

Public Law 96-180
96th Congress

An Act

To revise and extend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

Jan. 2, 1980

[S. 440]

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

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

(b) Whenever in this Act (other than in section 13) 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 Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970.

SEC. 2. (a) Paragraphs (2) and (3) of section 2(a) (42 U.S.C. 4541(a)) are amended to read as follows:

"(2) approximately ten million, or 7 percent, of the adults in the United States are alcoholics or problem drinkers;

"(3) it is estimated that alcoholism and other alcohol related problems cost the United States over \$43,000,000,000 annually in lost production, medical and public assistance expenditures, police and court costs, and motor vehicle and other accidents;"

(b) Section 2(a) is further amended—

(1) by striking out "and" at the end of paragraph (6) and inserting in lieu thereof "and contributes to domestic violence;"

(2) by redesignating paragraph (7) as paragraph (8) and amending it to read as follows:

"(8) alcoholism is an illness requiring treatment and rehabilitation through the assistance of a broad range of community health and social services and with the cooperation of law enforcement agencies, employers, employee associations, and associations of concerned individuals."; and

(3) by inserting after paragraph (6) the following paragraph:

"(7) alcohol abuse and alcoholism, together with abuse of other legal and illegal drugs, present a need for prevention and intervention programs designed to reach the general population and members of high risk populations such as youth, women, the elderly, and families of alcohol abusers and alcoholics; and"

(c) Section 2(b) is amended—

(1) by striking out "and" at the end of the paragraph (2);

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting after paragraph (2) the following new paragraphs:

"(3) the development and encouragement of prevention programs designed to combat the spread of alcoholism, alcohol abuse, and abuse of other legal and illegal drugs;

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

Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979.

42 USC 4541 note.

42 USC 4541 note.

92 Stat. 3437.

SEC. 3. Section 101 (42 U.S.C. 4551) is amended by adding at the end thereof the following new subsection:

Underserved
areas,
program
development.

"(d)(1) The Director shall make special efforts to develop and coordinate prevention, treatment, research, and administrative policies and programs which focus on the needs of underserved populations.

Report to
President
and Congress.

"(2) The Secretary shall include in the annual report to the President and the Congress required by section 102(1) a description of the actions taken by the Director under paragraph (1)."

42 USC 4553.

SEC. 4. (a) Section 102(1) (42 U.S.C. 4552(1)) is amended by inserting after "expenditures of funds," the following: "a description, prepared in consultation with the committee established under section 103, of the extent to which Federal programs and departments are concerned and dealing effectively with the problems of alcohol abuse and alcoholism."

(b) Section 102 is amended—

(1) by inserting "and" at the end of paragraph (3),

(2) by striking out "; and" at the end of paragraph (4) and inserting in lieu thereof a period, and

(3) by striking out paragraph (5) and the last sentence.

SEC. 5. Section 103(b)(1) (42 U.S.C. 4553(b)(1)) is amended by inserting "the Department of the Treasury, the Department of Labor, the Department of Education" after "the Department of Defense".

SEC. 6. (a) Section 201(a) (42 U.S.C. 4561(a)) is amended—

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

5 USC 7101.

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

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

(b)(1) Section 201(b) is amended to read as follows:

"(b)(1) The Secretary, acting through the Institute, shall be responsible for fostering and encouraging similar alcohol abuse and alcoholism prevention, treatment, and rehabilitation programs and services in State and local governments and in private industry. To the extent feasible, such programs and services should be designed such that they apply to the families of employees and to employees who have family members who are alcoholics.

Model programs.

"(2)(A) Consistent with such responsibility, the Secretary, acting through the Institute, 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.

42 USC 4573.

"(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 303 of this Act, and shall, to the extent feasible, provide technical assistance to such agencies as requested.

Cooperative
agreements.

"(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 413(b) of the Drug Abuse Office and Treatment Act of 1972.”

21 USC 1180.

(2)(A) The heading for title II is amended by striking out “FEDERAL CIVILIAN EMPLOYEES” and inserting in lieu thereof “GOVERNMENT AND OTHER EMPLOYEES”.

(B) The heading for section 201 is amended by striking out “FEDERAL CIVILIAN EMPLOYEES” and inserting in lieu thereof “GOVERNMENT AND OTHER EMPLOYEES”.

