

92D CONGRESS } SENATE } REPORT
2d Session } } No. 92-700

DRUG ABUSE OFFICE AND TREATMENT ACT OF 1972

MARCH 17, 1972.—Ordered to be printed

Mr. HUGHES, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany S. 2097]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

§ 1. Short title.

This Act may be cited as the "Drug Abuse Office and Treatment Act of 1972".

**TITLE I—FINDINGS AND DECLARATION OF POLICY;
DEFINITIONS; TERMINATION**

Sec.

- 101. Congressional findings.
- 102. Declaration of national policy.
- 103. Definitions.
- 104. Termination.

§ 101. Congressional findings.

The Congress makes the following findings:

- (1) *Drug abuse is rapidly increasing in the United States and now afflicts urban, suburban, and rural areas of the Nation.*
- (2) *Drug abuse seriously impairs individual, as well as societal, health and well-being.*

(3) *Drug abuse, especially heroin addiction, substantially contributes to crime.*

(4) *The adverse impact of drug abuse inflicts increasing pain and hardship on individuals, families, and communities and undermines our institutions.*

(5) *Too little is known about drug abuse, especially the causes, and ways to treat and prevent drug abuse.*

(6) *The success of Federal drug abuse programs and activities requires a recognition that education, treatment, rehabilitation, research, training, and law enforcement efforts are interrelated.*

(7) *The effectiveness of efforts by State and local governments and by the Federal Government to control and treat drug abuse in the United States has been hampered by a lack of coordination among the States, between States and localities, among the Federal Government, States, and localities, and throughout the Federal establishment.*

(8) *Control of drug abuse requires the development of a comprehensive, coordinated long-term Federal strategy that encompasses both effective law enforcement against illegal drug traffic and effective health programs to rehabilitate victims of drug abuse.*

(9) *The increasing rate of drug abuse constitutes a serious and continuing threat to national health and welfare, requiring an immediate and effective response on the part of the Federal Government.*

§ 102. Declaration of national policy.

The Congress declares that it is the policy of the United States and the purpose of this Act to focus the comprehensive resources of the Federal Government and bring them to bear on drug abuse with the immediate objective of significantly reducing the incidence of drug abuse in the United States within the shortest possible period of time, and to develop a comprehensive, coordinated long-term Federal strategy to combat drug abuse.

§ 103. Definitions.

(a) *The definitions set forth in this section apply for the purposes of this Act.*

(b) *The term "drug abuse prevention function" means any program or activity relating to drug abuse education, training, treatment, rehabilitation, or research, and includes any such function even when performed by an organization whose primary mission is in the field of drug traffic prevention functions, or is unrelated to drugs. The term does not include any function defined in subsection (c) as a "drug traffic prevention function".*

(c) *The term "drug traffic prevention function" means*

(1) *the conduct of formal or informal diplomatic or international negotiations at any level, whether with foreign governments, other foreign governmental or nongovernmental persons or organizations of any kind, or any international organization of any kind, relating to traffic (whether licit or illicit) in drugs subject to abuse, or any measures to control or curb such traffic; or*

(2) *any of the following law enforcement activities or proceedings:*

(A) *the investigation and prosecution of drug offenses;*

(B) *the impanelment of grand juries;*

(C) *programs or activities involving international narcotics control; and*

(D) *the detection and suppression of illicit drug supplies.*

§ 104. Termination.

Effective June 30, 1975, the Office, each of the positions in the Office of Director, Deputy Director, and Assistant Director, and the National Advisory Council for Drug Abuse Prevention established by section 251 of this Act are abolished and title II is repealed.

TITLE II—SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

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Chapter 1.—GENERAL PROVISIONS

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 - 202. Appointment of Director.
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 - 204. Appointment of Assistant Directors.
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 - 210. Grants and contracts.
 - 211. Acting Director and Deputy Director.
 - 212. Compensation of Director, Deputy Director, and Assistant Directors.
 - 213. Statutory requirements unaffected.
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§ 201. Establishment of Office.

There is established in the Executive Office of the President an office to be known as the Special Action Office for Drug Abuse Prevention (hereinafter in this Act referred to as the "Office"). The establishment of the Office in the Executive Office of the President 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, the Office, or (2) to personnel of the Office.

§ 202. Appointment of Director.

There shall be at the head of the Office a Director who shall be appointed by the President, by and with the advice and consent of the Senate.

§ 203. Appointment of Deputy Director.

There shall be in the Office a Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall perform such functions as the Director may assign or delegate, and shall act as Director during the absence or disability of the Director or in the event of a vacancy in the office of Director.

§ 204. Appointment of Assistant Directors.

There shall be in the Office not to exceed six Assistant Directors appointed by the Director.

§ 205. Delegation.

Unless specifically prohibited by law, the Director may, without being relieved of his responsibility, perform any of his functions or duties, or exercise any of his powers through, or with the aid of, such persons in, or organizations of, the Office as he may designate.

§ 206. Officers and employees.

(a) *The Director may employ and prescribe the functions of such officers and employees, including attorneys, as are necessary to perform the functions vested in him. At the discretion of the Director, any officer or employee of the Office may be allowed and paid travel expenses, including per diem in lieu of subsistence, in the same manner as is authorized by section 5703 of title 5, United States Code, for individuals employed intermittently.*

(b) *In addition to the number of positions which may be placed in grades GS-16, 17, and 18 under section 5108 of title 5, United States Code, and without prejudice to the placement of other positions in the Office in such grades under any authority other than this subsection, not to exceed ten positions in the Office may be placed in grades GS-16, 17, and 18, but in accordance with the procedures prescribed under such section 5108. The authority for such additional positions shall terminate on the date specified in section 104 of this Act.*

§ 207. Employment of experts and consultants.

The Director may procure services as authorized by section 3109 of title 5, United States Code, and may pay a rate for such services not in excess of the rate in effect for grade GS-18 of the General Schedule. The Director may employ individuals under this section without regard to any limitation, applicable to services procured under such section 3109, on the number of days or the period of such services, except that, at any one time, not more than fifteen individuals may be employed under this section without regard to such limitation.

§ 208. Acceptance of uncompensated services.

The Director is authorized to accept and employ in furtherance of the purpose of this Act or any Federal drug abuse prevention function, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

§ 209. Notice relating to the control of dangerous drugs.

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 101(6) of the Controlled Substances Act), has a potential for abuse, or*

(2) *a controlled substance should be transferred or removed from a schedule under section 202 of such Act,*

he shall, prior to initiating any proceeding under section 201(a) of such Act, give the Director timely notice of such determination. 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 Director.

§ 210. Grants and contracts.

(a) *In carrying out any of his functions under this title, the Director is authorized to make grants to any public or nonprofit private agency, organization, or institution, and to enter into contracts with any agency, organization, or institution, or with any individual.*

(b) *To the extent he deems it appropriate, the Director may require the recipient of a grant or contract under this section to contribute money, facilities, or services for carrying out the program and activity for which such grant or contract was made.*

(c) *Payments pursuant to a grant or contract under this section may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, and in such installments and on such conditions as the Director may determine.*

(d) *Any Federal department or agency may enter into grant or contractual arrangements with the Director and, pursuant to such a grant or contractual arrangement, may exercise any authority to use any personnel or facilities which would otherwise be available to such department or agency for the performance by it of its authorized functions.*

§ 211. Acting Director and Deputy Director.

The President may authorize any person who immediately prior to the date of enactment of this Act held a position in the executive branch of the Government to act as the Director or Deputy Director until the position in question is for the first time filled pursuant to the provisions of this title or by recess appointment, as the case may be, and the President may authorize any such person to receive the compensation attached to the office in respect of which he serves. Such compensation, if authorized, shall be in lieu of but not in addition to other compensation from the United States to which such person may be entitled.

§ 212. Compensation of Director, Deputy Director, and Assistant Directors.

(a) *Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:*

“(21) Director of the Special Action Office for Drug Abuse Prevention.”

(b) *Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following:*

“(95) Deputy Director of the Special Action Office for Drug Abuse Prevention.”

(c) *Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:*

“(131) Assistant Directors, Special Action Office for Drug Abuse Prevention (6).”

§ 213. Statutory requirements unaffected.

