

(c) Information

As the elements of the plans described in subsection (a) are developed, States are encouraged to provide information to the Secretary on a voluntary basis.

(d) Participants

The Secretary shall include among those interested groups that participate in the development of the plan consumers of mental health or substance use disorders services, providers, representatives of political divisions of States, and representatives of racial and ethnic groups including Native Americans.

(July 1, 1944, ch. 373, title XIX, § 1949, as added Pub. L. 102-321, title II, § 203(a), July 10, 1992, 106 Stat. 408; amended Pub. L. 106-310, div. B, title XXXIV, § 3403(a), Oct. 17, 2000, 114 Stat. 1219; Pub. L. 117-328, div. FF, title I, § 1241(a)(11), Dec. 29, 2022, 136 Stat. 5678.)

Editorial Notes**CODIFICATION**

October 17, 2000, referred to in subsec. (b), was in the original “the date of the enactment of this Act”, which was translated as meaning the date of enactment of Pub. L. 106-310, which amended this section generally, to reflect the probable intent of Congress.

AMENDMENTS

2022—Subsecs. (a)(2). Pub. L. 117-328 substituted “substance use disorders” for “substance abuse” in two places.

Subsecs. (d). Pub. L. 117-328 substituted “substance use disorders” for “substance abuse”.

2000—Pub. L. 106-310 amended section catchline and text generally. Prior to amendment, text read as follows: “Not later than January 24, 1994, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report on the activities of the States carried out pursuant to the programs established in sections 300x and 300x-21 of this title. Such report may include any recommendations of the Secretary for appropriate changes in legislation.”

Statutory Notes and Related Subsidiaries**CHANGE OF NAME**

Committee on Commerce of House of Representatives changed to Committee on Energy and Commerce of House of Representatives, and jurisdiction over matters relating to securities and exchanges and insurance generally transferred to Committee on Financial Services of House of Representatives by House Resolution No. 5, One Hundred Seventh Congress, Jan. 3, 2001.

§ 300x-60. Rule of construction regarding delegation of authority to States

With respect to States receiving grants under section 300x or 300x-21 of this title, this part may not be construed to authorize the Secretary to delegate to the States the primary responsibility for interpreting the governing provisions of this part.

(July 1, 1944, ch. 373, title XIX, § 1950, as added Pub. L. 102-321, title II, § 203(a), July 10, 1992, 106 Stat. 408.)

§ 300x-61. Solicitation of views of certain entities

In carrying out this part, the Secretary, as appropriate, shall solicit the views of the States and other appropriate entities.

(July 1, 1944, ch. 373, title XIX, § 1951, as added Pub. L. 102-321, title II, § 203(a), July 10, 1992, 106 Stat. 408.)

§ 300x-62. Availability to States of grant payments

Any amounts paid to a State for a fiscal year under section 300x or 300x-21 of this title shall be available for obligation and expenditure until the end of the fiscal year following the fiscal year for which the amounts were paid.

(July 1, 1944, ch. 373, title XIX, § 1952, as added Pub. L. 102-321, title II, § 203(a), July 10, 1992, 106 Stat. 409; amended Pub. L. 106-310, div. B, title XXXIV, § 3403(b), Oct. 17, 2000, 114 Stat. 1220.)

Editorial Notes**AMENDMENTS**

2000—Pub. L. 106-310 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows:

“(a) IN GENERAL.—Subject to subsection (b) of this section, any amounts paid to a State under the program involved shall be available for obligation until the end of the fiscal year for which the amounts were paid, and if obligated by the end of such year, shall remain available for expenditure until the end of the succeeding fiscal year.

“(b) EXCEPTION REGARDING NONCOMPLIANCE OF SUBGRANTEES.—If a State has in accordance with subsection (a) of this section obligated amounts paid to the State under the program involved, in any case in which the Secretary determines that the obligation consists of a grant or contract awarded by the State, and that the State has terminated or reduced the amount of such financial assistance on the basis of the failure of the recipient of the assistance to comply with the terms upon which the assistance was conditioned—

“(1) the amounts involved shall be available for reobligation by the State through September 30 of the fiscal year following the fiscal year for which the amounts were paid to the State; and

“(2) any of such amounts that are obligated by the State in accordance with paragraph (1) shall be available for expenditure through such date.”

§ 300x-63. Continuation of certain programs**(a) In general**

Of the amount allotted to the State of Hawaii under section 300x of this title, and the amount allotted to such State under section 300x-21 of this title, an amount equal to the proportion of Native Hawaiians residing in the State to the total population of the State shall be available, respectively, for carrying out the program involved for Native Hawaiians.

