

II. ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

Legal citation	Type of authority	Legislative text
A. National Institute on Alcohol Abuse and Alcoholism		
a) Public Health Service Act	Implied	(d) "The National Advisory Council on Alcohol Abuse and Alcoholism shall advise, consult with, and make recommendations to, the Secretary . . . in the field of alcohol abuse and alcoholism . . . The Council is authorized . . . (2) to collect information as to studies being carried on in the field of alcohol abuse and alcoholism, and with the approval of the Secretary, make available such information through appropriate publications for the benefit of health and welfare agencies or organizations . . . or physicians or any other scientists, and for the information of the general public . . . "
• P.L. 78-410 ~217, as added by P.L. 91-616 §401(a) (1970) and amended		
• 42 USC §218		
b) Health Services and Centers Amendments of 1978	General	(a) "The Secretary of Health, Education, and Welfare, after consultation with appropriate public and private entities, shall establish a comprehensive program designed to deter smoking and the use of alcoholic beverages among children and adolescents. Such a program shall include—
• P.L. 95-626 ~402 (1978)		(1) the undertaking or support (through grants or contracts or both) of biomedical and behavioral research designed to increase understanding of the biological and behavioral determinants of smoking and the use of alcoholic beverages among children and adolescents, with special emphasis on children aged twelve or below; . . . "
• 42 USC ~247b-2		[Jointly administered with the Office of Smoking and Health (OASH).]
c) Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970	Implied	(a) "There is established the National Institute on Alcohol Abuse and Alcoholism . . . to administer the programs and authorities assigned to the Secretary of Health, Education, and Welfare . . . by this chapter and part C of the Community Mental Health Centers Act (42 USC 2688e et seq.). The Secretary, acting through the Institute, shall, in carrying out the purposes of section 241 and 242a of . . . title [42] with respect to alcohol abuse and alcoholism, develop and conduct comprehensive health, . . . research, and planning programs for the prevention and treatment of alcohol abuse and alcoholism and for the rehabilitation of alcohol abusers and alcoholics. The Secretary shall carry out through the Institute the . . . policy development and planning, evaluation, and public information functions which are required for the implementation of such programs and authorities."*
• P.L. 91-616 §101 (1970), and amended	General	
• 42 USC §4551		

● Section 301 of the Public Health Service Act, 42 USC ~241, is the general data collection authority for the Secretary of HEW.

A. National Institute on Alcohol Abuse and Alcoholism—continued

Legal citation	Type of authority	Legislative text
d) Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970	Implied	“The Secretary shall— . . . (2) submit to Congress on or before the expiration of the one-year period beginning December 31, 1970 and every three years thereafter, a report (A) containing current information on the health consequences of using alcoholic beverages . . . “
• P.L. 91-616 ~102 (1970), and amended		
• 42 USC §4552		
e) Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970	Specific	(a) “The Secretary, acting through the Institute, shall carry out a program of research, investigations, experiments, demonstrations, and studies, directly and by grant or contract, into— (1) the behavioral and biomedical etiology of, (2) treatment of, (3) mental and physical health consequences of, (4) social and economic consequences of, and (5) the impact on families of, alcohol abuse and alcoholism. (b) In carrying out the program described in subsection (a) of this section, the Secretary, acting through the Institute, is authorized to— (1) collect and make available through publications and other appropriate means, information as to, and the practical application of, the research and other activities under the program, . . . “
• P.L. 91-616 ~501, as added by P.L. 94-371 ~7 (1976), and amended		
• 42 USC §1585		

B. National Institute on Drug Abuse

a) Drug Abuse Office and Treatment Act of 1972	General	“To facilitate the preparation of the strategy, the [Strategy] Council shall . . . (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 studies and surveys as are necessary to carry out the purposes of this subchapter, and the departments and agencies shall submit to the Council and to the requesting member the information, reports, studies, and surveys so required, . . . “
• P.L. 92-255 ~304, (1972) and amended		
• 21 USC §1164		