Except as authorized in section 225, nothing in this Act authorizes or permits the Director or any other Federal officer to waive or disregard any limitation or requirement, including standards, criteria, or cost-sharing formulas, prescribed by law with respect to any Federal program or activity. Except with respect to the conduct of drug abuse prevention functions, nothing in this Act 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 furnishing health care to veterans.

§ 214. Appropriations authorized.

(a)(1) *For the purposes of carrying out the provisions of this title, except for the provisions of sections 223 and 224, there are authorized to be appropriated \$5,000,000 for the fiscal year ending June 30, 1972; \$10,000,000 for the fiscal year ending June 30, 1973; \$11,000,000 for the fiscal year ending June 30, 1974; and \$12,000,000 for the fiscal year ending June 30, 1975.*

(2) For the purpose of carrying out the provisions of section 223, there is authorized to be appropriated \$40,000,000 for each of the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975.

(3) For the purpose of making grants and contracts under section 224, there are authorized to be appropriated \$20,000,000 for the fiscal year ending June 30, 1973, \$25,000,000 for the fiscal year ending June 30, 1974, and \$30,000,000 for the fiscal year ending June 30, 1975.

(b) Sums appropriated under subsection (a) of this section shall remain available for obligation or expenditure in the fiscal year for which appropriated and in the fiscal year next following.

Chapter 2.—FUNCTIONS OF THE DIRECTOR

Sec.

221. Concentration of Federal effort.

222. Funding authority.

223. Special Fund.

224. Encouragement of certain research and development.

225. Single non-Federal share requirement.

226. Recommendations regarding drug traffic prevention functions.

227. Resolution of certain conflicts.

228. Liaison with respect to drug traffic prevention.

229. Technical assistance to State and local agencies.

230. Management oversight review.

231. Federal drug council authorized.

232. International negotiations.

233. Annual report.

§ 221. Concentration of Federal effort.

(a) The Director shall provide overall planning and policy and establish objectives and priorities for all Federal drug abuse prevention functions. In carrying out his functions under this subsection, the Director shall consult, from time to time, with the National Advisory Council for Drug Abuse Prevention.

(b) For the purpose of assuring the effectuation of the planning and policy and the achievement of the objectives and priorities provided or established pursuant to subsection (a), the Director shall

(1) review the regulations, guidelines, requirements, criteria, and procedures of operating agencies in terms of their consistency with the policies, priorities, and objectives he provides or establishes, and assist such agencies in making such additions thereto or changes therein as may be appropriate;

(2) recommend changes in organization, management, and personnel, which he deems advisable to implement the policies, priorities, and objectives he provides or establishes;

(3) review related Federal legislation in the areas of health, education, and welfare providing for medical treatment or assistance, vocational training, or other rehabilitative services and, consistent with the purposes of this Act, assure that the respective administering agencies construe drug abuse as a health problem;

(4) conduct or provide for the conduct of evaluations and studies of the performance and results achieved by Federal drug abuse prevention functions, and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered;

(5) require departments and agencies engaged in Federal drug abuse prevention functions to submit such information and reports with respect thereto as the Director determines to be necessary to

carry out the purposes of this Act, and such departments and agencies shall submit to the Director such information and reports as the Director may reasonably require;

(6) except as provided in the second sentence of section 213,

(A) coordinate the performance of drug abuse prevention functions by Federal departments and agencies; and

(B) coordinate the performance of such functions by Federal departments and agencies with the performance by Federal departments and agencies of other functions which the Director determines may have an important bearing on the success of the entire Federal effort against drug abuse; and

(7) develop improved methods for determining the extent of drug addiction and abuse in the United States.

§ 222. Funding authority.

In implementation of his authority under section 221, and to carry out the purposes of this Act, the Director is authorized

(1) to review and as he deems necessary modify insofar as they pertain to Federal drug abuse prevention functions,

(A) implementation plans for any Federal program, and

(B) the budget requests of any Federal department or agency;

and

(2) to the extent not inconsistent with the applicable appropriation Acts, to make funds available from appropriations to Federal departments and agencies to conduct drug abuse prevention functions.

§ 223. Special Fund.

(a) There is established a Special Fund (hereinafter in this section referred to as the "fund") in order to provide additional incentives to Federal departments and agencies to develop more effective drug abuse prevention functions and to give the Director the flexibility to encourage, and respond quickly and effectively to, the development of promising programs and approaches.

(b) Except as provided in subsection (c) of this section, sums appropriated to the fund may be utilized only after their transfer, upon the order of the Director and at his discretion, to any Federal department or agency (other than the Office) and only for the purpose of

(1) developing or demonstrating promising new concepts or methods in respect of drug abuse prevention functions; or

(2) supplementing or expanding existing drug abuse prevention functions which the Director finds to be exceptionally effective or for which he finds there exists exceptional need.

(c) Not more than 10 per centum of such sums as are appropriated to the fund may be expended by the Director through the Office to develop and demonstrate promising new concepts or methods in respect of drug abuse prevention functions.

§ 224. Encouragement of certain research and development.

In carrying out his functions under section 221, the Director shall encourage and promote (by grants, contracts, or otherwise) expanded research programs to create, develop, and test

(1) nonaddictive synthetic analgesics to replace opium and its derivatives in medical use;

(2) long-lasting, nonaddictive blocking or antagonistic drugs or other pharmacological substances for treatment of heroin addiction;

and

(3) detoxification agents which, when administered, will ease the physical effects of withdrawal from heroin addiction. In carrying out this section the Director is authorized to establish, or provide for the establishment of, clinical research facilities.

§ 225. Single non-Federal share requirement.

Where funds are made available by more than one Federal agency to be used by an agency, organization, or individual to carry out a drug abuse prevention function, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Director may order any such agency to waive any technical grant or contract requirement established in regulations which is inconsistent with the similar requirement of the other Federal agency or which the other Federal agency does not impose.

§ 226. Recommendations regarding drug traffic prevention functions.

The Director may make recommendations to the President in connection with any Federal drug traffic prevention function, and shall consult with and be consulted by all responsible Federal departments and agencies regarding the policies, priorities, and objectives of such functions.

§ 227. Resolution of certain conflicts.

If the Director determines in writing that the manner in which any Federal department or agency is conducting any drug abuse prevention function or drug traffic prevention function substantially impairs the effective conduct of any other such function, he shall submit in writing his findings and determinations to the President, who may direct the Federal department or agency in question to conduct the function thereafter under such policy guidelines as the President may specify to eliminate the impairment.

§ 228. Liaison with respect to drug traffic prevention.

One of the Assistant Directors of the Office shall maintain communication and liaison with respect to all drug traffic prevention functions of the Federal Government.

§ 229. Technical assistance to State and local agencies.

(a) The Director shall

(1) coordinate or assure coordination of Federal drug abuse prevention functions with such functions of State and local governments; and

(2) provide for a central clearinghouse for Federal, State, and local governments, public and private agencies, and individuals seeking drug abuse information and assistance from the Federal Government.

(b) In carrying out his functions under this section, the Director may

(1) provide technical assistance—including advice and consultation relating to local programs, technical and professional assistance, and, where deemed necessary, use of task forces of public officials or other persons assigned to work with State and local governments—to analyze and identify State and local drug abuse problems and assist in the development of plans and programs to meet the problems so identified;

(2) convene conferences of State, local, and Federal officials, and such other persons as the Director shall designate, to promote the

purposes of this Act, and the Director is authorized to pay reasonable expenses of individuals incurred in connection with their participation in such conferences;

(3) draft and make available to State and local governments model legislation with respect to State and local drug abuse programs and activities; and

(4) promote the promulgation of uniform criteria, procedures, and forms of grant or contract applications for drug abuse control and treatment proposals submitted by State and local governments and private organizations, institutions, and individuals.

(c) In implementation of his authority under subsection (b)(1), the Director may

(1) take such action as may be necessary to request the assignment, with or without reimbursement, of any individual employed by any Federal department or agency and engaged in any Federal drug abuse prevention function or drug traffic prevention function to serve as a member of any such task force; except that no such person shall be so assigned during any one fiscal year for more than an aggregate of ninety days without the express approval of the head of the Federal department or agency with respect to which he was so employed prior to such assignment;

(2) assign any person employed by the Office to serve as a member of any such task force or to coordinate management of such task forces; and

(3) enter into contracts or other agreements with any person or organization to serve on or work with such task forces.

