

## Union Calendar No.

117TH CONGRESS  
1ST SESSION

# H. R. 2379

[Report No. 117-]

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.

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### 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

AUGUST --, 2021

Reported with an amendment, committed to the Committee of the Whole  
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on April 8, 2021]

# **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”.*

6 **SEC. 2. GRANT PROGRAM FOR STATE AND TRIBAL RE-**  
7 **SPONSE TO OPIOID AND STIMULANT USE AND**  
8 **MISUSE.**

9 *Section 1003 of the 21st Century Cures Act (42 U.S.C.*  
10 *290ee–3 note) is amended to read as follows:*

11 **“SEC. 1003. GRANT PROGRAM FOR STATE AND TRIBAL RE-**  
12 **SPONSE TO OPIOID AND STIMULANT USE AND**  
13 **MISUSE.**

14 *“(a) IN GENERAL.—The Secretary of Health and*  
15 *Human Services (referred to in this section as the ‘Sec-*  
16 *retary’) shall carry out the grant program described in sub-*  
17 *section (b) for purposes of addressing opioid and stimulant*  
18 *use and misuse, within States, Indian Tribes, and popu-*  
19 *lations served by Tribal organizations and Urban Indian*  
20 *organizations.*

21 *“(b) GRANTS PROGRAM.—*

22 *“(1) IN GENERAL.—Subject to the availability of*  
23 *appropriations, the Secretary shall award grants to*  
24 *States, Indian Tribes, Tribal organizations, and*  
25 *Urban Indian organizations for the purpose of ad-*

1       *dressing opioid and stimulant use and misuse, within*  
2       *such States, such Indian Tribes, and populations*  
3       *served by such Tribal organizations and Urban In-*  
4       *dian organizations, in accordance with paragraph*  
5       *(2).*

6               “(2) *MINIMUM ALLOCATIONS; PREFERENCE.—In*  
7       *determining grant amounts for each recipient of a*  
8       *grant under paragraph (1), the Secretary shall—*

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

11                      “(B) *give preference to States, Indian*  
12       *Tribes, Tribal organizations, and Urban Indian*  
13       *organizations whose populations have an inci-*  
14       *dence or prevalence of opioid use disorders or*  
15       *stimulant use or misuse that is substantially*  
16       *higher relative to the populations of other States,*  
17       *other Indian Tribes, Tribal organizations, or*  
18       *Urban Indian organizations, as applicable.*

19               “(3) *FORMULA METHODOLOGY.—*

20                      “(A) *IN GENERAL.—Before publishing a*  
21       *funding opportunity announcement with respect*  
22       *to grants under this section, the Secretary*  
23       *shall—*

24                               “(i) *develop a formula methodology to*  
25       *be followed in allocating grant funds*

1                   *awarded under this section among grantees,*  
2                   *which includes performance assessments for*  
3                   *continuation awards; and*

4                   “*(ii) not later than 30 days after de-*  
5                   *veloping the formula methodology under*  
6                   *clause (i), submit the formula methodology*  
7                   *to—*

8                   “*(I) the Committee on Energy*  
9                   *and Commerce and the Committee on*  
10                  *Appropriations of the House of Rep-*  
11                  *resentatives; and*

12                  “*(II) the Committee on Health,*  
13                  *Education, Labor, and Pensions and*  
14                  *the Committee on Appropriations of*  
15                  *the Senate.*

16                  “*(B) REPORT.—Not later than two years*  
17                  *after the date of the enactment of the State*  
18                  *Opioid Response Grant Authorization Act of*  
19                  *2021, the Comptroller General of the United*  
20                  *States shall submit to the Committee on Health,*  
21                  *Education, Labor, and Pensions of the Senate*  
22                  *and the Committee on Energy and Commerce of*  
23                  *the House of Representatives a report that—*

1                   “(i) assesses how grant funding is allo-  
2                   cated to States under this section and how  
3                   such allocations have changed over time;

4                   “(ii) assesses how any changes in fund-  
5                   ing under this section have affected the ef-  
6                   forts of States to address opioid or stimu-  
7                   lant use or misuse; and

8                   “(iii) assesses the use of funding pro-  
9                   vided through the grant program under this  
10                  section and other similar grant programs  
11                  administered by the Substance Abuse and  
12                  Mental Health Services Administration.

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

23                         “(A) Implementing prevention activities,  
24                         and evaluating such activities to identify effec-  
25                         tive strategies to prevent substance use disorders.

1           “(B) *Establishing or improving prescrip-*  
2           *tion drug monitoring programs.*

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

9           “(D) *Supporting access to health care serv-*  
10          *ices, including—*

11                 “(i) *services provided by federally cer-*  
12                 *tified opioid treatment programs;*

13                 “(ii) *outpatient and residential sub-*  
14                 *stance use disorder treatment services that*  
15                 *utilize medication-assisted treatment, as ap-*  
16                 *propriate; or*

17                 “(iii) *other appropriate health care*  
18                 *providers to treat substance use disorders.*

19          “(E) *Recovery support services, including—*

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

22                 “(ii) *mutual aid recovery programs*  
23                 *that support medication-assisted treatment;*

24                 *or*

1                   “(iii) services to address housing needs  
2                   and family issues.

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

11               “(c) ACCOUNTABILITY AND OVERSIGHT.—A State re-  
12               ceiving a grant under subsection (b) shall include in report-  
13               ing related to substance use disorders submitted to the Sec-  
14               retary pursuant to section 1942 of the Public Health Serv-  
15               ice Act (42 U.S.C. 300x-52), a description of—

16               “(1) the purposes for which the grant funds re-  
17               ceived by the State under such subsection for the pre-  
18               ceding fiscal year were expended and a description of  
19               the activities of the State under the grant;

20               “(2) the ultimate recipients of amounts provided  
21               to the State; and

22               “(3) the number of individuals served through  
23               the grant.

24               “(d) LIMITATIONS.—Any funds made available pursu-  
25               ant to subsection (i)—



1           “(1) notwithstanding any transfer authority in  
2           any appropriations Act, shall not be used for any  
3           purpose other than the grant program in subsection  
4           (b); and

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

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

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

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 organi-*  
5           *zation, and Urban Indian organization that receives*  
6           *a grant under this section, the funding level provided*  
7           *to such recipient.*

8           “(g) *TECHNICAL ASSISTANCE.—The Secretary, includ-*  
9           *ing through the Tribal Training and Technical Assistance*  
10           *Center of the Substance Abuse and Mental Health Services*  
11           *Administration, shall provide States, Indian Tribes, Tribal*  
12           *organizations, and Urban Indian organizations, as appli-*  
13           *cable, with technical assistance concerning grant applica-*  
14           *tion and submission procedures under this section, award*  
15           *management activities, and enhancing outreach and direct*  
16           *support to rural and underserved communities and pro-*  
17           *viders 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 meaning*  
2           *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 Im-*  
7           *provement Act.*

8           “(i) *AUTHORIZATION OF APPROPRIATIONS*.—

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

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

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 on  
5                   the ordinal ranking of States according to the  
6                   Director of the Centers for Disease Control and  
7                   Prevention.”.