

Editorial Notes

AMENDMENTS

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

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

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

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

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

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

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

(b) Expenditure of amounts

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

(c) Definitions

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

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

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

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

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

For purposes of this subpart:

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

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

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

(b) Definitions for this part

For purposes of this part:

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

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

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

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

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

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

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

The purposes of this section are—

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

(2) to allow the organizations to accept the funds to provide the services to the individuals

without impairing the religious character of the organizations or the religious freedom of the individuals.

(b) Religious organizations included as non-governmental providers

(1) In general

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

(2) Requirement

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

(c) Religious character and independence

(1) In general

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

(2) Additional safeguards

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

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

(B) to remove religious art, icons, scripture, or other symbols,

in order to be eligible to provide services under any substance abuse program under this subchapter or subchapter III-A.

(d) Employment practices

(1) Substance abuse

A religious organization that provides services under any substance abuse program under this subchapter or subchapter III-A may require that its employees providing services under such program adhere to rules forbidding the use of drugs or alcohol.

(2) Title VII exemption

The exemption of a religious organization provided under section 702 or 703(e)(2) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-1, 2000e-2(e)(2)) regarding employment practices shall not be affected by the religious organiza-

tion's provision of services under, or receipt of funds from, any substance abuse program under this subchapter or subchapter III-A.

(e) Rights of beneficiaries of assistance

(1) In general

If an individual described in paragraph (3) has an objection to the religious character of the organization from which the individual receives, or would receive, services funded under any substance abuse program under this subchapter or subchapter III-A, the appropriate Federal, State, or local governmental entity shall provide to such individual (if otherwise eligible for such services) within a reasonable period of time after the date of such objection, services that—

(A) are from an alternative provider that is accessible to the individual; and

(B) have a value that is not less than the value of the services that the individual would have received from such organization.

(2) Notice

The appropriate Federal, State, or local governmental entity shall ensure that notice is provided to individuals described in paragraph (3) of the rights of such individuals under this section.

(3) Individual described

An individual described in this paragraph is an individual who receives or applies for services under any substance abuse program under this subchapter or subchapter III-A.

(f) Nondiscrimination against beneficiaries

A religious organization providing services through a grant, contract, or cooperative agreement under any substance abuse program under this subchapter or subchapter III-A shall not discriminate, in carrying out such program, against an individual described in subsection (e)(3) on the basis of religion, a religious belief, a refusal to hold a religious belief, or a refusal to actively participate in a religious practice.

(g) Fiscal accountability

(1) In general

Except as provided in paragraph (2), any religious organization providing services under any substance abuse program under this subchapter or subchapter III-A shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds provided under such program.

(2) Limited audit

Such organization shall segregate government funds provided under such substance abuse program into a separate account. Only the government funds shall be subject to audit by the government.

(h) Compliance

Any party that seeks to enforce such party's rights under this section may assert a civil action for injunctive relief exclusively in an appropriate Federal or State court against the entity, agency or official that allegedly commits such violation.

(i) Limitations on use of funds for certain purposes

No funds provided through a grant or contract to a religious organization to provide services under any substance abuse program under this subchapter or subchapter III-A shall be expended for sectarian worship, instruction, or proselytization.

(j) Effect on State and local funds

If a State or local government contributes State or local funds to carry out any substance abuse program under this subchapter or subchapter III-A, the State or local government may segregate the State or local funds from the Federal funds provided to carry out the program or may commingle the State or local funds with the Federal funds. If the State or local government commingles the State or local funds, the provisions of this section shall apply to the commingled funds in the same manner, and to the same extent, as the provisions apply to the Federal funds.

(k) Treatment of intermediate contractors

If a nongovernmental organization (referred to in this subsection as an “intermediate organization”), acting under a contract or other agreement with the Federal Government or a State or local government, is given the authority under the contract or agreement to select nongovernmental organizations to provide services under any substance abuse program under this subchapter or subchapter III-A, the intermediate organization shall have the same duties under this section as the government but shall retain all other rights of a nongovernmental organization under this section.