§ 230. Management oversight review.

The Director may, for a period not to exceed thirty days in any one calendar year, provide for the exercise or performance of a management oversight review with respect to the conduct of any Federal drug abuse prevention function. Such review may be conducted by an officer of any Federal department or agency other than the department or agency conducting such function. The officer shall submit a written report to the Director concerning his findings.

§ 231. Federal drug council authorized.

To promote the purposes of this Act, the Director may convene, at his discretion, a council of officials representative of Federal departments and agencies, including intelligence agencies, responsible for Federal drug abuse prevention functions or Federal drug traffic prevention functions.

§ 232. International negotiations.

The President may designate the Director to represent the Government of the United States in discussions and negotiations relating to drug abuse prevention, drug traffic prevention, or both.

§ 233. Annual report.

The Director shall submit to the President and the Congress, prior to March 1 of each year which begins after the enactment of this title, a written report on the activities of the Office. The report shall specify the objectives, activities, and accomplishments of the Office, and shall contain an accounting of funds expended pursuant to this title.

Chapter 3.—ADVISORY COUNCIL

Sec.

- 251. *Establishment of Council.*
- 252. *Membership of the Council.*
- 253. *Chairman; meetings.*
- 254. *Compensation and expenses.*
- 255. *Functions of the Council.*

§ 251. Establishment of Council.

There is established a National Advisory Council for Drug Abuse Prevention (hereinafter in this chapter referred to as the "Council") which shall consist of fifteen members.

§ 252. Membership of the Council.

(a) The Secretary of Health, Education, and Welfare, the Secretary of Defense, and the Administrator of Veterans' Affairs, or their respective designees, shall be members of the Council ex officio.

(b) The remaining members of the Council shall be appointed by the President and shall serve at his pleasure. Appointments shall be made from persons who by virtue of their education, training, or experience are qualified to carry out the functions of members of the Council. Of the members so appointed, four shall be officials of State or local governments or governmental agencies who are actively engaged in drug abuse prevention functions.

§ 253. Chairman; meetings.

The President shall designate the Chairman of the Council. The Council shall meet at the call of the Chairman, but not less often than four times a year.

§ 254. Compensation and expenses.

Members of the Council (other than members who are full-time officers or employees of the United States) shall, while serving on business of the Council, be entitled to receive a per diem allowance at rates not to exceed the daily equivalent of the rate authorized for grade GS-18 of the General Schedule. Each member of the Council, while so serving away from his home or regular place of business, may be allowed actual travel expenses and per diem in lieu of subsistence as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

§ 255. Functions of the Council.

(a) The Council shall, from time to time, make recommendations to the Director with respect to overall planning and policy and the objectives and priorities for all Federal drug abuse prevention functions.

(b) The Council may make recommendations to the Director with respect to the conduct of, or need for, any drug abuse prevention functions which are or in its judgment should be conducted by or with the support of the Federal Government.

TITLE III—NATIONAL DRUG ABUSE STRATEGY

Sec.

- 301. *Development of strategy required.*
- 302. *Strategy Council.*
- 303. *Content of strategy.*
- 304. *Preparation of strategy.*
- 305. *Review and revision.*

§ 301. Development of strategy required.

Immediately upon the enactment of this title, the President shall direct the development of a comprehensive, coordinated long-term Federal strategy (hereinafter in this title referred to as the "strategy") for all drug abuse prevention functions and all drug traffic prevention functions conducted, sponsored, or supported by any department or agency of the Federal Government. The strategy shall be initially promulgated by the President no later than nine months after the enactment of this title.

§ 302. Strategy Council.

To develop the strategy, the President shall establish a Strategy Council whose membership shall include the Director of the Special Action Office for Drug Abuse Prevention until the date specified in section 104 of this Act, the Attorney General, the Secretaries of Health, Education, and Welfare, State, and Defense, the Administrator of Veterans' Affairs, and other officials as the President may deem appropriate. Until the date specified in section 104 of this Act, the Director shall provide such services as are required to assure that the strategy is prepared, and thereafter such services shall be provided by such officer or agency of the United States as the President may designate. The strategy shall be subject to review and written comment by those Federal officials participating in its preparation.

§ 303. Content of strategy.

The strategy shall contain

(1) an analysis of the nature, character, and extent of the drug abuse problem in the United States, including examination of the interrelationships between various approaches to solving the drug abuse problem and their potential for interacting both positively and negatively with one another;

(2) a comprehensive Federal plan, with respect to both drug abuse prevention functions and drug traffic prevention functions, which shall specify the objectives of the Federal strategy and how all available resources, funds, programs, services, and facilities authorized under relevant Federal law should be used; and

(3) an analysis and evaluation of the major programs conducted, expenditures made, results achieved, plans developed, and problems encountered in the operation and coordination of the various Federal drug abuse prevention functions and drug traffic prevention functions.

§ 304. Preparation of strategy.

To facilitate the preparation of the strategy, the Council shall

(1) engage in the planning necessary to achieve the objectives of a comprehensive, coordinated long-term Federal strategy, including examination of the overall Federal investment to combat drug abuse;

(2) at the request of any member, require departments and agencies engaged in Federal drug abuse prevention functions and drug traffic prevention functions to submit such information and reports and to conduct such studies and surveys as are necessary to carry out the purposes of this title, and the departments and agencies shall submit to the Council and to the requesting member the information, reports, studies, and surveys so required;

(3) evaluate the performance and results achieved by Federal drug abuse prevention functions and drug traffic prevention functions and the prospective performance and results that might be achieved by programs and activities in addition to or in lieu of those currently being administered.

§ 305. Review and revision.

The strategy shall be reviewed, revised as necessary, and promulgated as revised from time to time as the President deems appropriate, but not less often than once a year.

TITLE IV—OTHER FEDERAL PROGRAMS

Sec.

- 401. Community mental health centers.
- 402. Public Health Service facilities.
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- 404. Drug abuse prevention function appropriations.
- 405. Special reports by the Secretary of Health, Education, and Welfare.
- 406. Additional drug abuse prevention functions of the Secretary of Health, Education, and Welfare.
- 407. Admission of drug abusers to hospitals for emergency treatment.
- 408. Confidentiality of patient records.
- 409. Formula grants.
- 410. Special project grants and contracts.
- 411. Records and audit.
- 412. National Drug Abuse Training Center.
- 413. Drug abuse among Federal civilian employees.

§ 401. Community mental health centers.

(a) Section 221 of the Community Mental Health Centers Act (42 U.S.C. 2688a) is amended by adding at the end thereof the following new subsection:

“(c) If an application for a grant under this part for a community mental health center is made for any fiscal year beginning after June 30, 1972, and—

“(1) the Secretary determines that it is feasible for such center to provide a treatment and rehabilitation program for drug addicts and other persons with drug abuse and other drug dependence problems residing in the area served by the center and that the need for such a program in that area is of such a magnitude as to warrant the provision of such a program by the center, such application may not be approved unless it contains or is supported by assurances satisfactory to the Secretary that the center will provide such program in such fiscal year; or

“(2) the Secretary determines that it is feasible for the center to assist the Federal Government in treatment and rehabilitation programs for drug addicts and other persons with drug abuse and other drug dependence problems who are in the area served by the center, such application may not be approved unless it contains or is supported by assurances satisfactory to the Secretary that the center will enter into agreements with departments or agencies of the Government under which agreements the center may be used (to the maximum extent practicable) in treatment and rehabilitation programs (if any) provided by such departments or agencies.

For the purpose of making grants under this part to assist community mental health centers to meet the requirements of this subsection there are authorized to be appropriated \$60,000,000 for fiscal year ending June 30, 1973, \$60,000,000 for the fiscal year ending June 30, 1974, and \$60,000,000 for the fiscal year ending June 30, 1975.”

(b) Section 251 of the Community Mental Health Centers Act (42 U.S.C. 2688k) is amended—

(1) by inserting in subsection (a) “or leasing” after “construction”,

(2) by inserting in subsection (a) "facilities for emergency medical services, intermediate care services, or outpatient services, or" immediately before "posthospitalization treatment facilities",

(3) by inserting in subsection (a) "or leased" after "constructed", and

(4) by inserting in subsection (b) "or leasing" after "construction" the first time it appears.