42 USC 4561.

SEC. 7. Section 301 (42 U.S.C. 4571) is amended—

(1) by striking out “and” after “1978,” and

(2) by inserting after “1979,” the following: “\$60,000,000 for the fiscal year ending September 30, 1980, and \$65,000,000 for the fiscal year ending September 30, 1981.”

SEC. 8. Section 302 (42 U.S.C. 4572) is amended by adding at the end the following new subsection:

“(e) 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 321 by hospitals and other facilities; and eliminating exclusions in health insurance coverage offered in the State which are based on alcoholism or alcohol abuse. 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 Drug Abuse Office and Treatment Act of 1972.”

Federal technical assistance.

42 USC 4581.

SEC. 9. (a) Section 303(a) (42 U.S.C. 4573(a)) is amended—

(1) by inserting “, women, and the elderly” after “minority and poverty groups” in paragraph (3);

(2) by inserting “, by the elderly,” after “by women” in paragraph (4)(B);

(3) by inserting before the semicolon at the end of paragraph (4) 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 drug abuse and dependence survey conducted pursuant to section 409 of the Drug Abuse Office and Treatment Act of 1972”;

21 USC 1101 note.

21 USC 1176.

(4) by inserting “, with State and local drug abuse planning agencies,” after “alcoholism and alcohol abuse planning agencies” in paragraph (12); and

(5) by striking out “and” at the end of paragraph (15), by redesignating paragraph (16) as paragraph (17), and by inserting after paragraph (15) the following new paragraph:

“(16) provide assurance that the State agency—

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

State agency responsibilities.

“(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 201(b) of this Act; and

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

Ante, p. 1302.

(b) Section 303(c) is amended by inserting after “implementation of its State plan” the following: “and a plan of action for the next three

Survey.

years. To the extent feasible the report shall include a survey of the extent to which other State programs and political subdivisions throughout the State are dealing effectively with the problems related to alcohol abuse and alcoholism.”

SEC. 10. Section 310(a) (42 U.S.C. 4576(a)) is amended by striking out “1979” and inserting in lieu thereof “1981”.

SEC. 11. (a) Section 311(a) (42 U.S.C. 4577(a)) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following new paragraph:

“(1) to conduct demonstration and evaluation projects, with a high priority on prevention and early intervention projects in occupational and educational settings and on modified community living and work-care arrangements such as halfway houses, recovery homes, and supervised home care,”;

(3) by striking out “conduct demonstration and evaluation projects, including projects designed to develop” in paragraph (2) (as so redesignated) and inserting in lieu thereof “support projects of a demonstrable value in developing”; and

(4) by striking out “female alcoholics, and individuals in geographic areas where such services are not otherwise adequately available” in paragraph (3) (as so redesignated) and inserting in lieu thereof “the elderly, women, the handicapped, families of alcoholics, and victims of alcohol-related domestic violence”.

(b) Section 311(b) is amended (1) by redesignating clauses (1), (2), and (3) as clauses (2), (3), and (4), respectively, and by inserting after “under this section shall” the following: “(1) be responsive to special requirements of handicapped individuals in receiving such services;”, and (2) by inserting in clause (2) (as so redesignated) the following: “(in the case of prevention and treatment services)” after “seek”.

(c) Paragraph (4) of section 311(c) is amended to read as follows: “(4) The Secretary shall encourage the submission of and give special consideration to applications under this section for programs and projects—

“(A) for the prevention and treatment of alcohol abuse and alcoholism by women,

“(B) for the prevention and treatment of alcohol abuse and alcoholism by the elderly,

“(C) for the prevention and treatment of alcohol abuse and alcoholism by individuals under the age of eighteen.”.

SEC. 12. Section 312 (42 U.S.C. 4578) is amended—

(1) by striking out “and” after “1978,”, and

(2) by striking out the period and inserting in lieu thereof a comma and the following: “\$102,500,000 for the fiscal year ending September 30, 1980, and \$115,000,000 for the fiscal year ending September 30, 1981. Of the funds appropriated under this section for the fiscal year ending September 30, 1980, at least 8 percent of the funds shall be obligated for grants for projects, programs, and services to prevent (through outreach, intervention, and education) the occurrence of alcoholism and alcohol abuse; and of the funds appropriated under this section for the next fiscal year at least 10 percent of the funds shall be obligated for such grants.”.