B. National Institute on Drug Abuse—continued

Legal citation	Type of authority	Legislative text
<p>b) Drug Abuse Office and Treatment Act of 1972</p> <p>• P.L. 92-255\$405, (1972) and amended</p> <p>• 21 USC \$1172</p>	General	<p>(b) “The Secretary shall submit to the President and the Congress with respect to each fiscal year on—</p> <p>(1) the health consequences and extent of drug abuse in the United States,</p> <p>(2) a description and evaluation of the effectiveness of the drug abuse prevention functions carried out through any entity of the Department of Health, Education, and Welfare in the fiscal year for which the report is made,</p> <p>(3) a description of the manner in which such functions were carried out, a description of the amount of funds expended in carrying out such functions, and a description and evaluation of the coordination within the Department of Health, Education, and Welfare in carrying out such functions,</p> <p>(4) a description and evaluation of the effectiveness of experimental methods and programs implemented in carrying out such functions, recommendations for implementation of such methods and programs by others in carrying out their drug abuse prevention functions, and a description and evaluation of the effectiveness of the means used to disseminate information respecting such methods and programs, and</p> <p>(5) proposals for changes in the drug abuse prevention functions carried out through the Department of Health, Education, and Welfare (including recommendations for legislation). The report required by this subsection shall be transmitted not later than January 15 of each year . . . “</p>
<p>c) Drug Abuse Office and Treatment Act of 1972</p> <p>• P.L. 92-255\$406 (1972)</p> <p>• 21 USC \$1173</p>	Specific	<p>(a) “The Secretary shall—</p> <p>(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;</p> <p>(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;</p> <p>(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; . . .</p>

B. National Institute on Drug Abuse—continued

Legal citation	Type of authority	Legislative text
		(b) After December 31, 1974, the Secretary shall carry out his functions under subsection (a) of this section through the National Institute on Drug Abuse. ”
d) Drug Abuse Office and Treatment Act of 1972	Specific	(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 . . . the development of more effective drug abuse prevention functions in the State and for evaluating the conduct of such functions . . . Each State plan shall . . .
• P.L. 92-255 ~409 (1972), and amended		(5)(A) set forth, in accordance with criteria established by the Secretary, a detailed survey of the local and State needs for 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 in accordance with such needs;
• 21 USC ~1176		(B) include in the the survey conducted pursuant to subparagraph (A) an identification of the need for prevention and treatment of drug abuse and drug dependence by women and by individuals under the age of eighteen and provide assurance that prevention and treatment programs within the State will be designed to meet such need;
	General	(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; . . . “
e) Drug Abuse Office and Treatment Act of 1972	Implied	(a) “The Secretary, acting through the National Institute on Drug Abuse, shall
• P.L. 92-255 §410 (1972) and amended		* * *
• 21 USC §1177		(3) make grants . . . 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 abuses in a particular area, prescribing methods for dealing with drug abuse in such an area, or con-

B. National Institute on Drug Abuse—continued

Legal citation	Type of authority	Legislative text
		ducting programs for dealing with drug abuse in such an area; . . .
		(5) make research grants . . . 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 . . . and enter into contracts with public and private agencies, organizations, institutions, and individuals to establish, conduct, and evaluate drug abuse prevention and treatment programs. . . . “
f) Drug Abuse Office and Treatment Act of 1972	Implied	“There is established the National Institute on Drug Abuse . . . to administer the programs and authorities of the Secretary of Health, Education, and Welfare . . . with respect to drug abuse prevention functions. The Secretary, acting through the Institute, shall in carrying out the purposes of sections 301, 302, and 303 [42 USC ~\$241, 242, 242a] 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. The Secretary shall carry out through the Institute the administrative and financial management, policy development and planning, evaluation, and public information functions which are required for the implementation of such programs and authorities. *
• P.L. 92-255\$501 (1972), and amended		
• 21 USC \$1191		
g) Drug Abuse Office and Treatment Act of 1972	Implied	(a) “The Director shall— * * *
• P.L. 92-255 ~502, as added by P.L. 94-237 \$12(b)(l) (1976)		(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.
• 21 USC \$1192		(b) In carrying out his functions under this section, the Director may—
		(1) provide technical assistance . . . 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; . . . “

*Section 301 of the Public Health Service Act, 42, USC ~241, is the general data collection authority for the Secretary of HEW.

