

Committee Print

[SHOWING THE TEXT OF H.R. 2379, AS FAVORABLY FORWARDED BY THE
ENERGY AND COMMERCE SUBCOMMITTEE ON HEALTH ON JULY 15, 2021]

117TH CONGRESS
1ST SESSION

H. R. 2379

To amend the 21st Century Cures Act to reauthorize and expand a grant program for State response to the opioid use disorders crisis, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2021

Mr. TRONE (for himself and Ms. SHERRILL) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To amend the 21st Century Cures Act to reauthorize and expand a grant program for State response to the opioid use disorders crisis, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “State Opioid Response
5 Grant Authorization Act of 2021”.

1 **SEC. 2. GRANT PROGRAM FOR STATE AND TRIBAL RE-**
2 **SPONSE TO OPIOID AND STIMULANT USE AND**
3 **MISUSE.**

4 Section 1003 of the 21st Century Cures Act (42
5 U.S.C. 290ee-3 note) is amended to read as follows:

6 **“SEC. 1003. GRANT PROGRAM FOR STATE AND TRIBAL RE-**
7 **SPONSE TO OPIOID AND STIMULANT USE AND**
8 **MISUSE.**

9 “(a) IN GENERAL.—The Secretary of Health and
10 Human Services (referred to in this section as the ‘Sec-
11 retary’) shall carry out the grant program described in
12 subsection (b) for purposes of addressing opioid and stim-
13 ulant use and misuse, within States, Indian Tribes, and
14 populations served by Tribal organizations and Urban In-
15 dian organizations.

16 “(b) GRANTS PROGRAM.—

17 “(1) IN GENERAL.—Subject to the availability
18 of appropriations, the Secretary shall award grants
19 to States, Indian Tribes, Tribal organizations, and
20 Urban Indian organizations for the purpose of ad-
21 dressing opioid and stimulant use and misuse, within
22 such States, such Indian Tribes, and populations
23 served by such Tribal organizations and Urban In-
24 dian organizations, in accordance with paragraph
25 (2).

1 “(2) MINIMUM ALLOCATIONS; PREFERENCE.—

2 In determining grant amounts for each recipient of
3 a grant under paragraph (1), the Secretary shall—

4 “(A) ensure that each State receives not
5 less than \$4,000,000; and

6 “(B) give preference to States, Indian
7 Tribes, Tribal organizations, and Urban Indian
8 organizations whose populations have an inci-
9 dence or prevalence of opioid use disorders that
10 is substantially higher relative to the popu-
11 lations of other States, other Indian Tribes,
12 Tribal organizations, or Urban Indian organiza-
13 tions, as applicable.

14 “(3) FORMULA METHODOLOGY.—

15 “(A) IN GENERAL.—Before publishing a
16 funding opportunity announcement with respect
17 to grants under this section, the Secretary
18 shall—

19 “(i) develop a formula methodology to
20 be followed in allocating grant funds
21 awarded under this section among grant-
22 ees, which includes performance assess-
23 ments for continuation awards; and

24 “(ii) not later than 30 days after de-
25 veloping the formula methodology under

1 clause (i), submit the formula methodology
2 to—

3 “(I) the Committee on Energy
4 and Commerce and the Committee on
5 Appropriations of the House of Rep-
6 resentatives; and

7 “(II) the Committee on Health,
8 Education, Labor, and Pensions and
9 the Committee on Appropriations of
10 the Senate.

11 “(B) REPORT.—Not later than two years
12 after the date of the enactment of the State
13 Opioid Response Grant Authorization Act of
14 2021, the Comptroller General of the United
15 States shall submit to the Committee on
16 Health, Education, Labor, and Pensions of the
17 Senate and the Committee on Energy and Com-
18 merce of the House of Representatives a report
19 that—

20 “(i) assesses how grant funding is al-
21 located to States under this section and
22 how such allocations have changed over
23 time; and

24 “(ii) assesses how any changes in
25 funding under this section have affected

1 the efforts of States to address opioid mis-
2 use; and

3 “(iii) assesses the use of funding pro-
4 vided through the grant program under
5 this section and other similar grant pro-
6 grams administered by the Substance
7 Abuse and Mental Health Services Admin-
8 istration.

9 “(4) USE OF FUNDS.—Grants awarded under
10 this subsection shall be used for carrying out activi-
11 ties that supplement activities pertaining to opioid
12 and stimulant use and misuse, undertaken by the
13 State agency responsible for administering the sub-
14 stance abuse prevention and treatment block grant
15 under subpart II of part B of title XIX of the Public
16 Health Service Act (42 U.S.C. 300x–21 et seq.),
17 which may include public health-related activities
18 such as the following:

19 “(A) Implementing prevention activities,
20 and evaluating such activities to identify effec-
21 tive strategies to prevent substance use dis-
22 orders.

23 “(B) Establishing or improving prescrip-
24 tion drug monitoring programs.

1 “(C) Training for health care practitioners,
2 such as best practices for prescribing opioids,
3 pain management, recognizing potential cases
4 of substance use disorders, referral of patients
5 to treatment programs, preventing diversion of
6 controlled substances, and overdose prevention.

7 “(D) Supporting access to health care
8 services, including—

9 “(i) services provided by federally cer-
10 tified opioid treatment programs;

11 “(ii) outpatient and residential sub-
12 stance use disorder treatment services that
13 utilize medication-assisted treatment, as
14 appropriate; or

15 “(iii) other appropriate health care
16 providers to treat substance use disorders.

