

Public Law 94-371
94th Congress

An Act

To amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, and for other purposes.

July 26, 1976

[S. 3184]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act be cited as the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1976".

SEC. 2. Section 2(b) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (hereinafter in this Act referred to as "the Act") is amended to read as follows:

"(b) It is the policy of the United States and the purpose of this Act to approach alcohol abuse and alcoholism from a comprehensive community care standpoint, and to meet the problems of alcohol abuse and alcoholism through—

"(1) comprehensive Federal, State, and local planning for, and effective use of, Federal assistance to States, and direct Federal assistance 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 of methods for diverting problem drinkers from criminal justice systems into prevention and treatment programs; and

"(3) 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, alcohol abuse and alcoholism."

SEC. 3. (a) Section 301 of the Act is amended (1) by striking out "and" after "1975," and (2) by inserting after "1976," the following: "\$70,000,000 for the fiscal year ending September 30, 1977, \$77,000,000 for the fiscal year ending September 30, 1978, and \$85,000,000 for the fiscal year ending September 30, 1979,".

(b) Section 302(a) of the Act is amended by adding at the end thereof the following new sentence: "In determining the extent of a State's need for more effective prevention, treatment, and rehabilitation of alcohol abuse and alcoholism, the Secretary shall (within 180 days after the date of enactment of this sentence) by regulation establish a methodology to assess and determine the incidence and prevalence of alcohol abuse within the States."

SEC. 4. (a) Section 304(b) of the Act is amended by striking out the last sentence thereof.

(b) Effective July 1, 1976, section 304(c) of the Act is amended by—
(1) striking out "10 per centum" and substituting "20 percent"; and

(2) striking out "\$100,000" and substituting "\$150,000".

(c) Effective July 1, 1976—

(1) sections 304(d) and 311(d) of the Act are repealed,

(2) section 304 of the Act (A) is transferred to part B of the Act, (B) is inserted before section 311, and (C) is redesignated as section 310, and

Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1976.

42 USC 4541

note.

42 USC 4541.

Appropriation

authorization.

42 USC 4571.

Regulation.

42 USC 4572.

42 USC 4574.

Repeals.

42 USC 4577.

42 USC 4577.

(3) part B of the Act is amended by inserting after section 311 the following new section:

“AUTHORIZATIONS OF APPROPRIATIONS”

42 USC 4578.

“SEC. 312. For purposes of sections 310 and 311, there are authorized to be appropriated \$85,000,000 for the fiscal year ending September 30, 1977, \$91,000,000 for the fiscal year ending September 30, 1978, and \$102,500,000 for the fiscal year ending September 30, 1979.”

Ante, p. 1035.

42 USC 4576.

(d) Section 310(a) of the Act (as so redesignated) is amended (1) by striking out “September 30, 1977” and inserting in lieu thereof “September 30, 1979”, and (2) by striking out “three grants” and inserting in lieu thereof “six grants”.

State plans,
approval.

42 USC 4573.

42 USC 300m-3.

SEC. 5. (a) Section 303(a) (3) of the Act is amended by inserting “and at least one representative of the Statewide Health Coordinating Council established pursuant to section 1524 of the Public Health Service Act,” after “alcoholism,”.

(b) (1) Section 303(a) of the Act is further amended by striking out “and” at the end of paragraph (10), by redesignating paragraph (11) as paragraph (16) and by inserting after paragraph (10) the following:

“(11) contain, to the extent feasible, a complete inventory of all public and private resources available in the State for the purpose of alcohol abuse and alcoholism treatment, prevention, and rehabilitation, including but not limited to 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;

“(12) provide assurance that the State agency will coordinate its planning with local alcoholism and alcohol abuse planning agencies and with other State and local health planning agencies;

“(13) provide assurance that State certification, accreditation, or licensure requirements, if any, applicable to alcohol abuse and alcoholism treatment facilities and personnel take into account the special nature of such programs and personnel, including the need to encourage the development of nonmedical modes of treatment and the need to acknowledge previous experience when assessing the adequacy of treatment personnel;

“(14) provide reasonable assurance that prevention or treatment projects or programs supported by funds made available under section 302 have provided to the State agency a proposed performance standard or standards to measure, or research protocol to determine, the effectiveness of such prevention or treatment programs or projects;

“(15) provide that the State agency will review admissions to hospitals and outpatient facilities to assist the Secretary in determining the compliance of such hospitals and facilities with the requirement of section 321 and shall make periodic reports to the Secretary respecting such review; and”.