(b) Expenditure of amounts

The amount made available under subsection (a) may be expended only through contracts entered into by the State of Hawaii with public and private nonprofit organizations to enable such organizations to plan, conduct, and administer comprehensive substance use disorder and treatment programs for the benefit of Native Hawaiians. In entering into contracts under this section, the State of Hawaii shall give preference to Native Hawaiian organizations and Native Hawaiian health centers.

(c) Definitions

For the purposes of this subsection,¹ the terms “Native Hawaiian”, “Native Hawaiian organization”, and “Native Hawaiian health center” have the meaning given such terms in section 11707 of this title.

(July 1, 1944, ch. 373, title XIX, §1953, as added Pub. L. 102-321, title II, §203(a), July 10, 1992, 106 Stat. 409; amended Pub. L. 114-255, div. B, title VIII, §8003(2), Dec. 13, 2016, 130 Stat. 1233.)

Editorial Notes**AMENDMENTS**

2016—Subsec. (b). Pub. L. 114-255 substituted “substance use disorder” for “substance abuse”.

§ 300x-64. Definitions**(a) Definitions for this subpart**

For purposes of this subpart:

(1) The term “program involved” means the program of grants established in section 300x or 300x-21 of this title, or both, as indicated by whether the State involved is receiving or is applying to receive a grant under section 300x or 300x-21 of this title, or both.

(2)(A) The term “funding agreement”, with respect to a grant under section 300x of this title, has the meaning given such term in section 300x-8 of this title.

(B) The term “funding agreement”, with respect to a grant under section 300x-21 of this title, has the meaning given such term in section 300x-34 of this title.

(b) Definitions for this part

For purposes of this part:

(1) The term “Comptroller General” means the Comptroller General of the United States.

(2) The term “State”, except as provided in sections 300x-7(c)(5) of this title and 300x-33(c)(5) of this title, means each of the several States, the District of Columbia, and each of the territories of the United States.

(3) The term “territories of the United States” means each of the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Palau, the Marshall Islands, and Micronesia.

(4) The term “interim services”, in the case of an individual in need of treatment for substance use disorders who has been denied admission to a program of such treatment on the basis of the lack of the capacity of the program to admit the individual, means services for reducing the adverse health effects of such disorders, for promoting the health of the individual, and for reducing the risk of transmission of disease, which services are provided until the individual is admitted to such a program.

(July 1, 1944, ch. 373, title XIX, §1954, as added Pub. L. 102-321, title II, §203(a), July 10, 1992, 106 Stat. 409; amended Pub. L. 117-328, div. FF, title I, §1241(a)(12), Dec. 29, 2022, 136 Stat. 5678.)

¹ So in original. Probably should be “section.”.

Editorial Notes**AMENDMENTS**

2022—Subsec. (b)(4). Pub. L. 117-328 substituted “substance use disorders” for “substance abuse” and “such disorders” for “such abuse”.

§ 300x-65. Services provided by nongovernmental organizations**(a) Purposes**

The purposes of this section are—

(1) to prohibit discrimination against nongovernmental organizations and certain individuals on the basis of religion in the distribution of government funds to provide substance abuse services under this subchapter and subchapter III-A, and the receipt of services under such subchapters; and

(2) to allow the organizations to accept the funds to provide the services to the individuals without impairing the religious character of the organizations or the religious freedom of the individuals.

(b) Religious organizations included as nongovernmental providers**(1) In general**

A State may administer and provide substance abuse services under any program under this subchapter or subchapter III-A through grants, contracts, or cooperative agreements to provide assistance to beneficiaries under such subchapters with nongovernmental organizations.

(2) Requirement

A State that elects to utilize nongovernmental organizations as provided for under paragraph (1) shall consider, on the same basis as other nongovernmental organizations, religious organizations to provide services under substance abuse programs under this subchapter or subchapter III-A, so long as the programs under such subchapters are implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution. Neither the Federal Government nor a State or local government receiving funds under such programs shall discriminate against an organization that provides services under, or applies to provide services under, such programs, on the basis that the organization has a religious character.

(c) Religious character and independence**(1) In general**

A religious organization that provides services under any substance abuse program under this subchapter or subchapter III-A shall retain its independence from Federal, State, and local governments, including such organization's control over the definition, development, practice, and expression of its religious beliefs.

(2) Additional safeguards

Neither the Federal Government nor a State or local government shall require a religious organization—

(A) to alter its form of internal governance; or