17 “(E) Recovery support services, includ-
18 ing—

19 “(i) community-based services that in-
20 clude peer supports;

21 “(ii) mutual aid recovery programs
22 that support medication-assisted treat-
23 ment; or

24 “(iii) services to address housing
25 needs and family issues.

1 “(F) Other public health-related activities,
2 as the State, Indian Tribe, Tribal organization,
3 or Urban Indian organization determines appro-
4 priate, related to addressing substance use dis-
5 orders within the State, Indian Tribe, Tribal or-
6 ganization, or Urban Indian organization, in-
7 cluding directing resources in accordance with
8 local needs related to substance use disorders.

9 “(c) ACCOUNTABILITY AND OVERSIGHT.—A State re-
10 ceiving a grant under subsection (b) shall include in re-
11 porting related to substance use disorders submitted to the
12 Secretary pursuant to section 1942 of the Public Health
13 Service Act (42 U.S.C. 300x–52), a description of—

14 “(1) the purposes for which the grant funds re-
15 ceived by the State under such subsection for the
16 preceding fiscal year were expended and a descrip-
17 tion of the activities of the State under the grant;

18 “(2) the ultimate recipients of amounts pro-
19 vided to the State; and

20 “(3) the number of individuals served through
21 the grant.

22 “(d) LIMITATIONS.—Any funds made available pur-
23 suant to subsection (i)—

24 “(1) notwithstanding any transfer authority in
25 any appropriations Act, shall not be used for any

1 purpose other than the grant program in subsection
2 (b); and

3 “(2) shall be subject to the same requirements
4 as substance use disorders prevention and treatment
5 programs under titles V and XIX of the Public
6 Health Service Act (42 U.S.C. 290aa et seq., 300w
7 et seq.).

8 “(e) INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND
9 URBAN INDIAN ORGANIZATIONS.—The Secretary, in con-
10 sultation with Indian Tribes, Tribal organizations, and
11 Urban Indian organizations, shall identify and establish
12 appropriate mechanisms for Indian Tribes, Tribal organi-
13 zations, and Urban Indian organizations to demonstrate
14 or report the information as required under subsections
15 (b), (c), and (d).

16 “(f) REPORT TO CONGRESS.—Not later than Sep-
17 tember 30, 2024, and biennially thereafter, the Secretary
18 shall submit to the Committee on Health, Education,
19 Labor, and Pensions of the Senate and the Committee on
20 Energy and Commerce of the House of Representatives,
21 and the Committees on Appropriations of the House of
22 Representatives and the Senate, a report that includes a
23 summary of the information provided to the Secretary in
24 reports made pursuant to subsections (c) and (e), includ-
25 ing—

1 “(1) the purposes for which grant funds are
2 awarded under this section;

3 “(2) the activities of the grant recipients; and

4 “(3) for each State, Indian Tribe, Tribal orga-
5 nization, and Urban Indian organization that re-
6 ceives a grant under this section, the funding level
7 provided to such recipient.

8 “(g) TECHNICAL ASSISTANCE.—The Secretary, in-
9 cluding through the Tribal Training and Technical Assist-
10 ance Center of the Substance Abuse and Mental Health
11 Services Administration, shall provide States, Indian
12 Tribes, Tribal organizations, and Urban Indian organiza-
13 tions, as applicable, with technical assistance concerning
14 grant application and submission procedures under this
15 section, award management activities, and enhancing out-
16 reach and direct support to rural and underserved commu-
17 nities and providers in addressing substance use disorders.

18 “(h) DEFINITIONS.—In this section:

19 “(1) INDIAN TRIBE.—The term ‘Indian Tribe’
20 has the meaning given the term ‘Indian tribe’ in sec-
21 tion 4 of the Indian Self-Determination and Edu-
22 cation Assistance Act (25 U.S.C. 5304).

23 “(2) TRIBAL ORGANIZATION.—The term ‘Tribal
24 organization’ has the meaning given the term ‘tribal
25 organization’ in such section 4.

1 “(3) STATE.—The term ‘State’ has the mean-
2 ing given such term in section 1954(b) of the Public
3 Health Service Act (42 U.S.C. 300x-64(b)).

4 “(4) URBAN INDIAN ORGANIZATION.—The term
5 ‘Urban Indian organization’ has the meaning given
6 such term in section 4 of the Indian Health Care
7 Improvement Act.

8 “(i) AUTHORIZATION OF APPROPRIATIONS.—

9 “(1) IN GENERAL.—For purposes of carrying
10 out the grant program under subsection (b), there is
11 authorized to be appropriated \$1,750,000,000 for
12 each of fiscal years 2022 through 2027, to remain
13 available until expended.

14 “(2) FEDERAL ADMINISTRATIVE EXPENSES.—
15 Of the amounts made available for each fiscal year
16 to award grants under subsection (b), the Secretary
17 shall not use more than 20 percent for Federal ad-
18 ministrative expenses, training, technical assistance,
19 and evaluation.

20 “(3) SET ASIDE.—Of the amounts made avail-
21 able for each fiscal year to award grants under sub-
22 section (b) for a fiscal year, the Secretary shall—

23 “(A) award 5 percent to Indian Tribes,
24 Tribal organizations, and Urban Indian organi-
25 zations; and

1 “(B) of the amount remaining after appli-
2 cation of subparagraph (A), set aside up to 15
3 percent for awards to States with the highest
4 age-adjusted rate of drug overdose death based
5 on the ordinal ranking of States according to
6 the Director of the Centers for Disease Control
7 and Prevention.”.