42 USC 4572.

Review; reports.

42 USC 4581.

Effective date.

42 USC 4573

note.

42 USC 4572.

(2) The amendments made by paragraph (1) shall apply with respect to State plan requirements for allotments under section 302 of the Act after June 30, 1976.

(c) (1) Section 303 of the Act is further amended by inserting at the end thereof the following new subsection:

“(c) The Secretary shall by regulation require, as a condition to the approval of the State plan, that the State for which such plan was submitted report to the Secretary (in such form and manner as the Secretary shall prescribe) an assessment of the progress of the State in the implementation of its State plan. After making an initial such

Regulations;
report to the
Secretary of
HEW.

report, a State shall make additional reports every third year thereafter in which it receives an allotment under this part. The reporting requirement shall first apply with respect to State plans submitted for allotments for fiscal years beginning after September 30, 1977."

(2) Section 303(a)(4) of the Act is amended by inserting "(A)" after "(4)" and by inserting after such section the following: 42 USC 4573.

"(B) include in the survey conducted pursuant to subparagraph (A) an identification of the need for prevention and treatment of alcohol abuse and alcoholism by women and by individuals under the age of eighteen and provide assurance that prevention and treatment programs within the State will be designed to meet such need;"

SEC. 6. (a) Section 311(a) of the Act is amended to read as follows: Grants and contracts.
"SEC. 311(a) The Secretary, acting through the Institute, may make grants to public and nonprofit private entities and may enter into contracts with public and private entities and with individuals— 42 USC 4577.

"(1) to conduct demonstration and evaluation projects, including projects designed to develop methods for the effective coordination of all alcoholism treatment, training, prevention, and research resources available within a health service area established under section 1511 of the Public Health Service Act, 42 USC 300L.

"(2) to provide treatment and prevention services, with special emphasis on currently underserved populations, such as racial and ethnic minorities, native Americans, youth, female alcoholics, and individuals in geographic areas where such services are not otherwise adequately available,

"(3) to provide education and training, which may include additional training to enable treatment personnel to meet certification requirements of public or private accreditation or licensure, or requirements of third-party payors, and

"(4) to provide programs and services, including education and counseling services, in cooperation with law enforcement personnel, schools, courts, penal institutions, and other public agencies,

for the prevention and treatment of alcohol abuse and alcoholism and for the rehabilitation of alcohol abusers and alcoholics."

(b) Section 311(b) of the Act is amended by redesignating clause (2) as clause (3) and inserting a new clause (2) after "individuals;" as follows: "(2) where a substantial number of the individuals in the population served by the project or program are of limited English-speaking ability, 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 identify an individual employed by the project or program, or who is available to the project or program on a full-time basis, 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;"

Limited English-speaking individuals.

(c) Section 311(c) of the Act is amended by adding after paragraph (3) the following new paragraphs:

"(4) The Secretary shall give special consideration to applications under this section for programs and projects for prevention and treatment of alcohol abuse and alcoholism by women and for programs and projects for prevention and treatment of alcohol abuse and alcoholism by individuals under the age of eighteen.

Programs for women and juveniles, applications.

"(5) Each applicant, upon filing its application with the Secretary for a grant or contract to provide prevention or treatment services, shall provide a proposed performance standard or standards to measure, or research protocol to determine, the effectiveness of such services."

42 USC 4591.

SEC. 7. The Act is further amended by redesignating title V and references thereto as title VI and by inserting after title IV the following:

"TITLE V—RESEARCH

"ENCOURAGEMENT OF RESEARCH

42 USC 4585.

"SEC. 501. (a) The Secretary, acting through the Institute, shall carry out a program of research, investigations, experiments, demonstrations, and studies, directly and by grant or contract, into—

- "(1) the behavioral and biomedical etiology of,
 - "(2) treatment of,
 - "(3) mental and physical health consequences of, and
 - "(4) social and economic consequences of,
- alcohol abuse and alcoholism.

"(b) In carrying out the program described in subsection (a) of this section, the Secretary, acting through the Institute, is authorized to—

"(1) collect and make available through publications and other appropriate means, information as to, and the practical application of, the research and other activities under the program;

"(2) make available research facilities of the Public Health Service to appropriate public authorities, and to health officials and scientists engaged in special study;

Grants.