B. National Institute on Drug Abuse—continued

Legal citation	Type of authority	Legislative text
h) Public Health Service Act • P.L. 78-410 S217(e) as added by P.L. 92-255 ~502(a) (1972) • 42 USC ~218	General	(e)(2) “The [National Advisory Council on Drug Abuse] . . . 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; . . . “
i) Public Health Service Act • P.L. 78-410§302 (1944), and amended • 42 USC ~242	General	(a) “In carrying out the purposes of section 241 of . . . title [42] with respect to drugs the use or misuse of which might result in drug abuse or dependency, the studies and investigations authorized therein shall include the use and misuse of narcotic drugs and other drugs. Such studies and investigations shall further include the quantities of crude opium, coca leaves, and their salts, derivatives and preparations, and other drugs subject to control under the Controlled Substances Act and Controlled Substances Import and Export Act, together with reserves thereof, necessary to supply the normal and emergency medicinal and scientific requirements of the United States. The results of studies and investigations of the quantities of narcotic drugs or other drugs subject to control under such Acts, together with reserves of such drugs, that are necessary to supply the normal and emergency medicinal and scientific requirements of the United States, shall be reported not later than the first day of April of each year to the Attorney General, to be used at his discretion in determining manufacturing quotas or importation requirements under such Act . “* [Jointly administered with the Bureau of Drugs (FDA), and the Drug Enforcement Administration.]
j) Marihuana and Health Reporting Act • P.L. 91-296, ~502 (1970), and amended • 42 USC ~242 note	Implied	“The Secretary of Health, Education, and Welfare, after consultation with the Surgeon General and other appropriate individuals, shall transmit a report to the Congress on or before January 31, 1971 and biennially thereafter (1) containing current information on the health consequences of using marihuana, and (2) containing such recommendations for legislative and administrative action , as he may deem appropriate. A preliminary report shall be transmitted to the Congress by the Secretary concerning current information on the health consequences of using

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B. National Institute on Drug Abuse—continued

Legal citation	Type of authority	Legislative text
		marihuana not later than ninety (90) days after the date of enactment of this title. ”
k) Public Health Service Act	General	(a) “In carrying out the purposes of section 241 of . . . title [42] with respect to mental health, the Surgeon General is authorized—
• P.L. 78-410 ~303, as added by P.L. 79-787 ~7(c) (1946) and amended		* * *
• 42 USC ~242a		(2) to make grants . . . for investigations, experiments, demonstration, studies, and research projects with respect to the development of improved methods of diagnosing mental illness [such as research on the use and effect of alcohol and other psychoactive drugs], and of care, treatment, and rehabilitation of the mentally ill . . . “* [Jointly administered with the National Institute of Mental Health, and the Food and Drug Administration, FDA authority extends to regulation of protection of research subjects and confidentiality.]

C. National Institute of Mental Health

a) Public Health Service Act	Implied	(c)(2) “The National Advisory Mental Health Council . . . is authorized . . . (2) to collect information as to studies being carried on in the field of mental health and, with the approval of the Surgeon General, make available such information through the appropriate publications for the benefit of health and welfare agencies or organizations (public and private), physicians, or any other scientists, and for the information of the general public . . . “
• P.L. 78-410 §217, (1944) and amended		
• 42 USC ~218		
b) Public Health Service Act	General	(a) “In carrying out the purposes of section 241 of . . . title [42] with respect to mental health, the Surgeon General is authorized—
P.L. 78-410 ~303, as added by P.L. 79-487 §7(c) (1946) and amended		* *
• 42 USC ~242a		(2) to make grants . . . for investigations, experiments, demonstrations, studies, and research projects with respect to the development of improved methods of diagnosing mental illness, (such as research on the use and effect of alcohol and other psychoactive drugs), and of care, treatment, and rehabilitation of the mentally ill . . . “* [Jointly administered with the National Institute on Drug Abuse, and the Food and Drug Administration; FDA authority extends to regulation of protection of research subjects and confidentiality.]

● Section 301 of the Public Health Service Act, 42 USC §241, is the general data collection authority for the Secretary of HEW.