(July 1, 1944, ch. 373, title XIX, §1955, as added Pub. L. 106-310, div. B, title XXXIII, §3305, Oct. 17, 2000, 114 Stat. 1212.)

§ 300x-66. Services for individuals with co-occurring disorders

States may use funds available for treatment under sections 300x and 300x-21 of this title to treat persons with co-occurring substance use disorders and mental disorders as long as funds available under such sections are used for the purposes for which they were authorized by law and can be tracked for accounting purposes.

(July 1, 1944, ch. 373, title XIX, §1956, as added Pub. L. 106-310, div. B, title XXXIV, §3407, Oct. 17, 2000, 114 Stat. 1222; amended Pub. L. 117-328, div. FF, title I, §1241(a)(13), Dec. 29, 2022, 136 Stat. 5678.)

Editorial Notes**AMENDMENTS**

2022—Pub. L. 117-328 substituted “substance use disorders” for “substance abuse”.

§ 300x-67. Public health emergencies

In the case of a public health emergency (as determined under section 247d of this title), the Secretary, on a State by State basis, may, as the circumstances of the emergency reasonably require and for the period of the emergency, grant an extension, or waive application dead-

lines or compliance with any other requirement, of a grant authorized under section 290cc-21, 300x, or 300x-21 of this title or an allotment authorized under Public Law 99-319 (42 U.S.C. 10801 et seq.).

(July 1, 1944, ch. 373, title XIX, §1957, as added Pub. L. 114-255, div. B, title VIII, §8003(3), Dec. 13, 2016, 130 Stat. 1233.)

Editorial Notes**REFERENCES IN TEXT**

Public Law 99-319, referred to in text, is Pub. L. 99-319, May 23, 1986, 100 Stat. 478, popularly known as the Protection and Advocacy for Individuals with Mental Illness Act, which is classified generally to chapter 114 (§10801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 10801 of this title and Tables.

§ 300x-68. Joint applications

The Secretary, acting through the Assistant Secretary for Mental Health and Substance Use, shall permit a joint application to be submitted for grants under subpart I and subpart II upon the request of a State. Such application may be jointly reviewed and approved by the Secretary with respect to such subparts, consistent with the purposes and authorized activities of each such grant program. A State submitting such a joint application shall otherwise meet the requirements with respect to each such subpart.

(July 1, 1944, ch. 373, title XIX, §1958, as added Pub. L. 114-255, div. B, title VIII, §8003(3), Dec. 13, 2016, 130 Stat. 1233.)

PART C—CERTAIN PROGRAMS REGARDING MENTAL HEALTH AND SUBSTANCE USE**Editorial Notes****CODIFICATION**

Pub. L. 117-328, div. FF, title I, §1241(b)(1), Dec. 29, 2022, 136 Stat. 5678, substituted “Substance Use” for “Substance Abuse” in part heading.

Pub. L. 106-310, div. B, title XXXIV, §3404(1), Oct. 17, 2000, 114 Stat. 1220, added part C heading and struck out former part C heading “Certain Programs Regarding Substance Abuse”.

SUBPART I—DATA INFRASTRUCTURE DEVELOPMENT**Editorial Notes****CODIFICATION**

Pub. L. 106-310, div. B, title XXXIV, §3404(1), Oct. 17, 2000, 114 Stat. 1220, added subpart I heading and struck out former subpart I heading “Expansion of Capacity for Providing Treatment”.

§ 300y. Data infrastructure development**(a) In general**

The Secretary may make grants to, and enter into contracts or cooperative agreements with States for the purpose of developing and operating mental health or substance use data collection, analysis, and reporting systems with regard to performance measures including capacity, process, and outcomes measures.

(b) Projects

The Secretary shall establish criteria to ensure that services will be available under this