(c) Section 256(e) of the Community Mental Health Centers Act (42 U.S.C. 2688n-1) is amended (1) by striking out "and \$35,000,000" and inserting in lieu thereof "\$60,000,000", and (2) by striking out the period at the end and inserting in lieu thereof "; and \$75,000,000 for the fiscal year ending June 30, 1974."

§ 402. Public Health Service facilities.

(a) Section 341(a) of the Public Health Service Act (42 U.S.C. 257(a)) (relating to care and treatment of narcotic addicts and other drug abusers) is amended by adding at the end thereof the following new sentence: "In carrying out this subsection, the Secretary shall establish in each hospital and other appropriate medical facility of the Service a treatment and rehabilitation program for drug addicts and other persons with drug abuse and drug dependence problems who are in the area served by such hospital or other facility; except that the requirement of this sentence shall not apply in the case of any such hospital or other facility with respect to which the Secretary determines that there is not sufficient need for such a program in such hospital or other facility."

(b) Section 341 of that Act is amended by adding at the end thereof the following new subsection:

"(c) The Secretary may enter into agreements with the Administrator of Veterans' Affairs, the Secretary of Defense, and the head of any other department or agency of the Government under which agreements hospitals and other appropriate medical facilities of the Service may be used in treatment and rehabilitation programs provided by such department or agency for drug addicts and other persons with drug abuse and other drug dependence problems who are in areas served by such hospitals or other facilities."

§ 403. State plan requirements.

(a) Section 314(d)(2)(K) of the Public Health Service Act (42 U.S.C. 246(d)(2)(K)) is amended by inserting after "problem" the following: ", and include provisions for (i) licensing or accreditation of facilities in which treatment and rehabilitation programs are conducted for persons with drug abuse and other drug dependence problems, and (ii) expansion of State mental health programs in the field of drug abuse and drug dependence and of other prevention and treatment programs in such field".

(b) Section 204 of the Community Mental Health Centers Act (42 U.S.C. 2684) is amended by adding at the end thereof the following new subsection:

"(c) After June 30, 1973, the Secretary may not approve any State plan unless it provides for treatment and prevention programs in the field of drug abuse and drug dependence, commensurate with the extent of the problem, and it includes the provisions required by section 314(d)(2)(K) of the Public Health Service Act for State plans submitted under section 314(d) of such Act."

§ 404. Drug abuse prevention function appropriations.

Any request for appropriations by a department or agency of the Government submitted after the date of enactment of this Act 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.

§ 405. Special reports by the Secretary of Health, Education, and Welfare.

(a) *The Secretary of Health, Education, and Welfare (hereinafter in this title referred to as the "Secretary") shall develop and submit to the Congress and the Director within ninety days after the date of enactment of this Act, a written plan for the administration and coordination of all drug abuse prevention functions within the Department of Health, Education, and Welfare. Such report shall list each program conducted and each service provided in carrying out such functions, describe how such programs and services are to be coordinated, and describe the steps taken or to be taken to insure that such programs and services will be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines. The plan shall be consistent with the policies, priorities, and objectives established by the Director under section 221 of this Act.*

(b) *The Secretary shall submit to the Director, for inclusion in the annual report required by section 233 of this Act, a report describing model and experimental methods and programs for the treatment and rehabilitation of drug abusers, and describing the advantages of each such method and program and an evaluation of the success or failure of each such method or program. The Secretary's report shall contain recommendations for the development of new and improved methods and programs for the treatment and rehabilitation of drug abusers, for community implementation of such methods and programs, and for such legislation and administrative action as he deems appropriate.*

§ 406. Additional drug abuse prevention functions of the Secretary of Health, Education, and Welfare.

(a) *The Secretary shall*

(1) *operate an information center for the collection, preparation, and dissemination of all information relating to drug abuse prevention functions, including information concerning State and local drug abuse treatment plans, and the availability of treatment resources, training and educational programs, statistics, research, and other pertinent data and information;*

(2) *investigate and publish information concerning uniform methodology and technology for determining the extent and kind of drug use by individuals and effects which individuals are likely to experience from such use;*

(3) *gather and publish statistics pertaining to drug abuse and promulgate regulations specifying uniform statistics to be furnished, records to be maintained, and reports to be submitted, on a voluntary basis by public and private entities and individuals respecting drug abuse; and*

(4) *review, and publish an evaluation of, the adequacy and appropriateness of any provision relating to drug abuse prevention*

functions contained in the comprehensive State health, welfare, or rehabilitation plans submitted to the Federal Government pursuant to Federal law, including, but not limited to, those submitted pursuant to section 5(a) of the Vocational Rehabilitation Act, sections 314(d) (2) (K) and 604(a) of the Public Health Service Act, section 1902(a) of title XIX of the Social Security Act, and section 204(a) of part A of the Community Mental Health Centers Act.

(b) After December 31, 1974, the Secretary shall carry out his functions under subsection (a) through the National Institute on Drug Abuse.

§ 407. Admission of drug abusers to hospitals for emergency treatment.

(a) Drug abusers who are suffering from emergency medical conditions shall not be refused admission or treatment, solely because of their drug abuse or drug dependence, by any private or public general hospital which receives support in any form from any program supported in whole or in part by funds appropriated to any Federal department or agency.

(b) The Secretary is authorized to make regulations for the enforcement of the policy of subsection (a). Such regulations shall include procedures for determining (after opportunity for a hearing if requested) if a violation of subsection (a) has occurred, notification of failure to comply with such subsection, and opportunity for a violator to comply with such subsection. If the Secretary determines that a hospital has violated subsection (a) and such violation continues after an opportunity has been afforded for compliance, the Secretary is authorized to suspend or revoke, after opportunity for a hearing, all or part of any support of any kind received by such hospital from any program administered by the Secretary. The Secretary may consult with the officials responsible for the administration of any other Federal program from which such hospital receives support of any kind, with respect to the suspension or revocation of Federal support for such hospital.

§ 408. Confidentiality of patient records.

(a) Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any drug abuse prevention function authorized or assisted under any provision of this Act or any Act amended by this Act shall be confidential and may be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b) of this section.

(b) (1) If the patient, with respect to whom any given record referred to in subsection (a) of this section is maintained, gives his written consent, the content of such record may be disclosed

(A) to medical personnel for the purpose of diagnosis or treatment of the patient, and

(B) to governmental personnel for the purpose of obtaining benefits to which the patient is entitled.

(2) If the patient, with respect to whom any given record referred to in subsection (a) of this section is maintained, does not give his written consent, the content of such record may be disclosed as follows:

(A) To medical personnel to the extent necessary to meet a bona fide medical emergency.

(B) To qualified personnel for the purpose of conducting scientific research, management or financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any

individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner.

(C) If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor. In assessing good cause the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate safeguards against unauthorized disclosure.

(c) Except as authorized by a court order granted under subsection (b) (2) (C) of this section, no record referred to in subsection (a) may be used to initiate or substantiate any criminal charges against a patient or to conduct any investigation of a patient.

(d) The prohibitions of this section continue to apply to records concerning any individual who has been a patient, irrespective of whether or when he ceases to be a patient.

(e) Except as authorized under subsection (b) of this section, any person who discloses the contents of any record referred to in subsection (a) shall be fined not more than \$500 in the case of a first offense, and not more than \$5,000 in the case of each subsequent offense.

§ 409. Formula grants.

(a) There are authorized to be appropriated \$15,000,000 for the fiscal year ending June 30, 1972, \$30,000,000 for the fiscal year ending June 30, 1973, \$40,000,000 for the fiscal year ending June 30, 1974, and \$45,000,000 for the fiscal year ending June 30, 1975, for grants to States in accordance with this section. For the purpose of this section, the term "State" includes the District of Columbia, the Virgin Islands, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

(b) Grants to States may be made under this section

(1) for the preparation of plans which are intended to meet the requirements of subsection (e) of this section;

(2) for the expenses (other than State administrative expenses) of (A) carrying out projects under and otherwise implementing plans approved by the Secretary pursuant to subsection (f) of this section, and (B) evaluating the results of such plans as actually implemented; and

(3) for the State administrative expenses of carrying out plans approved by the Secretary pursuant to subsection (f) of this section, except that no grant under this paragraph to any State for any year may exceed \$50,000 or 10 per centum of the total allotment of that State for that year, whichever is less.