"(3) make grants to universities, hospitals, laboratories, and other public or nonprofit institutions, and to individuals for such research projects as are recommended by the National Advisory Council on Alcohol Abuse and Alcoholism;

"(4) secure from time to time and for such periods as he deems advisable, the assistance and advice of experts, scholars, and consultants from the United States or abroad;

"(5) promote the coordination of research programs conducted by the Institute, and similar programs conducted by other agencies, organizations, and individuals, including all National Institutes of Health research activities which are or may be related to the problems of individuals suffering from alcoholism or alcohol abuse;

Intramural program.

"(6) conduct an intramural program of biomedical and behavioral research, including research into the most effective means of treatment and service delivery, and including research involving human subjects, which is—

"(A) located in an institution capable of providing all necessary medical care for such human subjects, including complete 24-hour medical diagnostic services by or under the supervision of physicians, acute and intensive medical care, including 24-hour emergency care, psychiatric care, and such other care as is determined to be necessary for individuals suffering from alcoholism and alcohol abuse; and

"(B) associated with an accredited medical or research training institution;

"(7) for purposes of study, admit and treat at institutions, hospitals, and stations of the Public Health Service, persons not otherwise eligible for such treatment;

"(8) provide to health officials, scientists, and appropriate public and other nonprofit institutions and organizations, technical advice and assistance on the application of statistical methods to experiments, studies, and surveys in health and medical fields;

"(9) enter into contracts under this title without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5); and

Contracts.

"(10) adopt, upon recommendation of the National Advisory Council on Alcohol Abuse and Alcoholism, such additional means as he deems necessary or appropriate to carry out the purposes of this section.

"SCIENTIFIC PEER REVIEW

"SEC. 502. The Secretary, acting through the Institute, shall, by regulation, provide for review of all research grants and contracts, training, treatment, and prevention activity grants, and programs over which he has authority under this Act by utilizing, to the maximum extent possible, appropriate peer review groups, composed principally of non-Federal scientists and other experts in the field of alcoholism.

Regulations.
42 USC 4586.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 503. There are authorized to be appropriated for carrying out the purposes of section 501 and 502 \$20,000,000 for the fiscal year ending September 30, 1977, \$24,000,000 for the fiscal year ending September 30, 1978, and \$28,000,000 for the fiscal year ending September 30, 1979.

42 USC 4587.

"NATIONAL ALCOHOL RESEARCH CENTERS

"SEC. 504. (a) The Secretary acting through the Institute may designate National Alcohol Research Centers for the purpose of interdisciplinary research relating to alcoholism and other alcohol problems. No entity may be designated as a Center unless an application therefor has been submitted to, and approved by, the Secretary. Such an application shall be submitted in such manner and contain such information as the Secretary may reasonably require. The Secretary may not approve such an application unless—

Designation.
42 USC 4588.

"(1) the application contains or is supported by reasonable assurances that—

"(A) the applicant has the experience, or capability, to conduct, through biomedical, behavioral, social, and related disciplines, long-term research on alcoholism and other alcohol problems and to provide coordination of such research among such disciplines;

"(B) the applicant has available to it sufficient laboratory facilities and reference services (including reference services that will afford access to scientific alcohol literature);

"(C) the applicant has facilities and personnel to provide training in the prevention and treatment of alcoholism and other alcohol problems;

"(D) the applicant has the capacity to train predoctoral and postdoctoral students for careers in research on alcoholism and other alcohol problems; and

"(E) the applicant has the capacity to conduct courses on alcohol problems and research on alcohol problems for undergraduate and graduate students, and for medical and osteopathic students and physicians;

