96-181, §7(b), inserted authorization of appropriations for grants and contracts under pars. (3) and (6) of subsec. (a) and for other programs and activities for fiscal years ending Sept. 30, 1980, and Sept. 30, 1981, and required certain percentage of appropriated funds to be obligated for grants and contracts for primary prevention and intervention programs designed to discourage individuals from abusing drugs.

Subsec. (d). Pub. L. 96-181, §7(c), inserted provisions for special consideration to applications for programs and projects for prevention and treatment of drug abuse and drug dependence by elderly.

Subsec. (f). Pub. L. 96-181, §7(d), added subsec. (f).

1978—Subsec. (a). Pub. L. 95-461, §6(a), inserted provision requiring Secretary to act through National Institute on Drug Abuse in making special project grants.

Subsec. (b). Pub. L. 95-461, §2(b), inserted provisions authorizing appropriations for fiscal year ending Sept. 30, 1979.

1976—Subsec. (a). Pub. L. 94-237, §10(a), inserted provisions which authorized Secretary to give a high priority to applications for grants and contracts for primary prevention programs, and set forth programs included within primary prevention programs and scope of Secretary's funding authority.

Subsec. (b). Pub. L. 94-237, §11, substituted “\$160,000,000 for each of the fiscal years ending June 30, 1975 and June 30, 1976; \$40,000,000 for the period July 1, 1976, through September 30, 1976; and \$160,000,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978,” for “and \$160,000,000 for the fiscal year ending June 30, 1975.”

Subsec. (c)(4). Pub. L. 94-237, §10(b), added par. (4).

Subsecs. (d), (e). Pub. L. 94-371 added subsec. (d) and redesignated former subsec. (d) as (e).

EFFECTIVE DATE OF 1976 AMENDMENT

Section 10(c)(2) of Pub. L. 94-371 provided that: “The amendment made by paragraph (1) [amending this section] shall apply with respect to applications submitted for grants or contracts under section 410 of the Drug Abuse Office and Treatment Act of 1972 [this section] after June 30, 1976.”

**§ 1178. Records and audit**

**(a) Assistance records; contents**

Each recipient of assistance under section 1177 of this title pursuant to grants or contracts en-