(c) (1) For each fiscal year the Secretary shall, in accordance with regulations, allot the sums appropriated pursuant to subsection (a) for such year among the States on the basis of the relative population, financial need, and the need for more effective conduct of drug abuse prevention functions, except that no such allotment to any State (other than the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands), shall be less than \$100,000 multiplied by a fraction whose numerator is the amount actually appropriated for the purposes of this section for the fiscal year for which the allotment is made, and whose denominator is the amount authorized to be appropriated by subsection (a) for that year.

(2) Any amount allotted under paragraph (1) of this subsection to a State (other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands) and remaining unobligated at the end of such year shall remain available to such State, for the purposes for which made, for the next fiscal year (and for such year only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for such next fiscal year; except that any such amount, remaining unobligated at the end of the sixth month following the end of such year for which it was allotted, which the Secretary determines will remain unobligated by the close of such next fiscal year, may be reallocated by the Secretary to be available for the purposes for which made until the close of such next fiscal year, to other States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this section, and any amount so reallocated to a State shall be in addition to the amounts allotted and available to the States for the same period. Any amount allotted under paragraph (1) of this subsection to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands for a fiscal year and remaining unobligated at the end of such year shall remain available to it, for the purposes for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to it for such purpose for each of such next two fiscal years; except that any such amount, remaining unobligated at the end of the first of such next two years, which the Secretary determines will remain unobligated at the close of the second of such next two years, may be reallocated by the Secretary, to be available for the purposes for which made until the close of the second of such next two years, to any other of such four States which have need therefor, on such basis as the Secretary deems equitable and consistent with the purposes of this section, and any amount so reallocated to a State shall be in addition to the amounts allotted and available to the State for the same period.

(d) No grant may be made under subsection (b)(1) of this section unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, including assurances satisfactory to the Secretary that the grant will be used by the State for the preparation of a State plan which will meet the requirements of subsection (e), as the Secretary shall by regulation prescribe.

(e) Any State desiring to receive a grant under subsection (b)(2) or (b)(3) of this section shall submit to the Secretary a State plan for planning, establishing, conducting, and coordinating projects for the development of more effective drug abuse prevention functions in the State and for evaluating the conduct of such functions in the State. Each State plan shall

(1) designate or establish a single State agency as the sole agency for the preparation and administration of the plan, or for supervising the preparation and administration of the plan;

(2) Contain satisfactory evidence that the State agency designated or established in accordance with paragraph (1) will have authority to prepare and administer, or supervise the preparation and administration of, such plan in conformity with this subsection;

(3) provide for the designation of a State advisory council which shall include representatives of nongovernmental organizations or groups, and of public agencies concerned with the prevention and

treatment of drug abuse and drug dependence, from different geographical areas of the State, and which shall consult with the State agency in carrying out the plan;

(4) describe the drug abuse prevention functions to be carried out under the plan with assistance under this section;

(5) set forth, in accordance with criteria established by the Secretary, a detailed survey of the local and State needs for the prevention and treatment of drug abuse and drug dependence, including a survey of the health facilities needed to provide services for drug abuse and drug dependence, and a plan for the development and distribution of such facilities and programs throughout the State;

(6) provide for coordination of existing and planned treatment and rehabilitation programs and activities, particularly in urban centers;

(7) provide a scheme and methods of administration which will supplement, broaden, and complement State health plans developed under section 314(d)(2) of the Public Health Service Act;

(8) provide such methods of administration of the State plan, including methods relating to the establishment and maintenance of personnel standards on a merit basis (except that the Secretary shall exercise no authority with respect to the selection, tenure of office, or compensation of any individual employed in accordance with such methods), as are found by the Secretary to be necessary for the proper and efficient operation of the plan;

(9) provide that the State agency will make such reports, in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

(10) provide that the State agency will from time to time, but not less often than annually, review its State plan and submit to the Secretary an analysis and evaluation of the effectiveness of the prevention and treatment programs and activities carried out under the plan, and any modifications in the plan which it considers necessary;

(11) provide reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, 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 will in no event supplant such State, local, and other non-Federal funds; and

(12) contain such additional information and assurance as the Secretary may find necessary to carry out the provisions of this section.

(f) The Secretary shall approve any State plan and any modification thereof which complies with the provisions of subsection (e) of this section.

(g) From the allotment of a State, the Secretary shall make grants to that State in accordance with this section. Payments under such grants may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

§ 410. Special project grants and contracts.

(a) The Secretary shall

(1) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to provide

training seminars, educational programs, and technical assistance for the development of drug abuse prevention, treatment, and rehabilitation programs for employees in the private and public sectors;

(2) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, and institutions, to provide directly or through contractual arrangements for vocational rehabilitation counseling, education, and services for the benefit of persons in treatment programs and to encourage efforts by the private and public sectors of the economy to recruit, train, and employ participants in treatment programs;

(3) make grants to public and private nonprofit agencies, organizations, or institutions and enter into contracts with public and private agencies, organizations, institutions and individuals to establish, conduct, and evaluate drug abuse prevention, treatment, and rehabilitation programs within State and local criminal justice systems;

(4) make grants to or contracts with groups composed of individuals representing a broad cross-section of medical, scientific, or social disciplines for the purpose of determining the causes of drug abuse in a particular area, prescribing methods for dealing with drug abuse in such an area, or conducting programs for dealing with drug abuse in such an area;

(5) make research grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public and private agencies, organizations, and institutions, and individuals for improved drug maintenance techniques or programs; and

(6) make grants to public and private nonprofit agencies, organizations, and institutions and enter into contracts with public and private agencies, organizations, institutions, and individuals to establish, conduct, and evaluate drug abuse prevention and treatment programs.

(b) There are authorized to be appropriated \$25,000,000 for the fiscal year ending June 30, 1972; \$65,000,000 for the fiscal year ending June 30, 1973; \$100,000,000 for the fiscal year ending June 30, 1974; and \$160,000,000 for the fiscal year ending June 30, 1975, to carry out this section.

(c)(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) designated or established under section 409. 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 the State comprehensive plan for treatment and prevention of drug abuse under section 409. 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;

(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; and

(D) provide for reasonable assurance that Federal funds made available under this section for any period will be so used as to supplement and increase, to the extent feasible and practical, 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 will in no event supplant such State, local, and other non-Federal funds.

(d) 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.

§ 411. Records and audit.

(a) Each recipient of assistance under section 409 or 410 pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant or contract is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to such grants or contracts.

§ 412. National Drug Abuse Training Center.

(a) The Director shall establish a National Drug Abuse Training Center (hereinafter in this section referred to as the "Center") to develop, conduct, and support a full range of training programs relating to drug abuse prevention functions. The Director shall consult with the National Advisory Council for Drug Abuse Prevention regarding the general policies of the Center. The Director may supervise the operation of the Center initially, but shall transfer the supervision of the operation of the Center to the National Institute on Drug Abuse not later than December 31, 1974.

(b) The Center shall conduct or arrange for training programs, seminars, meetings, conferences, and other related activities, including the furnishing of training and educational materials for use by others.

(c) The services and facilities of the Center shall, in accordance with regulations prescribed by the Director, be available to (1) Federal, State, and local government officials, and their respective staffs, (2) medical and paramedical personnel, and educators, and (3) other persons, including drug dependent persons, requiring training or education in drug abuse prevention.

(d)(1) *For the purpose of carrying out this section, there are authorized to be appropriated \$1,000,000 for the fiscal year ending June 30, 1972, \$3,000,000 for the fiscal year ending June 30, 1973, \$5,000,000 for the fiscal year ending June 30, 1974, and \$6,000,000 for the fiscal year ending June 30, 1975.*

(2) *Sums appropriated under this subsection shall remain available for obligation or expenditure in the fiscal year for which appropriated and in the fiscal year next following.*

§ 413. Drug abuse among Federal civilian employees.