C. National Institute of Mental Health—continued

Legal citation	Type of authority	Legislative text
c) Public Health Service Act • P.L. 78-410 §314 (1944), as added by P.L. 95-622 ~109 (1978) • 42 USC §246	Specific	(g)(2) “NO grant may be made [to State mental health authorities to assist them in meeting the costs of providing mental health services] . . . unless an application . . . has been submitted . . . in such form and manner and shall contain such information as the Secretary may require, and shall contain or be supported by assurances satisfactory to the Secretary that— . . . (C) the State mental health authority will— (ii) from time to time, but not less often than annually, report to the Secretary (through a uniform national reporting system and by such categories as the Secretary may prescribe) a description of the mental health services provided in the State in the fiscal year for which the grant applied for is made . . . ; and (iii) make such reports (in such form and containing such information as the Secretary may prescribe) as the Secretary may reasonably require, and keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness of, and to verify, such reports, . . . “
d) Public Health Service Act • P.L. 78-410 ~455, as added by P.L. 93-282 §202 (1974) • 42 USC §289k-1	Implied	(a) “There is established the National Institute of Mental Health . . . to administer the programs and authorities of the Secretary with respect to mental health. The Secretary, acting through the Institute, shall . . . with respect to mental illness, develop and conduct comprehensive health, education, training, research, and planning programs for the prevention and treatment of mental illness and for the rehabilitation of the mentally ill. The Secretary shall carry out through the Institute the administrative and financial management, policy development and planning, evaluation, and public information functions which are required for the implementation of such programs and authorities. . . . “
e) Mental Retardation Facilities and Community Mental Health Centers Construction Act • P.L. 88-164 §201, as added by P.L. 94-635 §303 (1975), and amended • 42 USC §2689	Specific	(d) “A [community mental health] center shall have established, in accordance with regulations prescribed by the Secretary, . . . (2) an integrated medical records system (including a drug use profile) which, in accordance with applicable Federal and State laws respecting confidentiality, is designed to provide access to all past and current information regarding the health status of each patient and to maintain safeguards to preserve confidentiality and to protect the rights of the patient”

C. National Institute of Mental Health—continued

Legal citation	Type of authority	Legislative text
f) Mental Retardation Facilities and Community Mental Health Centers Construction Act • P.L. 88-164 §206 as added by P.L. 94-63 §303 (1975), and amended • 42 USC §2689e	Specific	(c)(I) “An application for a [community mental health center] grant under this part shall be submitted in such form and manner as the Secretary shall prescribe and shall contain such information as the Secretary may require . . . An application for a grant under . . . this title shall contain . . . assurances . . . that (A) the community mental health center for which the application is submitted will provide . . . (ii) an effective procedure for developing, compiling, evaluating, and reporting to the Secretary statistics and other information (which the Secretary shall publish and disseminate on a periodic basis and which the center shall disclose at least annually to the general public) relating to (I) the cost of the center’s operation, (II) the patterns of use of its services, (III) the availability, accessibility and acceptability of its services, (IV) the impact of its services upon the mental health of the residents of its catchment area, and, (V) such other matters as the Secretary may require; . . . “
g) Mental Retardation Facilities and Community Mental Health Centers Construction Act • P.L. 88-164§231 as added by P.L. 94-63§303 (1975), and amended • 42 USC §2689q	Specific	(a) “The Secretary shall establish within the National Institute of Mental Health . . . the National Center for the Prevention and Control of Rape (hereinafter in this section referred to as the “Center”). (b)(I) The Secretary, acting through the Center, may, directly or by grant, carry out the following: (A) A continuing study of rape, including a study and investigation of— (i) the effectiveness of existing Federal, State, and local laws dealing with rape; (ii) the relationship, if any, between traditional legal and social attitudes toward sexual roles, the act of rape, and the formulation of laws dealing with rape; (iii) the treatment of the victims of rape by law enforcement agencies, hospitals or other medical institutions, prosecutors, and the courts; (iv) the causes of rape, identifying to the degree possible— (1) social conditions which encourage sexual attacks, and (II) the motives of offenders; and (v) the impact of rape on the victim and the family of the victim;

C. National Institute of Mental Health—continued

Legal citation	Type of authority	Legislative text
		(vi) sexual assaults in correctional institutions; (vii) the actual incidence of forcible rape as compared to the reported incidence of forcible rape and the reasons for any difference in such incidence; and (viii) the effectiveness of existing private and local and State government educational, counseling, and other programs designed to prevent and control rape. (B) The compilation, analysis, and publication of summaries of the continuing study conducted under subparagraph (A) and the research and demonstration projects conducted under subparagraph (E). The Secretary shall annually submit to the Congress a summary of such study and projects together with recommendations where appropriate. Implied (C) The development and maintenance of an information clearinghouse with regard to— (i) the prevention and control of rape; (ii) the treatment and counseling of the victims of rape and their families; and (iii) the rehabilitation of offenders. . . . “