SEC. 13. Section 217(a) of the Public Health Service Act (42 U.S.C. 218(a)) is amended by inserting after the fourth sentence the follow-

Program and
project
applications.

ing: "Appointed members may serve after the expiration of their terms until their successors have taken office."

SEC. 14. (a) Section 501(a) (42 U.S.C. 4591(a)) is amended to read as follows:

42 USC 4585.

"(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—

Research programs.

- "(1) the social, behavioral, and biomedical etiology,
- "(2) prevention,
- "(3) treatment,
- "(4) mental and physical health consequences,
- "(5) social and economic consequences, and
- "(6) the impact on families,

of alcohol abuse and alcoholism."

(b) Section 501(b) is amended—

(1) in paragraph (3), by inserting before the semicolon the following: "and such Council shall give special consideration to projects relating to the relationship between alcohol abuse and domestic violence, the effects of alcohol use during pregnancy, the relationship between the abuse of alcohol and other drugs, and the effect on the incidence of alcohol abuse and alcoholism of social pressures, legal requirements respecting the use of alcoholic beverages, the cost of such beverages, and the economic status and education of users of such beverages";

(2) in paragraph (5)—

(A) by inserting "the National Institute of Drug Abuse and by" following "similar programs conducted by"; and

(B) by inserting "departments," before "agencies";

(3) in paragraph (6), by striking out "biomedical and behavioral" and inserting in lieu thereof "biomedical, behavioral, epidemiological, and social"; and

(4) in paragraph (8), by inserting "and other scientific research" following "statistical".

SEC. 15. Section 503 (42 U.S.C. 4587) is amended—

(1) by striking out "and" after "1978," and

(2) by inserting before the period a comma and the following: "\$28,000,000 for the fiscal year ending September 30, 1980, and \$28,000,000 for the fiscal year ending September 30, 1981".

SEC. 16. (a) Section 504(a) (42 U.S.C. 4588(a)) is amended—

(1) by striking out "alcohol problems" in the first sentence and inserting in lieu thereof "biomedical, behavioral, and social issues related to alcoholism and alcohol abuse";

(2) in paragraph (1)(B), by striking out "laboratory facilities and reference services (including reference services that will afford access to scientific alcohol literature)" and inserting in lieu thereof "facilities (including laboratory, reference, and data analysis facilities) to carry out the research plan contained in the application";

(3) in paragraph (1)(D), by striking out "and" at the end thereof;

(4) in paragraph (1)(E), by striking out "medical and osteopathic students and physicians;" and inserting in lieu thereof "medical and osteopathic, nursing, social work, and other specialized graduate students; and"; and

(5) by inserting after paragraph (1)(E) the following:

"(F) the applicant has the capacity to conduct programs of continuing education in such medical, legal, and social service fields as the Secretary may require."

42 USC 4588.

(b) Section 504(b) is amended by striking out "\$1,000,000" and inserting in lieu thereof "\$1,500,000".

(c) Section 504(c) is amended by inserting before the period a comma and the following: "\$8,000,000 for the fiscal year ending September 30, 1980, and \$9,000,000 for the fiscal year ending September 30, 1981".

SEC. 17. Title VI is amended by adding at the end the following new section:

Contract
authority.
42 USC 4594.

"SEC. 604. The authority of the Secretary to enter into contracts under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance by appropriation Acts."

National
Commission on
Alcoholism and
Other Alcohol-
Related
Problems,
establishment.
42 USC 4541
note.

SEC. 18. (a)(1) There is established a Commission to be known as the National Commission on Alcoholism and Other Alcohol-Related Problems (hereinafter in this section referred to as the "Commission"). The Commission shall be composed of—

(A) four Members of the Senate appointed by the President of the Senate upon the recommendation of the majority and minority leaders;

(B) four Members of the House of Representatives appointed by the Speaker of the House of Representatives upon the recommendation of the majority and minority leaders;

(C) nine public members appointed by the President; and

(D) not more than four nonvoting members appointed by the President from individuals employed in the administration of programs of the Federal Government which affect the prevention and treatment of alcoholism and the rehabilitation of alcoholics and alcohol abusers.