(a) *The Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Director and with other Federal agencies and departments, appropriate prevention, treatment, and rehabilitation programs and services for drug abuse among Federal civilian employees. Such policies and services shall make optimal use of existing governmental facilities, services, and skills.*

(b) *The Director shall foster similar drug abuse prevention, treatment, and rehabilitation programs and services in State and local governments and in private industry.*

(c)(1) *No person may be denied or deprived of Federal civilian employment or a Federal professional or other license or right solely on the ground of prior drug abuse.*

(2) *This subsection shall not apply to employment (A) in the Central Intelligence Agency, the Federal Bureau of Investigation, the National Security Agency, or any other department or agency of the Federal Government designated for purposes of national security by the President, or (B) in any position in any department or agency of the Federal Government, not referred to in clause (A), which position is determined pursuant to regulations prescribed by the head of such department or agency to be a sensitive position.*

(d) *This section shall not be construed to prohibit the dismissal from employment of a Federal civilian employee who cannot properly function in his employment.*

**TITLE V—NATIONAL INSTITUTE ON DRUG ABUSE;
NATIONAL ADVISORY COUNCIL ON DRUG ABUSE**

Sec.

501. *Establishment of Institute.*

502. *Establishment of National Advisory Council on Drug Abuse.*

§ 501. Establishment of Institute.

(a) *Effective December 31, 1974, there is established, in the National Institute of Mental Health, a National Institute on Drug Abuse (hereinafter in this section referred to as the "Institute") to administer the programs and authorities of the Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") with respect to drug abuse prevention functions. The Secretary, acting through the Institute, shall, in carrying out the purposes of section 301 of the Public Health Service Act with respect to drug abuse, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of drug abuse and for the rehabilitation of drug abusers.*

(b) *The Institute shall be under the direction of a Director who shall be appointed by the Secretary.*

(c) *The programs of the Institute shall be administered so as to encourage the broadest possible participation of professionals and paraprofessionals in the fields of medicine, science, the social sciences, and other related disciplines.*

§ 502. Establishment of National Advisory Council on Drug Abuse.

(a) *Section 217 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:*

“(e) (1) The National Advisory Council on Drug Abuse shall consist of the Secretary, who shall be Chairman, the chief medical officer of the Veterans' Administration or his representative, and a medical officer designated by the Secretary of Defense, who shall be ex officio members. In addition, the Council shall be composed of twelve members appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The appointed members of the Council shall represent a broad range of interests, disciplines, and expertise in the drug area and shall be selected from outstanding professionals and paraprofessionals in the fields of medicine, education, science, the social sciences, and other related disciplines, who have been active in the areas of drug abuse prevention, treatment, rehabilitation, training, or research.

“(2) The Council shall advise, consult with, and make recommendations to, the Secretary

“(A) concerning matters relating to the activities and functions of the Secretary in the field of drug abuse, including, but not limited to, the development of new programs and priorities, the efficient administration of programs, and the supplying of needed scientific and statistical data and program information to professionals, paraprofessionals, and the general public; and

“(B) concerning policies and priorities respecting grants and contracts in the field of drug abuse.”

(b) *Section 266 of the Community Mental Health Centers Act is amended*

(1) by striking out in the first sentence “part C” and inserting in lieu thereof “parts C and D”,

(2) by striking out in the second sentence “established by such section”, and

(3) *by adding at the end the following new sentence: "Grants under part D of this title for such costs will undergo such review as is provided by section 217(e) of the Public Health Service Act."*
And the House agree to the same.

HARLEY O. STAGGERS,
PAUL G. ROGERS,
DAVID E. SATTERFIELD,
PETER N. KYROS,
RICHARDSON PREYER,
JAMES W. SYMINGTON,
WILLIAM R. ROY,
WILLIAM L. SPRINGER,
ANCHER NELSEN,
TIM LEE CARTER,
JAMES F. HASTINGS,
Managers on the Part of the House.
JOHN L. MCCLELLAN,
ABE RIBICOFF,
LEE METCALF,
LAWTON CHILES,
CHARLES PERCY,
JACOB K. JAVITS,
EDWARD J. GURNEY,
HAROLD E. HUGHES,
JENNINGS RANDOLPH,
HARRISON A. WILLIAMS, JR.,
EDWARD M. KENNEDY,
WALTER F. MONDALE,
ALAN CRANSTON,
BOB PACKWOOD,
PETER H. DOMINICK,
RICHARD S. SCHWEIKER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2097) to establish a Special Action Office for Drug Abuse Prevention and to concentrate the resources of the Nation against the problem of drug abuse, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The amendment of the House to the bill is a substitute for the entire text of the Senate bill. The conference substitute is a substitute for the text of both the Senate bill and the House amendment. Except for technical, clerical, clarifying, and conforming changes, the differences between the conference substitute and the Senate bill and House amendment are set out below:

DEFINITIONS

The Senate bill contained a specific listing of programs to which the legislation was applicable; the House amendment included these programs through specifically defining the terms "drug abuse prevention function" and "drug traffic prevention function".

The Senate bill included, but was not limited to, the following:

(1) the Narcotic Addict Rehabilitation Act of 1966 including treatment and aftercare programs of the National Institute of Mental Health and the Bureau of Prisons of the Department of Justice;

(2) part D and part E (to the extent such parts pertain to drug abuse) of the Community Mental Health Centers Act including treatment, rehabilitation, and education projects administered by the National Institute of Mental Health;

(3) title I of the Comprehensive Drug Abuse Prevention and Control Act of 1970 including treatment, rehabilitation, and education projects authorized by the Secretary of Health, Education, and Welfare;

(4) section 502(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970, to the extent it pertains to public education programs not involving law enforcement within the Bureau of Narcotics and Dangerous Drugs of the Department of Justice;

(5) the Drug Abuse Education Act of 1970 administered by the Office of Education of the Department of Health, Education, and Welfare;

(6) section 222(a)(9) of the Economic Opportunity Act of 1964 and all other provisions of that Act, to the extent they pertain to drug abuse, including community treatment and rehabilitation projects administered by the Office of Economic Opportunity;

(7) section 306(a)(2) of the Omnibus Crime Control and Safe Streets Act of 1968, to the extent that it pertains to drug abuse, including treatment, rehabilitation, and education projects administered by the Law Enforcement Assistance Administration of the Department of Justice;

(8) the Manpower Development and Training Act of 1962, to the extent it pertains to drug abuse, including rehabilitation projects administered by the Department of Labor;

(9) the Public Health Service Act, to the extent it pertains to drug abuse, including service, research, and training programs administered by the Department of Health, Education, and Welfare;

(10) title 38 of the United States Code, to the extent such title pertains to drug abuse, including treatment and rehabilitation services conducted by the Veterans' Administration; and

(11) grant programs authorized by the conference substitute.

The conference substitute is the same as the House amendment, and covers the designated programs, as well as any other programs or activities falling within the defined term "drug abuse prevention function", whether or not conducted by an agency to whose primary mission drug abuse prevention functions are incidental.

ACCESS TO PERSONNEL AND INFORMATION

Both the Senate bill and the House amendment provided for establishment of the Special Action Office for Drug Abuse Prevention in the Executive Office of the President. The House amendment provided that the establishment of the Office in the Executive Office shall not affect congressional access to (1) information, documents, and studies in the possession of, or conducted by, the Office or (2) personnel of the Office.

The conference substitute is the same as the House bill.

APPOINTMENTS

The Senate bill authorized the appointment of 25 persons without regard to civil service and compensation laws, with up to 10 persons permitted to be paid at rates up to GS-18, and 15 additional could be paid at rates up to GS-13.

The House amendment contained no comparable provision.

The conference substitute provides that, in addition to the number of positions which may be placed in supergrades under normal Civil Service Commission procedures, not to exceed 10 positions in the Office may be placed in grades GS-16, 17, and 18, in accordance with

the procedures prescribed under section 5108 of title 5, United States Code.

This revised authority will permit the Office to employ the personnel they need for top positions, while preserving the jurisdiction of the Civil Service Commission and the congressional committees having an interest in this subject.

Both the Senate bill and the House amendment authorized appointments of experts and consultants, but the House amendment, and the conference substitute, permit such employment without regard to limitations on the length of service.

ADVISORY COUNCIL

The House amendment provided for the establishment of a National Advisory Council for Drug Abuse Prevention consisting of the Secretary of HEW, the Secretary of Defense, the Administrator of Veterans' Affairs, ex officio, or their designees, and 12 members appointed by the President, of whom four must be State or local officials concerned with drug abuse prevention functions. The Director is required, in carrying out his overall planning and policy functions, to consult from time to time with the National Advisory Council.

The Senate bill contained no corresponding provision.

The conference substitute is the same as the House bill.