Annual grants, limitations.	<p>“(2) the application contains a detailed five-year plan for research relating to alcoholism and other alcohol problems.</p> <p>“(b) The Secretary shall, under such conditions as the Secretary may reasonably require, make annual grants to Centers which have been designated under this section. No annual grant to any Center may exceed \$1,000,000. No funds provided under a grant under this subsection may be used for the purchase or rental of any land or the rental, purchase, construction, preservation, or repair of any building. For the purposes of the preceding sentence, the term ‘construction’ has the meaning given that term by section 702(2) of the Public Health Service Act (42 U.S.C. 292a).</p>
Appropriation authorization. 42 USC 3511.	<p>“(c) There are authorized to be appropriated to carry out the purposes of this section \$6,000,000 for the fiscal year ending September 30, 1977, and for each of the next two succeeding fiscal years.”.</p> <p>SEC. 8. Section 201 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1974 is amended by adding at the end thereof the following new subsection:</p>
Evaluation and recommendations.	<p>“(d) The Secretary of Health, Education, and Welfare, acting through the Administration, shall evaluate and make recommendations regarding improved, coordinated activities, where appropriate, for public education and other prevention programs with respect to the abuse of alcohol and other substances.”.</p> <p>SEC. 9. The first sentence of section 217(d) of the Public Health Service Act (42 U.S.C. 218) is amended by adding before the period at the end thereof the following: “, including policies and priorities with respect to grants and contracts”.</p>
21 USC 1176.	<p>SEC. 10. (a) (1) Section 409(e) (5) of the Drug Abuse Office and Treatment Act of 1972 is amended by inserting “(A)” after “(5)” and by inserting after such section the following:</p> <p>“(B) include in the survey conducted pursuant to subparagraph (A) an identification of the need for prevention and treatment of drug abuse and drug dependence by women and by individuals under the age of eighteen and provide assurance that prevention and treatment programs within the State will be designed to meet such need;”.</p>
Effective date. 21 USC 1176 note. 42 USC 2688a, 2688k, 2688n-1.	<p>(2) The amendment made by paragraph (1) shall apply with respect to State plans submitted for grants under section 401 of the Drug Abuse Office and Treatment Act of 1972 after June 30, 1976.</p> <p>(b) (1) Section 409(c) (1) (A) of such Act is amended by striking out “an allotment for a fiscal year in an amount not less than \$150,000, the allotment for such State for such fiscal year may not be less than \$150,000 multiplied by such fraction” and substituting “a minimum allotment in excess of \$100,000, multiplied by such fraction, the minimum allotment for such State may be increased by up to 50 percent in accordance with such demonstrated need”.</p>
Effective date. 21 USC 1176 note. 21 USC 1177.	<p>(2) The amendment made by paragraph (1) shall apply with respect to allotments under section 409(c) of the Drug Abuse Office and Treatment Act of 1972 after June 30, 1976.</p> <p>(c) (1) Section 410 of such Act is amended by redesignating subsection (d) as subsection (e) and by adding after subsection (c) the following:</p>
Programs for women and juveniles, applications.	<p>“(d) The Secretary shall give special consideration to applications under this section for programs and projects for prevention and treatment of drug abuse and drug dependence by women and for programs and projects for prevention and treatment of drug abuse and drug dependence by individuals under the age of eighteen.”.</p>

(2) The amendment made by paragraph (1) shall apply with respect to applications submitted for grants or contracts under section 410 of the Drug Abuse Office and Treatment Act of 1972 after June 30, 1976.

Effective date.
21 USC 1177
note.

SEC. 11. (a) Section 321(a) of the Act is amended by inserting “, or outpatient facility (as defined in section 1633(6) of the Public Health Service Act)” after “hospital”.

21 USC 1177.
42 USC 4581.

(b) Section 321(b)(1) of the Act as amended by—

- (1) inserting “and outpatient facilities” after “hospitals”;
- (2) inserting “or outpatient facility” after “hospital” each time it appears; and
- (3) striking out “is authorized to make regulations” in the first sentence and inserting in lieu thereof “shall issue regulations not later than December 31, 1976”.

(c) (1) The heading for part C of the Act is amended by striking out “HOSPITALS” and inserting in lieu thereof “HOSPITALS AND OUTPATIENT FACILITIES”.

(2) The heading for section 321 of the Act is amended by striking out “HOSPITALS” and inserting in lieu thereof “HOSPITALS AND OUTPATIENT FACILITIES”.

SEC. 12. (a) Section 311(c)(2) of the Act is amended by inserting at the end thereof the following: “Each application for a grant under this section shall be submitted by the Secretary to the National Advisory Council on Alcohol Abuse and Alcoholism for its review. The Secretary may approve an application for a grant under this section only if it is recommended for approval by such Council.”.

42 USC 4577.
Application,
review.
Approval.

(b) The amendment made by subsection (a) shall apply with respect to applications for grants under section 311 of the Act after June 30, 1976.

Effective date.
42 USC 4577
note.

Approved July 26, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-1092 accompanying H.R. 12677 (Comm. on Interstate and Foreign Commerce) and No. 94-1285 (Comm. of Conference).

SENATE REPORTS: No. 94-705 and No. 94-705 pt. 2 (Comm. on Labor and Public Welfare).

CONGRESSIONAL RECORD, Vol. 122 (1976):

Mar. 29, considered and passed Senate.

May 21, considered and passed House, amended, in lieu of H.R. 12677.

June 29, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 12, No. 31:

July 27, Presidential statement.