At no time shall more than two members appointed under subparagraph (A), more than two of the members appointed under subparagraph (B), or more than five of the members appointed under subparagraph (C) be members of the same political party.

Quorum.

(2)(A) The President shall designate one of the members of the Commission as Chairman, and one as Vice Chairman. Nine members of the Commission shall constitute a quorum, but a lesser number may conduct hearings. Members appointed under paragraph (1)(D) shall not be considered in determining a quorum of the Commission.

(B) Members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Commission.

(C) The Commission shall meet at the call of the Chairman or at the call of the majority of the members thereof.

(3)(A) The Commission may appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, an executive secretary to assist the Commission in carrying out its functions.

(B) The Secretary shall provide the Commission with such additional professional and clerical staff, such information, and the services of such consultants as the Secretary determines necessary for the Commission to carry out effectively its functions.

(C) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties under this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission consistent with applicable laws and regulations with respect to the privacy of medical records.

(b) The Commission shall conduct a study of alcoholism and alcohol-related problems and shall include in the study— Study.

(1) an assessment of unmet treatment and rehabilitation needs of alcoholics and their families;

(2) an assessment of personnel needs in the fields of research, treatment, rehabilitation, and prevention;

(3) an assessment of the integration and financing of alcoholism treatment and rehabilitation into health and social health care services within communities;

(4) a study of the relationship of alcohol use to aggressive behavior and crime;

(5) a study of the relationship of alcohol use to family violence;

(6) a study of the relationship of alcoholism to illnesses, particularly those illnesses with a high stress component, among family members of alcoholics;

(7) an evaluation of the effectiveness of prevention programs, including the relevance of alcohol control laws and regulations to alcoholism and alcohol-related problems;

(8) a survey of the unmet research needs in the area of alcoholism and alcohol-related problems;

(9) a survey of the prevalence of occupational alcoholism and alcohol abuse programs offered by Federal contractors; and

(10) an evaluation of the needs of special and underserved population groups, including American Indians, Alaskan Natives, youth, the elderly, women, and the handicapped and assess the adequacy of existing services to fulfill such needs.

(c) The Commission shall submit to the President and the Congress such interim reports as it deems advisable and shall within two years after the date on which funds first become available to carry out this section submit to the President and the Congress a final report which shall contain a detailed statement of its findings and conclusions and also such recommendations for legislation and administrative actions as it deems appropriate. The Commission shall cease to exist sixty days after the final report is submitted under this subsection. Reports to President and Congress.

(d) The Secretary of Health, Education, and Welfare shall be responsible for the coordination of the activities of the Commission.

(e) There are authorized to be appropriated for the purposes of this section \$1,000,000 to remain available until the expiration of the Commission. Appropriation authorization.

SEC. 19. Title III is amended by adding at the end the following:

“PART D—REPORT

“REPORT

“SEC. 334. (a) Not later than June 1, 1980, the Secretary of Health, Education, and Welfare, acting through the Assistant Secretary for Health, and the Secretary of the Treasury, acting through the Assistant Secretary for Enforcement and Operations, shall jointly report to the President and the Congress— Submittal to President and Congress.
42 USC 4552 note.

“(1) the extent and nature of birth defects associated with alcohol consumption by pregnant women,

“(2) the extent and nature of other health hazards associated with alcoholic beverages, and

“(3) the actions which should be taken by the Federal Government under the Federal Alcohol Administration Act and the Federal Food, Drug, and Cosmetic Act with respect to informing the general public of such health hazards. 27 USC 201.
21 USC 301.

27 USC 201.
21 USC 301.

"(b) Subsection (a) shall not be construed to limit the authority of the Attorney General, the Secretary of the Treasury, or the Secretary of Health, Education, and Welfare under the Federal Alcohol Administration Act or the Federal Food, Drug, and Cosmetic 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. 96-103 (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. 440, amended, passed in lieu.

Dec. 19, Senate concurred in House amendment with an amendment; House concurred in Senate amendment.