LIAISON

The House amendment provided for the appointment of an Assistant Director to maintain communication and liaison with Federal agencies performing drug traffic prevention functions.

The Senate bill contained no corresponding provision.

The conference substitute is the same as the House amendment.

CONCENTRATION OF FEDERAL EFFORT

The Senate bill provided that the Director shall coordinate drug abuse programs and activities carried out by the United States, and shall coordinate such programs and activities with other programs and activities of the United States, if it will aid the Federal effort against drug abuse.

The House amendment contained no corresponding provision.

The conference substitute is the same as the Senate bill, with the addition of a specific reference to the second sentence of section 213 of the legislation, which provides that the authority of the Director shall not 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 furnishing health care to veterans, except with respect to overall policies established by the Director relating to the conduct of drug abuse prevention functions.

The legislation contemplates that the Director and his staff will act as a catalyst to improve the organization and operation of Federal drug abuse programs. The Director is to play an active role in establishing budget levels, program priorities and policies aimed at curbing drug abuse. The conferees also intend that he monitor agency per-

formance to find and correct failures, weaknesses and delays in policy implementation. In addition, the conferees expect that the Director will take the lead in adjusting and reconciling any policy differences between Federal agencies concerning drug abuse.

The conferees reaffirm the intention of this legislation that the Special Action Office concentrate its efforts on interagency coordination and policy development. It must not attempt to manage or intervene in the routine operation of programs conducted by the departments and agencies. Such action would be contrary to the express purpose of the bill and would waste the resources of the office. The conferees do intend, however, that the Director be fully informed concerning the operation of agency programs affecting drug abuse prevention or traffic functions, to assure that the overall policies he has set are being complied with and implemented. If the Special Action Office is to play a constructive role, it must focus its activities on those areas directly related to its mission—assuring cooperation between departments and agencies on policy issues which cut across jurisdictional lines, providing and encouraging rigorous evaluation of existing programs, and fostering new and innovative approaches to the drug abuse problem.

DEVELOPMENT OF METHODS TO DETERMINE EXTENT OF DRUG ABUSE IN UNITED STATES

The House amendment included as one of the duties of the Director the development of improved methods for determining the extent of drug addiction and abuse in the United States.

The Senate bill contained no comparable provision.

The conference substitute is the same as the House amendment.

PRESIDENTIAL ASSIGNMENTS

The Senate bill provided that the Director, in carrying out his overall planning and policy functions, is to perform such other functions as the President may assign.

The House amendment contained no such provision, and the conference substitute is the same as the House amendment. Section 232 authorizes the President to designate the Director to represent the United States in discussions and negotiations relating to drug abuse prevention, drug traffic prevention, or both.

PHARMACOLOGICAL RESEARCH

The House amendment provides that the Director shall encourage and promote research to create, develop, and test nonaddictive synthetic analgesics to replace opium, long lasting nonaddictive blocking or antagonistic drugs, and detoxification agents, for heroin.

The Senate bill did not contain such authority for the Director, but authorized similar authority through grants and contracts entered into by the Secretary of Health, Education, and Welfare.

The conference substitute is the same as the House bill, with authorization of \$30,000,000 for fiscal year 1975.

APPROPRIATION AUTHORIZATIONS

The Senate bill authorized appropriations totaling \$42,000,000 for functions of the Director, and \$160,000,000 for the special fund, with authorizations for fiscal years 1972 through 1975.

The House amendment authorized \$25,000,000 for fiscal years 1972 through 1974 for functions of the Director, and \$80,000,000 for fiscal years 1973 and 1974 for the special fund.

The conference substitute authorizes, for functions of the Director, \$5,000,000 for fiscal year 1972, \$10,000,000 for fiscal year 1973, \$11,000,000 for fiscal year 1974, and \$12,000,000 for fiscal 1975.

With respect to the special fund, \$40,000,000 is authorized for each of the fiscal years 1973, 1974, and 1975. Funds appropriated for one fiscal year but not expended therein may be carried over to the next fiscal year.

Under the conference agreement, the Director's authority will extend for three full fiscal years ending June 30, 1975, plus the remainder of the current fiscal year.

NATIONAL DRUG ABUSE TRAINING CENTER

The House amendment authorized \$2,000,000 for fiscal year 1972, \$3,000,000 for fiscal year 1973, and \$5,000,000 for fiscal year 1974, for the Director to develop, conduct, and support training programs relating to prevention of drug abuse, with the operation of the Center to be transferred to the National Institute of Mental Health prior to the termination of the Director's powers.

The Senate bill contained no comparable provision.

The conference substitute is the same as the House amendment except that the Director's role with respect to the training center is to be that of overall supervision; the Center is to be transferred to the National Institute of Drug Abuse (created by other provisions in the bill) as of December 31, 1974. The appropriation authorizations are set at \$1,000,000 for fiscal year 1972, \$3,000,000 for fiscal year 1973, \$5,000,000 for fiscal year 1974, and \$6,000,000 for fiscal year 1975.

FEDERAL PERSONNEL POLICIES

The Senate bill provided that the Civil Service Commission would establish policies for control and treatment of drug abuse among Federal civilian employees (including employees of the Postal Service), and that drug dependent employees were not to lose benefits, and where possible to be provided employment, during rehabilitation.

The House amendment provided that the Director should advise the Civil Service Commission and other agencies as to policies and services for control and treatment of drug abuse among Federal civilian employees.

The conference substitute is the same, with respect to drug abuse, as section 201 of the Alcohol and Alcohol Abuse Prevention and Treatment Act of 1970, is with respect to alcoholism and alcohol abuse by Federal employees.

Employees of the Postal Service were removed from this section at the request of the Postal Service as inconsistent with the nongovern-

mental status of such employees under the Postal Reorganization Act. The Postal Service stated that it was their intention to make every effort to cooperate with the Special Action Office, and to establish a program, modeled on that established for other Federal employees, for the treatment of drug abuse among postal employees.

This section establishes the principle that drug abuse and drug dependence shall be handled by Federal departments and agencies as a medical problem for the employee involved. The provision is almost identical to section 201 of the Alcohol and Alcohol Abuse Prevention and Treatment Act of 1970, and should be administered in a similar manner. Thus, except for certain designated sensitive agencies and sensitive positions, an employee may not be dismissed solely because of prior drug abuse. Except for the designated agencies and positions, Federal employees may have their employment terminated only for failure to perform their jobs. All Federal civilian employees dismissed, including those in the agencies and positions listed in subsection (c)(2) of this section, are to be treated alike with respect to retention of collateral benefits. Accordingly, any dismissed employee's rights to annual and sick leave, medical treatment, rehabilitation services, pension, and other collateral rights should be preserved to the same extent as they would be for employees who have lost their jobs due to other medical disabilities.

REORGANIZATION PLANS

The Senate bill provided that the President may change the functions of the Director by reorganization plans without regard to the cutoff date for the submission of plans and the limits on the number that may be submitted.

A similar provision in the House version was deleted by an amendment on the House floor, so that the House amendment contained no comparable provision.

The conference substitute is the same as the House amendment.

CLASSIFICATION OF DRUGS

The Senate bill provided that the Director should consult with and be consulted by appropriate officials regarding classification of drugs under the Controlled Substances Act, and investigational new drugs with a potential for abuse. The Director had similar responsibilities with respect to international questions of classification of drugs, and with respect to New Drug Applications.

The House amendment contained no corresponding provisions.

The conference substitute provides that whenever the Attorney General determines that there is evidence that a drug which is not a controlled substance may be subject to abuse, or that a controlled substance should be transferred or removed from a schedule under the Controlled Substances Act, he shall, prior to the initiation of a formal proceeding for such transfer, removal, or control, notify the Director. In addition, when information is developed with respect to an investigational new drug indicating that the drug has a potential for abuse, that information which is forwarded to the Attorney General as required by the Controlled Substances Act shall also be forwarded to the Director.

SERVICES FOR VETERANS

The Senate bill provided that veterans would receive treatment and rehabilitation services for drug dependency irrespective of the nature of their discharge, the service connection of their drug dependency, or of any other limitation in title 38, United States Code. Services to veterans would include inpatient treatment and outpatient services irrespective of any prior inpatient treatment, psychiatric care, counseling, vocational training, or other rehabilitative services, and the funding, setting up, or operation of residential halfway houses.

The House amendment contained no corresponding provision.

The conference substitute contains no provision relating to treatment and rehabilitation for veterans. The conferees have noted that legislation dealing with this subject has passed the House, and is presently under active consideration by the Senate Veterans' Affairs Committee.

The removal of this section of the bill by the conferees is based upon their assumption that separate legislation will be promptly enacted dealing with the problem of treatment and rehabilitation for veterans, and is done because of jurisdictional objections raised by the Veterans' Affairs Committee of the House. The conferees wish to stress, however, their unanimous firm conviction that dealing with the problem of drug abuse among returning veterans is a matter of the utmost urgency and should be accorded the highest priority by the Congress.

NATIONAL DRUG ABUSE STRATEGY

The Senate bill provided for the establishment of a comprehensive, coordinated, long-term Federal strategy for all drug abuse programs and activities conducted, sponsored, or supported by the United States.

The House bill contained no comparable provision.

The conference substitute is the same as the Senate bill, with technical changes.

COMMUNITY MENTAL HEALTH CENTERS PROGRAMS

The House amendment required that applications for staffing grants for community mental health centers contain assurances that each such center will provide needed drug abuse treatment and rehabilitation programs to persons in the area to be served, if the Secretary finds that the problem in the area warrants establishment of such a program. Appropriations of \$60 million for each of the fiscal years 1973 and 1974 are authorized.

The Senate bill contained no comparable provision, but amended the Community Mental Health Centers Act to authorize grants for the leasing of facilities for drug abuse treatment programs, and authorized assistance for facilities for emergency medical services, intermediate care services, and out-patient services.

The conference substitute combines the provisions of the House amendment and the Senate bill, with authorization of \$60,000,000 for fiscal year 1975.

USE OF PHS FACILITIES

The House amendment provided for establishment of drug abuse treatment and rehabilitation programs in facilities of the Public

Health Service to provide services for persons residing in the local areas, and for servicemen and veterans in such areas.

The Senate bill contained no comparable provision.

The conference substitute is the same as the House bill.

STATE PLAN REQUIREMENTS

The House amendment requires that State plans for grants for comprehensive public health services include provisions for licensing facilities in which drug abuse treatment and rehabilitation programs are conducted, and for expansion of State mental health programs in the method of drug abuse prevention and treatment.

The conference substitute is the same as the House amendment, with a clarifying change.

DRUG ABUSE PREVENTION APPROPRIATION REQUESTS

The House amendment provided that all requests for appropriations for drug abuse prevention functions must hereafter be submitted on a line item basis.

The Senate bill contained no comparable provision.

The conference substitute is the same as the House amendment, with the addition of the requirement that the appropriation request must also include each specific authorization on the basis of which the request is made.

SPECIAL PROJECTS

The House amendment increased from \$35 million to \$60 million the authorization for special projects of programs for drug abuse treatment and rehabilitation for fiscal year 1973, together with a new authorization of \$75 million for fiscal year 1974.

The conference substitute is the same as the House bill.

NATIONAL INSTITUTE ON DRUG ABUSE

The Senate bill provided for the establishment within the National Institute of Mental Health of a National Institute on Drug Abuse.

The House amendment contained no comparable provision.

The conference substitute is the same as the Senate bill, except that the new National Institute on Drug Abuse is to be created on December 31, 1974. The postponement will give the Department of HEW time to prepare for the establishment of the new Institute. The conferees anticipate that, in the consideration of other legislation in the field of mental health and drug abuse, scheduled for expiration in the future, further consideration will be given to the proper role and function of the new Institute.

REPORTS BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

The Senate bill required that the Secretary of Health, Education, and Welfare submit to Congress a written plan for the administration and coordination of his drug abuse programs, and describe existing model and experimental methods for drug abuse treatment, and make recommendations for future development of treatment techniques.

The House amendment contained no comparable provision.

The conference substitute is the same as the Senate bill.

ADDITIONAL RESPONSIBILITIES OF THE SECRETARY

The Senate bill provides that the Secretary is to (1) operate an information center related to drug abuse information, (2) investigate and publish information concerning methodology and technology for determining the extent and kind of drug abuse, (3) publish statistics, and (4) review and evaluate provisions for drug abuse prevention and treatment programs submitted in State health plans.

The House amendment contained no comparable provision.

The conference substitute is the same as the Senate bill.

FORMULA GRANTS

The Senate bill established a formula grant program for assisting States in planning, establishing, maintaining, coordinating, and evaluating projects to deal with drug abuse, with authorization of appropriation of \$15,000,000 for fiscal 1972, \$30,000,000 for fiscal 1973, \$40,000,000 for fiscal 1974, \$45,000,000 for fiscal 1975, and \$50,000,000 for fiscal 1976.

The House amendment authorized formula grants to assist States in planning drug abuse prevention functions and in evaluating the conduct of such functions, with appropriation authorization of \$5,000,000 for fiscal 1972, \$13,000,000 for fiscal 1973, and \$13,000,000 for fiscal 1974.

The conference agreement is the same as the Senate bill except that the appropriation authorizations for fiscal 1976 are deleted, and the minimum allotment to the States contained in the Senate bill is set at \$100,000, with provision for reduction if appropriations are below authorizations.

GRANTS AND CONTRACTS FOR SPECIAL PROGRAMS

The Senate bill authorized grants and contracts—

- (1) for training programs,
- (2) for rehabilitation programs,
- (3) for drug abuse treatment programs within State and local criminal justice systems,
- (4) to determine the causes of drug abuse,
- (5) for research relating to blocking or antagonistic drugs, improved detoxification agents, and improved drug maintenance techniques and programs; and
- (6) for drug abuse treatment programs on the local level.

Authorization for appropriations were \$65,000,000 for fiscal 1972, \$170,000,000 for fiscal 1973, \$260,000,000 for fiscal 1974, \$400,000,000 for fiscal 1975, and \$450,000,000 for fiscal 1976.

The House amendment contained no corresponding provision.

The conference substitute is the same as the Senate bill, except that the programs for research related to blocking or antagonistic drugs, and improved detoxification agents are eliminated as covered by the authority of the Director under section 224 of the bill, and the appropriation authorizations are as follows: \$25 million for fiscal 1972, \$65 million for fiscal 1973; \$100 million for fiscal 1974; and \$160 million for fiscal 1975.

ADMISSION OF DRUG ABUSERS TO HOSPITALS

The Senate bill provided that drug abusers who are suffering from emergency medical conditions shall not be refused admission to or treatment by any public or private general hospital which receives Federal assistance, with a suspension or revocation of Federal assistance for any hospital violating this provision.

The House amendment contained no corresponding provision.

The conference substitute is the same as the Senate bill.

NATIONAL ADVISORY COUNCIL ON DRUG ABUSE

The Senate bill provided for the establishment of a National Advisory Council on Drug Abuse similar to the other advisory councils established under the Public Health Services Act, to advise and consult with the Secretary concerning his functions in the field of drug abuse and to review and approve grants made for narcotic addiction and drug dependent person rehabilitation programs under part (D) of the Community Mental Health Centers Act.

The House amendment contained no corresponding provision.

The conference substitute is the same as the Senate bill.

CONFIDENTIALITY OF PATIENT RECORDS

The Senate bill provided for confidentiality of private records prepared or obtained in connection with drug abuse programs, with some limitations.

The House amendment contained no corresponding provision.

The conference substitute is the same as the Senate bill, with technical and clarifying changes.

The conferees wish to stress their conviction that the strictest adherence to the provisions of this section is absolutely essential to the success of all drug abuse prevention programs. Every patient and former patient must be assured that his right to privacy will be protected. Without that assurance, fear of public disclosure of drug abuse or of records that will attach for life will discourage thousands from seeking the treatment they must have if this tragic national problem is to be overcome.

Every person having control over or access to patients' records must understand that disclosure is permitted only under the circumstances and conditions set forth in this section. Records are not to be made available to investigators for the purpose of law enforcement or for any other private or public purpose or in any manner not specified in this section.

DESIGNATION OF CERTAIN POSITIONS IN ACTION

The Senate bill contained an amendment to the Economic Opportunity Act of 1964 providing for two associate directors of ACTION, to be compensated at Level IV of the Executive Schedule.

The House amendment contained no corresponding provision.

The conference substitute is the same as the House amendment.

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